

we reauthorized the Bank. So I would ask the Senator from Utah: Why not move the confirmation of McWatters to the floor so my colleague can have a full-throated debate about the Bank? Why not have a full-throated debate instead of hiding that nomination in the Banking Committee and using that structure to thwart what in fact a majority of both bodies of the Congress and the President have done when they reauthorized the Bank?

Mr. LEE. I am grateful to respond to both points made by my distinguished colleague, the Senator from North Dakota.

In the first place, as to the need to have a full-throated debate, I welcome that. That is exactly what we need. It is what I have been wanting to have for a long time. But last year, instead of having a full-throated debate specifically about Ex-Im, we saw Ex-Im attached to a much larger package—a much larger package that a lot of people were determined to support, regardless of what else was in there. So a lot of people voted for that package, regardless of how they might feel about the Export-Import Bank. But as for a full-throated debate, yes, that is exactly what we need. We would get that if we could actually debate the reauthorization of Export-Import on its own merits, as we should have done last year. We were deprived of that opportunity, so now we are using every opportunity we can to have a real full-throated debate. That is why we are doing this. That is exactly the reason we need to do that.

As to the figure the Senator cited with respect to the percentage of loans going to small business, sure, if one wants to talk about the number of actual loans made, one can make that number look pretty good. But look at the number that I think is more significant: Only one-half of 1 percent of all small businesses in America actually benefit from Ex-Im financing. That is a pretty significant deal when one looks at how much of the lending authority in the total dollar amount the Export-Import Bank supplies to larger businesses and to businesses, regardless of their size, that could in fact obtain financing in the open market.

Again, we are not back in the Great Depression anymore. This is a Great Depression era relic. So regardless of what my colleague may think about the Great Depression era dynamics at play that caused those serving in this body and the House of Representatives in the 1930s to put this program in place, we have other challenges today. And many of those challenges are created by the government itself—by the government being too big a presence within our marketplace, inuring ultimately to the benefit of big business and harming everyone else.

Ms. HEITKAMP. Mr. President, I see other colleagues here ready to make presentations, but I just want to make two final points.

If my colleagues want a full-throated debate, then move the nomination onto

the floor and out of the committee. Let's have the debate. My colleagues are using the nomination to reemphasize and relitigate the Ex-Im Bank. Let's do it.

In the meantime, let's appreciate that, in spite of everything that is being said here, we need the Bank to be competitive. We need the Bank to make sure that we can, in fact, manufacture in this country. And that is something that gets lost in all the rhetoric.

I think one of the things we have an obligation to think about is all those jobs that are going to go someplace else and all those Americans who are going to stand in the line for unemployment benefits and who are going to get their pink slips. And who in the U.S. Senate wants to line up at the factory door as they are walking through the last time and shake their hand and say: You know, too bad you lost your job.

So I yield the floor, and I intend to have further debate about the Export-Import Bank.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would note that Senator KLOBUCHAR is here and she, I believe, wanted to participate in the discussion about the IMF, but we shortly have a vote, and we would very much like to proceed. The majority leader is here also.

I am prepared to speak now on the pending Reed amendment that we are going to go to a vote on at 11:15.

Ms. MIKULSKI. We need to talk on the bill.

Ms. KLOBUCHAR addressed the Chair.

Mr. REED. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. I yield the floor to the majority leader.

The PRESIDING OFFICER. The majority leader.

COMMERCE, JUSTICE, SCIENCE,  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 120, H.R. 2578.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 120, H.R. 2578, a bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 120, H.R. 2578, an act making appropriations for the Department of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, John Cornyn, Mike Crapo, Richard C. Shelby, Richard Burr, Daniel Coats, Ben Sasse, Roger F. Wicker, Thom Tillis, Steve Daines, Chuck Grassley, Susan M. Collins, Thad Cochran, James Lankford, Lamar Alexander, John Hoeven, Roy Blunt.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MCCONNELL. I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 4549

Mr. REED. Mr. President, I would like to make some brief remarks with respect to the Reed amendment that is pending, before our vote. Senator MIKULSKI would like to also, and I note the chairman is here. But I ask unanimous consent that when I finish my brief remarks, Senator MIKULSKI be recognized.

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

Mr. REED. I thank the Chair.

Mr. President, we have had a very extensive and very thoughtful debate about the underlying amendment by Senator MCCAIN to increase OCO spending by \$18 billion strictly for Department of Defense operations and functions, and those are very critical and very important.

There have been two principles we have followed over the last several years when it comes to trying to push back the effects of sequestration. Those principles have been that the security of the United States is significantly affected by the Department of Defense's operations, but not exclusively. Indeed, there are many functions outside the parameters of the Department of Defense that are absolutely critical and essential to the protection of the American people at home and abroad: the FBI, the Department of Homeland Security, the CDC. So that has been one of the principles. The other principle we recognize is that that in lifting these temporary limits, we have to do it on an equal basis.

What the amendment Senator MIKULSKI and I have offered does is embrace

these two principles. We would add an additional \$18 billion to the chairman's \$18 billion. That would encompass the broader view of national security, and do so in a way that I think is very sensible, and allow us to go forward as we have in the past.

All of us recognize the extraordinary sacrifices made by the men and women of our Armed Forces and the fact that they continue to serve as the frontline of the defense in so many different aspects. But we also recognize that defending our interests means agencies outside the Department of Defense—the State Department, Homeland Security—that have absolutely critical and indispensable roles in our national security.

Reflecting on the comments before about the potential for incidents both here and abroad, if we go back to 9/11, that was not a result of a failure to have trained Army brigades or marine regiments or aircraft carriers at sea; that was a deficiency in the screening of passengers getting on airplanes; that was a failure to connect intelligence that one FBI office had that was not shared effectively. Those threats to the United States will not be directly remedied even as we increase resources to the Department of Defense. Resources have to go to these other agencies as well. I think that is something we all recognize, and that is what is at the heart of what we are doing.

In addition, over the last decade we have seen a host of other threats, particularly cyber threats, which were rudimentary back in 2001, 2002, and 2003. Now we see them as ubiquitous—not rudimentary—and threatening and with an increasing sort of sophistication.

I recall that in a hearing Senator COLLINS and I had with the Department of Transportation and the Department of Housing and Urban Development, we asked the IG: What is the biggest issue that you think is facing your Departments right now? Both said it is the issue of cyber security—protecting the data we have, protecting the records we have, protecting ourselves from being an unwitting conduit into even more sensitive government systems.

So within our amendment, we propose significant resources for cyber protections throughout the Federal Government—Homeland Security, Health and Human Services, Housing and Urban Development, et cetera. These are essential, and I think the American people understand that.

We also understand that our infrastructure is critical to our economic well-being and our economic growth. Part of our dilemma going forward and one of the reasons we are locked in this sequestration battle is that unless we are growing our economy, we will be continually faced with difficult challenges about what we fund, how we fund it, how we provide the revenue to meet these obligations. One of the surest ways to increase our growth is to invest in our infrastructure.

I think what we are proposing makes sense in two fundamental ways. It recognizes—as I think everyone does—that our national security is not exclusively related to the programs and functions of the Department of Defense and that our national security is a function not just of our military, intelligence, and other related agencies, but the vitality and strength of the country, the ability to grow and to afford these investments in defense, in homeland security, and others. We make it clear. We make it clear in this legislation that that is our proposal. And the stakes are clear: We want to go ahead and support a broad-ranged increase in resources.

The final point I will make is that this is all in the shadow of the ultimate issue, which is getting rid of sequestration—not just for one part of the government but for the entire government. If we don't address that next year, we are going to be in an extraordinarily dire situation.

With that, I ask my colleagues sincerely and very fervently to support the Reed-Mikulski amendment. I think that would put us on the track to true national security.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time does our side have?

The PRESIDING OFFICER. There is no divided time. We have a vote scheduled at 11:15 a.m. but no divided time.

Ms. MIKULSKI. Well, I will be quick in my remarks.

First, I just want to comment about real leadership and how blessed we are to have what we have. I compliment both the chairman and the ranking member of the Armed Services Committee. The chairman, Senator MCCAIN, is a graduate of the Naval Academy and is a well-known and well-respected war hero who for his entire life has stood for defending America. Our ranking member, Senator JACK REED of Rhode Island, is a West Point graduate and a paratrooper, so he knows what it is like to make big leaps for the defense of the country. They have done their best to do a bill. They find that their budget allocation is very tight, and we understand that.

What we seek here is parity in what the gentleman from Arizona, Senator MCCAIN, is offering as his amendment, and he has spoken thoroughly and eloquently about it. Senator REED has spoken eloquently about how not all national security is in the Department of Defense, and we need more money for the State Department, Homeland Security. There are others in our part of the bill, the nondefense discretionary part, related to research and development and also investments in health and education.

There are those who would say: Well, Senator MIKULSKI, you know what Senator MCCAIN wants to do.

Yes.

You know what Senator REED wants to do. Not all defense is in DOD.

Yes.

But aren't you being squishy?

No, I am not being squishy at all when we talk about the needed non-defense discretionary for research and others.

Very quickly, when we won World War II, Roosevelt made it clear that it was our arsenal of democracy that enabled one of the greatest fighting machines ever assembled to be successful. We need to continue to have an arsenal of democracy. That arsenal of democracy will always be cutting edge and maintain its qualitative edge because of what we will do with research and development, often in civilian agencies, whether it is the Department of Energy that will produce more trucks, whether it is the National Science Foundation working with others to make us even more advanced in computational capacity so that we have the best computers to defend us, not only in cyber security but in others. There is a new kind of arsenal of democracy, and we need to have a strong economy and we need to have continued research and development to maintain our qualitative edge.

Let's go to the wonderful men and women who serve our military. Only 2 percent of the population signs up, but when they sign up, boy, are we proud of them. We share that on both sides of the aisle. But what GEN Martin Dempsey, the former head of the Joint Chiefs—himself a decorated hero—said to me was this: Senator MIKULSKI, out of every four people who want to enlist in our military, only one is taken because only one will be fit for duty. One category can't pass because they can't pass the physical fitness. They have too many physical problems.

Well, why is that?

Then the other won't be taken by the military because they fail the literacy and the math—a failure of education. Third, there is another category because of issues with either addiction or emotional problems.

So we need to look at our total population. We need a totally strong America to have a strong defense.

I know some people say what I want to do and some of my colleagues want to do—we not only want to maintain parity in the Budget Act consistent with our votes and our principles, but look at that. Also, when we vote, know why we are doing this. We want to maintain our arsenal of democracy. We want to maintain our cutting edge and our qualitative edge. We also want our young men and women to be fit for duty, whether it is for military service or other service to the Nation.

I know the gentleman from Arizona is waiting. I have now completed my remarks, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Maryland. She is tough and principled, a great representative of her State, and she has been a friend for many years. I thank

her for her words. I also respectfully, obviously, disagree.

This vote is obviously one that places domestic considerations on the same plane as national security. As we look around the world, I think it is pretty obvious that since 2011—the world was a very different place when sequestration was enacted. We need to have a military that is prepared to fight and is not unready, planes that can fly, ships that can sail, and men and women who are trained to fight. All of those have been impacted by sequestration.

With the Director of National Intelligence telling the Armed Services Committee and the world that there will be attacks in Europe and the United States of America, we cannot afford an \$18 billion cut from last year and an over \$100 billion cut since 9/11.

Every one of our military leaders has told us that we are putting the men and women who are serving in uniform at greater risk. That is not fair to them, I say to the Senator from Maryland. It is not fair. So I don't put our domestic needs on the same plane as our national security. I believe our national security is our first obligation, and that is what my amendment is all about.

Mr. President, I ask unanimous consent for 3 minutes on the Democratic side and 3 minutes on my side prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reed amendment No. 4549 to the McCain amendment No. 4229 to S. 2943, the National Defense Authorization Act.

Harry Reid, Jack Reed, Richard J. Durbin, Michael F. Bennet, Charles E. Schumer, Patty Murray, Richard Blumenthal, Jeff Merkley, Jeanne Shaheen, Al Franken, Gary C. Peters, Bill Nelson, Barbara Boxer, Robert Menendez, Sheldon Whitehouse, Amy Klobuchar, Barbara A. Mikulski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No.

4549, offered by the Senator from Rhode Island, Mr. REED, to amendment No. 4229 to S. 2943, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—43

Ayotte	Gillibrand	Nelson
Baldwin	Heinrich	Peters
Bennet	Heitkamp	Portman
Blumenthal	Hirono	Reed
Booker	Kaine	Reid
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Markey	Stabenow
Casey	McCaskill	Udall
Coons	Menendez	Warren
Donnelly	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murphy	
Franken	Murray	

NAYS—55

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Risch
Boozman	Graham	Roberts
Burr	Grassley	Rounds
Capito	Hatch	Rubio
Carper	Heller	Sasse
Cassidy	Hoeven	Scott
Coats	Inhofe	Sessions
Cochran	Isakson	Shelby
Collins	Johnson	Sullivan
Corker	Kirk	Tester
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Cruz	McCain	Vitter
Daines	McConnell	Wicker
Enzi	Moran	
Ernst	Murkowski	

NOT VOTING—2

Sanders Warner

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, there will now be 6 minutes of debate, equally divided, prior to the vote.

Ms. MIKULSKI. Mr. President, today I will vote against Senator MCCAIN's amendment No. 4229, the \$18 billion of additional spending for the Department of Defense.

I support the troops and their mission, especially Maryland's nine military bases. While there are many items I would like to see more money for, I believe we can meet the needs of our national defense within the budget caps. For fiscal year 2017, the Department of Defense appropriations bill reported unanimously by the Appropriations Committee last week did that.

The Defense appropriations bill accomplishes many objectives without a budget gimmick. It uses base funding to provide \$600 million to meet Israel's missile defense, an increase of \$455 mil-

lion above the request. The McCain amendment offers only \$465 million. Appropriations will add \$600 million to Israeli defense.

Let's look at new, modern ships. The McCain amendment authorizes \$90 million less for the littoral ships than what we do. We put in \$475 million. The McCain amendment adds nothing to an account for the National Guard and Reserve. The Defense appropriations bill adds \$900 million for the Guard and Reserve equipment account so they can recapitalize themselves, so they can be part of our fighting military for our Commander in Chief.

Also, we can look at something like the Arctic. There is a threat to the Arctic. Senator MURKOWSKI from Alaska has spoken eloquently about it. We have money in here for polar icebreakers. The Russians have 6, and we have 1 in Antarctica. This helps the shipbuilding industry and so on.

We can do this in Defense appropriations. I urge the rejection of the McCain amendment. We can meet our national defense without a budget gimmick.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, facts are stubborn things. They add \$7 billion. We want \$18 billion to restore the cuts from last year.

So I say to the Senator from Maryland: Facts are stubborn things. The fact is this amendment increases spending by \$18 billion, which brings us up to last year's level.

Look at how the world has changed in the last year. Look at the commitments that this Nation has assumed as a result of a failed Obama foreign policy.

It increases the military pay raise to 2.1 percent. The current administration budgets 1.6. It fully funds our troops in Afghanistan. It stops the cuts to end strength and capacity. For example, it cancels a planned reduction of 15,000 active Army soldiers. It prevents cutting the 10th carrier air wing. It includes additional funding for 36 additional UH-60 Blackhawk helicopters, five Apaches, and five Chinooks. It provides an additional \$319 million for Israeli defense programs and \$2.2 billion for readiness.

We have ships that can't sail and planes that can't fly and pilots that can't train. Do you know our pilots are flying less hours than Russian and Chinese pilots are, thanks to sequestration?

It addresses the Navy's ongoing fighter shortfall and USMC aviation readiness. It supports the Navy's shipbuilding programs, necessary to fund the additional DDG-51, and restores the cut of 1 littoral ship. That is the job of the authorizers. You are doing the job of the authorizers, I say to the Senator from Maryland, and that is wrong. It is up to us to authorize, not you. It is your job to fund, not to authorize.

So what is a "no" vote going to do, my friends?

It is going to be a vote in favor of another year where the pay for our troops doesn't keep pace with inflation. In voting no, you are cutting more soldiers and marines in operational requirements. Voting no will be a vote in favor of continuing to shrink the number of aircraft that are available to the Air Force, Navy, and Marine Corps. Voting no would be a vote in favor of letting arbitrary budget caps set the timeline for our mission in Afghanistan. Voting no is a vote in favor of continuing to ask our men and women in uniform to continue to perform more and more tasks.

As the Chief of the U.S. Army has said, if we continue these cuts, we are putting the lives of the men and women in the military in danger. If you vote no, don't go home and say you support the military, because you do not.

I yield.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McCain amendment No. 4229 to S. 2943, an act to authorize appropriations for fiscal year 2017 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.

John McCain, John Cornyn, Marco Rubio, Roger F. Wicker, Richard Burr, James M. Inhofe, Pat Roberts, Tom Cotton, Thom Tillis, Roy Blunt, Shelley Moore Capito, Dan Sullivan, Lindsey Graham, Lisa Murkowski, David Vitter, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4229, offered by the Senator from Arizona, Mr. MCCAIN, to S. 2943, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

THE PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 96 Leg.]

#### YEAS—56

Ayotte	Boozman	Collins
Baldwin	Burr	Cornyn
Barrasso	Capito	Cotton
Bennet	Casey	Crapo
Blumenthal	Cassidy	Cruz
Blunt	Coats	Daines

Donnelly	King	Rubio
Ernst	Klobuchar	Sasse
Fischer	McCain	Scott
Gardner	McCaskill	Sessions
Graham	McConnell	Shelby
Hatch	Moran	Stabenow
Heinrich	Murkowski	Sullivan
Heitkamp	Perdue	Thune
Hoeven	Peters	Tillis
Inhofe	Portman	Toomey
Isakson	Risch	Vitter
Johnson	Roberts	Wicker
Kaine	Rounds	

#### NAYS—42

Alexander	Franken	Murphy
Booker	Gillibrand	Murray
Boxer	Grassley	Nelson
Brown	Heller	Paul
Cantwell	Hirono	Reed
Cardin	Kirk	Reid
Carper	Lankford	Schatz
Cochran	Leahy	Schumer
Coons	Lee	Shaheen
Corker	Manchin	Tester
Durbin	Markey	Udall
Enzi	Menendez	Warren
Feinstein	Merkley	Whitehouse
Flake	Mikulski	Wyden

#### NOT VOTING—2

Sanders	Warner
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The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Arizona.

#### AMENDMENT NO. 4229 WITHDRAWN

Mr. MCCAIN. Madam President, I withdraw my amendment No. 4229.

The PRESIDING OFFICER. The Senator has that right, and the amendment is withdrawn.

#### AMENDMENT NO. 4607

Mr. MCCAIN. Madam President, I call up my amendment No. 4607.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4607.

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

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

The amendment is as follows:

(Purpose: To amend the provision on share-in-savings contracts)

On page 508, strike line 10 and all that follows through “(d) TRAINING.—” on line 15 and insert the following:

Section 2332 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) TRAINING.—

Mr. MCCAIN. Madam President, I believe we are waiting for the Senator from Utah.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—AUTHORITY FOR COMMITTEES TO MEET

Mr. FLAKE. Madam President, I have five unanimous consent requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders.

I ask unanimous consent that these requests be agreed to and that these requests be printed in the RECORD.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Madam President, for the benefit of my colleagues, until we finish this bill, I don't want anybody doing anything but finishing this legislation.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, while we are waiting, I believe that one of the Senators is coming to the floor for a unanimous consent request.

I would like to talk for a minute with my friend from Rhode Island, the ranking member, about a provision that is being held up, unfortunately, and that has to do with our interpreters, who have literally placed their lives on the line in order to help Americans and literally save American lives. That amendment is being held up for extraneous reasons.

The Senator from New Hampshire, I, and everybody on a bipartisan basis, and with fervent pleas from people such as GEN David Petraeus, GEN Stanley McChrystal, and Ambassador Ryan Crocker—later on I will read all of these individuals' letters that are almost wrenching because, in the words of, I believe, General McChrystal, it is not just a regular obligation, it is a moral obligation. Are we going to not allow these people to come to the United States, these people who literally laid their lives on the line for us and saved American lives, in the view of our military leadership who testified to that? General Petraeus wrote a very compelling letter. All the most respected military and diplomatic leaders have asked for this, and it is being held up for extraneous reasons.

I alert my colleagues that the Senator from Rhode Island and I are going to ask unanimous consent to move to that amendment because there are 99 votes in favor of it.

We cannot do this. We cannot do this to people who are allies. What message does it send to anybody who wants to assist the U.S. military and government—not just the military; the government—in carrying out their responsibilities and missions? If we send the message that we are going to abandon those people, what will happen in the next conflict? What will happen in Afghanistan today?

I hope an objection will not take place. I would like to alert my colleagues that in the next 15 or 20 minutes we will be moving that amendment, asking unanimous consent. Anyone who opposes it, I suggest they come to the floor and be prepared to object. This is really a matter of what America is all about. As important as an amendment that is not connected to that is, I don't know of a higher obligation we have than to care for those who have, as I say for the third time, laid their lives on the line and saved American lives in our pursuit of trying to achieve our goals.

So I would alert my colleagues that in 15 minutes we will be proposing a

unanimous consent agreement to pass that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I join the chairman. He has very eloquently and passionately described the situation we are in. We have thousands of Afghans who have come forward and helped our forces—not just our military forces but our diplomats and our AID workers. They have been the translators. They have been on the frontlines, and they have exposed themselves to risk. Many of them are in danger of retaliation. What they want and what I think is owed to them is the opportunity to relocate to the United States.

The Senator from New Hampshire has proposed an amendment and has worked incredibly hard to satisfy objections from many different quarters, both technical and substantive, and I think has reached a very principled approach that would recognize our obligations to these individuals. It would, in a very controlled and very careful way, allow them to relocate to the United States.

Again, I thank the chairman for his passionate leadership and the Senator from New Hampshire for her extraordinary and tireless efforts, for the last 24-plus hours and throughout the larger process.

The other point I wish to make, and it does echo what the chairman said, in Afghanistan and elsewhere, but particularly in Afghanistan, if we are going to sustain our presence there, as I believe we must, we have to be able to recruit additional Afghans to help us. If the message they are getting is “You are going to put your life on the line, and when you are no longer useful to them, they don’t even remember you. You are not even a name; you are just a nobody,” we are going to have a difficult time. If we can’t recruit these highly skilled interpreters and other Afghans, our personnel—diplomatic, military, and others—will be in jeopardy. In addition to supporting our troops, some of these interpreters have been involved with FBI agents who were in Kabul and other places on counterterrorism operations. It is very dangerous work. Work that couldn’t be done without these interpreters.

Again, the Senator from New Hampshire has done the bulk of the work, and we have done good work in getting to the point where we really need to get this passed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I join Chairman McCAIN and Ranking Member REED in the very eloquent remarks they have provided in support of the Special Immigrant Visa Program for Afghans who have assisted our men and women on the ground serving in Afghanistan.

Chairman McCAIN mentioned the letter from GEN Stanley McChrystal. I

would like to read a few sentences from this letter that was sent to all the Members of Congress.

General McChrystal says:

The U.S. military presence in Afghanistan relies on allies who serve as translators, security personnel, and in a multitude of other functions. All of these actors are vital to the U.S. mission, whether [they] work directly or indirectly with U.S. forces. Afghans who served the United States in non-military capacities or in support of the Department of State face serious threats as a result of their service.

He goes on to say:

If this program falls far short of the need, it will have serious national security implications.

We have received similar letters from GEN John Campbell, who was head of the forces in Afghanistan, and from General Nicholson, who is currently the general and commander of resolute support of United States Forces-Afghanistan. Ryan Crocker, a former Ambassador in Afghanistan, has been very eloquent in the need to continue to support this program and make sure those Afghans who have stood with our American soldiers can come to the United States.

Madam President, I ask unanimous consent to have printed in the RECORD these letters and this article from Ryan Crocker.

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

MCCHRYSTAL GROUP, LLC,  
Alexandria, Virginia, May 1, 2016.

Hon. Senator JOHN MCCAIN,  
Russell Senate Office Building,  
Washington, DC.

Hon. Senator JACK REED,  
Hart Senate Office Building,  
Washington, DC.

Hon. Representative MAC THORBERRY,  
Rayburn House Office Building,  
Washington, DC.

Hon. Representative ADAM SMITH,  
Rayburn House Office Building,  
Washington, DC.

Hon. Senator CHARLES GRASSLEY,  
Hart Senate Office Building,  
Washington, DC.

Hon. Senator PATRICK LEAHY,  
Russell Senate Office Building,  
Washington, DC.

Hon. Representative BOB GOODLATTE,  
Rayburn House Office Building,  
Washington, DC.

Hon. Representative JOHN CONYERS, JR.,  
Rayburn House Office Building,  
Washington, DC.

DEAR SENATORS AND REPRESENTATIVES: I write today to express my support for the Afghan Special Immigrant Visa (SIV) program and to express my opinion that additional SIVs are desperately needed.

Throughout my service in the U.S. military, I have seen just how important a role our in-country allies play in our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—but have risked their own and their families’ lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security. I ask for your help in upholding this obligation by appropriating additional Afghan SIVs to bring our allies to safety in America.

It is crucial that Congress act to provide additional visas for the SIV program. The most recent figures from the State Department suggest that at least 10,000 applicants remain in the SIV processing backlog; as our troop presence in Afghanistan continues, we can only expect more endangered Afghan allies to seek our help, adding to the backlog. The Department of State has indicated that an additional 4,000 Afghan SIVs for the year would allow it to continue to process and issue visas in Fiscal Year 2017. If this program falls far short of the need, it will have serious national security implications.

I am also concerned that Congress may limit eligibility for SIV applicants. The U.S. military presence in Afghanistan relies on allies who serve as translators, security personnel, and in a multitude of other functions. All of these actors are vital to the U.S. mission, whether the work directly or indirectly with U.S. forces. Afghans who served the United States in non-military capacities or in support of the Department of State face serious threats as a result of their service. They are currently eligible for the SIV program and their eligibility should remain intact.

Thank you for your support of the Special Immigrant Visa program. Congress must ensure that the SIV program for our Afghan allies—one of the only truly non-partisan issues of the day—meets the needs of those we seek to help.

Sincerely,

STANLEY A. MCCHRYSTAL,  
General, U.S. Army (Retired).

HEADQUARTERS,  
RESOLUTE SUPPORT,

Kabul, Afghanistan, May 20, 2016.

Hon. JOHN MCCAIN,  
Chairman, Armed Services Committee,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I would like to express my support for the continuation of the Special Immigrant Visa (SIV) program. It is my firm belief that abandoning this program would significantly undermine our credibility and the 15 years of tremendous sacrifice by thousands of Afghans on behalf of Americans and Coalition partners. These men and women who have risked their lives and have sacrificed much for the betterment of Afghanistan deserve our continued commitment. Failure to adequately demonstrate a shared understanding of their sacrifices and honor our commitment to any Afghan who supports the International Security Assistance Force and Resolute Support missions could have grave consequences for these individuals and bolster the propaganda of our enemies.

During my previous three tours in Afghanistan, I have seen many Afghans put themselves and their families at risk to assist our forces in pursuit of stability for their country. The stories of these interpreters and translators are heart-wrenching. They followed and supported our troops in combat at great personal risk, ensuring the safety and effectiveness of Coalition members on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies.

Afghanistan faces a continuing threat from both the Afghan insurgency and extremist networks. We must remain committed to helping those Afghans who, at great personal risk, have helped us in our mission. This is the second year the Afghan National Defense and Security Forces (ANDSF) are in the lead for security. They are fighting hard and

fighting well for a stable, secure Afghanistan. The vast majority of the SIV applicants have served as interpreters and translators for our troops. They have exposed themselves and compromised the safety of their families to provide critical situational awareness and guidance, both of which have helped save countless Afghan, American and Coalition lives.

Thank you for your continued support of American troops in Afghanistan.

Very Respectfully,

JOHN W. NICHOLSON,  
*General, U.S. Army,  
Commander, Resolute Support/United States Forces—Afghanistan.*

HEADQUARTERS,

UNITED STATES FORCES-AFGHANISTAN,  
*Kabul, Afghanistan.*

Hon. JOHN MCCAIN,  
*Chairman, Armed Services Committee,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN, I am writing you to express my strongest support for the Special Immigrant Visa (SIV) program.

Since our arrival in Afghanistan, U.S. Forces have relied upon our Afghan partners, especially our linguists, to perform our mission. They have consistently been there with us through the most harrowing ordeals, never wavering in their support for our soldiers, our mission, and their own country. Many have been injured or killed in the line of duty.

Unfortunately, their support of our mission has resulted in our Afghan partners facing threats from insurgent groups throughout the country. They frequently live in fear that they or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

After several ups and downs, the program remains an extremely important way for the United States to protect those who assisted us. By December 2014, the Department of State had issued all 4,000 Afghan SIVs allocated under the Consolidated Appropriations Act for Fiscal Year (FY) 2014. As you know, the FY15 National Defense Authorization Act provides 4,000 additional SIVs for Afghan applicants. The State Department's Status of Afghan Special Immigrant Visa Program report in April 2015 shows there are more than 8,000 SIV applications that have been submitted. Each week, I receive several personal requests and inquiries from linguists and others who have worked with, or continue to work with, U.S. Forces, seeking assistance with the Afghan SIV program. I inform them how we are working closely with Congress to obtain adequate SIV allocations each year. This shows just how important this program remains to our Afghan partners, as well our own forces.

Since I assumed command of the Resolute Support Mission/U.S. Forces-Afghanistan, much has changed and the Afghan National Defense Security Forces (ANDSF) are in the lead to secure the country. We have a willing and strategic partner whose interests are aligned with our own. The ANDSF is taking the fight to the enemy this fighting season and are performing well. Our prospects for long-term success and a strategic partner have never been better. We would not be in this position without the support and leadership of the U.S. Congress, the American people, the men and women who have served here with distinction, and our Afghan partners.

I urge Congress to ensure that continuation of the SIV program remains a prominent part of any future legislation on our ef-

forts in Afghanistan. This program is crucial to our ability to protect those who have helped us so much.

Thank you for your support for America's Soldiers, Sailors, Airmen, and Marines.

Sincerely,

JOHN F. CAMPBELL,  
*General, U.S. Army, Commanding.*

[From the Washington Post, May 12, 2016]

DON'T LET THE U.S. ABANDON THOUSANDS OF AFGHANS WHO WORKED FOR US

(By Ryan Crocker)

The House will soon consider the National Defense Authorization Act, an annual piece of legislation that sets policy for the military. If the bill becomes law in its current form, the United States will break faith with the Afghans who served with U.S. troops and diplomats.

This is a very personal issue for me. I was the U.S. ambassador to Iraq from 2007 to 2009 and the U.S. ambassador to Afghanistan from 2011 to 2012. I observed firsthand the courage of the citizens who risked their lives trying to help their own countries by helping the United States. During my time in Afghanistan, I had the pleasure of working with the 859 Afghan staffers at our embassy who risked their lives every day to work for the betterment of their country and ours. It takes a special kind of heroism for them to serve alongside us.

Two men continue to stand out in my memory for their service to our nation. Taj, for instance, worked for the U.S. government for more than 20 years; he returned from Pakistan after the fall of the Taliban as the first local staffer in the reopened embassy. He was there when I first raised our flag in early 2002. His outreach to imams to discuss religious tolerance and women's rights under the Koran has achieved measurable results in fighting extremism. Another, Reza, helped connect embassy leadership with politicians and thought leaders, supporters and critics, to hear their concerns and ideas. To protect these brave men and their families, I can use only their first names here.

As a result of their service, many allies like Taj and Reza have faced—and continue to face—security threats so serious that they are unable to remain in their home countries. From 2006 to 2009, I worked closely with the Congress to establish special immigrant visa (SIV) programs for Afghans and Iraqis that enable our brave partners to come to safety in the United States because of the sacrifices they made on our behalf. Although Iraqi and Afghani “special immigrants” do not technically come as refugees under the law, that is exactly what they are, in essence: people persecuted because of their political actions and in urgent need of protection. Reza, for example, faced Taliban death threats for his work assisting our embassy and now lives in the United States.

In an era of partisan rancor, this has been an area where Republicans and Democrats have acted together. Congress has continued to support policies aimed at protecting our wartime allies by renewing the Afghanistan SIV program annually—demonstrating a shared understanding that taking care of those who took care of us is not just an act of basic decency; it is also in our national interest. American credibility matters. Abandoning these allies would tarnish our reputation and endanger those we are today asking to serve alongside U.S. forces and diplomats.

By welcoming these Afghans, we would offer a powerful counter-narrative to the propaganda of the Islamic State and other extremist groups, which claim that the United States is hostile to Muslims. Turning our backs on people who worked with us would appear to give credence to the extremists' lies.

The need for help is particularly great this year as the U.S. military has reduced its presence in Afghanistan. There are 10,000 Afghans in the SIV application backlog. But the State Department has fewer than 4,000 visas remaining, which would leave more than 6,000 Afghans stranded in a country where their work for the United States means they are no longer safe. State requested 4,000 additional visas so that it can continue to process applications. Yet even these additional visas are not enough to protect all the Afghans and Iraqis who have worked and continue to support the United States abroad.

But the legislation, as it passed the House Armed Services Committee last week, goes in the opposite direction. Despite this backlog, the bill has no provision to increase the number of visas. It restricts the criteria for eligibility to military interpreters and translators who worked off-base and individuals who worked on-base in “trusted and sensitive” military support roles, excluding Afghans who worked in non-military roles such as on-base security, maintenance and support for diplomats and other government entities. Neither Taj nor Reza would have qualified under such revised criteria. When deciding whom to kill, the Taliban do not make such distinctions in service—nor should we when determining whom to save.

There is still time to save and strengthen this essential program. This week, the Senate Armed Services Committee is considering the bill. In past years, the bipartisan efforts of leaders like Sens. John McCain (R-Ariz.) and Jeanne Shaheen (D-N.H.) have kept these essential visa programs intact, and I hope they can do the same this year. Congress should both expand this essential program and work to fix the delays in processing that are weakening it.

This is truly a matter of life and death. I know hundreds of people who have been threatened because of their affiliation with the United States. Some have been killed. Today, many are in hiding, praying that the United States keeps its word. We can and must do better.

Mrs. SHAHEEN. Madam President, as Senator REED said, the amendment we have offered has been very carefully crafted. It has been a compromise among those who have had concerns about the program and those of us who believe it is critical we continue to support it. This is something all of those who have been watching this program have now agreed to, and I hope the objection we are hearing from some, that I think is unrelated to this issue, can be addressed.

I close with a story that says to me how important this program is. Senator MCCAIN and I had the opportunity 2 years ago to sit down with a former Army captain, a man named Matt Zeller, and his interpreter, an Afghan named Janis Shinwari, who had just been allowed into the United States. When I asked Matt Zeller how he met Janis and about the help he had provided him, his response was that they had met basically when he and his unit were under attack from the Taliban and he was knocked out in that attack. When he woke up, it wasn't he and fellow unit members of the military who were dead, it was the Taliban, and they were dead because Janis Shinwari was there and had protected Matt and the fellow members of his unit.

I think that says so much about how important these interpreters and those who have provided support to our men and women on the ground in Afghanistan have been. What will we say the next time we want somebody to help, when we need help in a country where our men and women are fighting, if they can look back and say: You didn't keep your word, United States, so why should we help you now?

This is our opportunity to continue to keep our word, to continue to make sure those people who helped us in Afghanistan, who protected our men and women on the ground there, are able to come to the United States when they are threatened, when their families are threatened, and be safe.

I certainly hope we can work out the objection we are hearing from some Members and that we can support this very carefully crafted compromise to make sure we protect those who have helped protect us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### INDUSTRIAL HEMP FARMING ACT

Mr. WYDEN. Madam President, we are working on the very important Defense bill, but I just wanted to take a few minutes to discuss another topic.

For some time, with the support of the Senate majority leader, Mr. MCCONNELL, Senator MERKLEY and Senator PAUL and I have all been trying to change Federal law so farmers across the country can secure the green light to grow hemp in America.

About a year ago, I came to the floor of the Senate with a basket of hemp products to highlight that this is a particularly important time in the debate—a time in history when we have kind of reflected on what this issue has been about. I have talked about how hemp products are made in this country, sold in this country, and consumed in our country, but they are not 100-percent American products. They can't be fully red, white, and blue products because the law says the hemp used to make them cannot be grown on a large-scale basis here at home.

Another year has gone by since the majority leader, Senator MERKLEY, Senator PAUL, and I teamed up, and unfortunately industrial hemp continues to be on the controlled substances list. Because of that unjustified status, hard-working farmers in Oregon and across our country have been deprived of the opportunity and benefits of a crop that has enormous economic potential—all because there has been this misinterpretation that in some way this is affiliated with marijuana.

Industrial hemp and marijuana come from the same plant species. Someone could say they have a similar look, but they are, in fact, very different in key ways. First and foremost, industrial hemp does not have the psychoactive properties of marijuana. You would have about as much luck getting high by smoking cotton from a T-shirt as you would by smoking hemp. In my

view, the hemp ban looks like a case of illegality for the sake of illegality.

Four Members of the United States Senate, including the Senate majority leader, want to bring an end to this anti-hemp stigma that has, in effect, been codified in the law. We have talked about a whole host of hemp products—foods, soap, lotion supplements, hemp milk, and you can even use a hemp product to seal the lumber in a deck.

If you just look at the variety of products—the kinds of products I have shown here before—you can certainly see the ingenuity of American producers. You see a growing demand of American consumers for hemp products. My view is our hard-working farmers ought to have the opportunity to meet that demand.

Unfortunately, 100 percent of the hemp used in the kinds of products I brought to the floor have to be imported from other countries. So this ban on hemp is not anti-drug policy, it is anti-farmer policy. I have held this belief. I remember going to a Costco at home, when my wife Nancy was pregnant with our third child, and I saw there were hemp products available there at the local Costco, and I announced what was going to be a guiding principle of mine on this; that is, if you can buy it at a local supermarket, the American farmer ought to be able to grow it. Quaint idea, but I think if you walk through a Costco or any other store, you say to yourself: Must be pretty exasperating for American farmers to not have an opportunity to be part of generating that set of jobs associated with the ag sector because the jobs are coming from people overseas.

There has been a bit of progress. The 2014 farm bill puts the first cracks in the Federal ban. It okayed growth research projects led by universities and agriculture departments in States such as Oregon and Kentucky that take a smarter approach to hemp. These projects have proven successful. Farmers are ready to grow hemp, but the first cracks in the Federal ban do not go far enough, and these projects are still just tied up, tied up, and tied up in various spools of redtape.

In my view, what is needed is a legislative solution. So what we now have, in addition to the four of us—the Senators from Kentucky, the Senators from Oregon—is a bipartisan group of 12 Senators on the Industrial Hemp Farming Act. Once and for all, what we would say is, as a matter of law, let's remove hemp from the schedule I controlled substances list and give a green light to farmers from one end of the country to another who believe they would like to have a chance putting people to work growing hemp.

I urge my colleagues to reflect on the history of this time, to learn more about the safe and versatile crop and the great potential it holds to giving a boost to American agriculture and our domestic economy.

This is a bipartisan bill. The Senate majority leader, MITCH MCCONNELL; my colleague from Oregon, Senator MERKLEY; Senator MCCONNELL's colleague from Kentucky, RAND PAUL—the four of us, both Senators from Oregon, both Senators from Kentucky—say this is common sense. Twelve Members of the Senate are on board. It is time to turn this into law and give our hard-working farmers—and I note the Presiding Officer knows a bit about farming—I want to give our farmers another opportunity to generate profit and revenue for their important enterprises in America, and I hope my colleagues will support the legislation.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Madam President, we have been moving very steadily through this authorization bill. I once again commend the leadership of Chairman MCCAIN. It really began months ago when the Chairman decided that he was going to do an in-depth analysis of the Department of Defense, calling upon experts from an extraordinary range of academic, military, and diplomatic leaders. As a result, we became much more knowledgeable than we were previously about things within the Department that we should very carefully review and perhaps change. In fact, because of his leadership, this is the most fundamental revision of the Goldwater-Nichols procedures that were adopted three decades ago. We have spent a lot of time discussing important issues, but I don't think we have given quite enough credit to the work that the Chairman and our colleagues have done with respect to some of these important reforms.

One area that we worked on together is developing statutory authority for cross-functional teams within the Office of the Secretary of Defense. One of the challenges that Goldwater-Nichols faced, and faced successfully, was to try to integrate operational units. They came up with the concept of jointness, which now we assume has always been there, but that was not the case 30 or 40 years ago. Because of the inspiration of the concept and because of the emphasis in the assignment process of moving forward and having an assignment not in your branch of service but in a job that required the integration of other services, that approach made a significant, fundamental change on the effective operations of military forces today, and we take it for granted.

Similarly, we want to take that type of approach not just in the services and

the operational command but within the headquarters of the Secretary of Defense. We have organized cross-functional teams that the Secretary—he or she—can adopt. These cross-functional teams exemplify the real mission of the Secretary. It is not to organize personnel or logistics. It is to achieve an outcome which requires every component to work together. This is just one example of the innovation that is being promoted in this legislation. Again, I think it is not only building on Goldwater-Nichols, but it is really going much further more effectively.

One of the inspirations for this approach is what has been done in private industry. Private industry has faced some of the same challenges as every large institution—and the Department is a large institution. They have lots of functional areas, but they didn't have a common operational technique, a common team, et cetera. Looking at the private sector, this model has become prevalent because it has reduced costs, increased efficiency, and delivered products on time—in fact, even faster than they thought they could do. We hope this approach will similarly provide the kinds of organizational structure and incentives for the Department of Defense that will make the Office of the Secretary of Defense much more efficient. That is just one aspect but there are other aspects that are critical too.

Some of the other aspects involve trying to focus research and engineering in one particular focal point in the Department of Defense. This is in reaction to the phenomenon that we have all observed, and that is that our technological superiority—which we took for granted for decades and decades and decades—is now being slowly eroded because of research that is going on across the globe. Part of our proposal is to have a very centralized figure with significant rank to focus on this research and engineering effort.

Other duties in terms of management of the program, operation of the Department of Defense, and testing issues could be coordinated with other elements. That is another important aspect of these proposals.

Again, we have spent a great deal of time discussing important issues, but I think we should not fail to note these important changes.

In addition to structure changes at the Department of Defense level, we are also creating a much more organizationally streamlined structure in order to more appropriately deliver services.

In addition, we worked closely with the Joint Chiefs of Staff to get their input about how the Chairman of the Joint Chiefs can be more effective as the principal adviser to the President of the United States. That is an important change to be made. We have also been very careful to get feedback from professionals within the Chairman's office so that we are doing things that make sense, that work, and that function appropriately.

Another important aspect to note in talking about very fundamental Goldwater-Nichols reform is the role of the Vice Chairman of the Joint Chiefs of Staff. That person has the responsibility to head the Joint Requirements Oversight Council—JROC—which I am well familiar with. Essentially, the JROC lays out for all the services what types of equipment they need, what requirements they are fulfilling—whether it be an undersea craft or a new aviation platform. After listening to the numerous experts that came before us, our observation was that the Vice Chairman might have been in a sense first among equals, but there were more consensus decisions without a focal point of leadership. What we have done in this legislation is make it clear that the Vice Chairman is indeed the leader of that group, so he or she will someday have the ability to make decisions after getting advice from the other members of the JROC.

But it will not be what is perceived today as a sort of quid pro quo between services: The Navy might want a particular ship, and in return for that particular ship, they will be amenable to a proposal by the Air Force for a particular aviation platform. What we have now is that the Vice Chair will be able—not only as the official formal head of this but also as the chief adviser to the Chairman—to say: No, we have looked at this not from the perspective of the service but from the perspective of the Joint Chiefs and our role as giving advice to the President so that we can go ahead and give a decision that is not based upon anything else.

AMENDMENT NO. 4603 TO AMENDMENT NO. 4607

Mr. REED. Madam President, at this juncture I call up Reid amendment No. 4603.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mr. REED, proposes an amendment numbered 4603 to amendment No. 4607.

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

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

The amendment is as follows:

At the end, add the following:

This Act shall be in effect 1 day after enactment.

Mr. REED. Madam President, to continue briefly, we are again spending a great deal of time on an important issue, and we have more important issues that will emerge. But I think it is long overdue to cite what we have done in just a small part under the leadership of the chairman to make fundamental changes to the operation of the Department of Defense. I am confident that years from now, when they talk about Goldwater-Nichols, they will talk about MCCAIN, what the McCain amendments did and what the McCain bill did. I think that is a fit-

ting tribute to the chairman. I also think it is ultimately what we are all about here. It is going to make sure that the men and women in the field who wear the uniform of the United States have the very best leadership, from the Secretary's level, to the Chairman's level, all the way down to their platoon leader and commander.

I want to make sure we noted that.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, may I say to my very modest friend from Rhode Island that anything that has the MCCAIN name on it has a hyphenated name and the REED name on it because what we have accomplished in the Senate Armed Services Committee would be absolutely impossible without the partnership we have. I cannot express adequately my appreciation for the cooperation and the friendship we have developed over many years. As I have said probably 200 times, despite his poor education, he has overcome that and has been a very great contributor to—

Mr. REED. Will the chairman yield? If I had the opportunity to go to a football school and not an academic institution, I would be better off today.

Forgive me, Mr. Chairman.

Mr. MCCAIN. Madam President, hopefully we are going to pass the resolution that will allow interpreters to come to the United States under a special program.

I have received letters, and correspondence from literally every military leader and diplomatic leader who has served in Iraq and Afghanistan.

I ask unanimous consent to have printed in the RECORD copies of those letters and correspondence.

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

HEADQUARTERS,  
RESOLUTE SUPPORT,

*Kabul, Afghanistan, May 20, 2016.*

Hon. JOHN MCCAIN,  
Chairman, Armed Services Committee,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I would like to express my support for the continuation of the Special Immigrant Visa (SIV) program. It is my firm belief that abandoning this program would significantly undermine our credibility and the 15 years of tremendous sacrifice by thousands of Afghans on behalf of Americans and Coalition partners. These men and women who have risked their lives and have sacrificed much for the betterment of Afghanistan deserve our continued commitment. Failure to adequately demonstrate a shared understanding of their sacrifices and honor our commitment to any Afghan who supports the International Security Assistance Force and Resolute Support missions could have grave consequences for these individuals and bolster the propaganda of our enemies.

During my previous three tours in Afghanistan, I have seen many Afghans put themselves and their families at risk to assist our forces in pursuit of stability for their country. The stories of these interpreters and translators are heart-wrenching. They followed and supported our troops in combat at



great personal risk, ensuring the safety and effectiveness of Coalition members on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies.

Afghanistan faces a continuing threat from both the Afghan insurgency and extremist networks. We must remain committed to helping those Afghans who, at great personal risk, have helped us in our mission. This is the second year the Afghan National Defense and Security Forces (ANDSF) are in the lead for security. They are fighting hard and fighting well for a stable, secure Afghanistan. The vast majority of the SIV applicants have served as interpreters and translators for our troops. They have exposed themselves and compromised the safety of their families to provide critical situational awareness and guidance, both of which have helped save countless Afghan, American and Coalition lives.

Thank you for your continued support of American troops in Afghanistan.

Very Respectfully,

JOHN W. NICHOLSON,  
General, U.S. Army,  
Commander, Resolute Support/United States Forces—Afghanistan.

HEADQUARTERS,  
UNITED STATES FORCES—AFGHANISTAN,  
Kabul, Afghanistan.

Hon. JOHN MCCAIN,  
Chairman, Armed Services Committee,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing you to express my strongest support for the Special Immigrant Visa (SIV) program.

Since our arrival in Afghanistan, U.S. Forces have relied upon our Afghan partners, especially our linguists, to perform our mission. They have consistently been there with us through the most harrowing ordeals, never wavering in their support for our soldiers, our mission, and their own country. Many have been injured or killed in the line of duty.

Unfortunately, their support of our mission has resulted in our Afghan partners facing threats from insurgent groups throughout the country. They frequently live in fear that they or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

After several ups and downs, the program remains an extremely important way for the United States to protect those who assisted us. By December 2014, the Department of State had issued all 4,000 Afghan SIVs allocated under the Consolidated Appropriations Act for Fiscal Year (FY) 2014. As you know, the FY15 National Defense Authorization Act provides 4,000 additional SIVs for Afghan applicants. The State Department's Status of Afghan Special Immigrant Visa Program report in April 2015 shows there are more than 8,000 SIV applications that have been submitted. Each week, I receive several personal requests and inquiries from linguists and others who have worked with, or continue to work with, U.S. Forces, seeking assistance with the Afghan SIV program. I inform them how we are working closely with Congress to obtain adequate SIV allocations each year. This shows just how important this program remains to our Afghan partners, as well our own forces.

Since I assumed command of the Resolute Support Mission/U.S. Forces-Afghanistan,

much has changed and the Afghan National Defense Security Forces (ANDSF) are in the lead to secure the country. We have a willing and strategic partner whose interests are aligned with our own. The ANDSF is taking the fight to the enemy this fighting season and are performing well. Our prospects for long-term success and a strategic partner have never been better. We would not be in this position without the support and leadership of the U.S. Congress, the American people, the men and women who have served here with distinction, and our Afghan partners.

I urge Congress to ensure that continuation of the SIV program remains a prominent part of any future legislation on our efforts in Afghanistan. This program is crucial to our ability to protect those who have helped us so much.

Thank you for your support for America's Soldiers, Sailors, Airmen, and Marines.

Sincerely,

JOHN F. CAMPBELL,  
General, U.S. Army, Commanding.

From: David Petraeus

Date: May 12, 2016.

DEAR CHAIRMAN, I write to express my support for the Afghan Special Immigrant Visa (SIV) program and to state that additional SIVs are desperately needed.

Throughout my time in uniform, I saw how important our in-country allies are in the performance of our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—they have risked their own and their families' lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security. I ask for your help in meeting our obligation by appropriating additional Afghan SIVs to bring our allies to safety in America.

It is crucial that Congress act to provide additional visas for the SIV program. The most recent figures from the State Department suggest that at least 10,000 applicants remain in the SIV processing backlog; as our troop presence in Afghanistan continues, we can expect more endangered Afghan allies to seek our help, adding to the backlog. The Department of State has indicated that an additional 4,000 Afghan SIVs for the year would allow it to continue to process and issue visas in Fiscal Year 2017. If this program falls far short of the need, it will have serious national security implications.

I am also concerned that Congress may limit eligibility for SIV applicants. The U.S. military presence in Afghanistan relies on local partners who serve as translators, security personnel, and in a multitude of other functions. All of these individuals are vital to the U.S. mission, whether they work directly or indirectly with U.S. forces. Afghans who served the United States in non-military capacities or in support of the Department of State face serious threats as a result of their service. They are currently eligible for the SIV program and their eligibility should remain intact.

Thank you for your support of the Special Immigrant Visa program. Congress must ensure that the SIV program for our Afghan allies—one of the only truly non-partisan issues of the day—meets the needs of those we seek to help.

Sincerely,

DAVE PETRAEUS.

Mr. MCCAIN. For the sake of illustration, I would like to quote from a couple of the letters I have. One is from General Nicholson, who today is our commander of resolute support, United

States Forces-Afghanistan. I won't read the whole letter, but I would like to quote it because I think it is very compelling.

General Nicholson says:

During my previous three tours in Afghanistan, I have seen many Afghans put themselves and their families at risk to assist our forces in pursuit of stability for their country. The stories of these interpreters and translators are heart-wrenching. They followed and supported our troops in combat at great personal risk, ensuring the safety and effectiveness of Coalition members on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies.

I would like to repeat General Nicholson's last sentence: "Continuing our promise of the American dream is more than in our national interest, it is a testament to our decency and long-standing tradition of honoring our allies."

I could not put it any better than General Nicholson did.

Finally, I would like to quote from a letter by General Campbell, who was his predecessor. General Campbell said:

I am writing you to express my strongest support for the Special Immigrant Visa (SIV) program.

Since our arrival in Afghanistan, U.S. Forces have relied upon our Afghan partners, especially our linguists, to perform our mission. They have consistently been there with us through the most harrowing ordeals, never wavering in their support of our soldiers, our mission, and their own country. Many have been injured or killed in the line of duty.

Unfortunately, their support of our mission has resulted in our Afghan partners facing threats from insurgent groups throughout the country. They frequently live in fear that they or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

Again, those are two compelling statements.

I will not go further because I see the distinguished Senator from Georgia waiting, but I would like to quote from correspondence from an individual who I think is the finest military leader among the many outstanding military leaders whom I have had the opportunity of knowing. This is from GEN David Petraeus, Retired. It is a letter he wrote. He said:

Throughout my time in uniform, I saw how important our in-country allies are in the performance of our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—they have risked their own and their families' lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security. I ask for your help in meeting our obligation by appropriating additional Afghan SIVs to bring our allies to safety in America.

It is signed "Sincerely, David Petraeus."

Both of the individuals I just quoted served multiple tours—not one, not two, sometimes as many as five—in Iraq and Afghanistan over the last 14 years. These leaders know what the service and sacrifice of these Afghans and Iraqis have provided to our military at the very risk and loss of their lives since they are the No. 1 target of the Taliban in Afghanistan.

I hope my colleagues, by voice vote, will agree to increase the visa program so that we can allow these people to come to the United States of America.

I will end with this. I know that some people come to our country whom we have some doubts about—their citizenship, their commitment to democracy, their adequacy, the kind of people they are.

Well, these people have already proven their allegiance to the United States of America because they have put their lives on the line. Some of them had their family members murdered. I have no doubt as to what kind of citizens of this country they will be.

I believe that an overwhelming majority of my colleagues agree that, as General Nicholson said in his letter, it is a moral obligation. I think we will all feel better after we get this done.

I note the presence of probably the most well-informed Member of the U.S. Senate on budgetary issues, the Senator from Georgia.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Georgia.

Mr. PERDUE. Mr. President, first, I want to thank the distinguished Senator from Arizona, the chairman of the Armed Services Committee, and the ranking member, Senator REED, for their tireless work in doing God's work here, and that is making sure we provide for the needs of our men and women in uniform around the world.

There are only 6 reasons why 13 Colonies got together in the first place. One of those six was to provide for the national defense. That is what we are talking about this week.

As we debate the National Defense Authorization Act this week, I personally would like to add a little different perspective to this debate.

In my opinion, today the world is more dangerous than at any time in my lifetime. We have major threats from various perspectives. No. 1, we see the rise of traditional rivals—Russia, China—and ever-more aggressiveness from both. We see the rise of ISIS and attendant networks around the country supporting terrorism and the Islamic State. We see the proliferation of nuclear capability among rogue nations, such as North Korea and Iran. We see the hybrid warfare, including cyber warfare, that is being perpetrated today. What we are not talking about is the growing arms race in space. All this adds to a very dangerous world and makes it very mobile and puts people right here in the United States in danger, as we have seen already.

As we face these increasing threats, though, at the very time we need our military to be strongest, we are disinvesting in our military.

You can see from this chart that over the last 30 years or so, we have had three Democratic Presidents, and all have disinvested in the military for different reasons. First we had President Carter, then we had President Clinton, and now we have President Obama. We have disinvested in the military to the point that today we are spending about 3 percent of our GDP on our military. That is about \$600 billion in round numbers. The 30-year average is 4 percent. That difference, that 1 percentage point of difference, is \$200 billion.

What I am concerned about is that as we sit here facing these additional threats today, we have the smallest Army since World War II, the smallest Navy since World War I, and the oldest and smallest Air Force ever. According to the Congressional Budget Office, the current plan is even worse than that. It says that in the next 10 years we will continue to disinvest in our military down to 2.6 percent of our GDP. That is another estimated \$100 billion of reduction. This is a new low that I believe we cannot allow to happen.

As we look at our overall defense spending authorization levels today in this NDAA bill, we are falling short of where we need to be based on the threats we face. Don't just take my word for it. The last defense budget that Secretary Bob Gates actually proposed was in 2011. That was the last one proposed before sequestration took place, and that was the last defense budget that was based on the actual assessment of the threats against our country, not arbitrary budget limitations. His estimate at that time for this year, fiscal year 2016, was \$646 billion. As for 2017, our top-line estimate right now—what we are trying to get approved—is \$602 billion. That is a far cry.

By the way, Secretary Gates' estimate was before ISIS, before the Benghazi attacks on our Embassy, before Russia seized Crimea, before Russia went into the Ukraine, and before China started building islands in the South China Sea. I can go on. How did we get here?

Today, financially, we have an absolute financial catastrophe. In the last 7 years, we have borrowed about 30 percent of what we have spent as a Federal Government. It is projected that over the next 10 years we will again borrow about 30 percent of what we spend as a Federal Government.

My argument has been that we can no longer be just debt hawks; we have to also be defense hawks. By the way, those two can no longer be mutually exclusive.

In order to solve the global security crisis, I believe we have to solve our own financial debt crisis. We all know we have \$19 trillion of debt today. What is worse, though, is that CBO estimates that is going to grow to \$30 trillion

over the next decade unless we do something about it.

This chart shows the real problem. Right now, the problem is not discretionary spending, which is actually down from around 2010—about \$1.4 trillion—down to about \$1.1 trillion today. So discretionary spending—now, we may have gotten there the wrong way. We used the sequestration to do that. But I would argue that discretionary spending is not where the major problem is today. The major probably is in the mandatory spending—Social Security, Medicare, Medicaid, pension and benefits for Federal employees, and the interest on our debt.

We have been living in an artificial world where interest rates have been basically zero. We are paying fewer dollars on the Federal debt today—fewer dollars than we were in 2000 when our debt was one-third of what it is today.

To deal with the global security crisis, we need to be honest about what our military needs. That gets difficult sometimes. Today we have national security priorities that aren't getting properly funded, and yet we know we are spending money inefficiently.

First of all, we have missions that we are not able to maintain. Take a look at the marine expeditionary units around the world. These are the MEUs around the world. I visited a couple of these, by the way. Because of defense cuts, there aren't enough amphibious ships for the marines to have what is known as theater reserve force, also known as MEUs. As a result, for missions like crisis response and Embassy protection in Africa, for example, we now have a Special Purpose MAGTF covering this task based on the ground in Moron, Spain.

I personally visited with those people. The best—I mean the very best of America is in uniform around the world taking care of our business and protecting our interests and our freedom here at home. Even this force in Moron, Spain, is seeing a cut in their fleet size of airplanes. They are self-contained. They can get themselves from where they are to the point of crisis very quickly, but we are cutting their ability to do that because of limitations from a financial standpoint.

Another example is the recapitalization program for the Joint Surveillance Target Attack Radar System, or what we call JSTARS, the No. 4 acquisition priority for the Air Force and a critical provider of ISR ground targeting and battlefield command and control to all branches of our military in almost every region of the world.

As the old fleet is reaching the end of its service life, we will have to have a new fleet come online quickly. The problem is we are seeing a projected gap of 7 years where that capability will no longer be available in full force for the people who need it the most—people on the ground and in harm's way.

We are not able to fund the military at the force size we need either. As a

result, we are putting greater pressure on personnel, burning up our troops, putting pressure on families, and elongating our deployments. They spend more time on rotations internationally and not enough time with their families at home, and it is causing problems. It is causing turnover, problems with families, and so forth.

The forces we have are not getting the training they need. For example, two-thirds of Army units are only training at the squad and platoon levels, not in full combat formations. We have Air Force pilots actually leaving the service today because they cut back so dramatically on training flights. These examples highlight why we need to scrutinize every dollar we spend on defense so we can ensure these dollars go to our critical requirements of protecting our men and women around the world.

To that end, we need to improve fiscal accountability at the DOD and highlight the needs we are not currently fulfilling. For example, our Department of Defense has never been audited. Even today, we cannot dictate to the DOD that they provide an audit.

Can you imagine Walmart doing that? First of all, the answer is this: We are too big, too complicated, and it is just too difficult to do. Can you imagine Walmart calling the SEC and saying: Sorry, we are not going to comply with your requirements. The DOD is not that much bigger than Walmart.

I think we should withhold funds to the accountable agency until a plan is produced that would also allow the Pentagon to keep track of its military equipment. It has been 13 years since that law was passed, and yet they are still not in compliance. This is all just about funding our military, but we also have to be responsible. The men and women in uniform and on the frontlines deserve that.

Finally, to address a critical need we discussed earlier, JSTARS, Senator ISAKSON and I have been working to get the replacement fleet ready to go sooner rather than later to eliminate this gap. This fleet must get online faster than the current plan or we face a potential 7-year gap.

I am committed to ensuring that we have what we need to support our service men and women around the world. These efforts will make the Pentagon accountable and focus funds on critical priorities. This debate is all about setting the right priorities, not just here at home with the military but also with other domestic programs and mandatory expenditures. This debate is all about setting the right priorities to make sure we can do what the Constitution calls on us to do, and that is to provide for the national defense.

The national debt crisis and our global security crisis are interlocked inextricably. We are not going to solve the dilemma of providing for national defense until we solve this national debt crisis. Our servicemen, servicewomen, and combatant commanders don't have

and will not have the training, equipment, and preparation they absolutely need to fulfill their missions as they face growing threats. It is time that Washington faces up to this crisis.

This is not just about the NDAA. This is about the defense of our country and the future of our very way of life. We simply have to come to grips with this NDAA, pass it, and make sure we find a way to address this debt crisis so every year going forward we don't have this drama of finding a way to fund our military to protect our country. We simply have to come to grips and set the right priorities required to defend our country.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, for more than 23 years, I had the great honor of serving in the Army Reserve and National Guard. It was during this time that I was able to gain firsthand experience of working alongside the unbelievable men and women in uniform, whose character, honor, and love of our country has led them to sacrifice so selflessly for it. During my time in the military, I had the honor of serving a tour in Kuwait and Iraq.

As a company commander during Operation Iraqi Freedom, what was so important to me, other than bringing everyone home, was ensuring my troops received what they needed when they needed it. Unfortunately, given the nature of war and the learning curve our military had in its first large-scale military deployment since Operations Desert Shield and Desert Storm, that did not always happen. However, as the war went on, our military adapted and our troops were able to receive the equipment they needed to do the job.

Even though I am now retired from the military, I still have the privilege of serving our men and women in uniform, just in a different capacity, as a Senator and a member of the Armed Services Committee. It has been an honor to work with Chairman MCCAIN, Ranking Member REED, and the other distinguished members of the committee on another vital annual Defense bill.

Over the past year, my colleagues and I have worked to produce a bill that enhances the capabilities of our military to face current and future threats. This bill will impart much needed efficiencies in the Department of Defense that will result in saving American taxpayer dollars and allow the Department to provide greater support to our warfighters through eliminating unnecessary overhead, streamlining Department functions, reducing unnecessary general officer billets, and modernizing the military health care system.

Furthermore, we have found ways to enhance the capabilities of our warfighters, ensuring our troops have the training opportunities in order to be prepared to execute their assigned

missions. This means more rotations to national training centers and more effective home station training for our troops who are being sent into harm's way around the world.

Our military leaders have stressed that readiness is their top priority. Adequately funding their request for readiness keeps faith with our servicemembers and ensures that our men and women in uniform have the best chance to come home to their loved ones. However, while we have adequately funded the Department's readiness needs, sequestration has led us to prioritize readiness over DOD modernization. I believe this is a risky proposition with respect to ensuring our servicemembers will have the advanced equipment, vehicles, ships, and aircraft to confront technologically advanced adversaries, such as Russia and China, in a potential future conflict.

Unfortunately, I believe many have taken our decades-long technological dominance for granted. If we continue to fail to adequately fund modernization, our servicemembers may pay the price for that decision with their lives, something none of us want.

While I fully agree with the need to identify and reduce government spending—and especially to eliminate fraud, waste, and abuse in the DOD—we must also ensure funds are allocated in the proper areas so our troops have the resources they need so they are not outclassed by our adversaries, who are currently modernizing their capabilities with aims to defeat our country in a potential conflict.

Due to sequestration and the Bipartisan Budget Act, this bill is short of what our troops need to defend our country next year and in future years. I believe it is important to keep that in mind while we consider this bill.

I was sorely disappointed that the Senate did not come together in a bipartisan fashion and stop short-changing our troops and their families through the arbitrary caps set through sequestration. That was a missed opportunity. The threats the Nation and our troops face are too great for partisan bickering, shortsightedness, and the abdication of one of our core responsibilities, which is to provide for our military.

I wish to talk also about a few of the provisions included in the NDAA that I crafted. During the process, I was able to author nearly two dozen provisions ranging from improving the professionalism of military judge advocates and military intelligence professionals to making retaliation against sexual assault victims its own crime and enhancing DOD program management.

As I stated repeatedly, one area of focus for me is working to prevent sexual assault in the military. While we have seen progress, there are still steps that must be taken to improve the system and the overall culture. One of my provisions would help enhance the military prosecutors and JAGs to better ensure that victims of sexual assault and other crimes will know their

case is in good, well-trained, and experienced hands.

Also included in this bill is a provision I authored with Senator MCCASKILL of Missouri, which combats retaliation within our military. We cannot allow any retaliation against survivors who come forward seeking justice, and this provision will work to curb the culture of retaliation in our ranks.

Other provisions I pushed to have included in the committee report seek to bring greater military intelligence support to our warfighters by ending growth in headquarters elements and pushing that support down to those military intelligence units providing direct support to our warfighters. Not only do these report language provisions seek to enhance support to our men and women defending our Nation on the frontlines, but they would also create safeguards which will help ensure your taxpayer dollars are being spent properly within the DOD.

This bill also includes my Program Management Improvement Accountability Act, which is a bipartisan piece of legislation that solves problems with program and project management that have plagued the Federal Government for decades, especially in the Department of Defense. We have read about these failures in the media, IG reports, and the GAO High Risk List. Many projects are grossly overbudget, delayed, or do not meet previously stated goals.

Ultimately, by strengthening its program management policies, the DOD and other Federal agencies will better account for and utilize taxpayer dollars. It will also improve its ability to complete projects on time and on budget, which leads to getting our troops the advanced equipment and weapons they need as soon as possible.

In closing, I want to thank again my colleagues for their work on this bill, but most of all, I thank our men and women in uniform, and I want them to know that we stand with them in their defense of this great country and all that it stands for.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, as we continue to debate this year's National Defense Authorization Act on the floor this week, I want to take a few minutes as the ranking member of the Armed Services Strategic Forces Subcommittee to discuss provisions of the bill that relate to our Nation's nuclear deterrent and nonproliferation programs, missile defense, and space programs.

I want to start by thanking all the members of the Strategic Forces Subcommittee for putting in another year of hard work. I would especially like to thank our Subcommittee Chairman, my colleague from Alabama, Senator SESSIONS, for the strong partnership we have built over the past 2 years in leading this committee together. I want my colleagues to note that Senator

SESSIONS and his staff worked closely together with me and my staff in developing elements of the bill pertaining to the Strategic Forces Subcommittee.

Together with our colleagues on the subcommittee, we have built bipartisan consensus on some of the most important issues in this bill—no small feat when we are talking about things like nuclear weapons and defending against missile threats from Iran and North Korea.

I also thank the tremendous professionals on our staff, both Republican and Democratic, whose expertise and dedication to serving the national interest are essential to this bill's success.

In developing the base language for the NDAA, the Strategic Forces Subcommittee held five hearings and a number of briefings on topics ranging from nuclear policy and deterrence, to missile defense, to protecting our satellites in space during a time of increasing threats from potential adversaries who seek to exploit the fragile nature of these assets.

In the area of nuclear forces, our subcommittee has prioritized the need to update our Nation's nuclear command and control infrastructure to ensure our ability to communicate with our nuclear forces in times of national crisis.

We have also examined the role of our Nation's deterrence policy toward Russia and made available \$28 million to shore up our NATO nuclear mission, over and above the funding for the European Reassurance Initiative. These funds will help provide much needed upgrades to the readiness of our dual-capable aircraft and other activities to exercise our nuclear mission in support of NATO.

Within the Department of Energy's National Nuclear Security Administration, we continue to fully authorize the W-76 submarine missile warhead life extension program, where upward of two-thirds of our deterrent will exist upon full implementation of the New START Treaty.

We also continue to life-extend the B61 gravity bomb in support of our NATO allies, and we have fully authorized the life extension of the W80 cruise missile warhead, which will support the air leg of our triad.

The subcommittee has continued full support for the Nunn-Lugar Cooperative Threat Reduction Program, which marks its 25th anniversary this year. I would like to thank Senator Lugar and Senator Nunn for their extraordinary service to this Nation. This program, named for my fellow Hoosier predecessor, Senator Richard Lugar, combats nuclear proliferation by helping nations detect nuclear materials crossing their borders and by securing nuclear materials in their countries to keep them out of the hands of terrorists.

In addition to working with nuclear material, the program also addresses biological threats, helping other na-

tions secure dangerous pathogens. In the case of the Ebola epidemic, the program was able to help the 101st Airborne Division develop rapid field diagnostics to quickly screen infected patients from those who simply had a fever unrelated to the disease. Many have credited this program's quick response, combined with the capabilities of the 101st Airborne, with reversing the tide of the Ebola epidemic before it spread to large cities.

In the area of cutting-edge hypersonic systems, the bill provides full funding for programs like conventional prompt strike that aim to even the global playing field on hypersonic systems development.

According to public reports, Russia and China are prioritizing the development of hypersonic weapons and making troubling progress relative to our own. If we are to maintain our Nation's technological edge over our potential adversaries, we need to invest in this critical area of research and development.

While the House authorizers and appropriators have also fully funded conventional prompt strike, I am surprised and troubled to see that the Senate Appropriations Committee has proposed cutting this program by almost half. I hope to work with my colleagues on both sides of the aisle to address this issue and restore full funding to conventional prompt strike in the coming months.

In the area of electronic warfare, our subcommittee has required the Commander of U.S. Strategic Command to coordinate and develop joint execution plans to operate and fight in a domain that includes electronic jamming and other means that disrupt our fragile electronic systems. Russia has a long-established doctrine in this area, but ours has been lacking. This provision will help reverse that trend.

In the area of missile defense, the subcommittee has fully authorized the President's budget request for the Missile Defense Agency and authorized additional funding for key development areas, including the redesigned kill vehicle, the multi-object kill vehicle, and an improved ground-based interceptor booster.

The NDAA also requires a review of DOD's strategy and capabilities for countering cruise and ballistic missiles before they are launched, and it directs the MDA to conduct a flight test of the GMD system at least once each fiscal year. The bill provides funding above and beyond the President's budget request for our collaborative missile defense programs with Israel, including Iron Dome, David's Sling, and Arrow systems. However, given the threat posed by Iran's growing ballistic missile arsenal, I believe these programs require additional funding, particularly for procurement related to David's Sling and the Arrow systems. These programs are more important than ever and have my full support.

In the area of space, the NDAA addresses a number of important issues

related to our critical satellite-based capabilities. This week we commemorated the 72nd anniversary of D-day. Anyone who knows the history of the Normandy invasion knows how critical a role weather forecasting can play in the success or failure of a mission. This year's bill pays close attention to DOD's ability to provide weather data to our troops around the world, particularly in CENTCOM's area of responsibility. Our current fleet of weather satellites is aging, and our subcommittee has taken DOD to task for its failure to adequately plan for the upcoming gap in cloud cover data over the Indian Ocean.

Whether we are talking about GPS, weather surveillance, or communications, our Nation's space-based capabilities are fundamentally dependent on our ability to get to space. There is no question that we must maintain the ability to send national security satellites into space with launch systems that are affordable and, above all, supremely reliable.

We learned a hard lesson on reliability in the late 1990s when we lost three national security satellites to launch failures. Those failures cost the taxpayer more than \$3 billion and lost our Nation a critical communications capability that we didn't replace for more than a decade. Subsequently, years of monopoly in DOD space launch taught us a hard lesson about the necessity of competition for keeping costs down.

While we all agree on the need to maintain what is known as assured access to space, how we best meet that goal has become a topic of debate, particularly since our deteriorating relationship with Russia put a spotlight on the fact that DOD uses Russian rocket engines in many of its space launches. We need to end our Nation's reliance on Russian engines with the development of an American-made alternative. We have studied the facts on this issue in painstaking detail on the Strategic Forces Subcommittee for not just months, but years. The fact is, if we want to end our reliance on Russian engines without jeopardizing the reliability and affordability that are essential to a successful launch program, it is going to take another few years.

I am not satisfied with that. I want to see it happen faster. In the meantime, though, we have to take seriously the warnings of our military and intelligence community that eliminating access to the RD-180 engine prematurely, before a replacement is ready to fly, would seriously undermine our national security interests. As it currently stands, the NDAA would ban the use of RD-180 engines years before a replacement is ready and instead rely on the more expensive Delta rocket to fill the gap. I respect the careful thought behind this proposal and the effort to ensure that we don't create a capability gap. Ultimately this approach, though, would cost the taxpayer an additional \$1.5 bil-

lion and divert funds from developing an American-made replacement engine and launch system to paying for these more expensive Delta launches. At a time when we continue to face budgetary challenges in defense and domestic spending, this is a cost and a risk we don't need.

With that in mind, I support the bipartisan amendment No. 4509 offered by my colleagues Senator NELSON and Senator GARDNER. This amendment grants DOD access to only those Russian engines it needs between now and 2022, when the Department has said a replacement will be ready. I believe this is the most responsible approach to a very difficult issue.

Let me close by again thanking Senator SESSIONS for the productive and bipartisan relationship we have had on the subcommittee. I also thank our full committee chairman, Senator MCCAIN, and our ranking member, Senator REED, for their leadership and their dedication to strengthening our national security and caring for our military.

I look forward to working with my colleagues to pass this important legislation and to see it signed into law.

Mr. President, I yield back any remaining time that has been allotted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

#### REMEMBERING CASSANDRA QUIN BUTTS

Mr. DURBIN. Mr. President, almost a year ago exactly I met with a remarkable woman. She was wise, gracious, and funny, but I think what struck me the most about her was her idealism. Cassandra Quin Butts believed in the revolutionary promise on which our Nation was founded; that all men and women are created equal. She spent her entire working life trying to expand that premise.

On the day we met, her nomination to serve as U.S. Ambassador to the Bahamas had been blocked for more than a year for reasons entirely unrelated to her qualifications. That did not make her cynical. It did not diminish her desire to serve. She just wanted to know if there was anything she could do to help. It was typical. Cassandra Butts asked the question, How can I help?

Sadly, Ms. Butts will never receive the vote she deserved on her nomination to be Ambassador. She died over a week ago at the far-too-young age of 50. She felt ill for a few days, had seen a doctor, and died peacefully in her sleep before learning of her diagnosis, acute leukemia.

Cassandra Butts was a longtime friend of President Obama and First Lady Michelle Obama. Ms. Butts and the future President met during their first days of Harvard Law School in the

financial aid office. Neither one of them came from families that could simply write checks for tuition. In a statement mourning her passing, the President and First Lady remembered Ms. Butts and said as "a citizen, always pushing, always doing her part to advance the causes of opportunity, civil rights, development, and democracy."

"Cassandra," the Obama's wrote, "was someone who put her hands squarely on that arc of the moral universe, and never stopped doing whatever she could to bend it toward justice."

They continued. "To know Cassandra Butts was to know someone who made you want to be better." Ms. Butts began her distinguished career in public service about a year after graduating law school. She worked as legal counsel to U.S. Senator Harris Wofford. After the Senate, she went to the NAACP Legal Defense and Education Fund, following in the footsteps of one of her heroes, former U.S. Justice Thurgood Marshall.

She returned to Capitol Hill in 1996 as a senior adviser to House Majority Leader Dick Gephardt and the House Democratic policy committee. From 2004 to 2008, she served as Senior Vice President for Domestic Policy at the Center for American Progress—with a few breaks in service to help her old friend. When Barack Obama was elected to the Senate in 2004, Cassandra Butts was there, helping him to get his office up and running.

Later, she helped her old friend the President launch his historic Presidential campaign. When he won, Cassandra Butts was there again to offer advice on transition. She stayed on to serve the President as Deputy White House Counsel. Among the lasting marks she leaves on our democracy, Cassandra Butts helped shepherd through this Senate the nomination of the first Latina ever to serve on the U.S. Supreme Court, Justice Sonia Sotomayor.

Ms. Butts was a remarkably humble person, especially for one who worked so close to power. She left the White House in November 2009 to serve as Senior Advisor at the Millennium Challenge Corporation. During her time there, she kept an exhausting schedule, traveling to some of the poorest places on Earth, searching for innovative ways to use America's leadership and ingenuity to help lift desperately poor people, especially women and children, out of crushing poverty.

It saddens me that Ms. Butts never had the opportunity to serve as Ambassador because she could have had so many ideas that she would have brought to represent America's values and help the people of the Bahamas.

She had hoped that being an African-American woman, it would help to underscore America's commitment to equality. While he waited for a vote on her nomination, Cassandra Butts represented our Nation well on the world

stage in a different capacity. She served with distinction as Senior Advisor to the U.S. Mission to the United Nations.

Accounts of her life will always lead off with the fact that she was a close friend of the President and First Lady, but that was only part of the story. Cassandra Butts was a friend to countless people around the world, from the famous to the voiceless. She was a seeker of truth and justice. She was also warm and funny, smart and passionate, deeply decent. She loved jazz, the UNC Tar Heels, fast cars, especially her BMW.

She left this world too soon and she will be missed. Loretta and I wish to extend our condolences to her many friends and family, especially her mother Mae Karim, her father Charles Norman Butts, her sister and brother-in-law, Deidra and Frank Abbott, her two nephews whom she adored, Austin and Ethan Abbott.

It is a sad reality that as I stand here today and pick up this publication on the desk of every Senator, the Executive Calendar for the Senate of the United States, and turn to look at it closely, I find in this calendar, on page 5, the name of Cassandra Butts, waiting for the Senate to approve her position as the Ambassador to the Bahamas.

She waited and waited and waited. Eventually she passed away, waiting on the Senate Calendar to serve this country. When the Senators who had a hold on her for all this period of time were asked: Why? Why did you hold up this woman, one of them was very candid and said: We knew she was close to the President, and if we stopped her, we knew the President would feel the pain. I hope today we all feel the pain that this lady can no longer have the distinction of ending her fabulous public career as our Ambassador representing the United States to the Bahamas.

I yield the floor.

THE PRESIDING OFFICER (Mr. HOEVEN). The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I come to the Senate floor to talk about an issue I have worked on for a number of years and something I feel very strongly about; that is, our detention and interrogation policy. Since this administration has gotten into office, based on a campaign promise, the President has sought to close Guantanamo Bay.

This administration has continued to release individuals held at Guantanamo—dangerous terrorists, with backgrounds, whether it is involvement with Al Qaeda or involvement with the Taliban or other groups. Just recently, they have released another 11 individuals from Guantanamo Bay. One of the issues that has troubled me most about this is that I think it is very important the American people know what is going on, but so much of this is happening in the cloak of darkness. So much of it is an unwillingness of this

administration to level with the American people about the terrorist affiliations and activities of current and former Guantanamo Bay detainees.

We have seen the most recent example of that which is troubling. On March 23 of 2016, Paul Lewis, the Special Envoy for Guantanamo Detention Closure, testified before the House Foreign Affairs Committee that there have been Americans who have died because of Guantanamo Bay detainees. He was asked about this in this House hearing. My assumption is one of the reasons he was asked about it is because 30 percent of those who were held at Guantanamo—terrorists who have been released from Guantanamo—are suspected or confirmed of reengaging in terrorism. Apparently, Mr. Lewis was asked, and he said there have been Americans who have died because of Guantanamo detainees who have been released.

So a fair question—a very important question—is to understand what these former detainees have done in terms of attacking Americans or our NATO allies who have worked with us to fight terrorists in places around the world. That was a question I posed to this administration. Based on what Mr. Lewis, who is the Special Envoy for Guantanamo Detention Closure said, I asked the administration for information about those who have been killed by Guantanamo detainees. On May 23 the administration responded to me, but their answers to my questions were classified in such a way that even my staff with a top secret security clearance could not review the response. I was able to review the response.

What I want to be able to do is to give information to the American people so they can understand the response, because this administration continues to push to close Guantanamo. They continue to release terrorists from Guantanamo to countries around the world, and they continue to refuse to tell the American people—hiding behind classification—who the people are who are being released in terms of their backgrounds and in terms terrorist affiliations. They have been releasing a name and the country they are transferred to—but no information to the American people about the terrorist background of these individuals, no information to the American people about how these individuals have been released, what they have been engaged in, and whether they have been engaged in prior attacks on Americans or our allies. I believe the American people have a right to know.

On Tuesday I also wrote a followup letter to the President urging him to provide without delay an unclassified response to understand how many Americans and our NATO partners have been killed by former Guantanamo detainees and which former detainees committed these terrorist attacks, so we can understand what we are facing.

Unfortunately, we don't know. But in the Washington Post today there was an article that reported that 12 former Guantanamo detainees were involved in attacks on Americans after their release. The estimate in the Washington Post report says that these detainees have killed about a half dozen Americans.

Why should the American people have to rely on the ability of the Washington Post to talk to people off the record to try to find out exactly what the activities are of these terrorists whom the administration continues to release without full information to the American people? I appreciate the reporting of the Washington Post, but I believe the American people deserve an answer directly from this administration. Since Mr. Lewis testified that Guantanamo detainees have been involved in killing Americans, the administration has released 11 more detainees from Guantanamo, with more than two dozen likely to be released in the coming months. Again, 30 percent are suspected or confirmed of reengaging in terrorism—people such as Ibrahim al-Qosi, affiliated with Al Qaeda in the Arabian Peninsula, who was released by this administration in 2012 to Sudan. He has joined back up with Al Qaeda in the Arabian Peninsula, which is headquartered in Yemen.

Previously, what has been revealed about him publicly is that he trained at a notorious Al Qaeda camp as a member of Osama bin Laden's elite security detail.

What is more troubling is that he is now back with Al Qaeda in the Arabian Peninsula. He is a leader and a spokesman for this group, and he is urging attacks on American and our allies. That is what is at stake when we think about the security of the American people. Yet the policy that this administration and this President keep pushing is to close Guantanamo. They are trying to take de facto steps to close Guantanamo by releasing people without information to the American people.

In this Defense authorization bill that is pending on the floor, in the Armed Services Committee I have included a provision that would prohibit international release or transfer of any detainee from Guantanamo until the Department of Defense submits to Congress an unclassified report on the individual's previous terrorist activities and affiliations, as well as their support or participation in attacks against the United States or our allies.

The administration keeps claiming that it is in the best interests of the United States—in our national security interests—to close Guantanamo.

I fully disagree with that argument. But if that is what they really believe, why have they not told the American people, when they release the terrorists who are held at Guantanamo, whom these people have been involved with and whether they have been involved with attacks on Americans or our allies. Instead, they give the name and

the country they are going to. That is all they are telling the American people. If it is in our national security interests, they will fully tell the American people why they believe in transferring or releasing these terrorists to third-party countries, and they will tell the American people the truth about who is being released and what they have been involved in. I think the American people, if they know that information, will side with my view of this, which is that to close Guantanamo—especially by releasing dangerous individuals who are there, with 30 percent of them suspected or confirmed of getting back into battle—is against our national security interests and makes us less safe.

I ask, no matter where you stand in this body on the closure of Guantanamo, don't we owe it to the American people to tell them? When they are releasing individuals from Guantanamo, doesn't the administration owe to the American people what terrorist group this person is affiliated with? Has this person ever been involved with the attack of Americans or our allies? Don't the American people deserve this basic information?

The American people need to know who is being released, why they are dangerous, and what is happening in terms of our national security interests, because I believe they are being undermined greatly by continuing to release terrorists who get back in the fight. The last thing our men and women in uniform or any of our allies should see is a terrorist whom we had previously captured and was at Guantanamo.

I hope the administration will live up to its transparency policy, because when it comes to releasing dangerous detainees from Guantanamo—some of whom have gotten back in the fight, and 30 percent are suspected or confirmed of getting back in the fight of terrorism against us—the American people deserve information about what is happening and what danger these individuals pose to us and our allies.

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 senior assistant 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.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I think it is very obvious that in the authorization bill we placed limitations on the use of Russian rocket engines. It is already known that in the appropriations bill there is basically an unlimited purchase of Russian rocket engines, much to the testimony of the military-industrial-congressional complex.

I will be showing how Russians who have been sanctioned by the United

States of America, under Vladimir Putin, will directly profit from the continued purchase of these Russian rocket engines. And in the negotiations that I have been trying to move forward so I could satisfy the appropriators, there is no doubt who has the veto power. We know who they are talking to—the people I am negotiating with—Boeing, Lockheed, and the outfit called ULA, which is the two of them.

This is a classic example of the influence of special interests over the Nation's priorities. But more importantly, they are so greedy that they were willing to put millions of dollars into the pockets of these individuals, two of whom have been sanctioned by the United States of America and one of whom has been sanctioned by the EU—cronies of Vladimir Putin. It is really remarkable, this nexus of special interests that end up profiting for these individuals millions of dollars, which I will talk about in a minute.

Really, my friends, I say again that this is why we see the American people being cynical about Washington—this tight relationship between this conglomerate of two of the biggest defense industries in America—Boeing and Lockheed—and we end up with an expenditure of tens of millions of taxpayer dollars. It is really remarkable.

In the authorization bill we put a strict limit on it, and in the Committee on Appropriations, which we already know about, it is basically an open door. So that is why I was trying and will continue to try to have a simple amendment which says that we will not provide money to any company or corporation that would then profit these people who have been sanctioned by the United States of America in two cases, and in one case by the European Union. Why have they been sanctioned? Because of their invasion of the Ukraine.

So when we talk about things that are unsavory, this is probably one of the most unsavory issues I have been involved in during my many years here. It was 2 years ago when Vladimir Putin began his campaign in Eastern Europe, dismembering a sovereign nation. Today, we are facing an increasingly belligerent Russian Government, and we know that Putin continues to occupy Ukraine, he threatens our NATO allies, and he bombs U.S.-backed forces in Syria that are fighting against Bashar Assad's murderous regime. His tactical fighter jets buzz, with impunity, U.S. ships in the Baltic, putting the lives of U.S. personnel at risk, and all the while American taxpayers continue to spend hundreds of millions of dollars to subsidize Russia's military industrial complex.

You don't have to take my word for it. You don't have to take my word for it. Here is a letter I received a few days ago. And let me tell you who has signed it before I read it: The Honorable Leon Panetta, former Secretary of Defense; GEN Michael Hayden, former Director of the Central Intelligence

Agency, former Director of the National Security Agency; Michael J. Morell, former Deputy Director and Acting Director of the Central Intelligence Agency; Michael Rogers, former chairman of the House Permanent Select Committee on Intelligence; ADM James Stavridis, former Supreme Allied Commander at NATO. These individuals have some credibility—more on this issue, I think, than almost anybody else.

Let me tell you what they write. And this letter is to Senator REED and me:

We write to endorse the bipartisan effort you both have led to include language in the National Defense Authorization Act to phase out U.S. reliance on Russian technology for the space launch systems that deliver our vital and most sensitive satellites.

They go on to talk about how important reliable access to space is. I am continuing to quote now from their letter:

Fortunately, we now have an American industrial base with multiple providers that can produce All-American-made rocket engines.

And these are people such as the head of the Central Intelligence Agency saying, "There is no need to rely on Putin's Russia for this sensitive, critical technology."

The letter goes on to talk about Russia's aggressive intervention in Ukraine and Crimea, and meddling in Syria. Quoting again from the letter:

The threat from Russia is rising, as the committee knows well. Last summer, Chairman of the Joint Chiefs of Staff General Joseph Dunford said that Russia poses an "existential" threat to the United States, calling Russia's actions "nothing short of alarming."

The list goes on and on about other things. But here is a very important point from these experts:

For years, Russia has helped fund its growing military with capital derived from the sale of rocket engines to the United States. Russian officials have referred to U.S. purchases of these engines as "free money" for modernizing its missile sector, and have frequently leveraged the Department of Defense's dependence on these engines as a bargaining chip in unrelated foreign policy disputes.

They go on to talk about the Defense authorization bill for the last 2 years passing new legislation to address this national security challenge. And they say:

Under a proposed congressional transition plan, the Russian engine would be phased out no earlier than 2020.

We believe this proposed policy is wise and would prevent unnecessary expenditures on Russian-made rocket engines in support of Russia's industrial base. This policy guarantees assured access to space by increasing reliance on existing, American-made systems, providing an eminently reasonable solution to ending Russia's involvement in the Department of Defense's space launch program.

I want to tell my colleagues that this comes from both sides—Republican and Democrat administrations—and from some of the most reliable intelligence people we have ever had serve our country: Leon Panetta, General Hayden, Michael Morell, Michael Rogers,

Admiral Stavridis. I have heard from many others in the same way.

So here we are with a clear influence of ULA, which is Lockheed and Boeing—two of the largest defense industries in America with, guess what, their launches in Alabama and, guess what, their headquarters in Illinois. Guess who is leading the charge to continuing to place basically unending dependence on Russian rockets. Guess who. You can draw your own conclusion.

So let me go on. Let's talk about these individuals for a minute. I would like to discuss how continuing to buy these RD-180 engines would have us do business with a Russian Government and directly enrich Putin's closest friends who are a group of corrupt cronies and government apparatchiks, including persons the United States and the European Union have sanctioned in relation to Russia's invasion of Ukraine and the annexation of Crimea.

With the swift stroke of a pen just a few days ago, on May 12, 2016, Putin signed a decree that reorganized Russia's entire Russian space industry and consolidated all of its assets under a massive "state corporation" called Roscosmos. Under Putin's directive, Roscosmos swallows up these other outfits—the Russian launch company that supplies the rockets to, guess who, United Launch Alliance. This new state-owned space corruption, in fact, swallows up dozens of other Russian companies.

To be clear, Roscosmos is not a privately owned corporation facilitating business with the Russian Government. It is the Russian Government. As a state corporation, it furthers state policy and is controlled by apparatchiks who have agency authority from Putin to do his bidding. So there should be no confusion; Roscosmos is part of the very same military industrial base that conducts bloody operations in Ukraine and Syria.

Under Roscosmos, Putin is no longer using Russian shell companies or off-shore corporations to sell Russian rocket engines to line the pockets of his most trusted friends. Roscosmos is directly controlled by many of them. If you look at their highest level, the individuals who control the company look like a who's who of U.S. sanctions—officers and directors who have been individually sanctioned by the United States or the European Union or control other companies that have been similarly sanctioned in connection with Russia's invasion of Ukraine.

Let's start with Sergey Chemezov. There he is. Sergey Chemezov is the man at the very top of this chart. Chemezov is the most influential member of the Roscosmos supervisory board and appears to finance operations of Roscosmos through a bank he controls as part of his giant, state-owned defense corporation, Rostec.

As CEO of Rostec, Chemezov controls roughly two-thirds of Russia's defense sector and employs more than 900,000

people, which is approximately 1.2 percent of the whole Russian workforce. This has led some in the Russian government to refer to him as the "shadow defense industry minister."

More importantly, Sergey Chemezov is a former KGB agent who was stationed with Putin in Communist East Germany during the 1980s. The two lived together in an apartment complex in Dresden. Chemezov is said to be Putin's KGB mentor. Chemezov acknowledges that his ties to Putin gave him a competitive business advantage, but the truth is that his meteoric rise was fueled by a series of Kremlin-backed takeovers of prominent Russian companies, and now Roscosmos has been added to the list. Both Chemezov and his state-owned defense corporation Rostec are targeted by U.S. sanctions. I repeat, they and his company are targeted by U.S. sanctions, as is the Rostec-owned bank Novikombank, which finances Roscosmos's operations.

Next in the organizational chart we have Igor Komarov, who will serve as Roscosmos' chief executive officer. He has been sanctioned by the European Union. Recently, he was the head of Russia's largest car manufacturer. This car manufacturer also happened to be taken over by Chemezov's behemoth defense corporation Rostec, and Chemezov later served on the company's board as both chairman and deputy chairman. Komarov is Chemezov's protégé.

To put it simply, Chemezov hand-picked Komarov—a man with little or no experience in the space industry—to run Roscosmos. Chemezov leveraged his position as CEO of Rostec and his access to Putin to make sure that Roscosmos's new head is someone he can control. This gives Chemezov the ability to manage Roscosmos from the shadows, much as he has done with Russia's defense industry. Think of Komarov's relationship to Chemezov as Dmitry Medvedev's relationship to Putin.

Finally, we have Dmitry Rogozin. Yet another target of U.S. sanctions, Rogozin has served as Deputy Prime Minister of the Russian Federation and as the so-called space czar since 2011. Remember, he has been sanctioned by the United States of America; he is now the space czar in Russia. He is also the chairman of Roscosmos's board of directors and has overseen the transition of Roscosmos into its new form, a massive state-owned corporation.

Not surprisingly, during his tenure, Rogozin has been part of a period of unprecedented corruption. He has publicly acknowledged "a systemic crisis from which the space agency is yet to emerge." He also attributes recent financial scandals and criminal activities to a "moral decline of space industry managers." I want to emphasize this. These are Rogozin's words, not mine. The Russian space czar, who has overseen the restructuring of Roscosmos, publicly admits that individuals running the state-owned cor-

poration are hopelessly and fatally corrupt.

In May 2015, the Russian Audit Chamber reported that in fiscal year 2014 alone, Roscosmos misallocated approximately \$1.8 billion. In fact, the money wasn't misallocated; it simply disappeared. The report cited gross financial violations, such as improper use of funds, misuse of appropriated funds, and violations in financial reporting methods. The number was so high that Russian auditors at first thought they must be wrong. They finally concluded that "[the original Roscosmos organization] is among the biggest and least disciplined [of government agencies] that blatantly ignore regulatory requirements and best practices in state procurement orders." And this is from Russia's own internal government watchdog, the rough equivalent of the U.S. Government Accountability Office, GAO.

My friends, as conscientious Americans, we simply cannot continue to do business with this group of self-admitted swindlers and crooks. We cannot support a Russian space agency that is financed by a sanctioned Russian bank, owned by a sanctioned Russian defense company, and controlled by a sanctioned Russian CEO who also happens to be a former KGB agent and close personal friend of Vladimir Putin's.

It is time we found the moral courage to end our reckless dependency on Russian technology before the Russian Government ends it for us. Rogozin has already threatened to cut off our access to space. Just last year, he declared:

We are not going to deliver the RD-180 engines if the United States will use them for non-civil purposes. We also may discontinue servicing the engines that were already delivered to the United States.

Despite these threats, we still manage to funnel hundreds of millions of dollars to Chemezov, Komarov, Rogozin, and countless other Russian stooges just like them. We continue to supply Vladimir Putin with the very capital he needs to wage his deadly shadow war in Europe and the Middle East. We don't need to buy any more engines from Russia. The Secretary of Defense, the Secretary of the Air Force, and the Director of National Intelligence have all testified to that point before the Senate Armed Services Committee. Former Secretary of Defense and Director of the CIA Leon Panetta, former CIA Director and NSA Director Michael Hayden, former Deputy CIA Director Mike Morell, and others, including the former European Command commander and others, all endorse our efforts in this bill to responsibly end our reliance on Russian rocket engines.

I am here to tell you that we are subsidizing the Russian military industrial complex at the expense of our own national interests, and we must end this dangerous addiction before it is too late.

So here we are, my friends, with a blatant, incredible story of people who



are so involved in the Russian invasion of Ukraine that they were sanctioned. They were sanctioned by the United States of America and other countries. They are now in charge of the Russian rocket program. They are the ones into whose pockets go the hundreds of millions of dollars we spend on these Russian rockets.

We have this incredible alliance of Boeing and United that is unbelievable in this consortium of the two biggest defense industries in America that has such control over this body that we will continue to subsidize and pay hundreds of millions of American dollars to corrupt crooks—people and money that will fuel Putin's activities. And we all know that his indiscriminate bombing in Syria is slaughtering thousands of innocent people and driving thousands into refugee situations. It is Vladimir Putin who is bombing the people we train and equip.

By the way, as we might have seen in the last couple of days, Bashar al-Assad has said that there is going to be no peace, that he is going to regain control of the entire country of Syria, making a farce and a joke out of the so-called ceasefire that was orchestrated by our Secretary of State, who went to Moscow on bended knee to beg his buddy Lavrov to agree to a ceasefire that really never existed.

The point is, we do have a supply of rocket engines. Admittedly, they are more expensive. I will freely admit that. But we also have a number of other corporations—not just SpaceX but Blue Origin, and there are a number of others—that are developing rocket engines. If we look at what SpaceX just did, they were able to land a rocket for the first time so it is reusable. Their space launch—they were reusing it. There will be other breakthroughs thanks to these entrepreneurs like Elon Musk and Jeff Bezos and others who are taking charge, when this old consortium, this old military industrial complex called ULA, is running things and we are paying them \$800 million a year to do nothing but stay in business.

My friends, I would also point out one other aspect of this. The Appropriations Committee's job is to appropriate. It is the authorizing committee that does the authorizing. What was in the appropriations bill in numerous places was a gross violation of the area of responsibility of the authorizing committee.

I don't know exactly what we can do about this creeping policymaking on the part of the appropriators, but I hope that at some point—the majority on both sides are not members of the Appropriations Committee, but they are members of various authorizing committees. Sooner or later, they are going to get tired of authorizing certain programs and authorizing after debate and hearings and all the things that—for example, I guarantee you that the Senate Armed Services Committee has had 10 times the number of

hearings and debates and amendments and markups that the Defense Appropriations Subcommittee has had. I guarantee you that. So they take it upon themselves on an issue such as this to put in their own version, which is obviously controlled by Alabama and Illinois.

So that is what is wrong with this system. That is what is wrong with this body. That is what is wrong. And the American people are beginning to figure it out, and they don't like it, and they shouldn't like it.

I pointed out yesterday—and lost a vote—that in 1992 we spent \$20 million on medical research out of the Defense appropriations, out of American tax dollars. Today, it is \$1 billion worth of medical research, most of which has nothing to do with the men and women who are serving this country.

I note the presence of the Senator from Colorado. I am sure he may even know these individuals. I would like for him to meet them, because they are crooks. They are crooks, they are corrupt, and they are butchers. So I would like for him to meet them as he continues to advocate for the status quo, which is a totally unacceptable expenditure of American tax dollars which, indeed, are used to kill Americans. That is a heavy responsibility, I would say to my new friend in the Senate, the Senator from Colorado. That is a heavy responsibility. These guys are killing people, and we are subsidizing these murderers and thugs. That is not something I would be proud of.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I have great respect for my colleague from Arizona. The service he has given to this country and the sacrifices he has endured are tremendous, and nobody can underestimate what he has done for this Nation.

I don't think anybody here would ever think they have done that in whatever legislative action they take. So while we may disagree on certain issues or agree with a different course of action, I believe everybody wants to do what is best for their Nation.

When it comes to this particular issue of having access to space, having reliable access to space, maintaining competition in our industry so that we can provide the best value and cost savings to the American taxpayer while achieving the level of security we need, that is where I believe this debate is rightfully focused, and that is also where the debate from our own Department of Defense is focused.

Nobody in this Chamber wants to continue the status quo. In fact, I have filed an amendment with Senators NELSON, BENNET, HATCH, INHOFE, and SESSIONS—a number of people who believe we should end the status quo and go in a new direction. In fact, that is what this entire debate is about, to make sure we no longer have to rely on the rocket as we do today. But we can-

not leave the security of this country blind to capacities that we would lose if we pursued the direction of the Defense Authorization Act as it is written today, because if we pass this legislation, there are assets that will protect the people of this country that we may not be able to put into space. And if we do, in this bill is language that will cost up to \$1.5 billion because that is what this bill will force to be done—legislation that will result in a \$1.5 billion to \$5 billion tax increase.

I just supported an amendment to add dollars to our defense and security because I believe it is important that the men and women of this country have the tools and the resources they need to protect and defend themselves. I supported that—billions of new dollars. Yet the actions under this bill would cost the American taxpayers somewhere between \$1.5 billion and \$5 billion in more money. While we are adding more money, we are taking it away with passage of this act, while reducing reliability, reducing access to space, and reducing competition. I believe as organizations like the Tea Party Patriots, organizations like AEI, organizations across the country that believe we can do better, that we should keep competition, that we should keep reliability—those are the things we believe in.

Let me read comments by Defense Secretary Ash Carter, the Secretary of Defense, who is truly interested in making sure we protect the people of this Nation from bad actors:

We have to have assured access to space, so we have to have a way to launch our national security payloads into space so our country's security depends on that. One way to do that which is reflected in our budget is to continue to use the Atlas booster including a limited, but continuing number of RD-180 engines.

Air Force Secretary Deborah Lee James on January 27, 2016:

Maintaining at least two of the existing systems until at least two launch providers are available will be necessary to protect our Nation's assured access to space.

This is coming from somebody who believes we need to protect this country and the people of this country from bad actors. She goes on to say:

As we move forward, we respectfully request this committee allow the Department the flexibility to develop and acquire the launch capabilities our warfighters and Intelligence Community need.

Assistant Secretary of the Air Force, William LaPlante, July 16, 2015:

We believe authorization to use up to 18 RD-180 engines in the competitive procurement and award of launch service contracts through Fiscal Year 2022 is a reasonable starting point to mitigate the risk associated with assured access to space and enable competition.

This is somebody who is interested in protecting the people of this country from bad actors—people who would do harm, people who would do evil acts to this country and our allies.

Assistant Secretary of Defense for Acquisition, Katrina McFarland, June

26, 2015, talks about the need for this program.

Intelligence Director James Clapper and Defense Secretary Ash Carter on May 11, 2015, together said:

We are working diligently to transition from the Russian-made RD-180 rocket engine onto domestically sourced propulsion capabilities, but are concerned that section 1608 presents significant challenges to doing so while maintaining assured access to space.

They care about the security of this Nation. They care about the secure future of this Nation.

In fact, just a few days ago, in an article from former General Shelton, four-star commander in the U.S. Air Force, he talked about the need to move away from these rockets to transition to an American-made rocket but in the meantime not allow our capacity, our capability, or our competition to suffer.

Here is what it would cost. This is what it would cost. Here is the graph. This is what the American taxpayers would be paying—35 percent more, \$1.5 billion to a \$5 billion increase in spending if the language of the bill, as it is written today, goes into law. That is not some staffer in the cloak of darkness in the mailroom trying to come up with figures. That is what the experts agree will happen.

While this body is talking about there is not enough money to fund defense, while this body is voting on amendments to increase spending on defense, the same policies enshrined in this bill would cost up to \$5 billion more. If we truly want to make sure we have the resources needed to defend this country, let's not self-inflict \$5 billion worth of harm when we all agree to transition to an American-made system. Let's do so in a way that relies on the ability to do what is right with competition, with reliability, instead of transitioning to a system that can't even reach 60 percent of projected NSS needs—national security space mission needs—unless you use a 35 percent more expensive rocket.

General Shelton believes we should keep this rocket—a five-star general in the U.S. Air Force, Russian rocket engines are essential for now. General Shelton begins: "The U.S. Senate is debating the 2017 National Defense Authorization Act." An amendment proposed "would provide relief" from restrictions that we are facing right now, "recognizing that the current draft legislation would significantly harm the national security space program."

A four-star general in service to our Nation has said that if we don't change the bill as it is written, it would significantly harm the national security space program. General Shelton is the former commander of Air Force Space Command. I think he knows what he is talking about. I think he is an expert.

I could read more quotes from others. The NASA Administrator believes that without this language, we are going to increase costs in NASA, not just the Department of Defense, and we are

going to hurt our ability to access space and access launches.

You talk to the intel communities—intel communities that believe they would lose the capacity to launch satellites that provide missile launch detection that can protect our people and our country.

Yes, let's make sure we transition, yes, let's make sure we change the status quo, but let's do it in a way that is smart, good policy, and protects the interests of the American people. That is what this amendment is about, and we can all agree to that.

Mr. President, I would like to change topics quickly, if I could.

MARION KONISHI AND CAMP AMACHE  
PILGRIMAGE

Mr. President, just a couple of weeks ago in Colorado, Channel 9 News in Denver reported that a bus was going to leave Denver to make a 4-hour drive to a place called Amache. It is where some 7,000 people lived, worked, and called home during much of World War II. Ten weeks after the Japanese bombed Pearl Harbor, President Franklin Roosevelt signed Executive Order 996, creating internment camps for people of Japanese descent. One of those camps was in Colorado.

Just a couple of weeks ago marked the 40th year that Japanese Americans have made a formal pilgrimage to that camp. Those 7,000 people lived in barracks, formed their own schools, planted gardens, and had beauty parlors and Boy Scout troops. Their sons volunteered to fight and die for the country that imprisoned their parents. Many of the visitors to the camp were elderly, in their nineties. There were some college students who made the visit as well, but amongst the people who visited Camp Amache just a couple of weeks ago was the valedictorian of the 1943 Amache Senior High School class. Her name is Marion Konishi. It was her first visit to Camp Amache since she left the camp more than 70 years ago. She was a valedictorian, and 73 years ago she gave a speech as the head of her class. Just a few weeks ago, she returned to Camp Amache where she reread that speech again for the first time.

I thought I would read excerpts of that speech today, her speech titled "America, Our Hope is Anew," June 25, 1943.

One and a half years ago I knew only one America—an America that gave me an equal chance in the struggle for life, liberty, and the pursuit of happiness. If I were asked then—"What does America mean to you?"—I would answer without any hesitation and with all sincerity—"America means freedom, equality, security, and justice."

The other night while I was preparing for this speech, I asked myself this same question—"What does America mean to you?" I hesitated—I was not sure of my answer. I wondered if America still means and will mean freedom, equality, security, and justice when some of its citizens were segregated, discriminated against, and treated so unfairly. I knew I was not the only American seeking an answer.

Then I remembered that old saying—all the answers to the future will be found in the

past for all men. So unmindful of the searchlights reflecting in my windows, I sat down and tried to recall all the things that were taught to me in my history, sociology, and American life classes. This is what I remembered.

America was born in Philadelphia on July 4, 1776, and for 167 years it has been held as the hope, the only hope, for the common man. America has guaranteed to each and all, native and everyone foreign, the right to build a home, to earn a livelihood, to worship, think, speak, and act as he pleased—as a free man equal to every other man.

Every revolution within the last 167 years which had for its aim more freedom was based on her constitution. No cry from an oppressed people has ever gone unanswered by her. America froze, shoeless in the snow at Valley Forge, and battled for her life at Gettysburg. She gave the world its greatest symbols of democracy: George Washington, who freed her from tyranny; Thomas Jefferson, who defined her democratic course; and Abraham Lincoln, who saved her and renewed her faith.

Sometimes America failed and suffered. Sometimes she made mistakes, great mistakes, but she always admitted them and tried to rectify all the injustice that flowed from them. . . . Her history is full of errors but with each mistake she has learned and has marched forward toward a goal of security and peace and a society of free men where the understanding that all men are created equal, an understanding that all men whatever their race, color, or religion be given an equal opportunity to save themselves and each other according to their needs and abilities.

I was once again at my desk. True, I was just as much embittered as any other evacuee. But I had found in the past the answer to my question. I had also found my faith in America—faith in the America that is still alive in the hearts, minds, and consciences of true Americans today—faith in the American sportsmanship and attitude of fair play that will judge citizenship and patriotism on the basis of actions and achievements and not on the basis of physical characteristics.

Can we the graduating class of Amache Senior High School, still believe that America means freedom, equality, security, and justice? Do I believe this? Do my classmates believe this? Yes, with all our hearts, because in that faith, in that hope, is my future, our future, and the world's future.

To Marion Konishi, today Marion Kobukata, her husband Kenneth, who served in the 442nd, thank you for sharing these words 73 years later.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

MR. MCCAIN. Mr. President, you have a choice here. You can believe the Senator from Colorado where there is substantial presence of ULA—an outfit that makes a lot of money—or you can believe Leon Panetta, former Secretary of Defense, former Director of the Central Intelligence Agency; Gen. Michael Hayden, former Director of the CIA, former Director of the National Security Agency; Michael Morrell, former Deputy Director and Acting Director of the Central Intelligence Agency; Michael Rogers, former chairman of the House Select Committee on Intelligence; ADM James Stavridis, and there are many more. All of them are saying they support what I am trying to do. It is interesting that the

Senator from Colorado would completely ignore the view and position of the most respected people in America.

I respect the Senator from Colorado. I do not compare his credentials to that of the former Secretary of Defense. By the way, Americans for Tax Reform is in opposition to the proposal to lift the ban on the rocket engines. They point out America has spent over \$6 billion—\$1 billion that they have spent on this.

Also, there was an interesting incident that happened maybe a couple of months ago where an individual who is an executive from this outfit called ULA made a speech that had a lot of interesting comments in it. He obviously didn't know that it was being recorded. The interesting thing is that this man, Brett Tobey, vice president of engineering for ULA, said during a lecture at the University of Colorado in Boulder, CO, last week that the Department of Defense had "bent over backwards to lean the field to ULA's advantage in a competition with new market entrant SpaceX." An executive of ULA alleges that the Defense Department bent over backwards to lean the field in favor of ULA. If that isn't a graphic example of what is going on here, then I don't know what is. He also said that because of the SpaceX competition, they were going to have to make cuts in their workforce and change the way they do business. For all of these years they have not had any competition, but the Defense Department has bent over backwards to lean the field to ULA's advantage in a competition with the new market entrant Space Exploration Technologies.

I wish to remind the Chair that about 10 years ago there was an idea for Boeing to build a new tanker. It smelled very bad. I, my staff, and others pursued it, and it ended up with executives from Boeing going to jail. Unfortunately, this is another one of those examples that contributes to the profound cynicism of the American people about how their money is spent.

My colleagues have a choice. They can believe the Senator from Colorado, and I am sure that the Senator from Illinois will come to the floor because that is where Boeing is headquartered. They will talk about all of these things, and then you can compare that with Leon Panetta—probably one of the most respected men in America and one of the great Secretaries of Defense—General Hayden, Michael Morell, Michael Rogers, James Stavridis, and all of these people who have no dog in this fight. They don't have anything based in their State that would affect their State's economy. They have a wealth of experience. I would imagine there is at least a century worth of experience in defense amongst these individuals. In no way do I disparage the experience of the Senator from Colorado, but I will match these guys against his any day of the week. They have no dog in this fight nor do they have a corporation based in their State.

After all of these years on the Senate Armed Services Committee, I know when something smells bad, just as I did with the Boeing tanker, and people ended up in jail. This stinks to high heaven.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Colorado.

Mr. GARDNER. Mr. President, I will continue to state the number of people who believe it is important that we approach this from the standpoint of an amendment that Senator NELSON and I have filed, along with a bipartisan group of legislators.

I will begin with Gen. Mark Welsh, Air Force Chief of Staff. This is testimony before the Senate Appropriations Defense Subcommittee in 2015.

[V]irtually everybody agrees that we would like to, as the United States of America, not be so reliant on a Russian engine going forward into the future. . . . But the question is how to do it and when will we be ready, because we don't want to cut off our nose to spite our face. . . . all of the technical experts with whom I've consulted tell me this is not a one or two or three-year deal. You're looking at maybe six or seven years to develop an engine and another year or two beyond that to be able to integrate.

Of course, our amendment would cut it off at 2022 because we believe that is the transition we would need in order to provide the kind of security that the people of this country expect.

Let me show some of the national security missions that will be delayed if we don't have the ability to use all of the components of our current rocket set today.

The space-based infrared system warning satellites that are designed for ballistic missile detection from anywhere in the world, particularly countries like North Korea, would be delayed. I had the opportunity to go to South Korea just last week where I met with General Brooks who talked about the need for us to provide more intelligence over North Korea. The day we were there, North Korea once again tried to launch a ballistic missile. Thankfully it failed, but what happens if it doesn't fail? Are we going to be able to have the space-based infrared system in place that we need to be able to protect the people of this country? Because if they succeed and we don't know, that is catastrophic.

The Mobile User Objective System and Advanced Extremely High Frequency satellite system designed to deliver vital communications capabilities to our armed services around the world would both be delayed. According to a letter dated May 23 from the Deputy Secretary of Defense—again somebody who is very much interested in the future and current security of this country—"losing/delaying the capability to place position and navigation, communication, missile warning, nuclear detection, intelligence, surveillance, and reconnaissance satellites in orbit would be significant."

The Administrator of the National Aeronautics and Space Administration

said before the Senate when asked about what would happen with the loss of these rockets: They are counting on these rockets to be able to get the number of engines that would satisfy the requirements for NASA to fly the Dream Chaser when it comes around in 2019.

The Dream Chaser already has a re-supply service contract for the International Space Station. It is designed to fly on top of one of these rockets. If we were to change that, it would no longer have that rocket available, and they would undergo significant cost and delay in trying to retrofit the rocket just like the Orion space program.

We can talk about more experts. In April of 2015, the Under Secretary of Defense for Acquisition, Technology and Logistics said:

There's going to be a period of time where we would like to have the option, possibly, of using RD-180s if necessary. There are much more expensive options available to us but we prefer not to go that way.

We have shown the chart of how expensive it would be, and now I want to show one final chart.

When we talk about how much money is being spent on rocket engines, I would like to point out this chart. If we are concerned about cronies from Russia, then let's talk about other areas where we are importing from Russia.

This is from 2013. If you look at where we are, engines and motors represent .32 percent of this pie chart. That is how much money is being spent on importing engines and motors from Russia. Let's look at something like nickel. Nickel is .59 percent of our imports from Russia. Arms and ammunition are .56 percent, more than engines and motors. Here is an interesting one. Fish, crustaceans, and aquatic invertebrates are 1.2 percent of our imports from Russia. Engines and motors represent only .32 percent of that.

We are going to continue to have a very good debate in this body. I think Members can come at this from a different approach, and I look forward to working out a solution that all Members can be proud that we have done what is best for our country, our taxpayers, and our security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I know the Senator from Utah is waiting.

We have a choice: Believe those who have a vested interest in continuing this purchase of Russian rocket engines or believe some of the most respected people in America who say we don't need to do it. That is what the choice is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to discuss and urge my colleagues to support amendment No. 4448, the due process guarantee amendment.

This amendment addresses a little known problem that I believe most Americans would be shocked to discover even exists. Under current law, the Federal Government has proclaimed the power—has arrogated to itself the power to detain indefinitely, without charge or trial, U.S. citizens and lawful, permanent residents who are apprehended on American soil.

Let that sink in for just a minute. If you are a U.S. citizen or a U.S. green card holder and you are arrested on American soil because you are suspected of supporting a terrorist group or other enemy of the United States, the Federal Government has claimed the power to detain you indefinitely without formally charging you or without offering you a trial.

I am not talking about American citizens who travel to foreign lands to take up arms against the United States military and are captured on the battlefield. I am talking about U.S. citizens who are apprehended right here in the United States of America.

Under current law, even they can be imprisoned for an unspecified—in fact, unlimited—period of time without ever being charged and without the benefit of a jury trial to which they are entitled.

You don't need to be a defense attorney to recognize what an outrage this is. Arresting U.S. citizens on American soil and then detaining them indefinitely without charges or a trial are obvious deviations from the constitutional right to due process of law.

The last time the Federal Government exercised such power and did so without congressional authorization was during the internment of Japanese Americans during World War II. Congress responded by passing a law to prevent it from happening again. Of course, such legal protection should not need to be codified into Federal statute in the first place, but they did it anyway.

The Fifth Amendment of the Constitution states in no uncertain terms that no person shall be deprived of life, liberty, or property without due process of law. Then again, as James Madison reminded us, if men were angels, no government would be necessary.

In the wake of World War II, Congress passed and President Nixon signed the Nondetention Act of 1971, which states: "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." Those last few words are absolutely crucial: "except pursuant to an Act of Congress." The Nondetention Act of 1971 recognized, as I believe most Americans do, that in some cases—in some grave, treacherous, unfortunate cases—indefinite detention of U.S. citizens may, in the eyes of some, be deemed necessary, but the point is that the Federal Government does not inherently possess the power of indefinite detention. The extent to which such power can even be said to exist within our constitutional

framework at all is a question that many of us would regard as at least debatable.

Certainly only an act of Congress, such as an authorization for the use of military force, or AUMF, or perhaps a declaration of war can give the Federal Government that power. Fast forward 40 years, and this important legal protection has eroded.

In 2011, 40 years after the passage of the Nondetention Act of 1971, Congress passed its annual National Defense Authorization Act for fiscal year 2012, the predecessor of the bill that we are considering today. In that version of the NDAA, there was a provision, section 1021, giving the Federal Government the power to detain U.S. citizens indefinitely without trial, even those who were apprehended on American soil. It may sound as though section 1021 meets the "Act of Congress" threshold established by the Nondetention Act of 1971, but importantly it does not. It does no such thing. Here is why: The language of section 1021 merely presumes that the 2001 AUMF gives the Federal Government the right to detain U.S. citizens indefinitely without having to prove anything, even though an explicit grant of such power appears nowhere at all in the 2001 AUMF.

My amendment would resolve this problem. In clear and straightforward language, my amendment clarifies that a general authorization to use military force, a declaration of war, or any similar authority on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States. This means that if Congress believes it is necessary to have the power to indefinitely detain U.S. citizens who are captured in the United States, then Congress must expressly say so in any authorization it passes.

My amendment recognizes that the due process protections of U.S. citizens are far too important to leave up to implied legal contemplation.

The 2001 AUMF does not expressly state that the Federal Government has the power to indefinitely detain U.S. citizens who were apprehended on American soil. It just doesn't say it. You can look at the 2001 AUMF and you will not find that. For those who believe it is somehow in the national security interests of the United States for the Federal Government to have that power, they should file an amendment to the AUMF that says so explicitly, and then we can see what the American people think and we can find out, just as importantly, what their elected representatives in the House and in the Senate think, or they can file an entirely new AUMF that expressly provides such authority.

This amendment—the one I am discussing today—should not be controversial. In fact, in 2012—just a year after the initial offending provision

that I described a moment ago was passed—the Senate passed this amendment with 67 votes, in large part thanks to the tireless efforts of my distinguished colleague, the senior Senator from California, Mrs. FEINSTEIN, who today joins me as a cosponsor of the amendment.

Unfortunately, the due process guarantee amendment was stripped from that version of the NDAA passed in 2012 for 2013 during the conference process. At the time, some opponents of the amendment were under the impression that it would extend due process provisions to citizens outside of the United States, but that is undeniably false. The due process guarantee amendment applies only to U.S. citizens and lawful permanent residents who are apprehended on U.S. soil.

It has been 4 years since that misunderstanding prevented Congress from passing this commonsense bipartisan reform. That is more than enough time for this institution to gain clarity on what this amendment does do and, just as importantly, on what this amendment does not do. So it is time that we finally pass this amendment, and I urge each of my colleagues to do so.

Mr. PAUL. Will the Senator yield for a question?

Mr. LEE. Yes.

Mr. PAUL. Four years ago we passed legislation under the Defense authorization that allows the American Government to detain an American citizen without a trial. Think about that. One of our basic rights, one of our most important rights is the right to a trial, to be represented, to have a jury of our peers.

You say: Well, it will never be used. Well, President Obama recognized this. He said: This is a terrible power, and I promise never to use it. Any power that is so terrible that a President says he is not going to use it should not be on the books.

As the Senator from Utah said, it is not about having laws that require angels to be in charge of your government. Someday there will be someone in charge of the government who makes a grievous mistake, like rounding up the Japanese. So we have to be very careful about giving power to our government. That is what the challenge is here.

Many will say: Well, we are at war, and when at war you have to have the law of war.

What is the law of war also known as? Martial law. But this is a war that does not seem to have an end. They are not asking for a 1- or 2-year period in which there won't be trials; they are asking you to relinquish your right to trial for a war that may have no end.

I want you to imagine this. Who could these enemy combatants be who may not get trials? Imagine you are an Arab-American in Dearborn, MI, and you send an email to someone overseas. Maybe that person is a bad person and maybe there is a connection, but shouldn't a person in Dearborn, MI,

have a right to defend themselves in court and say: I was just sending an email to them and I said a few stupid things, but I am not a terrorist. Shouldn't they get the right to defend themselves?

We need to be very careful that, as we fight this long war, we don't wake up one day and say we won the war, but we lost what we stood for. We lost the Bill of Rights. We lost it to our soldiers. I know soldiers who lost two arms and a leg fighting for us, and they come back and say they were fighting for the Bill of Rights. That is what this should be about—protecting the Bill of Rights while they are gone.

So the question I have for my esteemed colleague is—some will say: Well, they get a hearing. They get a habeas hearing. They go before a judge. Isn't that due process?

Is a habeas hearing equivalent to due process?

Mr. LEE. No. No. Due process can include habeas, but someone might say habeas corpus is the beginning of due process, not the end. Sometimes it occurs at the beginning, sometimes at the end, but regardless of when in the process it occurs, a habeas proceeding does not represent the sum total universe of what due process means.

You can't read the Fourth, Fifth, Sixth, and Eighth Amendments of the U.S. Constitution to see that what happened in the version of NDAA that we passed in 2011 was an affront to the constitutional order. It was an aberration.

We are not asking for anything drastic. All we are asking here is that before the government takes this step—the type of drastic step you are describing—that at minimum we require Congress to expressly authorize that. Is that really too much?

For those who would say that we are at war, we are in danger—and I understand that. There are those who don't like our way of life. They even perhaps want to do us harm. For those who would say that we are at war and we have to take that into account and consider that, my response is, OK, if that is the case, then let's at least do it the way we are supposed to do it. Let's at least have that discussion rather than doing it by subterfuge, rather than doing it under a cloud of uncertainty, rather than doing it by implication. We need to do so expressly. That is all this amendment does.

Mr. PAUL. Let me clarify in a followup question. If an American citizen goes to Syria and fights with ISIS and is captured on the battlefield, this amendment would not mean they get a trial.

Mr. LEE. No.

Mr. PAUL. They could still be held as an enemy combatant.

Mr. LEE. That is correct. This wouldn't cover them at all because that person is outside the United States. That person is captured on a battlefield outside the United States.

That person wouldn't be covered under this amendment.

Mr. PAUL. Let's also be clear on what we are talking about. People who have been defined as enemy combatants are not always holding a weapon. You can have a propagandist. We have had propagandists who have been killed overseas who were propagandists for the enemy. So it is conceivable that an American citizen could be exchanging information and saying something derogatory about us or something in favor of the enemy, and that could be considered to be—that person is now a propagandist.

My point is, shouldn't they have a day in court to determine the facts and have representation as opposed to being plucked up and saying: You are going to Guantanamo Bay for the rest of your life because you made some criticism, and now the state has deemed you an enemy.

Mr. LEE. That is absolutely right, and that is precisely why we need these protections. That helps illustrate the slippery-slope nature of this problem. And it also emphasizes why it is that there are some in our body who want to make sure this power exists in the government, that we must pass legislation affirmatively making it so, expressly providing that power rather than doing it indirectly. That is all our amendment does.

This is indeed a slippery slope. If all you have to do to indefinitely detain someone without charge, without trial, suspending their rights under the Fourth, Fifth, Sixth, and Eighth amendments—if that is all you have to do, is charge them in a certain way, then our constitutional protections have become weakened, indeed, to a dangerous degree.

Mr. PAUL. Is it currently true that this amendment is being blocked by one Senator from gaining a vote?

Mr. LEE. We are trying to get a vote. This got a vote in 2012. It received 67 votes from people of both parties, votes from some Members—including at least one person whom you may be thinking of who has objections to it now. We need this to get a vote. If we are voting on other amendments, which we should be doing, this should get a vote. Nobody has explained to me why this should not at a minimum receive a vote. If somebody doesn't like this, fine, let them vote against it. But we should have a vote on this because this is relevant to the National Defense Authorization Act. It was the National Defense Authorization Act passed in 2011 that was the vehicle for enacting this into law.

Mr. PAUL. One concluding point I would make would be that we have time in the Senate body to vote about which rockets we are going to use, made in which State and in which country. Shouldn't we take time to vote about the abrogation or possible abrogation of the Bill of Rights, of the right to a trial by jury?

I think this is an eminently important issue, should not be pushed under

the rug, and that no one should be afraid to take a stand. Not everyone will agree, but we should be allowed to take a stand on the Senate floor, openly debate, and have a vote on whether you will have your right to trial by jury or whether we are going to abbreviate that right and say we are at war. But realize that if you think your rights can be abbreviated in times of war, this is a war—that the people who tell you they are going to abbreviate your rights are also telling you that this war has no end, that there is no conceivable end to this war, and that the diminishment of your liberty, the loss of your right to trial by jury, will go on and on without end.

I wholeheartedly support the amendment by my fellow Senator from Utah, and I advocate for having a vote on the Senate floor.

Mr. LEE. I agree.

I note the presence of my distinguished colleague from California, and I yield the floor so that she can address the body.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senators, and I thank the Presiding Officer.

I have listened to this debate, and I rise to urge my colleagues to allow a vote on this due process guarantee amendment.

Senator LEE has filed it, I am a co-sponsor, and I am delighted to be a co-sponsor. We actually voted on an earlier version of this amendment in 2012, so this is nothing new. What Members may not recall is that it passed with 67 votes as an amendment to this bill for fiscal year 2013.

I would also note that thanks to then-Chairman LEAHY, the bill on which this amendment is based had a hearing in the Judiciary Committee on February 29, 2012.

So this bill has come before this body before. It got 67 votes, and it had a hearing in the Judiciary Committee 4 years ago. Unfortunately, the amendment was taken out of the NDAA in conference that year.

It is my hope that the Senate will pass this amendment again this year and that the House will support it so that the law will clearly protect Americans in the United States from indefinite detention by their own government.

Members may say: Well, this isn't going to happen. We are not going to do this.

But we have done it. I remember as a small child going just south of San Francisco to a racetrack called Tanforan. It was no longer a racetrack; it was a detention center for Japanese Americans during World War II, and there were hundreds of families housed there for years against their will.

To prevent this from ever happening again, Congress passed and President Nixon signed into law the Non-Detention Act of 1971 which clearly states: "No citizen shall be imprisoned or otherwise detained by the United States

except pursuant to an act of Congress.” That sounds good, but it didn’t go far enough.

Despite the shameful history of the indefinite detention of Americans and the legal controversy since 9/11, some in the Senate have advocated for the indefinite detention of U.S. citizens during debate on the Defense authorization bill in past years. These Members have argued that the Supreme Court’s plurality decision in the 2004 case of *Hamdi v. Rumsfeld* supports their view. However, the *Hamdi* case involved an American captured by the United States military on the battlefield in Afghanistan. Yaser Esam Hamdi was a U.S. citizen who took up arms on behalf of the Taliban. He was captured on the battlefield in Afghanistan, not on United States soil. That is the difference. While the Supreme Court did effectively uphold *Hamdi*’s military detention, the Supreme Court did not accept the government’s broad assertions of executive authority to detain citizens without charge or trial.

In fact, the *Hamdi* decision says clearly that it covers only “individuals falling into the limited category we are considering,” and did not foreclose the possibility that indefinite detention of a U.S. citizen would raise a constitutional problem at a later date.

Since *Hamdi* was decided in 2004, decisions by the lower courts have contributed to the legal ambiguity when it comes to the detention of U.S. citizens apprehended in our very own country. You can look at the case of Jose Padilla. He is a U.S. citizen arrested in Chicago in 2002. Padilla was initially detained by the Bush administration under a material witness warrant based on the 9/11 terrorist attacks and was later designated as an enemy combatant who allegedly conspired with Al Qaeda to carry out terrorist attacks, including a plot to detonate a dirty bomb inside our country.

Padilla was transferred to a military brig in South Carolina, where he was detained for 3½ years while seeking his freedom by filing a writ of habeas corpus in Federal court. Now, it is important to note that Padilla was never charged with attempting to carry out the dirty bomb plot. Instead, he was released from military custody in November 2005 and transferred to civilian Federal custody in Florida, where he was indicted on other charges in Federal court related to terrorist plots overseas.

In a 2003 decision by the Second Circuit known as *Padilla v. Rumsfeld*, the court of appeals held that the 2001 authorization for use of military force, which we call the AUMF, did not authorize Padilla’s military detention. The decision stated: “We conclude that clear Congressional authorization is required for detentions of American citizens on American soil, because 18 U.S.C. Section 4001(a), the Non-Detention Act, prohibits such detentions absent specific Congressional authorization.”

So the Padilla case bounced back and forth from the Second Circuit up to the Supreme Court and then to the Fourth Circuit. The legality of his military detention was never conclusively resolved. Thus there remains ambiguity about whether a congressional authorization for the use of military force permits the indefinite detention of United States citizens arrested on United States soil.

So let me say that 12 years—let me repeat, 12 years—after Padilla was initially arrested and detained, he was finally sentenced to 21 years in prison in 2014.

The simple point is that we can protect national security while also ensuring that the constitutional due process rights of every American captured within the United States are protected.

That is what this amendment would do. Like the amendment that passed here in 2012 with 67 votes on this floor, this amendment would prevent the government from using a general authorization for the use of military force to apprehend Americans at home and detain them without charge or trial indefinitely. So no one could be picked up and not charged and held indefinitely.

It states very simply in our legislation: “A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.”

The amendment also modifies the existing subsection (a) of the Non-Detention Act, so it covers lawful permanent residents of the United States and ensures that any detention is consistent with the Constitution.

So new subsection (a) will read: “No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.”

Now, let me explain the impact of these changes to the law. First, the U.S. Government will continue to be able to detain U.S. citizens or lawful permanent residents on a foreign battlefield pursuant to an authorization to use military force, like what we passed after 9/11. That AUMF provides the authority to detain Al Qaeda, ISIL, and affiliated terrorist fighters.

In other words, if the government needs to detain an enemy combatant on a foreign battlefield under a post-9/11 congressional authorization to use force, that is not barred, even if the enemy combatant is, in fact, a U.S. citizen. Indeed, the Supreme Court held in *Hamdi* that the AUMF is “explicit authorization” for that limited kind of detention. So the amendment does not disturb the *Hamdi* decision.

Second, when acting with respect to citizens or lawful permanent residents

apprehended at home, the amendment makes clear that a general authorization for the use of military force does not authorize the detention, without charge or trial, of citizens or green card holders like Padilla, who are apprehended inside the United States. Instead, they should be arrested and charged like other terrorists captured in the United States.

Now, the simple point is that indefinite military detention of Americans apprehended in the United States is not the American way and must not be allowed. In the United States, the FBI and other law enforcement and intelligence agencies have proven time and again that they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on United States soil.

Our law enforcement personnel have successfully arrested, detained, and convicted literally hundreds of terrorists, both before and after 9/11. Specifically, there were 580 terrorism-related convictions in the Federal criminal courts between 9/11 and the end of 2014. That is according to the Department of Justice.

More recently, Federal prosecutors have charged 85 men and women around our country in connection with ISIL since March of 2014. Suspected terrorists can still be detained within the U.S. criminal justice system using at least the following four options: One, they can be charged with a Federal or State crime and held. Two, some can be held for violating immigration laws. Three, they can be held as a material witness as part of a Federal grand jury proceeding. Or, four, they can be detained under section 412 of the PATRIOT Act, which provides that an alien may be detained for up to 6 months if their release “will threaten the national security of the United States or the safety of the community or any person.”

Simply put, there is no shortage of authority for U.S. law enforcement to take the necessary actions on our soil to protect the homeland. Some may ask why this legislation protects green card holders as well as citizens. Others may ask why the bill does not protect all persons apprehended in the United States from indefinite military detention.

Let me make clear that I would support providing the protections in this amendment to all persons in the United States, but the question comes: is there political support to expand it to cover others besides U.S. citizens and green card holders? We went through this in 2012, I believe, before the Presiding Officer was here. The overriding situation is to prevent the Federal Government from moving in and picking up Americans and holding them without charge or trial, as was done with Japanese Americans after World War II.

Finally, with the passage of this, we will close out that chapter once and for all. So this is not about whether citizens apprehended in the United States,

like Jose Padilla or others who would do us harm, should be captured, interrogated, incarcerated, and severely punished. They should be to the fullest extent the law allows, but not an innocent American picked up off the street and held without charge or trial—perhaps because of the person's name or looks or heritage.

So what about how a future President might abuse his or her authority to indefinitely detain people militarily here in the United States? Our Constitution gives everyone in the United States basic due process rights. The Fifth Amendment provides that "no person shall be deprived of life, liberty, or property without due process of law." This is a basic tenet of our Constitution and our values.

People are entitled to notice of charges, to an opportunity to be heard, and to a fair proceeding before a neutral arbiter. In criminal cases, the accused also has a right to a speedy and public trial by a jury of their peers. So these protections are really a sacred part of who we are as Americans. I think it is something we all take great pride in, and now it is, once again, the time. We did this in 2012, in the fiscal year 2013 NDAA bill.

It received 67 votes on this floor. I would hope that we would not be blocked from taking another vote on this. We experimented with indefinite detention during World War II. It was a mistake we all realize and a betrayal of our core values. So let's not repeat it.

I want to thank Senator LEE, Senator TOM UDALL, Senator PAUL, Senator CRUZ, and others who have worked with us on this issue over the years. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, when we ask the men and women of this country to go to war on our behalf, we make a solemn promise to take care of them, to support them while they are abroad, and take care of them when they come home. As a daughter of a World War II veteran, this is a promise I take very seriously, and I know that my colleagues do too.

One aspect of this promise that I have been proud to fight for is the idea that we should help warriors who have sustained grievous injuries achieve their dream of starting families. This is something that is hard for many people to think about, but it is a reality for far too many men and women, people like Tyler Wilson. He is a veteran I met who is paralyzed and nearly died in a firefight in Afghanistan.

After years of surgeries and rehab and learning an entirely new way of living, he met Crystal, the woman he wanted to spend the rest of his life with. Together, they wanted to start a family. I believe we have an obligation as a nation to help them. That is why I have been fighting to expand VA care to pay for IVF treatments for people

like Tyler. It is why I was so encouraged that 6 months ago the Pentagon announced a pilot program to allow servicemembers who are getting ready to deploy—the very men and women who are willing to put their lives on the line in defense of our country—an opportunity at cryopreservation.

That is a practice already widely used among the general population. It gives our deploying members not only the ability to have options for family planning in the event they are injured on the battlefield, but it gives them peace of mind. It says they don't have to worry about choosing between defending their country or a chance at a family someday. As Secretary Ash Carter said himself, this was a move that "honors the desire of our men and women to commit themselves completely to their careers, or to serve courageously in combat, while preserving their ability to have children in the future."

I couldn't agree with that sentiment more. While the pilot program was not groundbreaking and, in fact, has been used by the British Armed Forces for years, I believe the Pentagon's announcement spoke volumes about having respect for servicemembers who are willing to risk suffering catastrophic injuries on our behalf to tell them: No matter what happens on the battlefield, your country will be there for you with the best care available.

I applaud Secretary Ash Carter for his leadership. It is the right thing to do for our young men and women who have big plans after their service is complete. That is why I was so shocked by one line in this massive NDAA bill before us, a line that brings me to the floor today. Blink and you will miss it. On page 1,455 of the 1,600-page bill, in one line in a funding chart, you will find an attempt to roll back access to the care members of our military earned in their service to our country.

That line—that simple little line—will zero out the very program that helps men and women in our military realize their dreams of having a family, even if they go on to suffer catastrophic injuries while fighting on our behalf. The very program that Secretary Carter got off the ground just 6 months ago, the promise the Pentagon made, this bill throws in the trash.

Taking away that dream is wrong. It is not what our country is about. While I don't know how or why that line got into this bill, I am here today to shine a light on it in the hopes that we can get this fixed before it is too late.

In the past day, I have talked to both the chair and ranking member, and I am hopeful that we can change course. We simply cannot allow this provision or others like it to slip through the cracks and continue to chip away at the care that these servicemembers deserve. That is not what this country is about. Many of my colleagues are so quick to honor our military members with their words, but our servicemembers need to see that same commitment with their actions.

That is why I am here today urging my colleagues to keep this vital service intact for members of our military. We can take action that truly shows our servicemembers and our veterans that we understand this service is a cost of war and it is a cost that we, as a country, are willing to take on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I am going to try to make sense out of some of the discussion that has been going on, which has been quite detailed and very esoteric, with regard to the Russian rocket engine which is the main engine in the tail of the Atlas V rocket—the first stage of the Atlas V.

Why is there a Russian engine? In the early 1990s, at the time of the disintegration of the Soviet Union, the United States went in to try to help secure the nuclear material and nuclear weapons. It was clearly in the interests of the United States and her allies that loose nukes not get into the hands of rogue nations or rogue groups.

At the same time, it was clearly in the interests of the United States that we try to prevent all of the experts, the Russian scientists and engineers that had been involved in the Russian or the Soviet Union's rocket program—and it was an exceptional program—from going to rogue nations or to rogue groups. Read: Iran.

Thus it became apparent, when U.S. scientists, engineers, and space pioneers visited the Russian engine plant, that it was this extraordinary engine that had this high compression with liquid oxygen as a fuel and also kerosene. As a result, it was clearly in the interests of the United States not only to prevent loose nukes and scientists leaving but to keep them interested and employed. Remember, this was in a Soviet Union that was disintegrating at the moment. Therefore, it was in the interest of keeping that Russian rocket engine manufacturing facility employing those engineers and scientists. In one instance, that facility has been called Energomash, and in another instance, it has been made reference to as Roscosmos.

Therefore, private companies in the United States arranged to buy the Russian engines and keep them employed and, at the same time, to obtain the plans with the idea that down the road the United States would manufacture the same Russian engine, but its manufacture would be done in the United States. That intention was never carried out.

As a result, that leads us to where we are today. Today, we still buy the Russian engines. On average, that is costing us \$88 million a year. How much is that of the total expenditures that we buy from Russia in other goods? It is less than a percent. In fact, that \$88 million a year, on average, is one-third of 1 percent that is purchasing this excellent engine. That excellent engine happens to be the workhorse engine of

the Atlas V, which is our most reliable rocket for military launches, as well as future NASA launches, as well as commercial launches of communications satellites in orbit.

The whole fracas that has been engulfing this Defense bill here is because now that same Russian Federation, where it was so important for us to keep employing its scientists and engineers 25 years ago,—today is being led by a former KGB agent, Vladimir Putin. He is doing things that we don't like. He runs over Ukraine and he takes a part called Crimea. He is pushing into eastern Ukraine and he is doing all kinds of bad things there that is threatening the freedom of the people of Ukraine.

As articulated by Senator MCCAIN, naturally we would not want to continue to buy those Russian engines, which is basically helping Vladimir Putin, even though it is minuscule—less than one-third of 1 percent of the total goods that we buy from Russia.

So that brings us to this point: How do we get out of the mess? How we get out of the mess is that we build our own engine. We should have done that years ago. But now we can actually build a better engine and not plug into the same rocket, because if it is a different engine you cannot plug into the same rocket in the Atlas V. You have to basically plug it into a different rocket. As we speak, there is now a competition going on to develop a replacement engine. In one case, it is called the BE-4. In another case it is called an Aerojet Rocketdyne engine. That competition is going to continue, but we can't do it overnight. So it is going to take some time.

An optimistic estimate might say that the engine is ready in about 2019, and then you have to test-fire in the new rocket that you have developed. So a realistic time of when the new engine is available is at the end of the year 2022.

So what do we do to make sure we have the rockets to have assured access to space between now and the end of 2022? That is what all this discussion is on the floor.

On the one hand, there is a very successful company called SpaceX. They are now certified with a rocket called the Falcon 9, and that rocket has won some competitions and has put payloads in space, including one defense payload that I know of. There may be more, but I do know that they have been certified for the Department of Defense.

Its competitor is the other company, United Launch Alliance, which is a combination of Boeing and Lockheed. They have been successfully launching the Atlas V without a miss for years and years. I think the successful number of rocket launches is something in excess of 50 or maybe 60. Thus, it is a proven workhorse.

We never want to get to the position where we have just one rocket company, because if something happened,

you want to have a backup because we have to get satellites into space to protect our national security, and we have to do it over this period of time from now until the end of 2022. Therefore, how do you keep them going alive if you eliminate the ability of being able to buy the Russian engine?

That is what all of the very emotional and very well-meaning speeches on the floor have been about—in one case, United Launch Alliance, and in another case, SpaceX. For the good of the country, we have to have both until we can develop, test, and successfully fly the replacement engine for the Russian engine.

As we speak, these discussions, by the way, that have been going on over the past several weeks, and with intensity over the past few days, continue. It is certainly my hope that we are going to get resolution and can get an agreement on this and a way to go forward so that we can get this issue behind us and move on with a defense bill that is so important to the future of this country.

Mr. President, I wanted to lay out the predicate of what this is all about. When you start getting into the weeds about this number of launches and that number of launches, all of it boils down to what this Senator has just shared. So I hope we get resolution. And since I am basically an optimist, I think we will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, just to continue—and I do with some reluctance—on this whole issue of rocket engines, as I mentioned earlier, there is an individual who is one of the head executives of ULA who was recorded, and in the recording he talks about ULA and the relationship and how they have an “in” with the Department of Defense, and I just want to quote from his recording. He was talking about the rocket engine. He said:

But unfortunately, it's built by the Soviet Union, and there's a couple of people, one person in particular, this guy right here, John McCain, who basically doesn't like us.

Remember, this is an employee of ULA.

He continues:

He's like this with Elon Musk, and so Elon Musk says, why don't you guys go, why don't you go after United Launch Alliance and see if you can get that engine to be outlawed. So he was able to get legislation through that basically got our number of engines down that we could use for national security space competitions down to four; we needed nine. . . . And so, then, we got his friend, I told you about that big factory down in Alabama, in Decatur, and basically this is Richard Shelby, Senator Richard Shelby, from Alabama, both Republicans, and he basically at the last minute, at December of last year, they were doing an omnibus bill to keep the government running. And what he did is talk to John McCain and parachuted in, in the middle of the night, and added some language into the appropriations. . . . Shelby's in charge of appropriations. He says ignore McCain's language and basically allowed

United Launch Alliance to pick any engine they want from any country abroad.

Then he goes on to say:

But we can't afford that any more because the price points are coming down as low as 60 million dollars per launch vehicle, and on the best day you'll see us bid at 125 million dollars, or twice that number, and if you were to take and add in that capabilities cost, it's closer to 200 million dollars. . . . SpaceX will take them to court if they don't, so they have demonstrated ability to say, if you do not allow us to compete on an apples-to-apples basis, that we will take you to court, and you will lose.

So if you saw just recently, they bid the second GPS-III launch, ULA opted to not bid that. Because the government was not happy with us not bidding that contract because they had felt that they'd bent over backwards to lean the field in our advantage.

I repeat, this is what an executive of ULA said. “Because the government was not happy with us not bidding that contract because they had felt that they'd bent over backwards to lean the field in our advantage.” That is from an executive of ULA. Is there any better evidence of what he said?

Continuing the quote from the recording:

But we even said we don't bid, because we saw it as a cost sheet up between us and SpaceX, so now we're going to have to take and figure out how to bid these things much lower cost. And the government can't just say ULA's got a great track record, they've got 105 launches in a row, and 100 percent mission success and we can give it to them on a silver platter even though their costs are two or three times as high.

Two or three times as high. Mr. President, this is what makes the American people cynical about the way we do business.

Before I suggest the absence of a quorum, let me just say that we are going to be moving the amendments on interpreters and Guantanamo, and so I alert my colleagues that we will be doing that shortly.

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. SULLIVAN. 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. SULLIVAN. Mr. President, I rise to speak in support of what we have been doing on the Senate floor the past 2 weeks—moving forward on the National Defense Authorization Act. I wish to pay a compliment and my deepest respect to the chairman of the Armed Services Committee, to the ranking member, and to all the members of the Armed Services Committee who have been focused on this bill that we have been putting forward in this Congress and every Congress for the last half century.

Our forces are under strain at a time when Henry Kissinger said before the Armed Services Committee that “the United States has not faced a more diverse and complex array of crises since the end of the Second World War.”



Here is what some of our top military officials have told our committee about the threats that are rising globally and the dramatic reduction in our military forces. Chief of Staff of the Army, GEN Mark Milley, recently stated that due to cuts and threats, our Army is at a state of “high military risk” when it comes to being ready enough to defend our interests. That is a very serious statement by the Chief of Staff of the Army, “high military risk” for our military and the ability of the U.S. Army to do its mission. He also said that when it comes to Russia and its new aggressiveness, we are “outranged and outgunned.”

Let me spend a little bit of time on the new challenge from Russia. There are many provisions in this bill—which is why it is so important—that will strengthen our military threat with regard to Russia—something that, as a Senator from Alaska, I am very concerned about.

Nobody spoke more eloquently and compellingly about our country’s credibility than President Reagan when he stated that his philosophy of dealing with our potential adversaries was that “we maintain the peace through our strength; weakness only invites aggression.” And he matched his rhetoric with credible action. That is what we need to do with regard to the NDAA, and that is why it is so important that we move forward and pass this bill.

But the Russian threat is not just in Europe, it also in the Arctic, and those threats—we are hearing more and more in committee testimony on and what the Russians are doing. For example, there are 4 new Arctic brigades; a new Arctic command; 14 operational airfields in the Russian Arctic by the end of this year; up to 50 airfields by 2020; a 30-percent increase in Russian special forces in the Arctic; 40 Russian Government and privately owned icebreakers, with 11 additional icebreakers in development right now, including 3 new nuclear-powered icebreakers; huge land claims in the Arctic; increased long-range air patrols with Bear bombers—the most since the Cold War—and pilots in Alaska are intercepting these Russian bombers on a weekly basis; and a recent deployment of two sophisticated S-400 air defense systems again to the Arctic. Why are they doing this? Because it is a strategic place, new transportation routes, enormous resources.

Our own Secretary of Defense stated in testimony that he realized we were late to the Arctic given how strategic and important it is. Right now we have no Arctic port infrastructure; two icebreakers—that is it; no plans to increase Arctic-capable special forces; and a lack of surveillance capabilities in this strategic region of the world.

Why do I mention this? Because in this NDAA we start to address the problem. Just as we did in last year’s NDAA, we start to lay the foundation for having a strategic vision of what is

going on in the Arctic, the way the Russians are, and we are beginning to be prepared in an area of the world that is absolutely critical to U.S. security. Provisions include the first steps to build up an appropriate strategic Arctic port. We will also build up our Arctic domain awareness, and we will have a much better sense of what is going on in this region not only with regard to the Russians but what the Chinese are doing in this critical area of the world.

Make no mistake—America is an Arctic nation. We are an Arctic nation because of my State, the State of Alaska. This NDAA begins the important process to start addressing the strategic concerns we are seeing in the Arctic and securing our Nation in a way that is important for all of us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, after discussions with the Senator from New Hampshire, the Senator from Missouri, the Senator from South Carolina, and the Senator from Kansas, I ask unanimous consent to have a colloquy with these Senators.

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

Mr. McCAIN. We are going to propose a unanimous consent request that the Senate take up and pass both the issue of the interpreters to our Afghan allies and the issue of Guantanamo Bay. I know there is objection, so we will await those individuals since it would require their presence on the floor.

I will say a few words about the SIV Program. The fact is, the Senator from Colorado, maybe the Senator from Alabama, maybe the Senator from someplace else, has an axe to grind here: They didn’t get a vote on their amendment. They didn’t get their vote, so, by God, nobody is going to get a vote.

Do you know what they neglect here? We are talking about our men and women in the military who literally saved their lives. And they are using their parochial reasons, because they didn’t get their vote, to object. My friends, that is not what the job of a United States Senator should be.

GEN David Petraeus:

Throughout my time in uniform, I saw how important our in-country allies are in the performance of our missions. Many of our Afghan allies have not only been mission-essential—serving as the eyes and ears of our own troops and often saving American lives—they have risked their own lives and their families’ lives in the line of duty. Protecting these allies is as much a matter of American national morality as it is American national security.

So the Senators who have come and objected disagree with an effort we are making on the issue of American national morality, in the eyes of GEN David Petraeus.

General Nicholson is over there now. He says basically the same thing:

They followed and supported our troops in combat at great personal risk, ensuring the safety and effectiveness of Coalition mem-

bers on the ground. Many have been injured or killed in the line of duty, a testament to their commitment, resolve, and dedication to support our interests. Continuing our promise of the American dream is more than in our national interests, it is a testament to our decency and long-standing tradition of honoring our allies.

That is from General Nicholson, who is over there now.

There is no more admired diplomat in America than Ryan Crocker. He states:

This is a very personal issue for me. I was U.S. Ambassador to Iraq from 2002 to 2009 and to Afghanistan from 2011 to 2012. I observed firsthand the courage of the citizens who risked their lives trying to help their own countries by helping the United States. It takes a special kind of heroism for them to serve alongside of us.

GEN Stanley McChrystal:

I ask for your help in upholding this obligation by appropriating additional Afghan SIVs to bring our allies to safety in America. They have risked their own and their families’ lives in the line of duty.

I will stop with this. General Campbell says the same thing:

They frequently live in fear that they are or their families will be targeted for kidnappings and death. Many have suffered this fate already. The SIV program offers hope that their sacrifices on our behalf will not be forgotten.

I would hope that a Senator who comes to object to this act of humanitarian—a moral obligation, as stated by these respected military leaders, that they wouldn’t object because they didn’t get a vote on their amendment. That would be a reason to stop this act that is a moral obligation of this country? Well, if they come over and object, then they have their priorities badly screwed up. If these people are killed, they will have nobody to answer to but their families.

I hope we will pass this by unanimous consent and not have—for a parochial, their own selfish reason—some Senator come and object.

I yield to the Senator from New Hampshire, Mrs. SHAHEEN.

Mrs. SHAHEEN. I say thank you to Senator McCAIN. Thank you for your leadership and thanks to Senator JACK REED for his leadership on this issue. As the Senator points out, there are real lives at stake. If we are not able to continue the Special Immigrant Visa Program for those Afghans who have helped us during the conflict in Afghanistan, then—we know the Taliban has already murdered a number of them, their family members. As the Senator points out, to have someone object to going forward with this amendment—not related to the program at all but because people have other personal issues they want to address—it would be unfortunate and not in this country’s interest.

What we are actually hoping we can vote on today is a carefully crafted amendment. It addresses the legitimate concerns that people have raised about this program. We spent hours over the last few days and last night

trying to come to some agreement to address those issues, and I think the legislation before us does that.

The concern, as I understand, isn't about this program and about what is in this program; it is about individuals who have their own issues unrelated to this program that they want to see addressed. I understand that. We all have our issues, but that is not what we ought to be voting on at this point.

The Senator pointed out that Ryan Crocker, who served both in Afghanistan and Iraq, has talked about the importance of this program, as have so many of our generals and those who have served. I want to quote from an op-ed piece he wrote last month about the importance of Congress addressing this program. He said:

In an era of partisan rancor, this has been an area where Republicans and Democrats have acted together. Congress has continued to support policies aimed at protecting our wartime allies by renewing the Afghanistan SIV program annually—demonstrating a shared understanding that taking care of those who took care of us is not just an act of basic decency; it is also in our national interest. American credibility matters. Abandoning these allies would tarnish our reputation and endanger those we are today asking to serve alongside U.S. forces and diplomats.

As we all know, this country owes a great debt to the Afghans who provided essential assistance to the U.S. mission in Afghanistan. Thousands of brave men and women put themselves and their families at risk to help our soldiers and diplomats accomplish their mission and return home safely. We must not turn our back on these individuals. We must not imperil our ability to secure this kind of assistance in the future, and a “no” vote today would do exactly that.

I urge this body to move forward to allow a vote on a compromise that has been supported by everybody who was raising concerns about this program.

I would like to yield to my colleague from South Carolina.

Mr. McCAIN. Senator MORAN first.

Mrs. SHAHEEN. Sorry. Senator MORAN.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, thank you very much, and I appreciate the opportunity to be here on the Senate floor today with my colleagues.

I, too, have an amendment to strike section 1023 of this bill, the national defense authorization bill, S. 2943. This is amendment No. 4068. We will seek unanimous consent for this amendment to be considered, but what it does is strike section 1023, which provides for the design and planning related to construction of a facility in the United States to house detainees. This is part of the constant effort by some to close Guantanamo Bay and bring the detainees to the United States.

In my view, it is essential for the United States to maintain the ability to hold terrorists, both those who were captured in 2002, as well as those whom we may find on the battlefields of ter-

rorism with ISIS today. Since 2008, the effort has been to close Guantanamo Bay with the objective of bringing those detainees to the United States. This Congress, this Senate has spoken time and time again both in the predecessors' legislation to this bill we are considering today, NDAA of past years, as well as the appropriations process in which we prohibit those detainees from being brought to the United States and housed in a facility in the United States.

In fact, the Attorney General and the Secretary of Defense have, on numerous occasions, confirmed that the President has no legal authority to close Gitmo or to transfer detainees to the United States. For some reason, the national defense authorization bill, as it came out of the committee, provides for the planning and designing related to construction of a facility here.

This amendment strikes that language, and it reaffirms what we have said before. In fact, in last year's national defense authorization bill, we said there had to be a plan provided by the administration that outlines, in significant criteria and detail, what would be involved in bringing those detainees to the United States. I am opposed to that in the first place. I am opposed to that in the second place. I would add that plan that we keep looking for, it has yet to be, in any specificity, granted to us to see in Congress.

Mr. President, I would ask my colleagues to allow, at the appropriate time, that this bill be made in order for consideration for a vote by the Senate as an amendment to this bill.

Mr. McCAIN. There are a number of Members on both sides of the aisle who have had the honor of serving in Iraq and Afghanistan, and particularly some of the newer members have added enormously to the Armed Services Committee. There is also one member of the committee who I believe, in his many years of Active Duty, has served in Afghanistan as many as 33 times. He has had an up close and personal relationship with these brave interpreters who literally put their lives on the line in assisting people like Colonel Graham and all others as they were able to accomplish their mission, which they would not have been able to do if it had not been for the outstanding service and sacrifice of these interpreters.

Senator GRAHAM.

Mr. GRAHAM. Thank you. I compliment Senator SHAHEEN and all those involved in trying to get to yes. The people who had concerns about your amendment, I understand their concerns. You are able to find a way to accommodate those concerns. This is sort of how the legislative process works. You get to yes when you can. But why this is important to America and particularly to me—Senator SULLIVAN served some time in Afghanistan as a marine working in the Embassy dealing with detainee operations.

I did about 140 days on the ground in Iraq and Afghanistan, mostly in Af-

ghanistan, as a Reservist. I did my Reserve duty, 1 week, 2 weeks at a time, with Task Force 435 that was in charge of detainee operations at Bagram prison. That unit's job was to advise the commanders about who to put in Bagram, what requirements there were to hold somebody in Bagram prison under U.S. custody, and also to build up the rule of law, where the rule-of-law field forces would go out to different parts of Afghanistan and work with the police and the judiciary to try to build capacity.

During my experience in Afghanistan, I learned something that is, quite frankly, overwhelming to this day, how brave some people in Afghanistan are to change their country. There was one interpreter—and I am certainly not going to use his name—who was there the entire time I did my Reserve duty. I retired last year. This man was invaluable. It is not just interpreting the language and repeating what we said. It is the context that he made over time to make sure the coalition forces could accomplish their mission. Of all the people we owe a debt to as Americans, it is these interpreters and those who have assisted our forces. They have come out of the shadows. They have taken a skill set we did not have, which is local knowledge, and they have applied that skill set to helping our efforts to protect America but, equally important, to protect their homeland, Afghanistan.

All the letters from those who were in command can say it better than I can. I had a small glimpse as a military lawyer over about a 5-year period coming in and coming out, and all I can tell you is what I saw was amazing, and it moved me beyond measure. I got to meet their family. The interpreters had families. I got to know them. They have children. They have wives. All the ones I know were male, but I know there were females who were helping too. I can tell you, if there is any way for this body to pass Senator SHAHEEN's amendment, you would be doing our country and those who helped us under the most dire situation a great service.

As to how the body works, I wish I could get everything I wanted. I have not been able to do that in life or in the Senate. I wanted to have a vote on the Ex-Im Bank because the Ex-Im Bank is not operating because we don't have a quorum. I asked for an amendment on this bill to change that to get us back in the game in terms of the Ex-Im Bank because it shut down. It was objected to because it is not germane. I understand that. I am disappointed, but I am not going to stop the whole bill because I didn't get what I want.

There are other people who are offering amendments that are very important to them. Ex-Im Bank is very important to people of South Carolina, but there is a process. The Ex-Im Bank is about jobs that are important to Americans. This is about lives. This is about the here and now. This is not

about what might happen one day. Maybe if something happened, maybe we will do this or maybe we will do that. This is about people who have already stepped out. This is the here and now. There is nothing hypothetical about this debate. There are thousands of people in Afghanistan who have risked their lives to help us, and we are trying to get some of them out of Afghanistan to the safety of the United States, honoring their service to make sure other people in the future would also want to do the same.

The one thing I tell my colleagues, the war is not over. Since 2012, 2011, the last time we had some of these debates, has it gotten better? The world is on fire right now. The threats to our country are at an alltime high, in my opinion. In 2012, ISIL didn't even exist. Today they are trying to penetrate the homeland. The Homeland Security Secretary said what keeps him up at night is homegrown terrorism.

The enemy is actively involved in trying to get people on their side who live among us. All I can say is, the things that have changed over the last few years are all for the worse, not the better, and this amendment is literally life and death. I honest to God beg and plead with the Members of this body, if you can't get everything you want, please don't stop this. I did not get everything I want. This really matters.

Mr. McCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. McCAIN. Suppose this unanimous consent request is objected to by a Member. Would my colleague say the blood of these interpreters who will be killed and their families murdered is on their hands? Would my friend say that just because they didn't get their amendment—by the way, I offered Senator LEE the chance to bring up his amendment on the issue of women in the Selective Service, and he turned that down. He said he wanted to take up his other amendment first.

Let the record be clear that I immediately approached him and asked: When do you want to take up the amendment on Selective Service? He said: That is not my priority. My priority is this one here, which apparently he will object to.

If we don't do this and those people are killed by the Taliban because they have to stay in Afghanistan—the Senator from South Carolina would agree they are the No. 1 target—wouldn't you say that those who objected to their having freedom in the United States of America have blood on their hands?

Mr. GRAHAM. Mr. President, the first thing I would say is I blame the Taliban. They are the ones who are doing the killing. What I would say to Senators is, where you can help people who make our country safer, you should. All of us should try to find a way to get to yes at least sometimes if you can't do it all the time.

I can tell the Members of this body that I have been to Iraq and Afghani-

stan 37 times—probably 20 times in Afghanistan. I spent close to 100 days on the ground in Afghanistan. I have seen in person what they do. They get outside the wire, make the mission possible, risk their lives, and Senator SHAHEEN has been able to navigate a very thorny issue and get a solution that is not 100 percent of what she wanted. She had to give up thousands of visas just to find a way to move forward.

All I can say is that this really is a big deal. People's lives are at stake. This is not a hypothetical issue. All I can say is that I hope we can find it among ourselves to get to yes on this and what Senator MORAN is trying to do. If we can't, we can't, but let me tell you this: Senator LEE objected to my Ex-Im Bank amendment in committee. He had every right to do so. It wasn't germane. It is very important to me. We are losing thousands of jobs. South Carolina is losing hundreds of jobs because the Bank shut down. I will still fight to get the Ex-Im Bank operating, but what I will not do to help the people of South Carolina is to put the lives of those in Afghanistan at risk. I don't think I am helping the people in South Carolina by making it harder for us to fight and win a war we can't afford to lose. I can't live with myself knowing what is coming their way.

This is not a matter of "what if" to me. I have been there, I have seen it, and people are literally going to die. My amendment is important to me, and it is important to the economy of South Carolina and the Nation. I did not get my way, but I am not going to stand in the way of people being able to avoid being killed.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, will my colleague from South Carolina yield for a question?

Mr. GRAHAM. Mr. President, I would be glad to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, the Senator from South Carolina talked about the fight against ISIL and how that is spreading across the Middle East. What kind of message does it send to the Taliban, ISIL, and other terrorist groups, should they hear that we are defeating this program that was designed to help those people who helped us?

Mr. GRAHAM. Mr. President, that is a great question. They are called night letters. Let me tell you how this works. I was in Kandahar with the rule of law field forces, and we were trying to build up the capacity of their judges in Kandahar. The judges were being killed in large measure, so it was pretty hard to find anybody who wanted to be a judge.

We hardened the site, and we put some American troops, along with Afghan soldiers, to try to get a judiciary up and running in a really hot spot. We had a couple of police stations that were being overrun, and we tried to get

people to go back to the police stations.

The night letter was delivered to some of the leaders who were buying into what we were doing. I don't speak Pashto, but these night letters were from the Taliban saying: We are watching. The Americans will leave you. They will leave you, and we will remember you.

I know what the night letter looks like because I saw one, but here is the difference—I never got one. Imagine what it would be like if you woke up tomorrow and the enemy of your country, which is trying to take your country down, is telling you and your family: We are watching you. We are coming after you. You are hiding behind the Great Satan, and the Great Satan will abandon you.

I can tell you what it would do. It would make those letters real, and they will take this failure to help people who helped us and make it really hard in the future for us to defend our Nation.

The night letters are going to increase. We had to sit down with these people and say: No, we are not going to abandon you.

It is funny the Senator from New Hampshire mentioned that. I have a resolution that Senator REED has agreed to which urges the President, if he chooses, to keep troops at 9,800 based on conditions. If he felt that was the right thing, we would all support him and let the next President find out if we need to go down in size. I am all for leaving. I just want to make sure the conditions are right to leave, and I don't think it is right to go from 9,800 to 5,500.

All I can say to Senator SHAHEEN is that these night letters will be larger in number, and the people who get the letters are watching what we are doing.

Mr. McCAIN. Mr. President, I ask unanimous consent that the following amendments be in order to be offered: Shaheen No. 4604 and Moran No. 4068; I further ask there be 5 minutes equally divided between the managers or their designees and that the Senate then proceed to vote in relation to the amendments in the order listed with no second-degree amendments to these amendments in order prior to the votes.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I sat here and I heard some fairly hyperbolic arguments—arguments suggesting somehow that anyone who has other amendments they would like to have considered are somehow unpatriotic or unsympathetic if they don't allow these amendments to go through.

The fact is, I have no problem with either of these amendments. I will gladly not only allow a vote on them, but I will also vote for the amendment from Senator SHAHEEN and the amendment from Senator MORAN. I support

both of them, but I would like a vote on my amendment as well. This is an issue I have worked on for 5 years. This issue arose 5 years ago when a provision was slipped into the NDAA that we passed that year that I think raises significant concerns.

I have worked with my colleague, the senior Senator from California, and Senators on both sides of the aisle, and put together a proposal to deal with that language. We put that in and had a vote on it in 2012, and 67 Members of this body voted for it, including some of the people who have spoken in the last few minutes. This is an issue that became a part of our law because of the NDAA 5 years ago. It is appropriate to bring this up now.

Moments ago, the Senator from South Carolina made reference to an objection I made to an amendment of his within the Senate Armed Services Committee on which he and I serve. It is true that I made an objection because in the committee we have some jurisdictional rules. There are reasons why certain amendments aren't jurisdictionally proper within the committee. There was a reason I didn't bring up the amendment that I wanted to vote on within the committee because of a jurisdictional issue. I was told last year and this year that if this is an amendment you want to bring up, the appropriate time to do so is on the floor and not in committee. The reason I did that is that there are jurisdictional issues present within the committee.

Again, I don't have a problem with the Shaheen or Moran amendments. I will support both of them. All I am asking for is to give me a vote on my amendment as well.

Therefore, I ask that the unanimous consent be modified to include my amendment—amendment No. 4448.

The PRESIDING OFFICER. Does the Senator from Arizona so modify his request?

Mr. GRAHAM. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, No. 1, I will object, and let me tell you why. The last time we had a hearing about the issue of whether or not an American citizen can be held as an enemy combatant if they collaborate with Al Qaeda was 2012. Since 2012, things have changed all for the worse.

To my friend from Utah, your amendment should be in the Judiciary Committee. That is where primary jurisdiction exists. I am chairman of the Crime, Terrorism Subcommittee. I promise that we will have a hearing about your idea that never made it in the NDAA, and we will see what has changed from 2012 till now. I think that is much better than having a debate on the floor of the Senate about something this important that will last 30 minutes or an hour.

I would argue to the American people that the rise of ISIL has changed the

game. If you read their literature, they are talking about how it is easier to penetrate America than it is to get somebody to come here. When you listen to the FBI and Homeland Security director, their No. 1 fear is homegrown terrorism.

Here is my view: We will debate the substance of this later. I think the best thing we can do is pass these two amendments. The Ex-Im Bank was brought up by Senator SCHUMER, and Senator SHELBY objected. He has every right to do so. Senator LEE came on the floor and talked about what a bad idea the Bank is, and he has every right to do so.

In order to allow these two people to go forward, the Senator has to get a vote on his amendment. That is what this is all about. I didn't get my amendment. I wish that we could have had a vote on the Ex-Im Bank reauthorization. It really does matter to me. I didn't get that.

Mr. LEE. Mr. President, will the Senator yield?

Mr. GRAHAM. Mr. President, if I could finish my thought, what I would suggest to Senator LEE is that the prudent thing for us to do is to have another hearing because the last one we had was in 2012. Listen to the FBI Director and Homeland Security Secretary and see why they feel so strongly about homegrown terrorism and see if we can find a way to move forward. But what the Senator from Utah and others have said—there is not one American being held as an enemy combatant today. There are thousands of people who have helped us in Afghanistan who will be killed if we don't do something about it.

The Senator from Utah and I will never agree on this issue, and I respect my friend greatly. I believe we are fighting a war, not a crime. I will never agree that because you are an American citizen, you can collaborate with the enemy and work actively with Al Qaeda and ISIL to attack your homeland and not be held under the law of war, which we have been doing for decades in other wars.

I do believe in due process. As the law is written today, if our military or intelligence community picks up someone they believe is collaborating with ISIL or Al Qaeda, someone covered as an enemy combatant, they can be held, but they can be held only if a Federal judge allows the continued holding. You do get a hearing under the habeas corpus statute. The government has to prove you are, in fact, an enemy combatant.

The last time we had this debate, it was suggested this was a slippery slope. What prevents you from being held as an enemy combatant if you went to a tea party rally? That was pretty offensive to me then, and it is really offensive to me now. The idea that somehow American soil is not part of the battlefield blows me away.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Mr. President, I will in a moment.

Let me make this real to you. We will have a big debate. I would love to have a hearing.

This guy pictured here is Anwar al-Awlaki. He is dead, thank God. He was an American citizen and head of Al Qaeda in Yemen. President Obama put him on the kill list, and we killed him. That is good. Well done, Mr. President.

If you are an American citizen and you go to Yemen and join Al Qaeda, I hope you get killed too. If we capture you, you will have your day in court to argue that you are not part of Al Qaeda, that we have it all wrong, and the government has to prove that you in fact are. But if the government can make that argument, the last thing I want somebody like this to hear is "Hey, you have a right to remain silent." I don't want these people to remain silent; I want to hold them as enemy combatants and gather intelligence. I don't want to torture them. I don't want to beat them up. But I don't want to put them in Federal court and act like it is not part of the war. I don't want to criminalize the war; I want to make sure you have due process consistent with being at war.

What Senator LEE and others are suggesting is that if this guy made it to America, came back to his homeland, and we shot him on the steps of the Capitol and he survived, we would have to read him his Miranda rights and we couldn't hold him to find out under military interrogation what he knows about this attack and future attacks. So what you do when you go down this road is you stop the ability to gather intelligence at a time we need more information, not less.

I am not going to belabor this point any more. As you can tell, I strongly disapprove of having this debate now without another hearing, going down this road, because so much has changed. And I hope you respect where I am coming from. I respect your passion. I hope you respect my passion on this.

Here is the point: I didn't get all I want, and I am not going to stop the process for others who have done a good thing. Here is what you are going to do because you are worried about something that is not real at this moment because nobody is in custody. You are objecting to finding a solution for something that is real for the moment.

Senator MORAN, what you are worried about is real.

So all I am asking is that before we can get to yes, let's get to yes, and if you can't get everything you want because somebody is passionate on the other side, don't stop everybody else from getting what they want. That, to me, just makes a stronger country, a better Senate.

As you know, I respect you, but I am never going to agree with you, ever, because I have been a military lawyer for 33 years. What you are saying makes

no sense to me. I am sure you are sincere about it. I think it weakens the ability to defend this Nation at a time when we need all the defenses we can get.

I am not suggesting that you would be rounded up by your government, thrown in jail, accused of being an Al Qaeda or ISIL member, and nobody ever hears from you again and you never get a chance to speak. That is not the law, and it has never been the law.

I plead with the Senator, please, please, let's take this issue to the Judiciary Committee where it belongs. Let's have a hearing, mark up the bill in Judiciary, and then do whatever you want to do. Don't stop these two amendments. That is all I am asking.

Mr. McCAIN. Mr. President, let me also mention a couple of facts. As of 10 o'clock this morning, there were 537 amendments that had been filed—537 amendments—which is always the case with the Defense authorization bill. I am sure that every Member who filed those amendments wanted a vote and a debate on every single one of them, as is their right, but the fact is that we can't do that for a whole variety of reasons, including objections, et cetera. So if every Senator blocked every vote because his or her amendment is not being considered, obviously we would never do anything, which is why we have done so little here on this bill.

Now we are talking about the lives of men who have put it on the line for the men and women who are serving. Don't we have some sense of perspective and priority here? People are going to die, I tell the Senator from Utah. They are going to die if we don't pass this amendment and take them out of harm's way. Don't you understand the gravity of that? Can't you understand that your issue on extended detaining is an important one, but don't you understand these people's lives are in danger as we speak? They have been marked for death. They have been marked for death. Why do you think General Petraeus and General Nicholson and Ryan Crocker and all our most respected military leaders say with great urgency—they say with urgency that we have to do this because they are going to die. They are going to be killed. Doesn't that somehow appeal to your sense of compassion for these people?

Mr. LEE. If the Senator will yield, I will answer—

Mr. McCAIN. Let me finish.

Don't you understand what is at stake here? Do you respect General Petraeus, General Nicholson, and General McChrystal? Every one of them has written to us and said that these people's lives are in danger and that this is a moral issue.

So you are going to object because your amendment is being blocked, as so many amendments are blocked. Many, many amendments are blocked. If that is good or bad, I don't know, but people object.

Now we are talking about a compelling humanitarian issue that is far more important than humanitarian because we abandon these people, and you can't expect people in future conflicts or in these conflicts we are in to cooperate and help the United States of America if we are going to abandon them to a cruel and terrible death.

This is a serious issue. This is not something that we like to maneuver around what the steering committee wants and how we are going to do all these kinds of things we get mired down in, and we will have the Heritage Foundation write a letter or something like that. This is a matter of life and death, and that issue and challenge is immediate.

So I appeal to the Senator from Utah's humanity, for his compassion, for his ability to save lives here, and let this go through, as the most respected military and diplomatic leaders in the world have urged us to do. I appeal to the life-or-death situation that will entail a lot of deaths if you block this legislation.

Mr. GRAHAM. I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. LEE. I object to the original request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I have been asked by a couple of my colleagues why it is that I couldn't just have the good sense to let their amendments go through. I say let's do it. Let's have it right now. I support the amendment. Let's vote on it right now. Let's vote on Senator MORAN's amendment right now, and let's vote on mine right now.

Now the comparison has been made by the Senator from South Carolina that because he didn't get his vote because someone objected this morning to his amendment dealing with the Export-Import Bank, that I should also have my amendment blocked.

It is important to realize that the Export-Import Bank was not created by a previous iteration of the National Defense Authorization Act. The provision I am objecting to here and the provision I am trying to address here was, in fact, created by a previous iteration of the National Defense Authorization Act. It was passed in 2011 with, I believe, far too little consideration, without the American people being aware of what they were doing, and it remains on the books to this day.

The next argument made by my friend from South Carolina is an interesting one, which is that this needs more of an airing, needs more of a hearing. He has promised me now a hearing on the Judiciary Committee which he chairs. As much as I appreciate that gesture, that is not enough.

Let me replay a couple of things. First of all, I have been working on

this for 5 years. I got a vote on it 4 years ago, and 67 Senators voted for it. It was removed in a conference committee. Someone said there was confusion as to why it was removed in a conference committee; regardless, it was removed. I have been trying ever since then, in subsequent iterations of the Defense authorization act, to get another vote on it.

I served on the Armed Services Committee, and I was told by the chairman, my distinguished colleague, the senior Senator from Arizona last year—I told him I wanted to bring it up in committee. He said: You can't bring it up in committee because there is a jurisdictional issue with the Judiciary Committee. That is better dealt with on the floor.

I said: OK. I will deal with it on the floor.

We got to the floor. I was blocked from operating on the floor. It didn't happen.

So this year I was told: You can't bring it up in committee. There is a jurisdiction issue. You are best served waiting for the floor for that.

I said: OK. I will wait for the floor.

I brought it up again this year. Now I have been told by the chairman of the Armed Services Committee, the senior Senator from Arizona, that we will deal with it next year. I have been told by the Senator from South Carolina that he will deal with it at some unknown point in the future in a hearing—not markup, just a hearing—in a subcommittee of the Judiciary Committee which he chairs.

So we are talking about an issue now that was brought up 5 years ago, and I am being told again and again to wait, to wait, to wait more. This is an issue that got the vote of 67 Members of our body 4 years ago. This is an issue that was brought about by a previous iteration of the National Defense Authorization Act. This is the appropriate vehicle in which to address this.

This is not a frivolity. This is not just some nicety. This is not some parochial interest. This is a basic human rights interest. This is an interest that relates to some of the most fundamental protections in the U.S. Constitution.

When you say that you want to lock up American citizens detained on U.S. soil without charge, without trial, without access to a jury, indefinitely, for an unlimited period of time, you are implicating at a minimum the Fourth, the Fifth and the Sixth and Eighth Amendments to the Constitution. These are very significant.

My friend from South Carolina says we just need to take a deep breath and deal with this another day. Why does the status quo—the status quo which is insulting to the history, the traditions, the text, the context of the U.S. Constitution—why should that be the status quo? Why should we wait to deal with this? Why should the status quo be one that is insulting to the American people, one that is insulting to the

descendants of those Japanese Americans who were interned in World War II indefinitely without charge, without access to trial, without access to the jury system, without access to their fundamental rights under the Fourth, Fifth, Sixth, and Eighth Amendments under the Constitution, among others? Why should that status quo prevail?

Why, moreover, should someone who is concerned about these issues—these fundamental human rights issues, these fundamental constitutional rights issues—why should someone who is concerned about those be maligned and accused of not caring about individuals who would be harmed by the non-passage of another amendment? Why should that person be blamed when that person—I—is willing to allow a vote on the Shaheen amendment, on the Moran amendment, as long as they give me a vote on my amendment—an amendment that was allowed a vote 4 years ago, an amendment that received 67 votes—a veto-proof supermajority—only 4 years ago?

So, having been told again and again n, wait until next year, wait until next year, wait until the next committee process, wait until the next floor process, after a while, one begins to discern a pattern. That is a pattern that I am discerning.

There is another pattern that I discern, which is a pattern in which when you allow government to exercise a certain power, even if it might not be exercised at the moment, eventually it will. That is why we put precautionary language within our laws. That is why we have rights in our laws. What are rights, after all, but statements of law that restrict action by the government?

As Madison noted in Federalist 51, the government is a reflection of human nature. To understand government, you have to understand human nature. If men were angels, we would have no need of a government. And if government could be administered by angels, we would have no need for these external constraints on government, on its ability to exercise power. But we have learned through sad experience that when human beings get power and when they get excessive power, sometimes they abuse that power, so we have to constrain it. And it is important that we decide that we are going to constrain it before the moment arrives, lest we see another Korematsu moment, lest we see the internment of more American citizens without charge, without trial, on an indefinite basis, on the basis of mere accusations—accusations unproven, accusations untested by a jury.

The whole reason for having a Constitution rests on this understanding. This fundamental understanding is that when government power grows, when it expands, it does so at the expense of individual freedom, and it sometimes does so at great risk to the human soul, at great risk to the ability of an individual to remain free.

I am all in favor of the Shaheen amendment. I am all in favor of the Moran amendment. Let's have a vote on those two amendments and on the amendment that I have proposed, an amendment that is limited and an amendment, I should note here, that would not foreclose the ability of this body down the road to identify the changed circumstances of the sort that some of my colleagues have referred to. It simply says that if the government is going to do this, there has to be a plain statement, a clear statement; that it has to do so expressly; that Congress must expressly authorize this kind of action either in a declaration of war or an authorization for the use of military force. I don't think that is too much to ask, especially given the types of constitutional protections we are dealing with.

If, in fact, we are going to call the American homeland—if, in fact, we are going to call the territorial jurisdiction of the United States of America part of the battlefield, ought we not to have a declaration of war, an authorization for use of military force that identifies it as such? I mean, after all, the precedents that we are talking about, the precedents upon which this theory is based are premised on this idea that you have enemy combatants who become part of an enemy's fighting force, as was the case of Ex parte Quirin, where you had American citizens going over to Germany, putting on a German uniform, and fighting for the Germans. That was part of that war. They were enemy combatants on the battlefield.

There was Ex parte Milligan, where you had Confederate rebel soldiers who were enemy combatants on the battlefield fighting against the United States. So if we are willing to do that, we need a declaration of war. We need an authorization for the use of military force that states so expressly. That is the sole purpose of my amendment. I don't think that is unreasonable. In fact, I think that is necessary.

So I would like to get this done. I would like to get this done. We can get this done today. Let's have votes on all three amendments.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I guess, finally, I woke up in the middle of the night last night thinking about this issue. It made me think of a long time ago when I saw a lot of brave Americans die, some of them in aerial combat. Several times I thought that perhaps I could have prevented their deaths by being a better airman or taking certain actions. It bothers me to this day.

I can't imagine how it must bother someone who is literally signing the death warrants of some people who in their innocence decided they would help the United States of America. I could not bear that burden. I believe that what we are doing here by blocking this amendment that allow would

these wonderful people, as described by all of our leaders, to leave a place where death is almost certain—at least in the case of some of them—because of some exercise that would have no immediate effect, is that we are blocking this ability to save lives. I do not understand.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROUNDS. 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. ROUNDS. Mr. President, as the Senate continues to consider the National Defense Authorization Act, the NDAA, I rise today to discuss an amendment in support of my constituents who are military retirees, as well as military retirees in many other States.

My amendment would change a provision being proposed in this bill that requires military retirees and their families who don't have easy access to a military treatment facility, such as on a base, to unfairly pay higher copays for their prescription medications. TRICARE provides health care services for our servicemembers, our military retirees, and their families.

Using TRICARE, military retirees can get free prescription drugs at a military treatment facility. In other words, our military retirees who live close to a base have no copays for their prescription drugs. However, if they draw these prescriptions from a retail pharmacy or through the TRICARE-approved mail order system, they are required to make a copayment.

My amendment deals with a provision in today's bill that directs the Department of Defense, or DOD, to increase these copayments that military retirees obtain from a retail pharmacy or through mail order rather from a military treatment facility. The provision will require those military retirees who live far away from a base, without easy access to a military treatment facility, to get their prescriptions and to pay more for their use of retail pharmacies and mail order.

Why would anybody seek to make it more expensive for our military retirees to receive a benefit they have been promised just because they live far away from a military treatment facility? The answer is simple. It is sequestration. We are making cuts to an existing budget. This provision was inserted as a cost-savings measure, one that tries to balance and measure out the costs based upon or demanded by sequestration.

But we are doing it on the backs of military retirees. It is being done to try to make some tough budget decisions. But this arbitrary cost-cutting measure is estimated to cost our military retiree families in rural areas—

and I emphasize “in rural areas”—\$2 billion over the next 10 years. I don’t think it is fair for us to make those who live in rural areas—rural years like South Dakota—to pay a higher copay because of where they live.

We have made promises to these men and whom who made incredible sacrifices to protect our country that they would be able to have adequate health insurance coverage, including access to prescription drugs and medicines. It is not fair to make them bear a \$2 billion cost for prescription drugs simply because of where they live. My amendment would stipulate that if a military retiree lives more than 40 miles from a military treatment facility, they would not be saddled with this additional copay.

Further, my amendment would require an assessment by the Department of Defense of the added costs that would be borne by these military retirees and their families as a result of increased TRICARE prescription drug copays. This will enable Congress to make reasonable future decisions with regard to increased TRICARE prescription drug copayments that may have a disproportionate impact on those living distant from military treatment facilities.

I appreciate the opportunity to discuss my amendment, which would rectify a serious effect on military retirees and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### FOREIGN POLICY

Mr. BARRASSO. Mr. President, like many people in this body, I was home last week in Wyoming honoring the sacrifice of America’s veterans. Every day we see evidence of just how much America relies on our men and women in uniform to keep us safe, to keep us free, to fight for our freedoms, to fight for our safety. Every day we get fresh reminders that the world continues to be a very dangerous place.

So to me it is disturbing that the Democrats in Washington have done so much to slow down our efforts to provide for America’s troops—troops we need for our national defense. The National Defense Authorization Act that we are debating here sets important policies and priorities that have a great effect on our national security.

A strong American military is absolutely essential—essential as we need to address the world’s dangers that we face overseas before they become direct threats here at home.

So when I consider legislation like this, I try to keep one thing in mind: If we want to make America safe and secure, then we need to provide the greatest possible security for our country while maintaining the greatest possible freedom for the American people and also at the same time improving America’s standing in the world.

So when I look back over the past 7 years, I have to ask the Obama administration—ask of the Obama adminis-

tration and ask all Americans and anyone listening in today—how the Obama administration’s foreign policies have met the goals of greatest possible security, greatest possible freedom, and improving our standing in the world.

I just think that in far too many cases, in too many parts of the world, the only honest conclusion is that the policies of the Obama administration have actually failed. Now, I am not the only one that thinks so. I found it very interesting when you take a look at what former President Jimmy Carter has to say when he was asked about this. He said this about President Obama: “I can’t think of many nations in the world where we [the United States] have a better relationship now than we did when he [President Obama], took over.”

He went on to say that the United States’ influence, prestige, and respect—think about this: influence, prestige and respect—in the world is probably lower now than it was 6 or 7 years ago. This is a former President of the United States, a Democratic President of the United States, Jimmy Carter.

So let’s look at some examples. It has been more than 5 years since the start of the uprisings in Syria. In August of 2011, President Obama responded by calling on Bashar Assad to step aside. A few months later, Secretary of State Hillary Clinton said that it was only “a matter of time before the Assad regime would fail.” Well, that was more than 4 years ago. Assad is still there. “A matter of time,” she said.

The Obama administration did not back up its words, and any meaningful support for the moderate opposition in Syria was not there. They did nothing. The President did nothing to enforce the so-called redline that he drew on Assad’s use of chemical weapons against his people. Assad used the chemical weapons, and the President of the United States did nothing.

The administration’s weak response in Syria essentially gave a green light for Assad to continue and a green light for Russia to come in and pump up and protect Assad. So I find it interesting when you take a look at what the President of the United States has done. If you go to the Washington Post for Tuesday, June 7, this was the headline:

Empty words, empty stomachs.

Syrian children continue to face starvation as another Obama administration promise falls by the wayside.

That is what we see with Barack Obama, another Obama administration promise falling by the wayside. Thousands and thousands and hundreds of thousands killed. The President’s redline became a green light. So the invitation came for Russia to come in. They have done that.

Well, what else has Russia done over the past 7 years? Remember how the Obama administration launched its so-called Russian reset? President Obama

was so intent on resetting the U.S. relations with the Kremlin that he showed a complete lack of resolve. He gave Russia one concession after another in the new START treaty. That was in 2010. He had only become President in 2009. In 2010, there was one concession after another.

President Obama showed Vladimir Putin that the American President, Barack Obama, could easily be pushed around. Under this treaty, America is cutting our nuclear arsenal while Russia is expanding theirs. It was allowed by the treaty. This is the President’s “best he could do.” Russia responded to the reset. We remember Hillary Clinton there pressing the reset button. Russia responded to the reset of relations by sending troops into Ukraine, by annexing Crimea. Russia moved.

President Obama shows weakness, and Russia moves. Yes, Vladimir Putin is a thug. When President Obama shows weakness, Putin does the things that thugs do. But that is the Obama administration for you. The administration’s policy on Russia has not provided the greatest possible security for America—not at all.

But let’s look at Iran. Last week President Obama gave a very political speech at the graduation ceremony at the U.S. Air Force Academy in Colorado Springs.

He criticized Republicans for questioning the treaties he negotiates. To me, it seems more like capitulates rather than negotiates. While President Obama negotiated a major treaty with Iran over their illicit nuclear weapons program, he said it was this or war. He thought the treaty was so great he didn’t want the Senate to have a chance to review it. That was it, his way or no.

In his State of the Union Address in January, he said that because of the nuclear deal with Iran, “the world has avoided another war.” These are President Obama’s words.

This is complete fiction, complete fiction. The choice was never between his deal and another war. It was a choice between a bad deal and a better deal, and President Obama chose a bad deal.

As they say in the military, if you want it bad enough, you get it bad. And that is what we got, a lesson President Obama apparently never learned.

We have learned from an interview with one of the President’s top advisers that this was something the administration knew all along. This adviser, Ben Rhodes, bragged about creating an echo chamber to help deceive—intentionally designed to deceive the American people about the agreement.

Let’s go back. Before the nuclear deal, there was actually an international ban on Iran testing ballistic missile technology. A ban was in place. What is happening today? Well, Iran is right back to doing the tests.

I remember the administration promising the inspectors would get access to

Iran's nuclear facilities. They said anywhere, anytime, 24/7. That is what Ben Rhodes said. It turns out it is more like 24 days, not 24/7. That is the kind of notice that now is needed prior to access.

So how is it working for Iran? Well, the Iranian economy is benefiting from access to \$100 billion because the Obama administration gave them sanctions relief. What are they going to do with the money—build roads, build hospitals, help educate the young? Don't count on it because even the President's National Security Advisor admits some of this money is going to be used by Iran to keep supporting terrorist groups. We see it. We know it— Hamas, Hezbollah, and the Houthis in Yemen.

President Obama wanted to get a deal with Iran so badly that he got a very bad deal, a bad deal—not for him—for the American people, for our country. The President and his foreign policy team were willing to say anything to sell this deal to the American people. The administration's policy in Iran has not provided the greatest possible security for America.

I could go on and on talking about more places around the world. Members of this body are fully aware. The American people are fully aware of the failures of this administration. There are so many places where America does not have a better relationship now than we did when President Obama came into office—just like Jimmy Carter said: "I can't think of many nations in the world where we have a better relationship now than when [President Obama] took over."

So President Obama is going to spend the rest of his time in office trying to create an echo chamber. He will try to convince people around the world that his foreign policy has been a success, but *The Economist* magazine recently noted America, under President Obama, has been a foreign policy—in their words—"pushover."

As the Senate considers this vital national security legislation, the National Defense Authorization Act, I think it is important that we honestly evaluate what the President's record really is, and today the world is less safe, less secure, and less stable than it was 7 years ago. The President and all the people who have been a part of his foreign policy team over the years will say whatever it takes to try to hide and disguise the facts. It is time to block out the echo chamber. It is time to ignore the spin. We need to make sure we are providing the greatest possible security for America while maintaining the greatest possible freedom for the American people and improving America's standing in the world. That is our responsibility as a legislative body.

For decades upon decades, America has been the most powerful and respected Nation on the face of the Earth. Under President Obama, American power has declined and respect around the world has evaporated.

President Obama was given the Nobel Peace Prize in 2009. It was completely undeserved, and it deserves to be removed from him if something like this could actually be done. Unfortunately, it is not possible to revoke a Nobel Peace Prize. In this case it should be. That prize remains undeserved.

American men and women in uniform deserve better than what they have gotten from their Commander in Chief. It is now up to Congress to make sure they receive the support, the equipment, and the technology they need to protect our country and our citizens.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, the Federal Government's No. 1 responsibility is to protect the American people. As the Obama administration approaches its final months, the American people still do not feel, with any degree of confidence, that Washington is taking the proper steps to carry out that responsibility. The Islamic State terror group has repeatedly encouraged sympathizers in the West to launch domestic attacks. In the group's self-declared caliphate in Syria and Iraq, it continues to carry out atrocities on a daily basis.

ISIS has no intention of letting up, and the President's strategy of scattered attacks is doing little to slow the terror groups' strength. A group President Obama once dubbed the JV team has become a clear and serious threat during his watch.

That is just one of the many failures during this administration's foreign policy which is rooted in wishful thinking rather than grounded in reality. The idea that we can wish away the Nation's threats that our Nation faces by passively withdrawing from the international stage is a dangerous approach. It is this mentality that the President and his aides used to justify not calling jihadi attacks what they are, radical Islamic terrorism. The President has convinced himself that radical Islamic terrorism will not be a threat if we just call it something else. Clearly, this is not true.

It is the same mindset that thinks closing Gitmo and moving dangerous terrorists to U.S. soil is the right thing to do, and it is how we ended up with a deal that does nothing to prevent Iran from going nuclear but instead emboldens it to belligerently threaten the United States, our allies like Israel, and its neighboring Arab States.

The regime in Tehran acts as if it is virtually untouchable as a result of the Obama administration's agreement. Iran has no intentions of being a responsible, peaceful player in the international community. Even before the deal's implementation, Iran shamelessly violated U.N. Security Council mandates. Now, free from sanctions, the Iranians are flush with resources to build an arsenal to fund terror across the region. None of this seems to matter to the White House, which was bent on making this deal the cornerstone of its foreign policy.

The administration was so determined to sell this deal that it engaged in a propaganda campaign, enlisting outside groups to create an "echo chamber" and feeding material to a press corps that White House staffers said "knew nothing" about diplomacy. The administration even took extreme steps to keep the uncomfortable truths from the American people by removing a damaging exchange about whether officials lied about secret talks with Iran in 2012.

All of this just adds to the perception that the Obama administration was willing to go to any length to get this deal done, no matter how bad it is for our national security.

Senate Republicans have tried to correct this, of course. We wanted to stop this ill-advised Iran deal, but the minority leader forced his caucus to protect the President's legacy.

We have taken efforts to force the President to present a coherent plan to defeat ISIS abroad and to protect Americans here at home. That plan is still nonexistent.

We have inserted language into law after law to prevent the closure of Gitmo. In fact, the President is once again threatening to veto the bill we are currently considering, in part, due to the language that prevents closure of the facility.

We shouldn't be moving dangerous terrorists out of Gitmo. If anything, we should be moving more terrorists into Gitmo. The state-of-the-art facility is more than serving its purpose for detaining the worst of the worst, obtaining valuable intelligence from them, and keeping these terrorists who are bent on destroying America from returning to the battlefield.

A report from the *Washington Post* yesterday indicates that the Obama administration has evidence that about a dozen detainees released from Gitmo have launched attacks against the United States or allied forces in Afghanistan that have resulted in American deaths.

As the threat posed by ISIS grows, Gitmo remains the only option to house these terrorists. Any facility on U.S. soil is not an option. It never was with Al Qaeda terrorists, nor can it be with ISIS terrorists.

The President has failed to understand the gravity these terrorists pose to our homeland. Radical Islamic terrorists around the globe are pledging allegiance to the group and, as we have seen in Paris, Brussels, and San Bernardino, they are committed to and capable of hitting Westerners at home.

The President has never presented a strategy to Congress for eliminating ISIS, and our sporadic airstrikes have done little to stop the group from pressing forward and attempting to strengthen its global reach.

While ISIS grows and the United States sits idly by, Iran, Russia, China, and North Korea have ramped up their belligerent actions, putting our security at risk around the world. This will



only continue to increase if we continue to chase the diplomacy to the point where it puts the safety of the American people at risk, to the point where any leverage the United States started with is gone, and to the point where we withdraw from conflicts with enemies because it is easier to allow someone else to fight the battle.

We are trying to fix the problems created by the Obama administration's failures so we can restore the confidence of the American people that their government is working to protect them here and abroad. Passage of the bill before us this week is a good step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am not on the floor to interrupt any kind of debate relative to this bill, but given the fact we are at a stalemate situation and nobody is on the floor, I thought I would at least highlight a foreign policy speech I have been wanting to give. I plan to do it in significant detail on Monday, if the hours work out as I think they will.

Let me just take this short amount of time to summarize some of what I have been thinking and that I think is something my colleagues and all of us ought to be thinking about in terms of our foreign policy. Of course, it is related to our national defense, and that is what we are debating today, supporting our military. It is unfortunate we are in the situation we are in, but nevertheless I wish to take a few minutes to discuss what the next President will be inheriting—whomever that President turns out to be, a Republican or Democrat and potentially, I guess I should say, an Independent, although I don't think that will happen.

The next President is going to be faced with a bucket full of foreign policy issues that President is going to have to deal with. As I said, I hope to speak next week at some time in greater length about the challenges our President will face, but let me summarize a few key points that deserve further discussion among my colleagues, and, hopefully, by the Presidential candidates during the election campaign.

It is clear to me, and I believe it is clear to my Senate colleagues, that the President has failed to clearly define America's global role and a coherent strategy to pursue that goal. It is equally clear that his vision of America's role has been woefully inadequate to respond to the growing crises throughout the world.

Someone earlier here mentioned, and I had mentioned before, that the world is on fire. The Director of National Intelligence, James Clapper, with 51 years of service in the intelligence world, has said he has never seen anything like this in his 51 years of service—the multitude of crises that exist around the world and that we are confronted with. As the world's leading Nation—the Nation that has provided

freedom for hundreds of millions, if not billions, of people by taking the lead to fight terrorism, to fight the evil that exists in this world—it is important we understand America's decisions. The decisions made by America's leaders have enormous impact on events around the world.

For nearly 8 years, we have been trying to read the President's foreign policy tea leaves to divine his purposes and methods of a foreign policy that, to me and to many, seems chaotic, ad hoc, and directionless. We don't know what the administration is trying to accomplish—whether we should or should not engage and at what cost it would be. These all remain mysteries—mysteries to us here in the Senate, where we have an obligation to advise and consent on foreign policy, and to the American people, who continue to ask us: What is going on here? What is America's role? What are we doing? What should we be doing? What is the debate?

The task is made even more daunting by the crisis-ridden world we now face. The next President will face foreign policy challenges from across the globe, but three stand out that I would especially like to touch on this evening and that I think are especially dangerous. Those three are the Middle East, Europe, and Russia.

Let's look at the Middle East. The region is disintegrating. We are now in the midst of the most profound and dangerous redefinition of the region since the end of the Ottoman Empire in 1917. Borders, regimes, stability, and alliances are all being swept away with no clear successors.

In the center of all of it is ISIS—the most lethal, best funded, dangerous terrorist organization in history—created and metastasized in a vacuum largely, unfortunately, of our own making.

At the same time, the civil war in Syria is continuing into its sixth year. The war has created nearly 300,000 dead, with millions of refugees and internally displaced persons and with no end in sight.

Iran continues its long history of destabilizing, hostile activities in the region, now growing its disruptive capacity in the wake of the misbegotten nuclear deal.

Europe is dealing with the largest refugee migrant flow since World War II. This migration is entirely unsustainable and unmanageable, threatening European unity and individual state stability. This crisis could unravel the EU itself and cost trillions of euros. More than that, it is a humanitarian disaster.

The Supreme Allied Commander Europe, General Breedlove, in a discussion I had with him not that long ago, correctly said the migration flow has been “weaponized.” He argues the migration crisis has become a cover for flows of dangerous terrorists to Europe and beyond.

Our Russia policy is one of the biggest and most long-term failures of

American leadership in our age. The administration's infamous reset of Russian policy, loudly championed at the time by Mrs. Clinton, by the way, preceded Russia's invasion and annexation of a neighbor.

Since the so-called reset with Russia, Russia has acquired a vastly greater role in the Middle East, where Russia had not before been present, much less dominant. It has demonstrated reliability as a modern capable military partner, in contrast with our own unreliability.

These are just three of the crises the next President will face. James Clapper, speaking at a public hearing before the Senate Select Committee on Intelligence, handed out the current assessment of the crises the world faces. It was 29 pages long, with eight regional crises—I named three of them—and each one of them posing a significant threat to world order and to our own people here in the United States.

Since that reset, Russia has acquired a vastly greater role, as I have said. The next President is going to have to face not just these three major crises but many, many more, and I will talk about some of them next week.

We need a policy from this President and from the White House that is based on a clear linkage to U.S. national interests and that will articulate a coherent strategy to guide policy and actions that we take; that will be an accurate assessment of consequences, both short-term and long term; that will be transparent, with candor and realism; that will have ensured resources adequate to secure the defined policy or task that is being laid out; and that will show strength and leadership coming from the Nation that every other free nation in the world depends upon for guidance, for strength, as an ally or coalition.

The American people are yearning for a coherent foreign policy that is clear-eyed, articulate, transparent, and with common sense. They want to see it, and they want to understand it, and we have an obligation to let them know what it is. We are not going to get that out of this administration. That is clear. There continues to be confused, behind-the-curve reaction to world events and a lack of a solid policy to deal with it.

If the next President can give the American people a coherent foreign policy that is clear-eyed, articulate, transparent and with common sense, we will once again begin to reassert ourselves in terms of being a nation dedicated to finding peace and solutions to major crises around the world. But if we remain guessing about purpose and direction, while the world disintegrates around us, our sons and daughters will pay a great price. As a consequence, America will continue to be a nation in retreat, and the free world will be confused and looking for a leader.

With that, I yield the floor, as I notice another of my colleagues on the floor to speak.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

#### GASPEE DAYS

Mr. WHITEHOUSE. Mr. President, I come here, as I do every year in the Senate, to commemorate the anniversary of a brave blow that Rhode Island struck for liberty and justice—the Gaspee Affair of 1772.

On the night of June 9, and into the morning of June 10, 1772, in the waters of Rhode Island, a band of American patriots pushed back against their British overlords and drew the first blood of the struggle that would become the American Revolution.

American schoolchildren, the pages here in this room, and all of us no doubt learned in their history books of the Boston revelers who painted their faces and pushed tea into Boston harbor. But those same history books often omit the tale of the Gaspee, a bloodier saga, which occurred more than a year earlier.

As tensions with the American colonies grew, King George III stationed revenue cutters, armed customs patrol vessels, along the American coastline to prevent smuggling, enforce the payment of taxes, and impose the authority of the Crown. One of the most notorious of these ships was the HMS Gaspee, stationed in Rhode Island's Narragansett Bay. The Gaspee and its captain, Lieutenant William Dudingston, were known for destroying fishing vessels, unjustly seizing cargo, and flagging down ships that had properly passed customs inspection in Newport only to interrogate and humiliate the colonials.

"The British armed forces had come to regard almost every local merchant as a smuggler and a cheat," wrote author Nick Bunker about that era. Rhode Islanders chafed at this egregious disruption of their liberty at sea, for "out of all colonies, Rhode Island was the one where the ocean entered most deeply into the lives of the people." Something was bound to give.

The spark was lit on June 9, 1772, when the Gaspee attempted to stop the Hannah, a swift Rhode Island trading sloop that ran routes to New York through Long Island Sound, bound that afternoon for Providence from Newport. When the Gaspee sought to hail and board the Hannah, the Hannah's captain, Benjamin Lindsey, ignored Lieutenant Dudingston's commands. As the Gaspee gave chase, Captain Lindsey veered north toward Pawtuxet Cove, toward the shallows off Namquid Point—known today as Gaspee Point—knowing that the tide was low and falling and that the Hannah drew less water than the Gaspee. The Hannah shot over the shallows off the point, but the larger Gaspee ran dead into a sandbar and stuck fast in a falling tide.

Captain Lindsey wasted no time in reporting the Gaspee's predicament to

his fellow Rhode Islanders, who rallied at the sound of a beating drum to Sabin's Tavern in Providence. They resolved to end once and for all the Gaspee's menace in Rhode Island waters.

That night, the men shoved off from Fenner's Wharf, paddling eight longboats quietly down Narragansett Bay, under a moonless sky, toward the stranded Gaspee. As told by LCDR Benjamin F. Armstrong in *Naval History Magazine*, they were led by Captain Lindsey and Abraham Whipple, a merchant captain who had served as a privateer in the French and Indian War and who would go on to command a Continental Navy squadron in the Revolution. Armstrong describes the excursion as "an increasingly rowdy group of Rhode Islanders who were ready to strike out at the oppressive work of the Royal Navy."

Beware, increasingly rowdy groups of Rhode Islanders will be our lesson.

The boats silently surrounded the Gaspee, then shouted for Lieutenant Dudingston to surrender the ship. Surprised and enraged, Dudingston refused. Armstrong recounts the fierce, if brief, fight that ensued:

Dudingston shouted down the hatch, calling for his crew to hurry on deck whether they had clothes on or not, and then ran to the starboard bow, where the first of the raiding boats were coming alongside the ship. He swung at the attackers with his sword, pushing the first attempted boarder back into the boat. Then a musket shot rang out. The ball tore through the lieutenant's left arm, breaking it, and into his groin. He fell back on the deck as the raiders swarmed over the sides of the ship. Swinging axe handles and wooden staves, the raiders beat the British seamen back down the hatchway and kept them below decks. Dudingston struggled aft and collapsed in his own blood at the companionway to his cabin at the stern of the ship.

The struggle was over. One of the Rhode Islanders, a physician named John Mawney, tended to Dudingston's wounds. The patriots commandeered the Gaspee, loaded the British crew onto the longboats and took them ashore, and then set combustibles along the length of the Gaspee. They set her ablaze, and watched from a hillside onshore as the ship burned.

When the fire reached the ship's magazine, this is what ensued. The Gaspee was no more.

You can be sure that the British authorities immediately called for the heads of the American saboteurs. An inquiry was launched and a lavish reward was posted. But even though virtually all of Rhode Island knew about the attack, investigators were able to find no witnesses willing to name names. The entire colony seemed afflicted with a terrible case of amnesia.

William Staple's "Documentary History of the Destruction of the Gaspee" describes this distinct cloudiness of Rhode Island memories.

James Sabin said: "I could give no information relative to the assembling, arming, training or leading on the people concerned in destroying the schooner Gaspee."

Stephen Gulley said: "As to my own knowledge, I know nothing about it."

John Cole said he "saw several people collected together, but did not know any of them."

William Thayer was asked: "Do you know anything?"

He said a simple "No."

D. Hitchcock said: "We met at Mr. Sabin's, by ourselves, and about 8 o'clock, I went to the door, or, finally, kitchen, and saw a number of people in the street, but paid no attention to them."

Arthur Fenner said: "I am a man of seventy-four years of age, and very infirmed, and at the time said schooner was taken and plundered, I was in my bed."

Completely frustrated by the Rhode Islanders' stonewalling, the British commissioners dropped the inquiry, finding it "totally impossible at present to make a report, not having all the evidence we have reason to expect."

Nick Bunker wrote, "The British had never seen anything quite like the Gaspee affair. . . . Like the Boston Tea Party, their attack on the ship amounted to a gesture of absolute denial: A complete rejection of the empire's right to rule."

Rhode Islanders had grown accustomed to and fiercely protective of a level of personal freedom unique in that time. "Even by American standards," says Bunker, Rhode Island "was an extreme case of popular government."

As Frederic D. Schwarz noted in *American Heritage* magazine, one of the exasperated British investigators even scorned the Rhode Island Colony as "a downright democracy."

This Rhode Island independence streak was well known to the British imperialist. But the burning of the Gaspee foretold greater struggles to come. In the words of Commander Armstrong:

[British officers] were beginning to realize there was something more dangerous out on the water and in American harbors. Alongside the salt air and the smell of wet canvas was the scent of treason. A revolution began on the sandbar of Namquid Point—in the spot that bears the name Gaspee on today's charts of the Narragansett.

Oh, and Boston: Nice job a year later with the tea bags.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am proud to stand once again with Senator GILLIBRAND in support of the Military Justice Improvement Act.

Two years ago, Congress enacted a number of commonsense reforms as part of the National Defense Authorization Act. These changes were mostly good, commonsense measures, and I supported them; however, they were not sufficient.

As I said at that time a year ago, we are past the point of tinkering with the current system and hoping that does

the trick. I urged the Senate at that time to support bold actions that would make sexual assault in the military a thing of the past.

Unfortunately, those of us arguing for the Military Justice Improvement Act did not prevail. We were told to wait and see if the reforms that were included would work, while leaving in place the current military justice system. Well, we have had time to see if things have really changed. They have not. The rate of sexual assault in the military is unchanged.

Forty-two percent of servicemember survivors who reported retaliation were actually encouraged to drop the issue by their supervisor or someone else in the chain of command. That means a crime was committed, and you shouldn't bother to report the crime.

A majority of servicemember survivors indicated that they were not satisfied with the official actions taken against the alleged perpetrator.

Three out of four survivors lacked sufficient confidence in the military justice system to report the crime. Isn't that awful. If we didn't have confidence in the local police to report a crime, we know just how high the crime rate would go. I suppose somebody is going to tell me that can't apply to the military, but it does. In fact, there has been a decrease in the percentage of survivors willing to make an unrestricted report of sexual assault.

Two years ago, when military leaders were arguing against the reforms Senator GILLIBRAND and I and others were advocating, Congress was provided with data from military sexual assault cases that we now know was very misleading. But those statistics and data, quite frankly, carried great weight with a lot of our colleagues here in the Senate. We were told at that time that military commanders were taking cases that were "declined" by civilian prosecutors. The implication was very clear, as we were told that things will be all right; the military system results in prosecutions that civilian prosecutors turn down.

An independent report by Protect Our Defenders and reported by the Associated Press shows that there was no evidence that the military was taking cases that civilian prosecutors would not take.

When Senator GILLIBRAND and I wrote to the President asking for an independent investigation of how this misleading information was allowed to be presented to Congress, guess what. We received a response from Secretary Carter, and that response said it was all a misunderstanding. The Secretary's response went into a semantic discussion of the meaning of certain terms.

Apparently, in the military justice system, when a civilian prosecutor agrees to defer to the jurisdiction of the military to prosecute a case, it is listed as a "declination." Such a situation is very different—very different—

from a civilian prosecutor refusing to prosecute a case. If the military asks the civilian prosecutor to defer to the military's jurisdiction or if it is done by mutual agreement, it is not a case of a civilian prosecutor turning down a prosecution.

As I said, a review of the cases used to back up the Department of Defense's claims last year found no evidence that civilian prosecutors had refused those same prosecutions. Nevertheless, that was the clear implication of the statistics supplied to Congress by the Pentagon last year, and we were all sucked into that.

The response to our letter to President Obama claimed that the authors of that review just didn't understand the meaning of the term "declined" as it is used in the military justice system. The reality is that the information the Pentagon provided to Congress was obviously presented in a very misleading way.

So this question: When military leaders claimed that civilian prosecutors had declined to prosecute cases that the military then prosecuted, would it have had the same impact if they added a footnote saying that, in this context, "declined" doesn't really mean declined?

To summarize, the reforms we were told would reduce military sexual assaults haven't worked. And, folks, a rape is a rape, and a rape is a crime, and it needs to be reported, and it needs to be prosecuted. And, of course, a chief rationale for opposing our reform of the military justice system was based on very misleading data, as I hope I have made very clear.

So how many more lives need to be ruined before we are ready to take bold action? If a sexual assault isn't prosecuted, predators will remain in the military, and that results in a perception that sexual assault is actually tolerated in the military culture. That destroys morale, and it also destroys lives. The men and women who have volunteered to place their lives on the line deserve better.

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 services. That is what Senator GILLIBRAND's and my amendment is all about.

Let's not wait any longer. Let's not be sucked into certain arguments that we have been sucked into in the past. Let's stand up and change the culture of the military so that people are prosecuted when they do wrongdoing. Let's get it done, and get it done on this reauthorization bill.

Mr. GRASSLEY. Mr. President, one of the issues being discussed this week is the restrictions on the transfer of Guantanamo detainees to the United States. In November 2015 and in previous years, President Obama has signed annual defense bills that include a prohibition on the use of Federal

funds to close Guantanamo. The National Defense Authorization Act, NDAA, for 2017 keeps this crucial prohibition.

Today I want to discuss one of the often-overlooked reasons why that prohibition should continue: the troubling immigration implications of transferring dangerous terrorist detainees from Guantanamo to the United States.

This is a serious issue with serious consequences, and it is one that hasn't always been considered as prominently as it should be. A March 2016 report by the Center for Immigration Studies highlighted this problem, and I will mention that report again in a moment.

About 80 detainees remain at Guantanamo today. In April of this year, nine detainees were released and returned to Saudi Arabia. According to media reports, one of the most dangerous terror suspects at Guantanamo was among those released, and he was still committed to jihad and killing Americans. He and the rest of the nine released terrorists could very well return to the battlefield after their so-called rehabilitation program in Saudi Arabia.

Rowan Scarborough of the Washington Times writes that this is exactly what has happened with about 30 percent of the detainees that were released from Guantanamo: they have resumed or are suspected of restarting, terrorist activity.

In fact, Obama administration officials have admitted that these detainees are killing Americans. As the Washington Post reported earlier this week, "at least 12 detainees released from the prison at Guantanamo Bay, Cuba, have launched attacks against U.S. or allied forces in Afghanistan, killing about a half-dozen Americans." These numbers will likely increase as our intelligence agencies continue to obtain information. Clearly, these detainees are a deadly group who should be held in Guantanamo for as long as necessary.

Fortunately, right now the NDAA specifically forbids spending taxpayer funds to transfer any of these detainees to the United States. That is why, in a CNN interview earlier this year, Secretary of Defense Ash Carter stated that transferring Guantanamo prisoners to the United States is against the law.

But Secretary Carter also said "there are people in Gitmo who are so dangerous we cannot transfer them to the custody of another government no matter how much we trust that government . . . we need to find another place and it would have to be the United States." But if these individuals are too dangerous for any other country, aren't they too dangerous to bring to the U.S. as well? Why would we bring these jihadist terrorist detainees into the United States when this would pose significant national security risks to the American people?

What particularly worries me about Secretary Carter's statement is that

any transfer of Guantanamo detainees to the United States would apply highly ambiguous legal doctrines that could mean these terrorists would eventually be released on the streets in our homeland.

Very serious questions arise from this proposition, as the immigration implications of such a potential transfer are far from clear. Some of those questions include: What sort of immigration status would the Guantanamo detainees have? May Guantanamo detainees be detained indefinitely? Could Guantanamo detainees apply for asylum? What immigration benefits would the Guantanamo detainees be eligible for? Perhaps most important, how would U.S. courts rule on these issues, particularly if a future court decides that the war on terror has ceased? We've seen Federal courts in the past grant Guantanamo detainees greater rights than Congress intended.

It is my understanding that if these detainees were to be transferred to the United States, it would likely be done by granting them "parole" status. Immigration parole does not constitute an admission to the United States, but provides permission to enter the United States. It is supposed to be provided on a case-by-case basis, based on "urgent humanitarian reasons" or "significant public benefit."

As an initial matter, I don't see how paroling any of these terrorists into the country could be said to be either a humanitarian gesture or one that constituted a "significant public benefit." But in addition to that concern, there is almost no precedent for immigration parole being used as a means of indefinite detention of aliens on U.S. territory. It should be used as a means to an end, such as bringing a criminal to the U.S. to serve as witness in a trial or allowing certain individuals in the U.S. to obtain emergency medical care.

Consequently, as the Center for Immigration Studies report I mentioned before recently put it, "If the Guantanamo detainees are transferred to the United States, we are faced with the very real likelihood of open-ended immigration paroles, which rely on indefinite imprisonment under undefined, little-understood rules and protocols."

Given these legal uncertainties, the most likely results for detainees brought to the United States who will not be tried for their terrorist activities, or who the administration otherwise intends to hold indefinitely, are writs of habeas corpus and complaints of violations of the Immigration and Nationality Act.

The war on terror has no end in sight, so these legal actions would inevitably arise as a result of the detainees' newly established presence on American soil and the indefinite nature of their detention.

I would further expect Federal courts to be particularly willing to entertain such writs or other legal actions if any

of the detainees are tried for their crimes but not found guilty. And the risk of finding sympathetic, activist judges surely is heightened in the cases of the 28 detainees already cleared for transfer but who have not yet been released.

Even if some detainees are prosecuted and found guilty, they would serve a sentence, be ordered removed from the United States, and, ideally, be removed from our country upon the sentence's completion. But what happens if no other country—particularly their home country—is willing to take them? This would be very likely, as statistics provided by the Department of Homeland Security show there are many countries who will simply not allow the hardcore terrorist Guantanamo detainees back into their country. Countries like Iran, Pakistan, China, Somalia and Liberia, just to mention a few, won't take custody of these enemy combatants. Alternatively, what if their home country, or another country, is willing to take them but that country is also likely to mistreat them to gain information about their terrorist activities? In that case, our obligations under the Convention Against Torture would prohibit us from returning the detainees to those countries.

If any of those removable detainees do remain in the United States, we won't be able to keep them detained for very long. The U.S. Supreme Court ruled in *Zadvydas v. Davis* that the United States may not indefinitely detain removable aliens just because no other country would accept them. In order for the U.S. Government to justify the detention of foreign nationals longer than six months, the basic rule is that the government must show that there is a "significant likelihood of removal in the reasonably foreseeable future." The *Zadvydas* decision has thus set a precedent that dangerous, deportable, convicted criminal aliens who have completed their sentences, but who cannot be deported to other countries, cannot continue to be indefinitely detained and must be released.

Equally concerning, if a trial were to take place that resulted in a sentence of anything other than capital punishment or life in prison, then the *Zadvydas* precedent would most likely require the release of the terrorist within 6 months of the completion of his or her sentence. The danger any such releases could present has unfortunately already been illustrated. The *Zadvydas* decision has already resulted in extraordinary violence against Americans and threats to public safety.

In the last 3 years alone, almost 10,000 criminal aliens have been released from U.S. Immigration and Customs Enforcement custody because of *Zadvydas*. Too many of these aliens are released because the U.S. cannot obtain travel documents from home countries. This has real consequences.

For example, in Hillsdale, NY, a criminal alien who had been convicted

of sexually abusing a 12-year-old girl was released onto American streets when his home country of Bangladesh refused to take him back after he had served his sentence. After his release, he proceeded to go on a rampage of theft and violence culminating in the brutal murder of a 73-year-old woman.

Given that the Obama administration already allows the release of convicted, dangerous, criminal aliens into our communities, I am deeply concerned that a similar situation would arise from transferring the terror suspects from Guantanamo to the United States. Bringing these hardcore terrorists to the United States would be tantamount to injecting a disease into our society.

As you can see, the potential transfer of these detainees presents a real problem with serious consequences. Many decisions will have to be made and discussions had regarding the viability of transferring these hardcore terrorist detainees to the United States.

If the Obama administration decides to transfer these detainees to the continental United States, this illegal action would force serious constitutional issues that could lead to an impasse. The matter of bringing hardcore terrorists into the United States would undoubtedly go before the Supreme Court. Pushing to close Guantanamo and bringing these hardcore terrorists to the United States without exhausting all alternative options is especially risky to the American people as it pertains to national security and public safety.

I refer my colleagues to the Center for Immigration Studies Web site and the March 2016 report by Dan Cadman entitled, "The Immigration Implications of Moving Guantanamo Detainees to the United States."

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, in a moment I am going to ask unanimous consent to address an amendment of mine to the national defense authorization bill, amendment No. 4066.

There is legislation I have introduced with a number of my colleagues that then is reflected perhaps identically in the amendment I hope we will consider this evening. This amendment is related to the National Labor Relations Act, which was enacted in 1935. That legislation exempted Federal, State, and local governments but did not explicitly mention Native American governments from the purview of the National Labor Relations Act. Despite that not being mentioned for 70 years, the NLRB honored the sovereign status of tribes accorded to them by the U.S. Constitution. In fact, there is a good argument that the reason tribal governments were not listed in the Labor Relations Act was because the Constitution made clear the sovereign nation of tribes. So for 70 years, they were not affected by the NLRB. Unfortunately, in my view, beginning in 2004,

the NLRB reversed its treatment of tribes and legally challenged the right of tribes to enact so-called right-to-work laws.

The amendment I have offered to this bill is pretty straightforward. The National Labor Relations Act is amended to provide that any enterprise or institution owned and operated by an Indian tribe and located on tribal lands is not subject to the NLRA.

This narrow amendment protects tribal sovereignty and gives tribal governments the ability to make the best decisions for their people. The amendment seeks to treat tribal governments no differently from other levels of government, just like we treat cities and counties across the country.

Sovereignty is an important aspect of tribal relations with their tribal members. It is something tribes take very seriously, and in my view, it is something Members of the Senate should take very seriously, in part because it is the right policy, and perhaps even more importantly, it is the right moral position to have. And of equal value, it is what the Constitution of the United States says.

The legislation on which this amendment is based was passed by the House of Representatives in a bipartisan vote. Even our former colleague, the late Senator Daniel Inouye of Hawaii, wrote in 2009 that “Congress should affirm the original construction of the NLRA by expressly including Indian tribes in the definition of employer.”

This amendment presents Congress with an opportunity to reaffirm the constitutional recognition of tribes and the rights accorded to them under the supreme law of our land.

Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment, amendment No. 4066; that there be 10 minutes of debate, equally divided; and that following the use or yielding back of time, the Senate vote in relation to the amendment with no second-degree amendment in order prior to the vote.

The PRESIDING OFFICER (Mr. SULLIVAN). Is there objection?

The Senator from Ohio.

Mr. BROWN. Mr. President, reserving the right to object, and I will explain if I could.

First of all, this doesn't belong in NDAA. This is not a defense issue, but I would like to talk more substantively about it and then make another statement.

I strongly support tribal sovereignty. I know my colleagues appreciate Senator MORAN's genuine interest in this. He is my friend. We have worked on a number of issues in banking together. We don't agree on this, but that is the way things are. I do believe both sides of the aisle do support tribal sovereignty.

This amendment, though, is not about tribal sovereignty. It is about undermining labor laws—laws that protect the rights of workers to organize and collectively bargain—one of Amer-

ica's great values that more than almost anything—other than democratic government—created and maintained a middle class, organizing and bargaining collectively. Specifically, the amendment attempts to overturn NLRB decisions that have asserted the Board's jurisdiction over labor disputes on tribal lands.

The Board has methodically evaluated when they do and don't have jurisdiction on tribal lands by using a very carefully crafted test to ensure that the Board's jurisdiction would not violate tribal rights and does not interfere in exclusive right to self-governance.

In a June 2015 decision, the NLRB employed the test and did not assert jurisdiction in a tribal land-labor dispute. Instead, the amendment is part of an agenda to undermine the rights of American workers. We have seen it regularly. We see it in State capitols. We saw it in my State capitol 5 years ago when the Governor went after collective bargaining rights for public employees.

For the first and only time in American history, voters in a statewide election said no to rolling back collective bargaining rights. It was the only time it ever happened, and it was by 22 percentage points.

The amendment is part of an agenda to undermine the rights of American workers, including 600,000 employees of tribal casinos—75 percent of them are not nonnative Indians, non-Indians. Courts have upheld the application to the tribes of Federal employment laws, including Fair Labor Standards Act, the Operational Safety and Health Act, the Employment Retirement Income Security Act, and title III of the Americans with Disabilities Act.

In addition to harming the thousands of already organized workers at commercial tribal enterprises, this amendment would establish a dangerous precedent to weaken longstanding worker protections on tribal lands.

Mr. President, for these reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MORAN. I regret the objection from the Senator from Ohio and indicate that we will continue our efforts to see that this issue is addressed and the sovereignty of tribes across the Nation is protected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I am on the floor this afternoon, along with my good friend and colleague, the senior Senator from Connecticut. He is going to be here shortly to speak as well, and I thank him for his leadership throughout the NDAA process.

We are here because we strongly believe that in Congress we should be working on ways to boost economic security for more families and help our economy grow from the middle out, not from the top down. A fundamental part of that is making sure our companies pay workers fairly and provide them with safe workplaces and treat them with respect. Unfortunately, Senator BLUMENTHAL and I have come to the floor to speak against a provision that would seriously undermine the spirit of bipartisanship we have cultivated thus far.

As it stands, this bill contains a provision that would help shield defense contractors that steal money out of their workers' paychecks or refuse to pay the minimum wage. It would help protect the companies that violate workplace safety laws while receiving taxpayer dollars, and it would allow companies with a history of discriminating against women, people of color, and individuals with disabilities to continue receiving defense contracts, and to me that is unacceptable.

For too long, the Federal Government has awarded billions of taxpayer dollars to companies that rob workers of their paychecks and fail to maintain safe working conditions. To help right those wrongs, President Obama issued the Fair Pay and Safe Workplaces Executive order, and I was very proud to support him.

Under the new proposed guidelines, when a company applies for a Federal contract, they will need to be upfront about their safety, health, and labor violations over the past 3 years. That way, government agencies can consider an employer's record of providing workers with a safe workplace and paying workers what they have earned before granting or renewing Federal contracts. To be clear, the new rules do not prevent these companies from winning Federal contracts. The new protections will just improve transparency so government agencies are aware of the company's violations and can help them come into compliance with the law. These are worker protection laws that are already on the books, including laws that affect our veterans, such as the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

This will have some major benefits for our workers and taxpayers. First of all, it will help hold Federal contractors accountable. American taxpayers should have the basic guarantee that their dollars are going to responsible contractors that will not steal from their workers or expose their workers to safety hazards. This will help protect basic worker rights and that in turn will help expand economic security for more working families and, finally, this new protection will help level the playing field for businesses that follow our laws.

These businesses should not have to compete with corporations that cut corners and put their workers' safety

at risk or cheat workers on their paychecks. It will also have another benefit. Some of these same irresponsible companies that exploit their workers are also irresponsible when it comes to staying on schedule and on budget.

One report found that among the companies that had the most egregious workplace violations between 2005 and 2009, one-quarter of them also had significant performance problems like cost overruns and schedule delays. So these new rules will help the Federal Government choose contractors that are actually efficient and effective, which in return will help save taxpayer dollars.

Rewarding efficient and effective contractors should be a bipartisan goal, but unfortunately some of my colleagues want to give defense contractors a special carve-out from these crucial accountability measures and, to me, that is unacceptable.

It is time to stop rewarding Federal contractors that have a history of violating workers' rights. That is why I support the amendment of my colleague from Connecticut, which will make sure the Defense Department considers all companies' full record before granting or renewing their Federal contracts.

Like many of our colleagues, I am focused on leveling the playing field for companies that do the right thing by their workers, protect American taxpayers, and boost economic security for our workers. That is why I remain strongly opposed to the damaging provision in the underlying bill, and I do hope our colleagues will join us in supporting our amendment to undo the carve-out and allow these critical protections for our workers to be implemented as they were intended.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. 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. BLUMENTHAL. Mr. President, the amendment I filed, Blumenthal No. 4255, will not be made pending, but I want to emphasize the importance of the amendment and hope I can work with my colleagues on the substance of it because it is so profoundly important to fairness in the workplace and the protection of American workers.

My friend and colleague, the Senator from Washington, PATTY MURRAY, has spoken on this issue within the last few minutes, and I join her in supporting the critical Executive order issued by the President called the Fair Pay and Safe Workplaces Executive Order.

This effort requires companies doing business by the Federal Government to disclose whether they violated any of the 14 longstanding labor laws pro-

tecting American workers included in this Executive order. There is no requirement to disclose a mere allegation or claim of a violation of one of those laws, rather, the Executive order requires, very simply, disclosure of a determination by a court or administrative body of an actual violation. In effect, this Executive order would be gutted by the National Defense Authorization Act now on the floor of this Congress, and the amendment I was intending to offer is the very same amendment that was offered in the NDAA markup and supported by groups like Easter Seals and Paralyzed Veterans of America. They worry that the language in this law that we now have before us will do a damaging injustice to our veterans and constituents with disabilities and thousands of other employees working under Federal contracts.

I am proud to be joined in this effort by not only Senator MURRAY but also Senators FRANKEN, GILLIBRAND, BROWN, SANDERS, LEAHY, BALDWIN, MERKLEY, BOXER, CASEY, and the ranking member of the committee with jurisdiction over this bill, Senator JACK REED of the Armed Services Committee, where the Presiding Officer and I sit.

We need to ensure that the Fair Pay and Safe Workplaces Executive Order applies across all Federal agencies and to all workers, or as many as possible at least, strengthening this vital effort to protect workers and taxpayer dollars. It is not only about workers, it is also about taxpayer dollars.

The laws that are covered here are sort of the bread-and-butter protections of all Federal workers and all workers, generally, such as the Americans with Disabilities Act, the Family and Medical Leave Act, and the Civil Rights Act. Other laws that may be more obscure are also covered, but they have been around for decades, and this measure and those laws are designed to protect veterans and women from harmful, debilitating discrimination, among other wrongful practices.

Let's be very clear. Most companies covered by Federal contracts play by the rules and obey the law. All they would need to do is literally check a box confirming that they are in compliance. There are no big administrative expenses or elaborate bureaucratic hurdles to overcome. They just need to check a box to confirm that they are in compliance. For the small subset of companies with compliance issues, the contracting agency would take information about violations into consideration in the procurement process. This is not to bar them. They can still be considered, but they would then try to work with the company to make sure it comes into compliance with the law.

The basic theory of this Executive order is a matter of common sense. It is not about blacklisting companies. It is about ensuring that companies that want to do business with the Federal Government follow the law and provide

a safe, equitable, and fair workplace. Those are the companies we can trust in being our partners in carrying out the Federal Government's work, as long as they obey the law and are in compliance with it.

Companies that violate those laws should not receive taxpayer dollars. Companies that violate the law, very bluntly, are creating an unlevel playing field and forcing law-abiding companies into an unfair competition for contracts. They can cut corners, save money by in effect skirting the law, present lowball offers, and when they are hired, provide poor performance—again, wasting Federal funds to the detriment of taxpayers.

Of course, it is not just about dollars—important to the taxpayer—but about workers. Every year, tens of thousands of American workers are denied overtime wages. Unlawfully discriminated against in hiring and pay, they have their health and safety put at risk by Federal contractors who cut those corners on workers' safety or otherwise deny a basic safe workplace, and that is another reason we need full force and effect to this Executive order, not the gutting of it that is contained now in the NDAA before us.

Some have called the Fair Pay and Safe Workplaces Executive order one of the most important advances for workers achieved by this administration, and it is. According to the Department of Labor, one in five Americans are employed by companies that do business with the Federal Government, an enormous source of leverage requiring compliance with Federal protections, not just in letter but in spirit. We must very simply allow for consistent and appropriate application of this Executive order to ensure that workers or contractors under the defense laws have the same protections as other workers.

The NDAA provision that guts this Executive order must be removed at some point. It may not happen in our consideration of this measure now, but my hope is that we can work with colleagues and overcome the potentially harmful effects of this provision.

I look forward, in fact, to a collegial effort to make sure that we provide long-term protections to American workers through this Executive order.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SASSE. 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. SASSE. Mr. President, why is it that Washington also jumps blindly into culture war fighting? Why is it we first divide into blue shirts versus red shirts, retreat into our tribes, and then try to figure out how we can inflict

maximum damage on each other? That is not how adults in the communities across our country solve their problems, and that is not how they would like us to be solving our problems, but that is actually what is happening right now in this body.

The legislation before the Senate is supposed to be about national security, which is the first and most important duty of the Federal Government. Republicans and Democrats, all 100 Members of this body, tell ourselves and tell our constituents that we love and want to support and provide for the troops.

I want that to be true. Thus, I think we should be able to agree that national security is far more important than trying to run up partisan scores in another culture war battle. By the way, culture war battles are almost never settled well by compulsion, by government, and by force.

But here we are, getting ready to have divide again, this time over the issue of women in the draft, and I want to ask why.

Let me ask a question that should be obvious. Why are we now fighting about drafting our sisters, our mothers, and our daughters into a draft that no one anywhere is telling us they need?

Seriously, where is there any general who has appeared before us and said that the most pressing issue or even a pressing issue about our national security challenges and efforts at the present time is that we don't have enough people to draft? Where has that happened? Who has said it? Because I have been listening, and I haven't heard a single person from the national security community come before us and say: Do you know what we need? We need more people in the draft.

I haven't heard that conversation anywhere.

This fight about women in the draft is entirely unnecessary, and wisdom should be nudging us to try to avoid unnecessary fighting. We have enough big, real, and important fighting we should be doing around here. Why would we take on unnecessary fighting?

So before we send out our press releases and before we decide to condemn people that are on the other side of a culture war battle, why don't we just pause and together agree on this one indisputable fact: We have the best fighting force that the world has ever known. In fact, it is an all-volunteer force right now. We are not drafting anybody, and no one is recommending that we draft anybody. So why are we having this fight?

Rather than needlessly dividing the American people over a 20th century registration process, why wouldn't we do this: Why wouldn't we pause, stop the expansion of the draft, stop to study the purposes of the draft, and actually evaluate whether we need a draft? Maybe we do, but let's actually evaluate it before we start fighting over the most controversial pieces of it.

Let's not start by fighting about who to add to the draft. Let's not start by trying to import culture warring into a national security bill. Let's start by asking if we are really certain we need the draft.

I am introducing a simple amendment, and I hope that this body could agree that its aim is common sense and its aim is to deescalate our bitter conflicts. My simple amendment would replace the NDAA's controversial draft provisions with three relatively non-controversial—and I think much more important—steps.

No. 1, my amendment would ask the Senate to admit that the draft, which last had a call, by the way—the last call of the draft was in December of 1972. I was 10 months old, and I think I am 5 years older than the youngest Member of this body. The last time there was a call in the draft was December of 1972. We should probably admit that it is time for a reevaluation instead of just continuing on autopilot.

No. 2, it would sunset the draft 3 years from now unless this body decides that we have consulted the generals and we can tell the American people that we need the draft to continue. So the second thing it does is sunset the draft 3 years in the future unless we would act to restore the draft.

No. 3, it requires the Secretary of Defense to report back to this body—to report back to the Congress—in 6 months on the merits of the Selective Service System rather than simply continuing it on status quo autopilot, unscrutinized.

Again, this isn't asking the Secretary of Defense to wade into the culture wars or to take a lead in any social engineering. By the way, I am the father of two girls so there is nobody who is going to outbid me on the limitless potential of young women in American life, but that is not what this is all about. This is about the Secretary of Defense reporting back to us after consulting with the generals and telling us one of three things.

I think it was a pretty simple question. We should have the Secretary of Defense come back before Congress in 6 months and say to us one of three things. Either, A, the all-volunteer forces we are actually using right now are sufficient and they think the draft is obsolete, in which case the sunset would just go into effect; or, B, they would tell us that after consideration they believe the draft is still necessary and some version of the present draft should be continued; or, C, they actually think we have a deficit of human capital to potentially draft, and they think we need an expansion of the draft. Then this body could debate who do we expand it to.

But let's first have the Secretary of Defense consult the generals, come back to us in 6 months, and say: A, an all-volunteer force works; B, we have about the right amount of human capital registered for the draft; or C, we think we need to expand the draft.

Maybe we will say we should have men who are older than 26 years added to the draft. Maybe we should add women. Maybe there will be some other configuration of people we would add to the draft. But until we know we need more people in the draft or that we need a draft at all, why would we dive headlong into what would be the most controversial version of this debate.

Again, the generals are probably going to tell us they are fine with an all-volunteer force, but we don't know that. So why don't we have them report back before we start bickering.

One of the fundamental purposes of this body is to debate the biggest issues facing the Nation and to do so in an honorable way. That is what the Senate is for. The reason we have a Senate is to debate—not abstractions—but to address and ultimately solve the meatiest challenges that the Constitution in present circumstances demands we tackle. Right now women in the draft isn't really one of those issues, so I don't know why we would start fighting about it and dividing so many of the American people about it.

If there is any Senator who believes that the purpose of the NDAA should be to have a culture war fight, humbly I would invite him or her to come to the floor and please make that case. If there is a reason we should have a culture war fight in the context of the NDAA, tell us why we should do it. But, if not, let's avoid unnecessary cultural division and stick with the actual national security tasks that are before us today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### REMEMBERING DR. JAMES CRASE

Mr. McCONNELL. Mr. President, I wish to pay tribute to a distinguished Kentuckian and talented physician who has sadly passed away. Dr. James Crase, a good friend of mine who was a veteran and a former State senator, departed this life on May 28. He was 78 years old.

Dr. Crase, born in Letcher County, KY, practiced medicine for over 53 years, 40 of those years in his beloved hometown of Somerset, KY. He served