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## Senate

The Senate met at 8:15 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we rejoice in Your strength, for You continue to withhold no good thing from those who do what is right. You are our God; be merciful to our Nation and world.

Lord, teach our lawmakers Your ways so that they may live according to Your truth with a purity of heart that honors You. Guide them with Your unfailing love, fortifying them for every challenge. May they never be put to shame, as they strive to live worthy of Your amazing grace. Listen closely to their prayers and provide them with answers to the questions that befuddle them.

And Lord, we thank You for the faithful service of our 2016 spring page class. We are grateful for the creativity, competence, and commitment of these outstanding young people. In all of their tomorrows, do for them more than they can ask or imagine.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 10, 2016.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. ISAKSON thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. TOOMEY). The majority leader is recognized.

### NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MCCONNELL. Mr. President, in just a few minutes, the Senate will take another important step toward passing sweeping defense legislation that will support our troops and our national security. It will help drive defense innovation and research. It will authorize pay raises for our servicemembers and modernize retirement benefits. It will help prepare our country to deal with the threats of today and the challenges of tomorrow, and it will help prepare the force that the next Commander in Chief will lead to do so as well.

It is a responsible and important bill. Chairman MCCAIN and Ranking Member REED of Rhode Island have worked relentlessly to manage this bill, and I urge all my colleagues to join me in voting for cloture this morning.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

### NATIONAL DEFENSE AUTHORIZATION BILL

Mr. REID. Mr. President, I appreciate the hard work of Senator REED and of course of Senator MCCAIN. They have worked very hard on this bill, but it is not a good bill. I am going to vote against cloture for a lot of reasons. The White House has announced they have scores of reasons to veto the bill, and they will.

I also am concerned about the so-called robust amendment process we were supposed to have under the new Senate leadership. We have Senator GILLIBRAND, who has worked for years. All she wants is a vote, and she hasn't been given that opportunity. We have many other Senators. I know every Senator who has an amendment can't offer it, but, gee whiz, we have had a handful of amendments. I think we have been very outgoing and doing what we can to make sure these managers' packages are approved, but it has been unfair, the whole process. So for that, and many other reasons, I will vote no on cloture.

### RESERVATION OF LEADER TIME

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

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2943, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2943) 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.

Pending:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S3787

McCain amendment No. 4607, to amend the provision on share-in-savings contracts.

Reed (for Reid) amendment No. 4603 (to amendment No. 4607), to change the enactment date.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I came to the floor yesterday to talk about a truly shameful change that is buried away in this bill. It is a change that would put us on a path to go back on a promise that we made to our servicemembers just 6 months ago and a change, if left unfixed, that will pull the rug out for men and women in the Armed Forces who are prepared to make the highest sacrifice for the country they love.

In case any of my colleagues are unaware, a single line in this massive Defense bill on page 1,455, buried in the funding chart, would zero out a new program that is intended to help men and women in our military realize their dream of having a family even if they go on to suffer catastrophic injuries when they are fighting on our behalf. I don't know how this line got in there, I don't know who thought it was a good idea, and I don't know why, but what I do know is this: It is wrong and it has to be fixed.

I just want to tell my colleagues that 6 months ago the Pentagon announced a pilot program that would offer servicemembers who are getting ready to deploy an opportunity at cryopreservation—in other words, freezing their eggs or sperm. This new program gave our deploying servicemembers not just the ability to have reproductive options in the event they are grievously injured but some deserved peace of mind. It took us a step forward in the promise we have made to our servicemembers to support them when they sacrifice so much for us, and it meant they wouldn't have to worry about choosing between defending their country or a chance of having a family some day.

This new program was met with widespread praise and relief. Men and women who were getting ready to deploy—many of whom were thinking about exploring cryopreservation, using their own money if they could afford it—were assured that their country had their back.

While the pilot program was not groundbreaking, these services have long been available in the private sector, and, in fact, fertility preservation techniques have been used by the British Armed Forces for years. It reflected a basic level of respect for servicemembers who are willing to risk suffering catastrophic injuries on our behalf, and it sent a clear message that no matter what happens to them on the battlefield, we will be ready to stand with them with whatever they need.

I was hoping this new program was a step we could build on, a move in the right direction, an important part of our larger work to help our warriors who sustained grievous injuries achieve

their dream of starting a family, which is why I was so upset when I learned this bill would move us the other way. It would take this promise we just made to our warriors and toss it in the trash. It would be a slap in the face to the men and women who serve us proudly and heroically. And honestly, it is the wrong thing to do.

Many people here in the Senate are quick to honor our military with their words, but for the men and women who signed up to fight on our behalf and are looking ahead to potentially massive sacrifices, we owe them so much more than that. We owe them action, respect, and a shot at their dream of having a family. We need to fix this bill. We owe them that much.

Mr. President, I ask unanimous consent that it be in order to offer Murray amendment No. 4490 relating to fertility treatments and that the Senate vote in relation to this amendment with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, I reluctantly have to object, and that is because there is an objection on this side, which I have to honor.

I thank Senator MURRAY for her advocacy for the people who are serving in our military in uniform, and this is at least an important aspect of military life, and I thank the Senator for that.

I also thank Senator GILLIBRAND, who will speak in a moment on an issue that has been of great importance to her for several years now. She has been an advocate of this very compelling issue of sexual assault in the military.

Unfortunately, we have an objection to all the amendments, and that, in my view, is a great disservice to this body, to the men and women serving in the military, and to the American public. It shouldn't matter whether I happen to agree or disagree with Senator GILLIBRAND or Senator MURRAY; they deserve debate and votes, and they are not getting them because of these objections.

I wish to also point out that we are working on amendments by Senator MORAN, Senator CORKER, Senator GILLIBRAND, and Senator SHAHEEN.

I might point out gratuitously that one of the things I have seen in recent years is involvement on issues that bring new perspectives from people like Senator GILLIBRAND, Senator MURRAY, Senator AYOTTE, Senator MCCASKILL, Senator FISCHER, and Senator ERNST. They have brought perspectives to our committee and to this body that have been very helpful.

All I can say is this: Senator MURRAY, I will continue to fight to get a vote on your amendment.

Mr. President, I reluctantly object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I thank the chairman for his remarks, and I thank the leaders.

I urge my colleagues to allow a vote on my amendment No. 4310.

We now know far more about the extent of the military sexual assault problem than we did last year. We have more data, we have reviewed more case files, we heard from more survivors, and it is clear that very little has changed despite the Department of Defense's persistent claims that things are getting better and that they are making progress.

When the Department of Defense estimates that 20,000 servicemembers were sexually assaulted this year—the same number as in 2010—that is not progress. When an estimate of 8 out of 10 military sexual assault survivors don't report the crime, that is not progress. When more than half of all retaliation cases—58 percent of them—are perpetrated by someone in the chain of command of the accuser, that is not progress. When the percentage of survivors willing to report openly has declined for the past 5 years, that is not progress. When 62 percent of survivors have experienced retaliation since 2012 and there has not been one prosecution of this enumerated crime, that is not progress. When it is confirmed by the Associated Press that the Pentagon blatantly misled the Senate in order to skew our debate, this is perhaps the ultimate time that they are not making progress.

Our military justice system is broken. It is failing our men and women who so bravely serve. No matter how many small reforms we make, as long as commanders with no legal experience are continuing to make these important decisions about violent sexual crimes, we are not going to solve this problem. Our commanders are great at winning wars and training troops. They are not prosecutors. They are not even lawyers. They are warfighters, and their job is to keep our country safe, not make legal judgments about whether to prosecute a rape.

Once and for all, let's take this decision to prosecute these crimes and instead give it to trained military prosecutors. Let's give our servicemembers a justice system that is worthy of their service. This is our chance, and I urge everyone to vote yes if we have a vote.

Mr. President, I now ask unanimous consent that if cloture is invoked for S. 2943, notwithstanding rule XXII, that Gillibrand amendment No. 4310, the Military Justice Improvement Act, be considered in order postcloture, and that it be in order to offer amendment No. 4310, and the Senate vote in relation to that amendment with a 60 affirmative vote threshold, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, again, it is the same comment I made to Senator MURRAY. It is with profound reluctance because it is not the way we are supposed to conduct business here in the U.S. Senate.

I have reached such a level of frustration that I would even consider changing the rules of the Senate that one individual out of 100 can't bring everything to a screeching halt, and that is what is taking place here over an issue.

One of the amendments that is being held up is literally putting the lives of our interpreters in Afghanistan at risk. That is the view of General Petraeus, Ambassador Crocker, General Nicholson, and others. If we don't allow these people to come to this country, they are going to die. It is that serious. Senator GILLIBRAND's and Senator MURRAY's amendments are important, and I do not in any way diminish them, but we are talking about human lives of people who assisted us in carrying out our mission in Iraq and Afghanistan, and that is what is at stake here.

I reluctantly object, and I want to assure Senator GILLIBRAND that I will do everything in my power—which is not a lot right now when you look at the rules of the Senate—to get a vote. I may have some differences with Senator GILLIBRAND, but no one has been more dedicated to addressing this issue of a very difficult and frankly embarrassing side of the military today, and that is the incidence of sexual assaults.

I reluctantly object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. REID. Mr. President, I have been to a few of these rodeos, and I think the only way we are going to get some fairness here is that we do not invoke cloture.

As I said, I have been through this a number of times. I think if that happens, people will understand. We have to have a few votes—not a lot of votes but a few votes.

I was on the floor yesterday when Senator MCCAIN made this emphatic statement that, frankly, only he could make. He was talking about how people's lives are in jeopardy here, especially with the Shaheen amendment.

We don't have to change the rules of the Senate, but I suggest that we do not invoke cloture, give us some time to work out a few amendments, and I think that can happen.

We have two experienced legislators. The chairman of the committee and ranking member of the committee, Senator MCCAIN and Senator JACK REED of Rhode Island, are two of the best we have here in the Senate, and we should move forward in a way that is expeditious yet productive.

Earlier this morning I said that a robust amendment process has not taken place here. There hasn't been an amendment process. You can blame a lot of people, but it hasn't happened.

I think this is an important piece of legislation. Senator MCCAIN and I have worked on this issue for years, and we have been at odds on occasion. He was upset that I didn't bring the bill forward quickly enough, but I do remember that we always brought it to the floor. I can remember on one occasion

when he and Senator Levin, who has since retired, finished this bill in 2 days, and we had a good bill that came out of here. There were no vetoes, no threats of veto, and we worked out the problems. So I would hope that we can move forward and get some fairness in this bill.

It is a huge bill. I have some differences in the bill, but it is not fair that we don't have a better process than what we have had so far. So I would suggest that others vote no on cloture.

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Rhode Island.

Mr. REED. Madam President, I simply want to underscore the importance of these amendments that Senator MURRAY and Senator GILLIBRAND are putting forward. There can be disagreement on the substance, but the merits, the importance, and the criticality should be obvious to all of us. I would hope to find a way to have votes on these amendments.

The same logic applies to Senator SHAHEEN and Senator MORAN. They have amendments that they have worked tirelessly on for days. They are being frustrated, not by the majority of the Senate but by a few individuals.

I think we have reached the point now where we have very little time left. If we could come together at least on a good-faith package of consents to deal with all of these or a majority of these and then continue to work forward for votes on all of them, I think that would be the appropriate thing to do.

So, again, I just want to underscore the fact that the issues that Senator MURRAY and Senator GILLIBRAND have raised are deserving of a vote, and we should have a vote on these issues.

With that, I yield the floor.

#### 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 Calendar No. 469, S. 2943, a bill 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, Orrin G. Hatch, Tom Cotton, Kelly Ayotte, Deb Fischer, Mike Rounds, Lindsey Graham, John Barrasso, Roger F. Wicker, Joni Ernst, Thom Tillis, Daniel Coats, Chuck Grassley, John Thune, Steve Daines, 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 S. 2943, an original bill 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, as amended, 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. CORNYN. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr. COONS), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WARNER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

The yeas and nays resulted—yeas 68, nays 23, as follows:

[Rollcall Vote No. 97 Leg.]

#### YEAS—68

Alexander	Flake	Nelson
Ayotte	Gardner	Perdue
Baldwin	Graham	Peters
Barrasso	Grassley	Portman
Bennet	Heinrich	Risch
Blumenthal	Heitkamp	Roberts
Blunt	Heller	Rounds
Boozman	Hoeben	Rubio
Burr	Inhofe	Sasse
Capito	Isakson	Schatz
Cassidy	Johnson	Scott
Coats	Kaine	Sessions
Cochran	King	Shelby
Collins	Kirk	Stabenow
Corker	Klobuchar	Sullivan
Cornyn	Lankford	Tester
Cotton	Manchin	Thune
Crapo	McCain	Tillis
Daines	McCaskill	Toomey
Donnelly	McConnell	Udall
Enzi	Moran	Vitter
Ernst	Murkowski	Wicker
Fischer	Murphy	

#### NAYS—23

Booker	Franken	Paul
Brown	Gillibrand	Reed
Cantwell	Hirono	Reid
Cardin	Lee	Schumer
Carper	Markey	Shaheen
Casey	Menendez	Warren
Cruz	Merkley	Whitehouse
Feinstein	Murray	

#### NOT VOTING—9

Boxer	Hatch	Sanders
Coons	Leahy	Warner
Durbin	Mikulski	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 23.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

**RECOGNIZING THE HISTORICAL SIGNIFICANCE AND THE 50TH ANNIVERSARY OF THE "JAMES H. MEREDITH MARCH AGAINST FEAR"**

Mr. WICKER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 488, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 488) recognizing the historical significance and the 50th anniversary of the "James H. Meredith March Against Fear," a 220-mile walk down Highway 51 from Memphis, Tennessee, to Jackson, Mississippi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WICKER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. WICKER. Madam President, I think this is a very appropriate time to recognize the Meredith March Against Fear. On June 5, 1966, 4 years after becoming the first African-American student to enroll at the University of Mississippi, James Meredith began his historic Meredith March Against Fear. The march began at the Peabody Hotel in downtown Memphis and would conclude some 3 weeks later at the Mississippi State Capitol in Jackson.

On June 6, Mr. Meredith and his small band of supporters encountered gunshots about 1 mile south of Hernando, MS. James Meredith was shot three times on that day and was taken to a hospital. Although he would recover, Meredith was unable to complete his March Against Fear, and the leadership was taken over by Dr. Martin Luther King, Jr., Floyd McKissick, and Stokely Carmichael. By the time the march reached the city limits of Canton, the number of marchers had doubled to 250. By the time it concluded in Jackson, there were 15,000 people in attendance. This overwhelming turnout made it the largest civil rights demonstration in the history of the State of Mississippi. More than 4,000 African Americans were registered to vote from rallies and drives during the march along U.S. Highway 51.

Mr. Meredith still lives in Jackson, where he is frequently seen wearing his Ole Miss cap and attending Ole Miss

athletic events in Oxford. He will turn 83 1 day before the 50th anniversary of the march's conclusion.

Today, the Senate recognizes the courageous leadership of James Meredith. I think it is appropriate that this resolution is sponsored by the three current Members of the Senate who are graduates of the University of Mississippi—Senator COCHRAN, Senator SHAHEEN, and this Senator.

I commend the Senate on its recognition of this important individual and this significant milestone in the history of the civil rights movement.

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

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

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017—Continued**

Mr. MCCAIN. Madam President, as we move forward with cloture, I wish to make a clarification for the record.

There has been a lot of conversation about this issue of the role of women as far as Selective Service is concerned. At the time the amendments were filed, there was no amendment, except one, from the Senator from Utah, who is on the floor.

As soon as we began consideration of the bill, I said to the Senator from Utah: When do you want to do your amendment on women in the Selective Service?

His response was that he wanted to do another amendment first.

I said: Look, the way things work, you may have great difficulty getting that up. Nor has the Senator from Utah or anyone else raised the amendment for a vote.

So I am sorry to say that out there, there seems to be some conversation that Senator MCCAIN was blocking a vote on women in the Selective Service. I am not. Right now, if it were germane—and I don't know if it is germane or not—I have repeatedly said that if that amendment is up for consideration, I would be glad to have that amendment considered and to have it voted on.

So I want to clarify that for the record. I did not block any amendment concerning women being eligible for Selective Service. I want the record to be very clear.

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. COTTON. Madam 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. COTTON. Madam 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.

**TRIBUTE TO THOMAS GALYON**

Mr. COTTON. Madam President, today I recognize Thomas Galyon of Rogers, AR, as this week's Arkansan of the Week for his advocacy work with the Arkansas chapter of the national ALS Association.

Tom was diagnosed with ALS in 2014 and has been a tireless advocate ever since. Tom isn't one to let ALS hold him back. In fact, after spending 33 successful years in the tourism industry, Tom decided retirement wasn't for him and went back to work as the property manager for the Center for Nonprofits at St. Mary's in northwest Arkansas. As luck would have it, the ALS Association is headquartered in the very building Tom manages, making his commitment to their organization that much stronger.

Recently I had the opportunity to meet with Tom when he came to Washington to advocate on behalf of the ALS Association. We had a long discussion, where I learned about Tom's story and the struggle of nearly 20,000 other Americans who are currently living with ALS. During our meeting, Tom asked me to address the problem that persons with ALS face when seeking disability insurance.

I was proud to work with my colleague Senator WHITEHOUSE to become the lead Republican sponsor of the ALS Disability Insurance Access Act, a bill that would waive the 5-month waiting period to receive disability insurance program benefits for those living with ALS. While the waiting period may be prudent in many cases, for ALS it consumes a lot of the remaining life expectancy once you get a diagnosis of ALS.

We now have nine sponsors. As we gain more support, I am hopeful this bill will move forward and eventually become law.

In a testimony about his journey with ALS, Tom writes: "Until there is a treatment or a cure for ALS I will continue to be an avid advocate for change in government policies and procedures that affect all ALS patients in a negative way."

I encourage all Arkansans to take a lesson from Tom's words: Advocacy works. If there is a bill or regulatory matter that impacts your life, I want to hear about it. To become an advocate, contact my office and tell me your story. It is part of my job to represent you in the Senate.

Tom's journey is a remarkable one. He has not let the unexpected discourage him. In fact, he has used his diagnosis to teach others about ALS and