

shared her experience with food contamination. Listen to an account that she shared of the ordeal.

During my junior year of college, my life suddenly and irrevocably changed when I almost died after eating a spinach salad.

What the doctors initially thought to be nothing more than a virus quickly escalated to a diagnosis of appendicitis. Through clenched teeth and unbearable pain, I argued with the doctors that something didn't feel right. It was like nothing I had ever felt before. They began to suspect that I was right when I quickly took a turn for the worse. I found myself in class one day and in a hospital bed the next.

I spent the next three weeks in and out of two hospitals, two emergency rooms, and three urgent-treatment facilities before I was well enough to go home and recover.

I had lost nearly 20 pounds, and went from being an otherwise young, healthy student to an emotional and physical disaster—all in less than one month's time.

I spent the next five months in recovery on continuous antibiotics and vitamins from the resulting complications. I almost lost my colon; and I lost my dignity when I was unable to feed and care for myself. I was fortunate enough to return to school the following spring, but it was several months before I could walk to class without stopping to take a breath. And in some ways, my body will never be the same.

Sadly, there are far too many Americans with stories similar to Rylee's and Lauren's. Take, for example, the recent listeria outbreak in two brands of some of the food products millions of Americans enjoy—ice cream and hummus. To date, the outbreak has claimed the lives of three people and sickened hundreds of others. One of the ice cream factories is closed as a result of this.

This is all the more tragic because each of these contaminations could have been prevented. The United States is the most advanced country in the world. We have the technology and the resources to ensure better food quality for people like Rylee.

We have made progress. In 2010, for a lot of reasons but not the least of which was Rylee, Congress passed the most sweeping reform of our Nation's food safety laws since the 1930s. The law shifted the focus of food safety laws from responding to contamination to preventing it. The FDA is working hard to implement this critical law. But the Food Safety Modernization Act cannot work if it doesn't have any money. Current funding levels don't provide the resources necessary to adequately fund programs to stop food contamination and create a system based on prevention.

It is that word again—"sequestration." This Agency has never recovered from the hit taken when the government was closed and then because of sequestration. By keeping sequestration in place, Republicans are hampering efforts to stamp out food borne illness.

Nobody should ever have to worry about dying from eating ice cream or being hospitalized after consuming hummus or spinach. Congress must act to strengthen the food safety of our country and the Food Safety Mod-

ernization Act, and we must do it now. Let's stop sequestration. Let's go ahead and authorize the bills, but, remember, we cannot fund them with funny money.

I can't imagine my Republican friends—and I have said before, my friend, the chairman of the Armed Services Committee—allowing this bill to go forward with this deficit spending that they call OCO. The Pentagon thinks it is wrong. All people who understand economics think it is wrong. Another \$39 billion in deficit spending is just wrong. We need to fund the military, and we need to fund the non-military—that is, nondefense programs—and we need to do it to make our homeland safer.

I hope that programs like this—Rylee has suffered so that we would do something—I hope that we will take care of her and people just like her and do something to fund these programs and prevent illnesses that are caused by food.

We need to act responsibly and raise the level of funding for these vital programs because for far too many Americans, this issue is a matter of life and death. All we need to do is ask Rylee and ask Lauren, and they will tell us.

RESERVATION OF LEADER TIME

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1735, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1735) to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McCain amendment No. 1463, in the nature of a substitute.

McCain amendment No. 1456 (to amendment No. 1463), to require additional information supporting long-range plans for construction of naval vessels.

Cornyn amendment No. 1486 (to amendment No. 1463), to require reporting on energy security issues involving Europe and the Russian Federation, and to express the sense of Congress regarding ways the United States could help vulnerable allies and partners with energy security.

Vitter modified amendment No. 1473 (to amendment No. 1463), to limit the retirement of Army combat units.

Markey amendment No. 1645 (to amendment No. 1463), to express the sense of Congress that exports of crude oil to United States allies and partners should not be determined to be consistent with the national interest if those exports would increase energy prices in the United States for American consumers or businesses or increase the reliance of the United States on imported oil.

Reed (for Blumenthal) modified amendment No. 1564 (to amendment No. 1463), to

enhance protections accorded to service-members and their spouses.

McCain (for Paul) modified amendment No. 1543 (to amendment No. 1463), to strengthen employee cost savings suggestions programs within the Federal Government.

Reed (for Durbin) modified amendment No. 1559 (to amendment No. 1463), to prohibit the award of Department of Defense contracts to inverted domestic corporations.

Feinstein (for McCain) amendment No. 1889 (to amendment No. 1463), to reaffirm the prohibition on torture.

Fischer/Booker amendment No. 1825 (to amendment No. 1463), to authorize appropriations for national security aspects of the Merchant Marine for fiscal years 2016 and 2017.

Lee amendment No. 1687 (to amendment No. 1473), to provide for the protection and recovery of the greater sage-grouse, the conservation of lesser prairie-chickens, and the removal of endangered species status for the American burying beetle.

McCain (for Ernst/Boxer) amendment No. 1549 (to amendment No. 1463), to provide for a temporary, emergency authorization of defense articles, defense services, and related training directly to the Kurdistan Regional Government.

Reed (for Gillibrand) amendment No. 1578 (to amendment No. 1463), to reform procedures for determinations to proceed to trial by court-martial for certain offenses under the Uniform Code of Military Justice.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be equally divided in the usual form.

The Senator from Rhode Island.

Mr. REED. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise today to discuss the Metal Theft Prevention Act, which was filed as an amendment to the National Defense Authorization Act. In a moment, I am going to ask unanimous consent to make this amendment pending, but first I wish to explain why this amendment is so important.

I have been working on this legislation for years. Senator SCHUMER is a cosponsor. In the past, I have had support for this bill as cosponsors in Senator HATCH, Senator LINDSEY GRAHAM, and Senator HOEVEN. Why has there been bipartisan support in the past for this bill? I think we all know that this is a public safety issue. Metal thieves have targeted labs, power stations, and gas lines, causing blackouts, service disruptions, and even dangerous explosions.

In September of 2013, four people were injured in an explosion at a University of California, Berkeley, electrical station. Officials blamed it on copper theft that occurred 2 hours before the explosion.

Georgia Power was having a huge problem with thieves targeting a substation that feeds the entire Hartsfield-Jackson Atlanta International Airport, one of the busiest airports in the world. The airport was getting hit two to three times a week, and surveillance didn't lead to any arrests.

The crime has also hurt the dignity of our veterans. Last year in my home State of Minnesota, the metal thieves robbed dozens of veterans' graves, taking the brass rods that hold their symbol of service. It is a crime that is almost too callous to comprehend, but sadly this wasn't the first time. On Memorial Day in 2012—this is just in Minnesota—thieves stole more than 20 Bronze Star markers from veterans' graves in Isanti County. That is why this bill is supported by the Veterans of Foreign Wars, the Vietnam Veterans of America, the Iraq and Afghanistan Veterans of America, as well as major law enforcement organizations and business groups.

The bill is really quite simple. It will help combat the shameless crime across State lines by putting modest recordkeeping requirements on scrap metal dealers and recyclers in place. It will limit the value of cash transactions to \$100 and require sellers in certain cases to prove they actually own the metal.

All we are trying to do is stop scrap metal dealers from taking stolen metal. And the reason we can't just do it State by State is that a lot of States are doing this but a lot of States aren't, and what the thieves are doing is crossing State lines, stealing the metal in one State and selling it in another.

This is an important bill, and it has been heavily lobbied against by the scrap metal dealer association.

The Democratic side of the aisle has cleared this bill. We are ready to go forward with this amendment. There are objections on the Republican side. But I think people better step back and realize, the next time there is a major explosion, the next time something happens like this, which is happening on a weekly basis across the country—that they understand we could have done something to prevent it.

Mr. President, I ask unanimous consent to set aside the pending amendment in order to call up my amendment No. 1555.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, and I will object, I object on behalf of the Judiciary Committee. This would criminalize stealing metal. It makes it a Federal offense; therefore, the Judiciary properly has jurisdiction. It would also establish civil penalties enforceable by the Attorney General. It directs review of this crime by the Federal sentencing commission. It has no tie to the national security or the National Defense Authorization Act. So I object.

The PRESIDING OFFICER. Objection is heard.

Ms. KLOBUCHAR. Mr. President, I am disappointed that there is an objection to calling up this commonsense amendment that has so much support from veterans, law enforcement, and businesses. I have stood in front of small businesses all over my State, in-

cluding with Senator HOEVEN in Fargo, a number of electric companies that have been repeatedly broken into.

I believe this does have national security implications because there is a provision in the bill about critical infrastructure and creating a felony-level crime when they are stealing from that critical infrastructure. And I believe it is very important that we debate and vote on this issue as part of the National Defense Authorization Act.

I will continue to work to get a vote on this amendment during this entire year. I worry that at some point we are going to have major damage to our infrastructure as a result of metal theft, and everyone will look back and wonder why we didn't listen to every major law enforcement group in our country or to every single business that has been affected or to the electric companies that are being broken into all the time or to our veterans groups, that just want their final resting places to be respected. Despite the lobby of the scrap metal dealers, I will not let this rest.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would point out to the Senator from Minnesota that we started on this legislation in the committee in May. We are now well into June—many weeks. We are 2 weeks into the consideration of this legislation, and the Senator from Minnesota comes to the floor with a compelling amendment.

I suggest the next time around the Senator from Minnesota raise the issue with the authorization committee and with others when the bill first comes to the floor rather than waiting 2 weeks before having a compelling interest in this very serious issue.

Ms. KLOBUCHAR. Mr. President—

Mr. McCAIN. I still have the floor, I would say to the Senator from Minnesota. The rules of the Senate are that we usually don't like to be interrupted.

Mr. President, we are going to embark on the McCain-Feinstein amendment, which I understand is going to be voted on at 11:30; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I would like to note that I have been attempting to pass this legislation now for 3 years. Senator HATCH was my first cosponsor, then Senator GRAHAM, and then Senator HOEVEN. Every step of the way I have been stymied by the scrap metal dealer lobby.

I believe this is an important bill. It is a simple bill. It will greatly help because these thieves are crossing State lines with the stolen copper. I appreciate, obviously, Senator McCAIN's viewpoint, being the manager of this bill on the floor, but I think the record

should reflect that I have tried many times to get this amendment up on other bills and to work with the committee, but every single time I get stopped in my tracks by this lobby. At some point I would like to have a vote on this so that people can vote their heart and vote with their law enforcement or vote with the scrap metal dealers. They can decide.

For now, our side has cleared this amendment, and the Republicans are objecting to this.

I yield the floor.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McCAIN. I ask unanimous consent that the time spent be equally divided while in a quorum call.

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

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

CHICAGO BLACKHAWKS WIN STANLEY CUP

Mr. DURBIN. Mr. President, there are serious matters on the floor of the Senate involving the Defense authorization bill, and I just asked the chairman of the Committee on Armed Services for 5 minutes to speak on an issue totally unrelated to it but one which is critically important to the future of America and critically important today to the city of Chicago, IL.

Last night, I stayed up late to watch the Chicago Blackhawks win the Stanley Cup. They were playing the Tampa Bay Lightning—an extraordinarily good team—and in the sixth game they won 2 to zip. That is three Stanley Cups in 6 years.

I can tell you that you can't visit Chicago, go to any street corner or anyplace without seeing evidence of loyalty to the Chicago Blackhawks. It is an incredible story of a storied franchise in the National Hockey League that has become a premier sports story in the great sports city of Chicago. And last night was so much fun for all of us to watch that victory.

Any child who has ever laced up an old pair of skates or put tape on a stick has thought about what happened last

night. From Springfield, IL, to Saskatoon, from Moose Jaw to Miami, if you have spent any time at all around the game of hockey, you wonder what it must feel like to stand at the end of a very long season, after three long periods of total effort white-knuckled moments, before tens of thousands of elated fans, and hoist up the most storied trophy in all of sports—Lord Stanley's Cup. The goal of every team in the National Hockey League is to hoist up that cup at the end of the season.

I rise today to pay tribute to the players, coaches, staff, and fans of the Chicago Blackhawks, the 2015 Stanley Cup champions, whose season-long mantra of "One Goal" was realized last night at the United Center in Chicago.

Last night, the Blackhawks won their sixth Stanley Cup in franchise history and the third in the last 6 years, with the 2-to-0 victory over the Tampa Bay Lightning, a formidable team as well.

Fans at the Madhouse on Madison, as we call the United Center, witnessed Duncan Keith and Patrick Kane score show-stopping goals while goaltender Corey Crawford seemed incredible in his defense, stopping all of the 25 shots that he faced.

I congratulate especially owner Rocky Wirtz, head coach Joe Quenneville, who is known as Coach Q, "Captain Serious," Jonathan Toews, the Blackhawks front office, the players, and, most of all, the legions of Blackhawks fans as they celebrate another Stanley Cup Championship.

Those who know the history of this team, and those who have followed them for decades know that in the past 7 years there has been a transformation in the Blackhawks. With Rocky Wirtz taking over as the owner, this team went on television just at the moment when they were reaching this level of perfection, and they started winning over thousands of fans—not just across Chicago but across Illinois and the Midwest.

Blackhawks fans, I think, are the best fans in hockey, and you can understand if a lot of them are a little tired this morning. The Blackhawks began the playoffs with a remarkable double-overtime victory against the Nashville Predators, another excellent team. They were down 3 to 0 after the first period. The Hawks stormed back to tie the game and won on a Duncan Keith goal. That victory set the tone for a great run through the playoffs. A goal by Brent Seabrook in triple overtime in game 4 helped the Hawks defeat Nashville in six games.

A sweep of the Minnesota Wild followed, setting up a showdown with the Anaheim Ducks in the Western Conference Finals. The Hawks were behind in the series one game to none, 2 to 1, and 3 to 2, but they earned double- and triple-overtime victories on their way to winning in seven games, clinching a berth in the Stanley Cup Final.

The Hawks followed a familiar pattern in dropping games 1 and 3 of the

final, but they took a 3-to-2 series lead into Monday night's Game 6 on home ice. It was another close contest as Kane's one-timer with 5:14 remaining marked the first time either team led by more than one goal in the entire series.

The time slowly ticked down until 22,424 fans at the United Center were finally able to erupt in celebration. It was a great night for Blackhawks fans and the culmination of a tremendous team effort.

Antoine Vermette, acquired at the trade deadline, scored two game-winning goals in the Stanley Cup Final. Goaltender Scott Darling stood tall in the net when his team needed him the most, in relief of Corey Crawford when called upon against Nashville. Duncan Keith was an iron man, earning the Conn Smythe Trophy for playoff MVP, while logging more than 700 minutes of ice time in 23 games. Nicklas Hjalmarsson blocked shots left and right and seemed to be in the right place all the time.

I can't tell you how happy I am for those Blackhawks and for all of their amazing fans on their Stanley Cup championship. It has been a thrill to watch this team throughout the years, and I look forward to seeing President Obama host the Stanley Cup champion Blackhawks yet another time at the White House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have serious concerns with the language that was tacked on to the House FISA reform bill that passed the Senate, and at the end of my remarks I am going to offer a unanimous consent request. I say that because maybe other Members of the Senate would like to be heard or would like to maybe reject my unanimous consent request, and I want to give them the privilege of knowing I am doing this.

The language in the FISA bill made changes to the Federal criminal code to implement four important multilateral treaties relating to nuclear terrorism and the proliferation of weapons of mass destruction. It is good that these treaties are finally being implemented. The Senate gave its advice and consent to these treaties back in 2008. In the years since then, however, the Senate leadership repeatedly failed to bring bills to the floor that would implement them.

The language which is now law omits a number of key provisions that were requested by both the Obama administration and the Bush administration. So I want my colleagues to know this has had support from both Republican and Democrat Presidents, in the present and in the past.

My amendment No. 1786 restores these provisions, which are important tools to combat the gravest of threats to our national security. I am happy to note that Senator WHITEHOUSE, the ranking member of the Judiciary Com-

mittee's Subcommittee on Crime and Terrorism, has joined me in offering this amendment.

First, the amendment adds the authority for prosecutors to seek the death penalty for these newly created crimes in appropriate cases. Under the criminal code, similar crimes already carry the possibility of the death penalty. Singling out these new offenses under this treaty, which is intended to stop terrorists from threatening us with the world's most dangerous weapons, for lesser punishment simply makes no sense.

For example, section 2280 and 2281 of the code, which criminalizes various acts of violence on the high seas, already provide for the possibility of the death penalty. So it is only logical that new sections 2280a and 2281a, which criminalize acts of terrorism on the high seas related to weapons of mass destruction, should as well. The newly created offenses of nuclear terrorism, now codified in section 2332i, should as well. In fact, I am hard pressed to think of an offense for which the death penalty might be more appropriate than nuclear terrorism.

Terrorists who kill Americans—especially nuclear terrorists—should be eligible for the death penalty. This shouldn't at all be controversial, and I think the support of both former President Bush and President Obama speaks to that point. Terrorists who kill Americans—especially nuclear terrorists—should be eligible for the death penalty. I can't repeat too often that this shouldn't be controversial.

Second, the amendment makes these newly created criminal offenses material support predicates. In other words, the amendment would provide the government the ability to prosecute those who finance or otherwise provide material support to these terrorists. Naturally, these are complex crimes that aren't committed by just one person. They involve entire networks that need to be stopped in their tracks. This provision will help do that by making sure that those who provide materiel support to terrorists don't escape justice.

Third, the amendment would add these offenses to the list of those crimes that are predicates for wiretap applications. As the law now stands, prosecutors can't request a traditional criminal wiretap against a terrorist suspected of breaking these new laws, but at the same time, they can get a wiretap to investigate a long list of less serious offenses. Again, this doesn't make sense. In fact, this is a dangerous omission. Our government needs the ability to listen in on calls of suspected nuclear terrorists. So this provision would permit prosecutors to request the authority to do so from a Federal judge.

Once again, I use the term "common sense." These are commonsense fixes, supported by both Republican and Democratic Presidents, fixing and harmonizing these recently created crimes with the rest of the criminal code, fixing and harmonizing these recently

created crimes with the rest of the Criminal Code. They were requested by both the Obama and Bush administrations because they will help protect us from the catastrophe that could result from terrorists seeking to use the ultimate weapons against us. So I urge my colleagues to support Grassley-Whitehouse amendment No. 1786.

At this time, I ask unanimous consent to set aside the pending amendment and call up and make pending Grassley-Whitehouse amendment No. 1786.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving the right to object.

First, the Senator is chairman of the committee which has jurisdiction for this particular amendment, so he has complete—in fact, more than complete—authority to bring it up in regular order and bring it forward to the floor. In addition, we have been advised by the Department of Justice that these provisions are not necessary, given the scope of existing law with respect to terrorists and with respect to anyone who conducts a terrorist act. Perhaps an example of that is the Boston bombing, where there is now someone condemned to death for terrorist activities—not involving a nuclear device, but I hardly think he would get any less of a sentence regardless of the device he used.

So for all these reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I accept the good-faith effort to listen to my point of view, even though there is a rejection, but I would like 1 minute to react to the objection.

This amendment only does what both the Bush and Obama administrations asked Congress to do, to make clear that the death penalty could apply to any active nuclear terrorism. It is not enough that other criminal statutes might also apply to nuclear terrorists and might also carry the death penalty. It is quite the opposite; that terrorists who use guns and explosives to kill can face the death penalty means that nuclear terrorists certainly should as well. It does not take too much imagination to come up with a situation which, under current law, the death penalty might not clearly apply.

We are all aware of the threat of cyber terrorism. If a terrorist used a computer to take over a nuclear power-plant and caused a deadly nuclear meltdown, it is not clear that his crime would be eligible for the death penalty under any other Federal Criminal Code. We simply shouldn't accept this potential gap in the law which my amendment fixes.

So, once again, I am sorry there was an objection. I am not done with this. We will continue it in some other environment. I respect my colleagues, however, for objecting.

I yield the floor.

AMENDMENT NO. 1889

Mr. LEAHY. Mr. President, Congress has some unfinished business before it. When the President took office, he issued an Executive order banning torture. It is regrettable that such a step was even necessary for a country that has been a signatory to the Convention Against Torture since 1988, more than 25 years ago. But it was the right thing for the President to do and consistent with our values as Americans. In particular, the President ordered that all U.S. Government personnel and contractors must comply with the interrogation standards in the Army Field Manual and that the International Committee of the Red Cross should have notice of and access to detainees held by the U.S. Government.

Now it is time for Congress to adopt these same requirements—to enshrine them in law and ensure that America never again employs torture, no matter what the threat.

Senators McCAIN and FEINSTEIN have offered an amendment that mirrors these requirements of the Executive order. It would require all government personnel and contractors, across all agencies and departments, to abide by the rules and regulations contained in the Army Field Manual. It also would ensure that the International Committee of the Red Cross, or ICRC, is provided access to all individuals detained by the United States.

These requirements have already been in place for 6 years, and this amendment is consistent with current practice. The Army Field Manual provides clear guidelines on acceptable and effective interrogation practices. It reinforces explicit prohibitions in existing law against torture and other cruel and inhumane treatment. It is relied upon by our military personnel when they conduct high-risk interrogations on the battlefield. There is no reason why these rules should not apply to all government personnel and contractors, in all places, and at all times.

This is a critically important amendment. We know from the historic report of the Senate Intelligence Committee that the CIA engaged in horrific acts of torture during the Bush administration. We must be unequivocal to the world and to ourselves that torture is wrong and that it is never permitted.

An Executive order is not enough. Congress must act. We must codify these safeguards into law. When it comes to our core values—the things that make our country great and that define America's place in the world—they do not change depending on the circumstances. The Convention Against Torture does not make exceptions. We must be clear that there are no instances when torture is acceptable.

I urge Senators to support the anti-torture amendment, and I commend Senators McCAIN and FEINSTEIN for their enduring leadership on this issue. We must ensure that America never allows this to happen again.

The PRESIDING OFFICER. The President pro tempore.

Mr. HATCH. Mr. President, I rise to speak out at a time when our world is on fire: Putin's Russia is on the march, invading a sovereign neighbor in a bid to rebuild the Soviet empire; China asserts its growing strength in aggressive and provocative ways in the Pacific; Iran presses ahead in its efforts to develop nuclear weapons capability, a development that threatens to put the deadliest weapons known to man in the hands of a maniacal rogue state; the Islamic State continues to expand its barbaric reign of terror and endanger everything our brave men and women in uniform fought and died for long ago in Iraq; terrorist groups, including Al Qaeda in the Arabian Peninsula and Al-Shabab, use the refuge of failed states to plot attacks on our homeland; and, across the globe, our allies look to the United States to provide the leadership necessary to confront these threats to peace.

One of the foundational purposes of our Constitution was to establish a Federal Government to—in the words of the preamble—provide for the common defense. In facilitating this purpose, the Congress is charged with two particularly crucial duties: establishing the legal authority for our military to operate and funding our military's activities. For 53 years in a row, Congress has fulfilled these responsibilities with an annual National Defense Authorization Act and accompanying funding through the appropriations process. Despite the gridlock that has so often beset the legislative process in recent years, Congress has consistently risen to the call of its constitutional duty every year to authorize and appropriate on behalf of our brave men and women in uniform.

This year, our colleagues on the Armed Services Committee have lived up to the finest traditions of this body in crafting the National Defense Authorization Act for Fiscal Year 2016. This bill provides for our national security needs across a wide variety of fronts, including programs to aid allies such as Ukraine and Iraq that face aggression, compensation for the men and women who put their lives on the line to defend our freedom, restructuring to improve readiness, authority to procure a wide range of new weapons systems such as the F-35 Joint Strike Fighter that are crucial to maintaining our defense capabilities, and acquisition reform to restore accountability to defense contracting and make the money we spend go further.

These aren't Republican or Democratic priorities, they are American priorities. They are concrete steps we need to take in order to ensure our safety and security for years to come, and they should earn the support of every single Senator.

The bill before us authorizes \$604 billion in spending for the Defense Department in the coming year. That is essentially the very same amount requested by President Obama himself.

President Obama and our colleagues on the Armed Services Committee did not come up with that number out of thin air. In testimony before the Senate Armed Services Committee this year, all four of the military service chiefs testified that American lives are being put at risk if we cap defense spending at the sequester levels. The amount proposed by President Obama and embraced by the Armed Services Committee is the amount that both Republican and Democratic, as well as non-partisan, experts believe is crucial to the Defense Department's ability to preserve our national security. Surely, such an approach on such a critical measure should win broad support from both parties.

Nevertheless, many of our colleagues on the other side of the aisle are threatening a filibuster of the bill over the amount of funding it authorizes. They are considering the prospect of defeating the National Defense Authorization Act for the first time in 53 years unless we agree to their demands to increase spending on domestic programs. Put another way, they are aiming to condition the ability of our soldiers, sailors, airmen, and marines to defend our Nation on their demand for more funding for the wasteful Federal bureaucracy that already costs too much.

Let me be absolutely clear. To roll back what progress we have made in restoring fiscal discipline after years of profligate spending is seriously misguided, to do so by hijacking the Defense bill at a time of serious danger—when we face so many crises around the world—represents the height of irresponsibility, and to make such a “my way or the highway” demand as a condition of fulfilling one of the Senate’s basic duties is unworthy of the great traditions of this body.

Many of us have worked toward various solutions to replace the sequester going forward. Republicans and Democrats alike have their preferred alternatives to the current funding arrangements. Nevertheless, we simply cannot shirk our duty to provide for the common defense in the present. Political reality demands that we reject partisan grandstanding in favor of working together on this must-pass bill.

Over the past 2 weeks, the majority leader and the chairman of the Armed Services Committee have led a debate on this bill that represents the Senate at its finest. We have considered the bill on time—a needed change from recent years that restores the Senate’s proper voice in our national defense. We have held hours upon hours of debate on the floor, and we have held a fair and open amendment process for Members on both sides of the aisle.

As part of that open amendment process, the Senate considered an amendment from the ranking member of the Armed Services Committee that would condition the funding level on the domestic spending increases sought by our Democratic colleagues.

Despite my disagreements on the substance, I want to commend the ranking member for his sincere advocacy and for his determination to put his plan before this body for an up-or-down vote. But as that vote result showed, a majority of this body strongly disagrees with the minority’s preferred alternative. Having fully aired this issue and voted on it, it is time for the Senate to wrap up our debate and pass this bill. To exploit the super-majority threshold to demand a concession rejected by a majority of Senators on a bill of such vital importance to our national defense would represent a gross dereliction of duty and a tragically irresponsible choice.

I urge my friends in the minority: do not give in to the temptation of partisan grandstanding, do not let this become another exercise in political brinksmanship, do not place a desire to fight the majority over our shared duty to keep this country safe, and do not jeopardize our men and women in uniform to win concessions for yet more domestic spending.

Work with us. Embrace the funding levels the Obama administration believes are necessary to keep us safe and keep alive our proud tradition of placing national security ahead of partisan politics.

I yield the floor.

THE PRESIDING OFFICER. The Democratic leader.

MR. REID. Mr. President, I know there is important debate, but I wish to take a few minutes and talk about America losing one of its finest entrepreneurs and citizens.

REMEMBERING KIRK KERKORIAN

Mr. President, last night, at 10:30, my friend Kirk Kerkorian died. What a wonderful man. He was 98 years old, and when history books are written, they will say a lot about this good man.

I had the good fortune as a young lawyer to meet him. I didn’t do any of his mergers and acquisitions and all the stock stuff. I didn’t do any of that. But when we first met, he was a businessman with an airline called Trans International Airlines. I will talk about that in a minute, but it started out as one airplane.

I knew that Kirk was failing because he and I were supposed to go watch the Mayweather-Pacquiao fight, and he said he couldn’t go. I knew then that his days were numbered, for lack of a better description.

I had kept in touch with him all these many years. As I said, I am not one to boast about all the great legal work I did for Kirk. I didn’t do much. But I did do a lot of work for his brother, a man by the name of Nish Kerkorian, and Kirk never forgot all the work I did for his brother.

Kirk had two siblings: One woman who was a sweet, sweet lady, vibrant, named Rose, his sister Rose. She died not long ago. I called Kirk. It was really hard on him; he cried, and we shed a tear together.

He was born in 1917 in Fresno, CA. His parents were Armenian immigrants. He grew up at a very difficult time. He didn’t graduate from the eighth grade. He became a prize fighter, became the Pacific amateur welterweight champion, and his name was “Rifle Right” Kerkorian.

His brother Nish, whom I talked about, was also a fighter and a boxer, and he fought a lot. Kirk didn’t fight too much.

On the floor is one of ours—if not the hero we have in the Senate for military endeavors—the senior Senator from Arizona.

It is important to talk about Kirk Kerkorian for just a minute and about what he did for our country in the military, using that term broadly—“in the military.” He had learned to fly, while milking cows and looking after a woman’s cattle, at an air strip near now what is Edwards Air Force Base. That is where he learned to fly, at a place called Happy Bottom Riding Club. That is where he learned to fly. He loved to fly. He got his pilot’s license in just a few months, and he wanted to go into the military, but he couldn’t at the time because we weren’t in the war yet.

The British Royal Air Force was ferrying Canadian-built de Havilland Mosquitos over the North Atlantic because England was desperate for help. The Nazis were after them, Hitler was sweeping Europe, and the submarines were sinking the ships trying to take supplies to England. So out of desperation, Canada, which was part of Great Britain at the time, decided they would help. The problem was that to fly those airplanes over the North Atlantic was really very, very difficult. They had two routes. One was 1,400 miles. The other was shorter but extremely more dangerous. Kirk Kerkorian agreed to take the one more dangerous. It was dangerous because the North Atlantic is very brutal. The wings would ice. But he got a lot of money for each flight—almost \$1,000 for each flight. He delivered 33 planes to England. Every one of those flights was a nightmare, but he did it.

He was truly an American patriot. There is a documentary on what he did—flying across the North Atlantic with some other gallant men who did that and helped preserve freedom in the world and take on the Nazis.

After the war, he had saved a lot of his money, and he bought a Cessna. It was expensive at the time—\$5,000. He worked in general aviation. He first visited Las Vegas in 1944. In 1947 he paid \$60,000 for the airline where I first met him. He was dealing with Trans International Airlines, which was a small air charter service that basically flew gamblers between L.A. and Las Vegas. He, of course, was a very frugal man. He operated the airline until 1968, when he sold it for \$104 million. He paid \$60,000 for it and sold it for \$104 million. That was him. He was an entrepreneur.

He moved into Las Vegas quickly. He bought a piece of land across from the Flamingo Hotel for \$960,000. It was 80 acres. That is now where Caesars Palace is. He was originally the landlord for that property. He made \$9 million on that deal.

He then, shortly thereafter, paid \$5 million cash for an off-Strip property—the first one that had ever been done. That is something I was involved with. It was quite interesting. That transaction showed to me his absolute honesty. I have said publicly—I am not going into detail here—but I will end by saying that the lawyer with whom I worked, Bill Singleton, said: No, Kirk doesn't do business that way, and he walked out of the room. He wound up buying the property. That was where the International Hotel was built, and it was a very, very expensive property at the time. It was off-Strip. The first two people to appear in the showroom were Barbra Streisand and Elvis Presley, and that was the beginning of Kirk Kerkorian's ascension to power broker, to say the least, in Las Vegas.

He bought and sold MGM movies two different times. In the process, of course, he built the MGM hotel in Las Vegas. He was really an interesting, wonderful man. He is one of the personalities I will never forget, and my relationship with him is one of the special things in my life. I feel so fortunate to be able to talk on a personal basis about this man. He was one of a kind.

I am so disappointed. His No. 1 person, Tony Mandekik, called me and told me that Kirk had died. To be honest with you, the tears on the other side of the phone connection from Tony ended the conversation because he couldn't talk anymore. Now he is responsible, among others—but principally him—for disposing of this man's wealth.

He did not make all of his money in movies or hotels and casinos. He branched out. He made a number of fortunes. People would say: How does he know anything about the automobile industry? He wound up owning large chunks of General Motors. He was one of the chief players in Chrysler. He no longer made in those propositions millions of dollars but billions. He made about \$5 billion on this Chrysler Corporation deal, where people said: What a fool—why would he do that?

You know that deal.

Not too long ago, about 3 years ago, I met him for lunch in Los Angeles. I said: I have to get going. He pulled out of his pocket his watch.

Kirk, what is that?

He says: It is my watch.

It was a Timex with no band on it.

He said: It keeps perfect time.

He came to the Beverly Wilshire Hotel. He drove himself in a little jeep—a jeep with the top partially down. That was him. He was a very private man. He rarely gave interviews. I mean, he rarely gave interviews. Even though he was one of the richest men in Los Angeles, he was probably one of

the most private. He simply did not do things in public.

With all of the hotels that he owned—for those people who have a little bit of knowledge of Las Vegas, a lot of stuff is done with complimentary privileges. If you are a hotel owner, you get a lot of stuff for nothing—not Kirk Kerkorian. He would not take a comp for anything. Everything he paid for.

One of the last times we went to a fight, he also would not sit ringside. He always wanted to be up away from everybody.

In 2008 he was worth \$16 billion. I am not sure how much he was worth when he died. But he has given huge amounts of his wealth away. His job for Tony Mandekik and others was to give away the rest of his money.

It is a sad day for me and for the people who knew Kirk Kerkorian. He lived a good, full life. He has two daughters. He always went out of his way and paid his help well.

I wish I had the ability to articulate what a wonderful human being Kirk Kerkorian was. I will always remember him. When I talk to people who know something about business, I will always interject the name Kirk Kerkorian.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1889

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from California have 15 minutes and I have 10 minutes and that the vote be delayed until completion of the 15 minutes and the 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

I thank the distinguished chairman for this time. I do not think I will take 15 minutes. We have worked it down.

I join Senator McCAIN and Ranking Member REED—as well as Senator COLLINS and the other cosponsors, Senators LEAHY, PAUL, KING, FLAKE, HEINRICH, WHITEHOUSE, MIKULSKI, WYDEN, MURPHY, HIRONO, WARNER, BALDWIN, BROWN and MARKEY—in offering an amendment that will help ensure the United States never again carries out coercive and abusive interrogation techniques or indefinite secret detentions.

I am very pleased that the Senate will consider this amendment, and I urge an aye vote.

The amendment we are offering today is really very simple. It applies the authorizations and restrictions for interrogations in the Army Field Manual to the entire U.S. Government.

It extends what Congress did in 2005, by a vote of 90 to 9, with the Detainee Treatment Act—which I believe Senator McCAIN authored—which banned the Department of Defense from using techniques not authorized by the Army Field Manual and also banned the government from using cruel, inhuman,

and degrading treatment or punishment.

The amendment also requires prompt access by the International Committee of the Red Cross to any detainee held by the U.S. Government.

Both of these provisions are consistent with United States policy for the past several years, but this amendment would codify these requirements into law.

President Obama banned the use of coercive and abusive interrogation techniques by Executive order in his first few days in office, actually on January 22, 2009.

That Executive order formally prohibits—as a matter of policy—the use of interrogation techniques not specifically authorized by the Army Field Manual on Human Intelligence Collector Operations.

This amendment places that restriction in law. It is long overdue.

The amendment also codifies another section of President Obama's January 2009 Executive order, requiring access by the International Committee of the Red Cross to all U.S. detainees in U.S. Government custody—access which has been historically granted by the United States and other law-abiding nations and is needed to fulfill our obligations under international law, such as the Geneva Conventions.

It is also important to understand that the policies in the 2009 Executive order are only guaranteed for as long as a future President agrees to leave them in place. This amendment would codify these two provisions into law.

Current law already bans torture, as well as cruel, inhuman, or degrading treatment or punishment.

However, this amendment is still necessary because interrogation techniques were able to be used, which were based on a deeply flawed legal theory, and those techniques, it was said, did not constitute “torture” or “cruel, inhuman, or degrading treatment.”

These legal opinions could be written again.

In 2009, President Obama's Executive Order settled the issue as formal policy, and this amendment will codify a prohibition on a program that was already defunct at the end of the Bush administration.

CIA Director John Brennan has clearly stated that he agrees with the ban on interrogation techniques that are not in the Army Field Manual. Director Brennan wrote the following to the Intelligence Committee in 2013 about the President's 2009 Executive order:

I want to reaffirm what I said during my confirmation hearing: I agree with the president's decision, and, while I am the Director of the CIA, this program will not under any circumstances be reinitiated. I personally remain firm in my belief that enhanced interrogation techniques are not an appropriate method to obtain intelligence and that their use impairs our ability to continue to play a leadership role in the world.

Furthermore, it is important to point out that the Senate and the House both

required the use of the Army Field Manual across the government in the fiscal year 2008 Intelligence authorization bill. Unfortunately, President Bush vetoed that legislation.

Whatever one may think about the CIA's former detention and interrogation program, we should all agree that there can be no turning back to the era of torture.

Interrogation techniques that would together constitute torture do not work. They corrode our moral standing, and ultimately they undermine any counterterrorism policies they are intended to support.

So before I close, I ask unanimous consent to have printed in the RECORD a series of letters and statements in support of this amendment.

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

JUNE 9, 2015.

DEAR SENATOR: As retired generals and admirals who believe that American ideals are a national security asset, we urge you to support the amendment to the 2016 National Defense Authorization Act that solidifies the ban against torture and cruel treatment of detainees in U.S. custody.

While international and domestic law, including the 2005 Detainee Treatment Act, prohibit such cruelty, high-level officials in the Executive Branch still managed to evade congressional intent by using loophole lawyering to authorize torture and cruel treatment. We need to make sure this never happens again. The United States should have one standard for interrogating detainees that is effective, lawful, and humane.

The McCain-Feinstein amendment would ensure lawful, effective, and humane interrogations of individuals taken into custody by requiring all agencies and departments to comply with the time-tested requirements of the Army Field Manual ("Human Intelligence Collector Operations"). It would also codify existing Department of Defense (DOD) practice of guaranteeing timely notification and access to the International Committee of the Red Cross (ICRC) for detainees taken into custody—an important bulwark against abuse.

We strongly urge you to support this legislation to help move our country towards decisively rejecting the use of torture or cruel treatment against detainees held in our custody.

Thank you for your commitment to upholding our national security and American values.

Sincerely,

General Joseph Hoar, USMC (Ret.); General Charles Krulak, USMC (Ret.); General David M. Maddox, USA (Ret.); Lieutenant General John Castellan, USMC (Ret.); Lieutenant General Robert G. Gard, Jr., USA (Ret.); Vice Admiral Lee F. Gunn, USN (Ret.); Lieutenant General Claudia J. Kennedy, USA (Ret.); Lieutenant General Charles Oststott, USA (Ret.); Lieutenant General Norman R. Seip, USAF (Ret.); Vice Admiral Joe Sestak, USN (Ret.); Lieutenant General Harry E. Soyster, USA (Ret.); Lieutenant General Keith J. Stalder, USMC (Ret.); Rear Admiral Don Guter, JAGC, USN (Ret.); Rear Admiral John D. Hutson, JAGC, USN (Ret.); Major General J. Michael Myatt, USMC (Ret.); Major General William L. Nash, USA (Ret.).

Major General Eric T. Olson, USA (Ret.); Major General Thomas J. Romig, USA

(Ret.); Major General Walter L. Stewart, Jr., USA (Ret.); Major General Antonio M. Taguba, USA (Ret.); Brigadier General John Adams, USA (Ret.); Brigadier General Stephen A. Cheney, USMC (Ret.); Brigadier General James P. Cullen, USA (Ret.); Brigadier General Evelyn P. Foote, USA (Ret.); Brigadier General Gerald E. Galloway, USA (Ret.); Brigadier General Leif H. Hendrickson, USMC (Ret.); Brigadier General David R. Irvine, USA (Ret.); Brigadier General John H. Johns, USA (Ret.); Brigadier General Murray G. Sagsveen, USA (Ret.); Brigadier General Stephen N. Xenakis, USA (Ret.).

[From Peaceful Tomorrows, June 10, 2015]

SEPTEMBER 11TH FAMILIES SUPPORT THE REINFORCEMENT OF BAN ON TORTURE

(Posted by Katharina)

As family members of those killed on September 11th we have strong opinions regarding torture. The use of enhanced interrogation techniques, or torture by another name, was wrongly justified by some as means to prevent another terrorist attack. Torture is never justified. September 11th Families for Peaceful Tomorrows applauds the legislation being offered by Senators McCain and Feinstein to reinforce the ban on torture. Any assertion of torture as effective must be repudiated. Any loophole suggesting torture as a justifiable means to security must be closed. Any ethical principle that finds torture morally permissible must be challenged.

American legislators must clearly and forcefully codify policy that rejects and criminalizes torture in all its forms. Only then will trust in the rule of law be restored, and the people of this nation truly safe.

JUNE 9, 2015.

DEAR SENATOR: As intelligence and interrogation professionals who have offered our collective voice opposing torture and other forms of cruel, inhuman or degrading treatment, we strongly encourage you to support the amendment to the 2016 National Defense Authorization Act that solidifies the ban against torture and cruel treatment of detainees in U.S. custody.

While international and domestic law, including the 2005 Detainee Treatment Act, prohibit such cruelty, sadly high-level officials in the Executive Branch exploited loopholes and still authorized torture and cruel treatment. The interrogation methods that have kept America safe for generations are sophisticated, humane, lawful, and produce reliable, actionable intelligence in any interrogation scenario. To promote a return to that respected level of professionalism, there must be a single well-defined standard of conduct—consistent with our values as a nation—across all U.S. agencies to govern the detention and interrogation of people anywhere in U.S. custody.

The amendment would ensure lawful, effective, and humane interrogations of individuals taken into custody by requiring all agencies and departments to comply with the time-tested requirements of the Army Field Manual ("Human Intelligence Collector Operations"). It would also require a review of the Army Field Manual to ensure that best practices and the most recent evidenced-based research on humane interrogation are incorporated. It would also codify existing Department of Defense (DOD) practice of guaranteeing timely notification and access to the International Committee of the Red Cross (ICRC) for detainees taken into custody—an important bulwark against abuse.

We strongly urge you to support this legislation to help move our country forward and

reaffirm that there is no conflict between adhering to one of our nation's essential and founding values—respect for inherent human dignity—and our ability to obtain the intelligence we need to protect the nation.

Sincerely,

Frank Anderson, CIA (Ret.); Donald Canestraro, DEA (Ret.); Glenn Carle, CIA (Ret.); Jack Cloonan, CIA (Ret.); Barry Eisler, Formerly CIA; Eric Fair, Formerly U.S. Army; Mark Fallon, NCIS (Ret.); Charlton Howard, NCIS (Ret.); David Irvine, Brigadier General, U.S. Army (Ret.); Timothy James, NCIS (Ret.); Steve Kleinman, Colonel, USAFR (Ret.); Marcus Lewis, Formerly U.S. Army; Brittain Mallow, Colonel, USA (Ret.); Mike Marks, NCIS (Ret.); Robert McFadden, NCIS (Ret.); Charles Mink, Formerly U.S. Army; Joe Navarro, FBI (Ret.); Torin Nelson, Formerly U.S. Army; Carissa Pastuch, Formerly U.S. Army; William Quinn, Formerly U.S. Army; Ken Robinson, U.S. Army (Ret.); Rolince, Mike, FBI (Ret.); Ed Soyster, Lieutenant General, U.S. Army (Ret.).

COMMITTEE ON INTERNATIONAL JUSTICE AND PEACE,
Washington, DC, June 10, 2015.

U.S. SENATE,
Washington, DC.

DEAR SENATOR, As deliberations over the FY 2016 National Defense Authorization Act continue, I write to express support for an amendment offered by Senators John McCain and Dianne Feinstein that would prohibit all U.S. government agencies and their agents from using torture as an interrogation technique.

The amendment would:

Require all U.S. government agencies (including the CIA) to limit interrogation techniques to those set out in the Army Field Manual;

Require the Army Field Manual be updated regularly and remain available to the public to reflect best interrogation techniques designed to elicit statements without the use or threat of force; and

Require the International Committee of the Red Cross be given access to all detainees.

These provisions are ones that the Committee on International Justice and Peace of the United States Conference of Catholic Bishops have long supported in trying to ban the practice of torture by the U.S. government.

The Army Field Manual 2-22.3 prescribes uniform standards for interrogating persons detained by the Department of Defense. A guiding principle of the Field Manual echoes the Golden Rule: "In attempting to determine if a contemplated approach or technique should be considered prohibited, and therefore should not be included in an interrogation plan, consider . . . if the proposed approach technique were used by the enemy against one of your fellow soldiers, would you believe the soldier had been abused?" (5-76)

The McCain-Feinstein amendment seeks to ensure that Army Field Manual's standard is also the same standard used by other governmental agencies, including the CIA. Adhering to these standards and ensuring access by the International Committee of the Red Cross to visit detainees in international armed conflicts would make a substantial contribution to our nation's efforts to uphold our international obligations under the Geneva Conventions and the Convention Against Torture. The amendment would help restore the moral credibility of the United States.

In Catholic teaching, torture is an intrinsic evil that cannot be justified under any

circumstances as it violates the dignity of the human person, both victim and perpetrator, and degrades any society that tolerates it. We urge all Senators to support the McCain-Feinstein amendment that would help to ensure that laws are enacted so that our government does not engage in torture ever again.

Sincerely yours,

MOST REVEREND OSCAR CANTÚ,
Bishop of Las Cruces, Chair, Committee on
International Justice and Peace.

PROTECTING U.S. SECURITY UPHOLDING
AMERICAN VALUES

The United States detainee interrogation policy can live up to American values and, at the same time, protect our national security. This policy, supported by overwhelmingly bipartisan legislation in 2005, states: “No individual in the custody or under the physical control of the U.S. Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.” Such principles can be attained by following the U.S. Army Field Manual on Human Intelligence Collector Operations. We believe these lawful, humane, and effective techniques will produce actionable intelligence while adhering to our founding principles.

To ensure the integrity of this critical process, Congress should conduct effective, real-time oversight on America’s intelligence communities. Failure to live up to these internal safeguards adversely affects the nation’s security and damages America’s reputation in the world.

Richard Armitage, Deputy Secretary of State, 2001–2005; Howard Berman, U.S. Congressman (D-CA), 1983–2013; David Boren, U.S. Senator (D-OK), 1979–1994; Governor of Oklahoma, 1975–1979; Harold Brown, Secretary of Defense, 1977–1981; David Durenberger, U.S. Senator (R-MN), 1978–1995; Lee Hamilton, U.S. Congressman (D-IN), 1965–1999; Gary Hart, U.S. Senator (D-CO), 1975–1987; Rita Hauser, Chair, International Peace Institute, 1992–Present; Carla Hills, U.S. Trade Representative, 1989–1993; Thomas Kean, Governor of New Jersey, 1982–1990, 9/11 Commission Chairman.

Richard C. Leone, Senior Fellow and former President of the Century Foundation; Carl Levin, U.S. Senator (D-MI), 1979–2015; Richard Lugar, U.S. Senator (R-IN), 1977–2013; Robert C. McFarlane, National Security Advisor, 1983–1985; Donald McHenry, Ambassador to the United Nations, 1979–1981; William Perry, Secretary of Defense, 1994–1997; Charles Robb, U.S. Senator (D-VA); 1989–2001; Governor of Virginia, 1982–1986; Ken Salazar, Secretary of the Interior, 2009–2013, U.S. Senator (D-CO), 2005–2009; George Shultz, Secretary of State, 1982–1989; William H. Taft IV, Deputy Secretary of Defense, 1984–1989.

NATIONAL ASSOCIATION
OF EVANGELICALS,
Washington, DC, June 8, 2015.

DEAR SENATOR: As you authorize FY16 appropriations for the Department of Defense, please approve language in an amendment to be offered by Senators McCain and Feinstein that would strengthen the prohibition of torture in U.S. law and apply the Army Field Manual interrogation policies and standards to all personnel and facilities operated or controlled by our government.

The National Association of Evangelicals (NAE) opposes the use of torture as a violation of basic human dignity that is incompatible with our beliefs in the sanctity of

human life. The use of torture is also inconsistent with American values, undermines our moral standing in the world and may contribute to an environment in which captured U.S. personnel are subjected to torture.

The NAE’s position is set forth in “An Evangelical Declaration Against Torture,” available at <http://nae.net/an-evangelical-declaration-against-torture/>, and reaffirmed in a recent NAE statement (<http://nae.net/nae-affirms-u-s-army-prohibition-of-torture/>).

While the use of torture is currently prohibited across all government agencies by executive order, this fundamental principle must be enshrined in law, to ensure that no future President may authorize the use of torture.

We are grateful for your leadership and pray that God will guide you as you consider how best to defend our nation.

Sincerely,

LEITH ANDERSON,
President.

NATIONAL COUNCIL OF CHURCHES,
June 11, 2015.

U.S. SENATE,
Washington, DC.

DEAR SENATORS: As you consider amendments to the National Defense Authorization Act, please support the McCain-Feinstein amendment on torture. The amendment would prohibit torture by requiring the CIA and other agencies to follow the guidelines in the Army Field Manual when conducting interrogations, and by ensuring that the International Committee of the Red Cross is given access to all detainees. The amendment also provides a means to update the Field Manual to reflect the best legal, humane, and effective interrogation techniques.

As Christians we believe that all people are created in the image of God, endowed by our Creator with an inalienable dignity and worth. Torture is a deeply degrading violation of that image and to us it is never morally acceptable. As the most powerful country on earth, we should set an example for humane treatment of prisoners; we should never allow our nation’s practices to be used to justify torture.

Passing the McCain-Feinstein amendment would strengthen the legal prohibition against torture and thereby prevent the CIA from ever resuming its torture program. Please support McCain-Feinstein and help begin to put the CIA’s brutal and degrading use of torture behind us.

Sincerely,

JIM WINKLER,
President and General Secretary.

AMERICAN CIVIL LIBERTIES UNION;
HUMAN RIGHTS; NATIONAL RELIGIOUS CAMPAIGN AGAINST TORTURE; THE CONSTITUTION PROJECT; PHYSICIANS FOR HUMAN RIGHTS; OPEN SOCIETY POLICY CENTER; THE CENTER FOR VICTIMS OF TORTURE

(For Immediate Release: June 9, 2015)

HUMAN RIGHTS GROUPS APPRAUD LEGISLATION
REAFFIRMING U.S. PROHIBITION ON TORTURE

On Tuesday, June 9, 2015, Senators McCain, Feinstein, Reed, and Collins introduced legislation to make the U.S. Army Field Manual on Interrogations the standard for all U.S. government interrogations to make sure that the United States never uses torture again. Seven human rights and civil liberties organizations, including the ACLU, the Center for Victims of Torture, The Constitution Project, Human Rights First, the National Religious Campaign Against Torture, the Open Society Policy Center, and

Physicians for Human Rights, announced their strong support for the legislation via the joint statement below.

WASHINGTON, DC.—We applaud Senators McCain, Feinstein, Reed and Collins for offering bipartisan legislation to ensure that the United States never uses torture again. Senator McCain’s prior legislation (the Detainee Treatment Act) was approved by the Senate in 2005 with strong bipartisan support and was a positive game-changer by mandating among other things that interrogations conducted by all Department of Defense personnel had to follow the U.S. Army Field Manual on Interrogation (the Interrogation Manual). The McCain-Feinstein amendment extends and improves the Detainee Treatment Act by making the Interrogation Manual the standard for all U.S. government interrogations, and by mandating that the Manual be reviewed and updated regularly to insure that it reflects the very best evidence-based interrogation practices and complies with all U.S. legal obligations. The McCain-Feinstein amendment also requires that the International Committee of the Red Cross have access to every prisoner in U.S. custody no matter where or by whom they are held.

We believe that the CIA’s “enhanced interrogation” techniques and “black sites” were clearly illegal under the law that existed on 9/11, under the 2005 Detainee Treatment Act and also under the relevant provisions of the 2006 Military Commissions Act. But the overwhelming evidence that has emerged of shocking brutality employed by the CIA notwithstanding these laws—including waterboarding, nudity, stress positions, sleep deprivation, forced rectal feeding, beatings and other abuses—demonstrates that additional protections are still essential. Had the McCain-Feinstein amendment been in place following the 9/11 attacks we believe it would have significantly bolstered other prohibitions on torture and made it far more difficult, if not impossible, for the CIA to establish and operate their torture program. Among other things, the Interrogation Manual explicitly prohibits waterboarding, forced nudity and other forms of torture employed by the CIA and it specifies that only interrogation methods that are expressly described in the Interrogation Manual are permitted. In addition, under the McCain-Feinstein legislation no prisoner could have been hidden away at CIA “black sites” without access to the Red Cross.

More can and should be done to pursue accountability for past brutal and illegal interrogations and to improve the Interrogation Manual. But the McCain-Feinstein Amendment is a vital and welcome step toward ensuring that the United States never again uses torture.

Mrs. FEINSTEIN. I ask my colleagues to support this amendment, and by doing so, we can recommit ourselves to the fundamental precept that the United States does not torture—without exception and without equivocation—and ensure that the mistakes of our past are never again repeated in the future.

I ask for a “yes” vote, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, I ask my colleagues to, if they wish, disregard my statement with the exception of the statement by GEN David Petraeus. I don't know of a military leader who is more respected in America and throughout the world than GEN David Petraeus. I don't have to remind my colleagues that he was the commander of U.S. forces in Iraq and Afghanistan and Director of the CIA. He arguably has more experience dealing with foreign detainee issues across the U.S. Government than any other American. These are the words of GEN David Petraeus:

I strongly support the extension of the provisions of the U.S. Army Field Manual that currently govern the actions of the U.S. military to all U.S. Government personnel and contractors. Our Nation has paid a high price in recent decades for the information gained by the use of techniques beyond those in the field manual, and in my view, that price far outweighed the value of the information gained through the use of techniques beyond those in the manual.

I urge my colleagues to listen to the words of David Petraeus.

Here is a letter I received this month from former intelligence interrogation professionals, the U.S. military, the CIA, and the FBI. Here is an excerpt from the letter they sent to me this month:

As intelligence and interrogation professionals who have offered our collective voice opposing torture and other forms of cruel, inhuman or degrading treatment, we strongly encourage you to support the amendment. . . . The interrogation methods that have kept America safe for generations are sophisticated, humane, lawful and produce reliable, actionable intelligence in any interrogation scenario. To promote a return to that respected level of professionalism, there must be a single well-defined standard of conduct—consistent with our values as a nation—across all U.S. agencies to govern the detention and interrogation of people anywhere in U.S. custody.

This is supported by some of our most experienced military leaders. They expressed their views in a letter I received this month, 30 of whom are retired, including a former Commandant of the Marine Corps, former commander of Centcom, former commander and chief of U.S. Army Europe—they wrote the following:

This amendment not only solidifies America's stance against torture and other forms of cruel, inhuman or degrading treatment. It also ensures that interrogation methods used by all U.S. personnel are professional and reflect the government's best practices. In that way, we not only ensure that these interrogations are humane and lawful, but also that they produce reliable intelligence on which we depend if we are to fight and win against the current terrorist threat.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from those individuals dated June 9, 2015.

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

JUNE 9, 2015.

DEAR SENATOR: As intelligence and interrogation professionals who have offered our

collective voice opposing torture and other forms of cruel, inhuman or degrading treatment, we strongly encourage you to support the amendment to the 2016 National Defense Authorization Act that solidifies the ban against torture and cruel treatment of detainees in U.S. custody.

While international and domestic law, including the 2005 Detainee Treatment Act, prohibit such cruelty, sadly high-level officials in the Executive Branch exploited loopholes and still authorized torture and cruel treatment. The interrogation methods that have kept America safe for generations are sophisticated, humane, lawful, and produce reliable, actionable intelligence in any interrogation scenario. To promote a return to that respected level of professionalism, there must be a single well-defined standard of conduct—consistent with our values as a nation—across all U.S. agencies to govern the detention and interrogation of people anywhere in U.S. custody.

The amendment would ensure lawful, effective, and humane interrogations of individuals taken into custody by requiring all agencies and departments to comply with the time-tested requirements of the Army Field Manual ("Human Intelligence Collector Operations"). It would also require a review of the Army Field Manual to ensure that best practices and the most recent evidenced-based research on humane interrogation are incorporated. It would also codify existing Department of Defense (DOD) practice of guaranteeing timely notification and access to the International Committee of the Red Cross (ICRC) for detainees taken into custody—an important bulwark against abuse.

We strongly urge you to support this legislation to help move our country forward and reaffirm that there is no conflict between adhering to one of our nation's essential and founding values—respect for inherent human dignity—and our ability to obtain the intelligence we need to protect the nation.

Sincerely,

Frank Anderson, CIA (Ret.); Donald Canestraro, DEA (Ret.); Glenn Carle, CIA (Ret.); Jack Cloonan, CIA (Ret.); Barry Eisler, Formerly CIA; Eric Fair, Formerly U.S. Army; Mark Fallon, NCIS (Ret.); Charlton Howard, NCIS (Ret.); David Irvine, Brigadier General, U.S. Army (Ret.); Timothy James, NCIS (Ret.); Steve Kleinman, Colonel, USAFR (Ret.); Marcus Lewis, Formerly U.S. Army; Brittain Mallow, Colonel, USA (Ret.); Mike Marks, NCIS (Ret.); Robert McFadden, NCIS (Ret.); Charles Mink, Formerly U.S. Army; Joe Navarro, FBI (Ret.); Torin Nelson, Formerly U.S. Army; Carissa Pastuch, Formerly U.S. Army; William Quinn, Formerly U.S. Army; Ken Robinson, U.S. Army (Ret.); Rolince, Mike, FBI (Ret.); Ed Soyster, Lieutenant General, U.S. Army (Ret.).

Mr. McCAIN. In a letter this month, the National Association of Evangelicals wrote the following in support of this amendment:

While the use of torture is currently prohibited across all government agencies by executive order, this fundamental principle must be enshrined in law to ensure that no future President may authorize the use of torture.

Again, that is from the National Association of Evangelicals.

The Committee on International Justice and Peace at the United States Conference of the Catholic Bishops wrote the following in support of the amendment:

In Catholic teaching, torture is an intrinsic evil that cannot be justified under any

circumstances as it violates the dignity of the human person, both victim and perpetrator, and degrades any society that tolerates it. We urge all Senators to support the McCain-Feinstein amendment that would help to ensure that laws are enacted so that our government does not engage in torture ever again.

I respect the dedication and services of those charged with protecting this country. For 14 years, America's security professionals in the military, intelligence community, and beyond have lived every day with a dogged determination to protect their fellow Americans. But at the same time, we must continue to insist that the methods we employ in this fight for peace and freedom must always be as right and honorable as the goals and ideals we fight for.

I believe past interrogation policies compromised our values, stained our national honor, and did little practical good. I don't believe we should have employed such practices in the past, and we should never permit them in the future. This amendment provides greater assurances that never again will the United States follow that dark path of sacrificing our values for our short-term security needs.

I also know that such practices don't work. I know from personal experience that the abuse of prisoners does not produce good, reliable intelligence. Victims of torture will offer intentionally misleading information if they think their captors will believe it.

I firmly believe that all people, even captured enemies, possess basic human rights which are protected by international standards often set by America's past leaders. Our enemies act without conscience. We must not. Let's reassert the contrary proposition that it is essential to our success in this war that we ask those who fight it for us to remember at all times that they are defending a sacred ideal of how nations should be governed and should remember this when they conduct their relations with others, even our enemies.

Those of us who give them this duty are obliged by history, by our Nation's highest ideals and the many terrible sacrifices made to protect them, and by our respect for human dignity to make clear that we need not risk our national honor to prevail in this or any war. We need only remember in the worst of times, through the chaos and terror of war, when facing cruelty, suffering, and loss, that we are always Americans and different, stronger, and better than those who would destroy us.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I stand as a very proud cosponsor, along with Senator McCRAIN and Senator FEINSTEIN, on this amendment. I particularly wish to commend both Senator FEINSTEIN and Senator McCRAIN because they have really been the leaders in this Senate and in this country in expressing our fundamental values when

it comes to the techniques we employ for those we detain in combat zones. Both their words and personal example have set an extraordinary standard for us to respond to, and this amendment is typical of what they have done. It would codify the terms of President Obama's Executive order 13491 that applies to the Army Field Manual on interrogations not only for the U.S. military but also for the interrogation of detainees by other U.S. Government agencies.

What I think is so critical to this debate, this amendment, and the service of these two Senators is that the humane treatment standard we set for those who are in our custody also serves to protect our men and women if they fall into the hands of our opponents. We then can say with complete sincerity and complete fidelity that we demand our troops receive humane treatment when in the custody of hostile forces because that is what we do. When we deviate from that standard, we imperil the safety and lives of our men and women in uniform who may fall into hostile hands.

As we adhere to these standards, we are not only setting a very high bar for the treatment of those whom we may hold, but we are innately protecting the safety, health, welfare, and well-being of those who serve in the uniform of the United States, and for that reason in particular, I commend the sponsors of this amendment and urge all of my colleagues to support it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank both Senator MCCAIN and Senator REED for their remarks. I particularly wish to thank Senator MCCAIN, whose life experience, for me, has been a guidepost. I don't know anyone in this body who is more standup—and can sometimes be more stubborn, but this all comes into play as an important thing—and stands for the real, true, major issues this country faces.

I will never forget a conversation I had with him on the plane back from Guantanamo. When he spoke in the Kennedy Caucus Room and used the tap language he learned as a prisoner of war in Vietnam and to see this man, so many years since that time, tap out messages that were meant for prison mates in other cells with such speed and alacrity certainly indicated that this was a very deep impression which was made on his life. I think the fact that he has shared that with others, including me, is very important.

I want Senator MCCAIN to know how much I appreciate his work on this and how grateful we are for his service to this country. He has unique courage and unique stamina, and maybe that is just all-American. Again, I thank the Senator from Arizona very much for his work, and the same for Senator REED, the ranking member on this committee. Senator REED is military-American through and through. Having his support has been terrific.

Again, I thank both of them very much. It was a pleasure to work with both of my colleagues, and I hope this passes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator FEINSTEIN for her very kind words and her friendship and leadership. I hope that in return for all of this, she will send back all the water to Arizona that California has stolen from our State. My beloved former colleague, Senator Barry Goldwater, used to say that in Arizona, we had so little water that the trees chased the dogs, so we would like to get the water back from California, and I hope that can be part of the wonderful friendship we have enjoyed now for many years.

I thank the Senator from California.

I yield the floor.

Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 1889, offered by the Senator from California, Mrs. FEINSTEIN.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—78

| | | |
|------------|------------|------------|
| Alexander | Franken | Murray |
| Ayotte | Gardner | Nelson |
| Baldwin | Gillibrand | Paul |
| Bennet | Grassley | Perdue |
| Blumenthal | Heinrich | Peters |
| Booker | Heitkamp | Portman |
| Boozman | Heller | Reed |
| Boxer | Hirono | Reid |
| Brown | Hoover | Rounds |
| Burr | Isakson | Sanders |
| Cantwell | Johnson | Schatz |
| Capito | Kaine | Schumer |
| Cardin | King | Shaheen |
| Carper | Kirk | Shelby |
| Casey | Klobuchar | Stabenow |
| Cassidy | Leahy | Sullivan |
| Collins | Manchin | Tester |
| Coons | Markey | Thune |
| Corker | McCain | Tillis |
| Cruz | McCaskill | Toomey |
| Daines | Menendez | Udall |
| Donnelly | Merkley | Warner |
| Durbin | Mikulski | Warren |
| Enzi | Moran | Whitehouse |
| Feinstein | Murkowski | Wicker |
| Flake | Murphy | Wyden |

NAYS—21

| | | |
|----------|----------|-----------|
| Barrasso | Ernst | McConnell |
| Blunt | Fischer | Risch |
| Coats | Graham | Roberts |
| Cochran | Hatch | Sasse |
| Cornyn | Inhofe | Scott |
| Cotton | Lankford | Sessions |
| Crapo | Lee | Vitter |

NOT VOTING—1

Rubio

The amendment (No. 1889) was agreed to.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise for a special request. I just returned from a military trip overseas with four other Members just a matter of minutes ago to find out that the two amendments that I was trying to get pending—and I would really settle for just one of those two. I was not here when all of these UCs were made and the arrangements were put together between the parties.

So I ask the leader on the other side—or the handler on the other side, Senator JACK REED—if he would consider a waiver of his commitment to allow me to bring up one of these to get in the queue.

I yield to the Senator.

Mr. REED. To the Senator from Oklahoma, we have been trying to move forward on an equal basis in terms of pending amendments. At this juncture, I am not able to agree to make another amendment pending.

There is a possibility that we spoke about, briefly, of including these amendments in the manager's package or, since it is germane, of trying to arrange for consideration after cloture, along with another germane amendment. So at this point I would not be prepared to—

Mr. INHOFE. Regaining the floor, I would only say to my good friend that as the second ranking member on the Armed Services Committee, I have talked about these for a long time. I tried to do them before I left for 4 days on business. Also, Senator MIKULSKI is my cosponsor on amendment No. 1728.

So I have to make a motion to lay the pending amendment aside for the purpose of consideration of amendment No. 1728.

Mr. REED. Have you made the motion?

Mr. INHOFE. I just did.

Mr. REED. I would object.

Mr. INHOFE. Mr. President, I ask unanimous consent to lay the pending business aside for the purpose of considering the Inhofe-Mikulski commissary amendment No. 1728.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, at this time, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, I wish to make a comment, because first, this is something beyond anyone's control. No one could have controlled this. We had four Members who were gone. It couldn't be helped. We were on business.

I have 41 amendments, almost equally divided, Democrat and Republican, on an issue that is probably the most significant issue to the spouses of our kids who are over there, overseas. What it does is that it lets us do an assessment before we close any of the commissaries—not close them but privatize them, instead of privatizing them and then seeing how it works. I think we have a vast majority of people who do support that.

It is something that is offered on a bipartisan basis, and it is something that a lot of people—over 100 organizations are sponsoring this amendment—spoke very strongly in support of and consider this amendment to be the most significant amendment in the everyday lives of our troops. Anyone who travels overseas and travels to these various areas knows that when they go through a commissary, they see—particularly in areas where there are no other opportunities out there—that there is almost no competition. It is something like a club. It is something that the wives, the husbands, the families, and the kids do. They go to the commissary. Taking that away would be taking away a tradition.

Again, the bill doesn't state that it goes away, but it does temporarily privatize five major commissaries. Now, when that happens, you have started the ball rolling. And the bill also states—and we discussed this in committee—that this gives us time to look and evaluate to see whether we want to privatize them.

So everyone who is on here as a co-sponsor has made the statement: Why don't we find out first.

So that is all we want to do—instead of closing or transferring five and then finding out whether we did the right thing, go ahead and have the study and then go ahead and proceed however we think is in the best interest.

So it is a very serious amendment.

I ask unanimous consent to set aside the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. REED. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

AMENDMENT NO. 1578

Mrs. GILLIBRAND. Mr. President, I rise to urge my colleagues to support my amendment No. 1578, the Military Justice Improvement Act, to ensure that survivors of military sexual assault have access to an unbiased, trained, military judicial system.

Last year, despite the support of 55 Senators, a coalition spanning the entire ideological spectrum, including both the majority and minority leader, our bill to create an independent military justice system free of inherent biases and conflicts of interest within the chain of command was filibustered by this body.

But as we said then: We will not walk away. The brave men and women in uniform who are defending this Nation deserve a vote. That is our duty. It is our oversight role. It is Congress's responsibility to act as if the brave survivors of sexual assault are our sons, our daughters, our husbands, our wives, who are being betrayed by the greatest military on Earth. We owe them that at the very least.

Over the last few years, Congress has forced the military to make many incremental changes to address this crisis. And after two decades of complete

failure and lip service to zero tolerance, the military now says, essentially: Trust us this time; we have it.

They misrepresent data to claim that their mission is accomplished, but when you dig below the surface of their top lines, you will find that the assault rate is exactly where it was in 2010—an average of 52 cases every single day—and 3 out of 4 servicemember survivors still don't think it is worth the risk of coming forward to report crimes committed against them.

Seventy-five percent don't trust the current system. One in seven victims was assaulted by someone in their chain of command. And in 60 percent of the cases, a supervisor or unit leader is responsible for either sexual harassment or sexual discrimination. This is not the climate our military deserves. It is no surprise, then, that one in three survivors believes that reporting would hurt their career.

For those who do report, they are more likely than not to experience retaliation. Despite a much touted reform that made retaliation a crime, the DOD made zero progress on improving the 62-percent retaliation rate that we had in 2012.

According to a Human Rights Watch report, the DOD cannot provide a single example of serious disciplinary action taken against those who retaliated against a victim of sexual assault. A sexual assault survivor is 12 times more likely to suffer retaliation than to see their offender get convicted of a sex offense.

In my close review of 107 cases—from the largest domestic military bases and one from each service—in 2013, I found that nearly half of those who did move forward and report ended up dropping out of their cases. Survivors still have little faith in this system. Under any metric the system remains plagued with distrust and does not provide the fair and just process that our men and women in the military deserve.

Simply put, the military has not held up to the standard posed by General Dempsey 1 year ago when he said:

We are on the clock, if you will . . . the President said to us in December, you've got about a year to review this thing . . . and if we haven't been able to demonstrate we are making a difference, you know, then we deserve to be held to the scrutiny and standard.

I urge my colleagues to hold the military to that higher standard. Enough is enough with the spin, with the excuses, and the false promises.

Just yesterday I received a letter from a survivor of military sexual assault who is serving Active Duty. She says:

The reason I am writing on her behalf is because I fear she will be retaliated against for speaking out.

While the military is on the Hill lobbying Senators not to support the Military Justice Improvement Act (MJIA), I am asking you to take a stand with survivors and their families.

These military lobbyists have good intentions; however, I am doubtful any of them will represent my perspective.

I have experienced the anguish of a child who has been raped by another servicemember, a fellow brother-in-arms whom she should have been able to trust.

Please support the Military Justice Improvement Act, a commonsense law that significantly improves the military justice system. Our military sons and daughters who survive these heinous crimes carry high rates of post-traumatic stress disorder and suicide. I believe that if the MJIA is passed, it could save lives and will positively affect the lives of survivors, both victims and their families.

No one should have to worry about retaliation from their chain of command when they report these crimes. Retaliation happens so often that a majority of these assaults go unreported. Every military victim of sexual assault deserves due process, professional treatment by a trained military individual, and equal opportunity to seek and receive justice.

Our military has promised improvement and has had adequate time in which to improve, but the numbers show that the military has failed to live up to its promise.

The Department of Defense has admitted that it made no progress since 2012. It is time for the chain of command to be removed from decision-making in sexual assault cases and replaced by those trained, non-biased military personnel, educated in the law and experienced in handling sexual assault cases.

Further, MJIA specifically carves out sexual assault and other serious crimes, with the remainder of military crimes being left in the chain of command.

Please hold the military to a higher standard by voting yes to an unbiased military system, promoted in MJIA.

We have to listen to our victims, our survivors, the men and women who give their lives to this country, who will sacrifice anything for this country. America's military, if they do these reforms, will have fewer dangerous criminals and far more heroes. The brave men and women we send to war to keep us safe deserve nothing less than a justice system equal to their sacrifice. By listening to the victims, we can deliver that.

I urge everyone here to listen to our brave survivors, support our bill, and do the right thing.

I would now like to yield the floor to one of the authors of the Military Justice Improvement Act, the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank Senator GILLIBRAND for her leadership in this area over a long period of time, and I add my voice to the support of her amendment. She has been a great leader on the issue. As you can see, she has a lot of passion in her dogged pursuit of justice.

Last year, when I spoke in favor of this measure, I made the point this was not a new issue that required further study or incremental reforms. We had been hearing promises for years and years that there would be zero tolerance and a real crackdown on military sexual assault. Last year, the National Defense Authorization Act included a lot of commonsense reforms, but it did not include any fundamental reform of the military justice system. We were told to give these new adjustments to the current system a chance to work and come back next year.

At the time, I made the point that we had already tried working within the current system to no avail. I am not one to advocate for major sweeping reform if less will address the problem, but what we have been doing has not worked.

Last year, after Congress passed the package of more modest reforms but not our Military Justice Improvement Act amendment, the Chairman of the Joint Chiefs of Staff, General Dempsey, said: “We have been given about a year to demonstrate both that we will treat this with the urgency it deserves and that we can turn the trend lines in a more positive direction.” He made clear that if we didn’t see real progress, he wouldn’t stand in the way of more major reforms. Well, we have not seen significant movement.

In terms of the number of sexual assault cases and the shocking rate of retaliation against those who report, we simply don’t see progress. That is probably because the current system is part of the problem. The fact that victims of sexual assault cannot turn to an independent system to get justice, combined with the very real fear of retaliation, acts as a terrible deterrent to reporting sexual assault. If sexual assault cases are not reported, they then cannot be prosecuted. If sexual assault isn’t prosecuted, it leads to predators remaining in the military and a perception that this sort of activity is going to be tolerated.

By allowing this situation to continue, we are putting at risk the men and women who have volunteered to place their lives on the line. We are also seriously damaging military morale and readiness.

Taking prosecutions out of the hands of commanders and giving them to professional prosecutors who are independent of the chain of command will help ensure impartial justice for the men and women of our Armed Forces. This would in no way take away the ability of commanders to punish troops under their command for military infractions. Commanders also can and should be held accountable for the climate under their command, but the point here is the sexual assault is a law enforcement matter, not a military one.

This isn’t some reform that came out of the blue either. We have an advisory committee appointed by the Secretary of Defense himself which came out in support of reforms. On September 27, 2013, the Defense Advisory Committee on Women in the Services—which goes by the acronym DACOWITS—voted overwhelmingly in support of each of the components of the Military Justice Improvement Act amendment.

DACOWITS was created way back in 1951 by then-Secretary of Defense George C. Marshall. The committee is composed of civilian and retired military men and women who are appointed by the Secretary of Defense to provide advice and recommendations on matters and policies relating to the

recruitment and retention, treatment, employment, integration, and well-being of highly qualified professional women in the Armed Forces. Historically, this committee’s recommendations have been very instrumental in effecting changes to laws and policies pertaining to military women.

The bottom line is, this isn’t some advocacy group or fly-by-night panel. It is a longstanding advisory committee handpicked by the Secretary of Defense and it supports the substance of our amendment to a tee.

We have tried reforming the current system and it didn’t work. When we are talking about something as serious and life-altering as sexual assault, we cannot afford to wait any longer. So I urge my colleagues to join us in supporting this amendment.

As we approach this from the outside, it gives me an opportunity to reiterate what I see so wrong in so many bureaucracies. We are always promised change, but as I have looked back over a couple or three decades of this problem of the culture of the various bureaucracies, nothing really happens from within. It has to happen from without. In this particular case of national defense being the No. 1 responsibility of the Federal Government, this change has to happen from without because it hasn’t happened from within, regardless of the promises.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, last year we gathered here to debate this issue, and I think it is really important to point out that everyone in this body has the same heart when it comes to this issue; that is, that we want to make sure victims who are assaulted in our military are protected and supported, that the system is highly trained and professional, and that perpetrators have due process but also are put in prison if the system finds them guilty. This difference is an honest policy difference over which system would better accomplish those goals.

Now, we have agreed on so much, I think it is important to point out the work the Congress has done reforming sexual assault in the military. Last year, we had over 26 different provisions that were enacted into law. This year, we haven’t stopped. We have 13 more provisions in this piece of legislation. There is simply a disagreement over which system would protect victims better.

There have been historic reforms, such as commanders having been stripped from their ability to overturn convictions. They are being held accountable under rigorous new standards and oversight. Every victim who reports now gets their own independent lawyer to protect their rights and fight for their interests. It is now a crime for any member to retaliate against a victim who reports a sexual assault. The “good soldier” defense has been removed, along with dozens and dozens more.

Yes, there were panels that looked at this issue, as the one just referenced by my colleague from Iowa—DACOWITS. They heard no testimony from expert witnesses. They heard a brief presentation by myself and Senator GILLIBRAND, but they didn’t spend days on it; whereas, the system’s response panel, put in place by this Congress, spent weeks and weeks examining this and heard from dozens and dozens of witnesses from every side of the issue. By the way, this panel was made up of a majority of civilians—the majority of them women—and it voted overwhelmingly to reject an approach that removes commanders from their responsibility and their duties and, therefore, their accountability.

One of the members of this Commission, the woman who runs the victims center at the Department of Justice for the entire country, said: “I went into this thinking Senator GILLIBRAND’s legislation made sense . . . but when you hear the facts, it doesn’t hold up.”

She was joined by the liberal icon—a feminist icon—Elizabeth Holtzman, who was the author of the rape shield statute in the Congress when she served as a Representative. She, too, spoke out, saying that once she understood the system and understood the facts, she agreed that keeping commanders accountable was crucial.

Now, have we seen progress? It is one thing to have anecdotal information, it is another to have a statistically valid survey. The same survey that shows retaliation is still a stubborn problem that we can’t give up on also shows some very important data. So if you are going to argue retaliation is a continuing problem, you are relying on the very same survey that tells us the following: incidents are down—that is meaningful progress—dropping 29 percent just in the last 2 years. Reporting continues to go up, which was our stated goal as we began these reforms. Reports are up 70 percent from 2012. Back in 2012, only 1 in 10 victims were reporting. We have that down to one in four. That is not spin, that is fact. These victims are coming forward because they have renewed confidence they will have support, they will get good information, and that the system is not stacked against them.

Increased reporting occurred in all categories. The number of unrestricted reports are up, restricted reports are up, and, importantly, the number of reports that victims converted from restricted to unrestricted.

Furthermore, they went around the country and did focus groups with victims. This was RAND. This wasn’t the military, this wasn’t the Department of Justice, this was the RAND Corporation—well known for its ability to do statistical information—that went around the country and did focus groups—11 different focus groups—on different bases with just victims and asked victims to come forward and participate in the survey.

In that survey—and this is really important—82 percent agreed their unit

commander supported them, 73 percent were satisfied with their unit commander's response, and 73 percent said they would recommend others report if they were a victim of sexual assault.

And this is really important: The Gillibrand amendment does nothing to combat retaliation. The recent RAND survey found that the majority of reported retaliation does not come from commanders; it comes from peers. This is a cultural problem we have to get after, and certainly I would stand ready to work with Senator GILLIBRAND, Senator GRASSLEY, and all of my colleagues to look to see what we have to do to get at this peer-to-peer retaliation, which is the vast majority of what was reported.

Finally, the Gillibrand amendment actually weakens punishment for the crime of retaliation. By moving retaliation from article 92 to article 93 of the UCMJ, it would actually reduce the maximum punishment for this crime, and it, finally, prohibits the resources necessary to get at this problem. The amendment says we cannot add any additional resources to get after this.

Historic reforms have been made. They are working, based on data. Talking to dozens and dozens of prosecutors and untold victims, as a former sex crimes prosecutor who cares about nothing more than taking care of victims and making sure they have due process and are respected and deferred to, I must urge this body to reject the Gillibrand approach, which removes commanders from being held accountable where they must be held accountable.

Mr. President, I urge a “no” vote on the Gillibrand amendment.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I wish to respond to the last point and the first point that my colleague made that somehow this reform makes commanders less responsible.

The PRESIDING OFFICER. The Senator is advised that all time for debate has expired.

Mrs. GILLIBRAND. I ask unanimous consent to continue the debate for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, this statement that somehow commanders are removed from responsibility and that we are not keeping commanders responsible, that couldn't be further from the truth. Today, commanders are the only ones responsible for good order and discipline at every level. The unit commander is responsible for order and discipline. Every aspect of the chain of command is responsible. It is their jobs to train troops, to maintain good order and discipline, to prevent rapes and crimes from being committed under their command, and to punish retaliation. They have failed in that duty.

In this chain of command, 97 percent of commanders are responsible and do

not have the convening authority we would like to give to prosecutors—97 percent, their job doesn't change one iota.

So to say you are making commanders less responsible is a false statement that has no bearing. In fact, they are 100 percent responsible for good order and discipline, for training their troops, to prevent these rapes, and to prosecute retaliation. In 1 year—they have been on notice for years about this, 25 years, and we have this zero tolerance. They are super on notice now—in 1 year, not one prosecution of retaliation.

This guy can prosecute retaliation under article 15. This guy can do something about retaliation. This guy, this guy, this guy. Only 3 percent have the right to convening authority, and that 3 percent needs to be moved to someone who is actually a lawyer, who is trained, who knows how to weigh evidence and can make the right decision, and that is not what is happening today.

So right now this supervisor and unit leader—in 60 percent of the cases where there is alleged gender discrimination or sexual harassment, it is the unit leader. One in seven of the alleged rapists is one of these commanders—chain of command.

There is a perspective by a survivor that this chain of command “does not have my back.” So I would like to give it to another chain of command—senior military prosecutors—to make this decision, so her perspective can be: Someone has my back. This chain of command may well be tainted for her if her unit commander is harassing her and her rapist is in the chain of command. We need to professionalize the system.

We are trying to make the military the best prosecutorial system in the world, and they can do this mission. We need to give them the tools, and having this current status quo—the status quo that has been in charge of no retaliation and no rape for 25 years—is failing. To have the same rate of retaliation we had 2 years ago when the commanders said: You must trust us to do this—every one of these commanders does not have convening authority, but every one of these commanders could have stopped retaliation.

When you say it is just peer-to-peer, it is dishonest. Thirty percent of the cases of retaliation are administrative, 30 percent of the cases are professional. Only a commander can administer administrative or professional retaliation.

This culture must change, and if Congress doesn't take their responsibility to hold the Department of Defense accountable, no one will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, the fiscal year 2015 NDAA passed last year included 34 new provisions dealing with

sexual assault. Commanders have barely had time to implement these provisions, let alone assess their effectiveness.

The fiscal year 2014 NDAA included more than 50 individual provisions, the most comprehensive set of changes to the Uniform Code of Military Justice since 1968.

Cumulative, the last three NDAAAs included 71 sections of law containing more than 100 unique requirements, including 16 congressional reporting requirements. This year's bill builds on that progress with 12 military justice provisions, including every proposal that was offered by Senator GILLIBRAND during the committee's markup of this legislation.

It is true that sexual assaults have been reduced. That is a fact. That is a fact. So to somehow allege that nothing has been done—her proposal is rejected by literally every member of the military whom I know who has years of experience.

We cannot remove the commanding officer from the chain of command, and that is what Senator GILLIBRAND's amendment and effort has been—to remove the commanding officer from responsibility—and I will steadfastly oppose it.

I hope that at some point the Senator from New York would acknowledge that we took in this bill every provision that she offered during the markup of the legislation.

So with respect and appreciation for Senator GILLIBRAND's passion and for her dedication on this issue, I respectfully disagree and urge my colleagues to reject this amendment.

Mr. President, I yield the floor.

UNANIMOUS CONSENT AGREEMENT—ORDER OF PROCEDURE

Mr. McCAIN. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture vote on the substitute amendment No. 1463 be waived; further, that there be 2 minutes of debate, equally divided, prior to each vote in the 2:15 p.m. series.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—Continued

AMENDMENT NO. 1549

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1549, offered