

Human nature being what it is, there is still always a temptation for those in power to think they are above the law. For instance, in the famous Frost interviews after he resigned the Presidency over the Watergate scandal, Richard Nixon was asked about the legal limits of what a President can do. Nixon answered: "If the President does it, that means it's not illegal."

He could not have been more wrong from the standpoint of the U.S. Constitution and the fundamental principles on which it is founded, going all the way back to the Magna Carta. Still the danger does not just come from megalomaniacs and others who seek to use power for their own purposes. Those entrusted with power who would act outside the law, even when they think it is good for their people as they see it, end up eroding the bulwark of liberty that is the rule of law. Ever since the Progressive Era, there has been a powerful school of thought that our system of divided and limited government is somehow inefficient, that we should have evolved beyond the need for limits on governmental power, and that power concentrated in the right hands can be used to help people.

This is a temptation for every President and one I fear the current President is particularly susceptible to. In fact, modern Presidents have tools at their disposal that go far beyond anything envisioned by the Framers of the Constitution. The Constitution says that the role of the President is not to write laws, but to "take care that the laws be faithfully executed."

We now have a massive administrative state made up of departments and agencies to which Congress has delegated enormous power and that make regulations with the force of law. Moreover, these agencies have the power to enforce their own regulations and the primary role in interpreting their regulation in individual cases. Thus, they exercise legislative, executive, and judicial power all in the one.

But this concentration of power in executive branch agencies creates a strong temptation for Presidents to use it to implement their agenda irrespective of Congress or the law of the land. I have been very critical of President Obama for a number of actions that I think exceed his legal authority, from using the Clean Water Act to try to regulate land use decisions in virtually every county in our country to forcing States to adopt his preferred education policies in order to get funding and waivers to granting a massive amnesty from our immigration laws, which even he previously admitted he did not have the legal authority to do.

I think these are bad policies. But even those who see these as short-term policy victories should be very wary of the long-term consequences of anything that erodes our tradition of respect for the rule of law.

Now, as I finish, it took 800 years to build up, and once it is eroded it will not be easy to restore. It is vital that

Presidents exercise restraint out of respect for the rule of law.

Congress should also work to reclaim much of the power it has delegated to the executive branch in order to reduce the temptation and the opportunity for abuse of executive power. It is not just up to elected officials. Our ancient tradition of the rule of law draws its authority from the fact that generations have demanded that their leaders adhere to the rule of law. As such, this 800th anniversary of the Magna Carta is an occasion for Americans to remember our heritage and to rededicate ourselves to this bedrock of liberty, the rule of law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

SUMMER FOOD SERVICE PROGRAM

Mr. BROWN. Mr. President, for most children around the country the school year has ended and the summer has begun. Some 700,000 children in Ohio, my home State, during the school year receive free or reduced-price school lunches on an average day—some 700,000 children. Those children might not have access to a nutritious meal when school cafeterias close for the summer.

Summer break should not mean a break from good nutrition. That is where the Summer Food Service Program steps in. The U.S. Department of Agriculture works with State departments of education to ensure that every child has sufficient, adequate, nutritious food to keep growing and learning after the final school bell rings. This year in Ohio there will be 1,500 Summer Food Service Program sites across the State.

Last year these sites served almost 4 million meals. Last week, I spoke with Winnie Brewer, who runs these sites in Marion County, OH, in a city about the size of Mansfield, near where I grew up.

According to Winnie, more than one in four kids in her county is food insecure. She talked about one of their newest volunteers, who came to her in tears after watching a 6-year-old boy clean the shelves in an SFSP site—a feeding site—and then start digging through the trash. He was just that hungry. That is why the work Winnie does and her volunteers do is so important.

Right now, too many families don't know about this critical program. Too many families miss out on receiving its assistance once school lets out. Winnie reports that just 1 in 10 children who receive breakfast or lunch during the school year comes to summer feeding sites. That means that in my State almost 700,000 children on any given school day will be getting a free or reduced-price breakfast or lunch—700,000. But during the summer months, only about 70,000 of those children get these meals or snacks. We need to do all we can to raise public awareness of these programs so that families know that

the end of the school year does not mean an end to food services for their children.

In Marion, the city I mentioned where Winnie runs her program, she anticipates she will triple the number of meals she serves this year compared to 5 years ago. That is because she and other community partners have committed to making this program a success. At approved schools, in churches, in summer camps, in synagogues, and in community centers, pools, and recreation centers, volunteers and organizers are ensuring that children have the healthy food they need to succeed.

Those sites often offer more than just healthy meals. They provide summer enrichment activities for kids. We know that low-income children whose parents typically have less education, in the months from school closing in late May or early June until school returns in late August or early September, tend to fall back on their education. In districts such as that where the parents have less education, less ability or know-how to read to the children, to take them on field trips that might make their minds more active, we know those children start every fall having to catch up just to get back to where they were in the spring.

That is one of the beauties of the summer feeding program. So you are not just giving these children nutritious meals, but you are also giving these children library activities and sports activities and other kinds of organized activities at churches, at community centers, at schools, and at libraries that can matter. The sites in Marion County partner with the YMCA to offer exercise. They run a literacy program that provides free books to kids at feeding sites. Getting a new book can turn a child on and get that child more excited about reading.

Earlier this month, I was in Youngstown—a city in northeast Ohio—to get the word out about the summer food and feeding program. I met with Mark Samuel, who operates a site at the West Side Community Center and a couple dozen other sites in Mahoning Valley. I also met with Retha Austin, who has children and grandchildren in the program, and now she is working a few hours a week as a paid worker to help get this program up and running.

Families need to know about these sites and the dedicated folks like Mark, Winnie, and Retha who run them. Summer break shouldn't mean a break from good nutrition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

MILITARY JUSTICE IMPROVEMENT ACT

Mr. BLUMENTHAL. Mr. President, tomorrow we will vote on a very important amendment to the National Defense Authorization Act, the Military

Justice Improvement Act, introduced by my colleague and friend, the junior Senator from the State of New York. I have worked with her and have been privileged to help craft this very important legislative measure, not because sexual assault is a uniquely military problem—in fact, just the contrary. Sexual assault afflicts our campuses and our workplaces. The battle against sexual assault is hardly limited to the military. But we have the opportunity to take a step that will set a model and send a message to other places where sexual assault is a problem and where underreporting, because of lack of trust and confidence in the prosecutorial system or the administrative apparatus, is a major reason that sexual assault continues. Without confidence, trust, effective results, and protection of privacy and physical safety, survivors will simply not come forward. If they do not come forward, there will be no discipline or prosecution. That is the fundamental reason why I believe the amendment we will address tomorrow is so important.

I have held roundtables on campus sexual assault all around the State of Connecticut—more than 12 or 13 of them—and have worked with a bipartisan group of Senators, including not only Senator GILLIBRAND, who is the major sponsor of this amendment, but also Senator McCASKILL, who has been an extraordinary leader in this area having been a prosecutor herself, and Senator HELLER as well as others on both sides of the aisle, to devise a solution to campus sexual assault—not just a single panacea but a set of measures that addresses one of the major obstacles to effective action against campus sexual assault, which is the under-reporting of this heinous, horrific crime. It is a crime wherever it occurs, whether in the military or on campus. That is why we have to combat and conquer it, just as we do an enemy who preys on our men or women in uniform or on campuses or elsewhere.

We went through this debate last year. We reached a solution last year, which we hoped would, in fact, be a solution. But the simple, plain fact is that this insidious, pernicious epidemic of sexual assault in the military continues unabated or at least unreduced by the amount that we should regard as minimum for judging this supposed solution a success.

The fact is that the Department of Defense's own research shows that 52 unwanted sexual contacts occur every day on average across the military. That is the same rate it was 5 years ago in 2010. The fact is that in fiscal year 2014, the Department of Defense estimates 62 percent of servicewomen experienced retaliation for coming forward, the same percentage as 2012. Servicemembers who report assault are 12 times more likely to experience retaliation for reporting their cases than seeing the assailant convicted of a crime. Retaliation is more likely than effective discipline or punishment against the perpetrator.

The amendment we have offered, the Military Justice Improvement Act, seeks to address this issue through explicit codification of punishment for any person—any person—deciding to retaliate against anyone who reports this crime of sexual assault. Explicit punishment for retaliation will not only send a message, but it will deter what is in civilian terms one of the most severe crimes, known as obstruction of justice.

The reason why retaliation or obstruction of justice is so insidious is it prevents the justice system from reaching a just result. It not only deters victims and survivors from coming forward regardless of the crime, it also permits perpetrators and criminals to go free and feel they can again commit the crime of sexual assault or other crimes. But in the case of sexual assault, it is particularly pernicious because we know also from statistics that this crime is recommitted. There is recidivism at a higher rate than many others. A large proportion of sexual assaults is committed by a very tiny fraction of members of the military.

What happens, in effect, on campuses or in the military is there are serial rapists, serial perpetrators of sexual assault. If they feel they can do it without consequences, they will continue to commit this crime.

We have learned from many survivors that the anxiety to come forward stems not only from the fear of retaliation but from the bias and inherent conflict of interest entrenched in the chain of command. The fact is that the Department of Defense estimates that 60 percent of cases involve a supervisor or a unit leader. Think of that number—60 percent of cases involving alleged sexual assault are committed by the supervisor or the unit leader in the U.S. military.

The MJIA—the Military Justice Improvement Act—the amendment we will offer tomorrow and will vote on, will address this obstacle by amending the Uniform Code of Military Justice to assign the decisionmaking power regarding sexual assault to an independent, trained prosecutor or, actually, a team of professional military prosecutors, while leaving decisions to the chain of command regarding purely military crime.

I recognize there is an argument that good order and discipline require the chain of command to work as a source of discipline and punishment and justice. But where retaliation, bias, and conflicts of interest are so prevalent and so inherent in the process, where the chain of command is making decisions about the perpetrator, who so commonly is in that chain of command, these decisions should be made by independent, trained, military prosecutors.

The type of crime involved here, sexual assault, is one that is very difficult, excruciatingly daunting to prosecute simply because of the nature of

this crime, the nature of the evidence, and the nature of the testimony. So trained, professional military lawyers are in a better position to make these decisions about whether to go forward—not just decisions about what evidence to introduce but whether the evidence justifies the prosecution, whether proof can be presented that will do justice, not just reach a conviction.

Our amendment will entrust military lawyers with specialized training in prosecuting complex cases to make those prosecutorial decisions.

Removing the commanders from the prosecutorial process will also protect the privacy of victims when reporting these crimes. Typically, they involve some of the most intimate of details.

A trained, independent, military prosecutor and removing the commander from those decisions will protect privacy and encourage reporting. I believe this step is a critical next step in this effort to improve the military justice system.

I have immense respect for colleagues who disagree with me. Some of them are seasoned prosecutors, extraordinarily talented and dedicated lawyers, and we may differ on these issues.

Many of our allies, including the United Kingdom, Canada, Israel, Germany, Norway, and Australia, have already taken steps to remove sexual assault reporting and prosecution from the regular chain of command. Military leaders there report no particular change in their ability to maintain good order or discipline. The facts are there to justify removing these decisions from the chain of command.

But I hope colleagues who disagree with me will continue this effort—I know they will—to improve our military justice system. We can agree to disagree on this step. We should agree to move forward on other steps where we can reach consensus because we have in common much more than we have in conflict—that the greatest, strongest military in the history of the world should be rid of this heinous crime. That is our military. We owe it to the men and women who serve in uniform to have a system of justice that matches their courage, strength, and skill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BURUNDI

Mr. CARDIN. Mr. President, I wish to speak about the political crisis in Burundi, and to urge continued action by the administration and the international community to prevent violence and mass atrocities.