

budget. If our Federal budget was not 10 years, but 10 years and 2 weeks, it would have been \$2 billion short. Because they moved the payment over a month and made it earlier, suddenly the budget picked up \$2 billion. It is not real. It is a gimmick.

There are the changes in mandatory programs that go out, such as the Crime Victims Fund. That is a fund of money that is expected to be spent, but should we actually not spend part of it, they will say: Great, we can take that part we were “expected to spend” and actually spend it this year. Then guess what; next year you spend it again, and next year you spend it again. It is a gimmick. That should be struck. We shouldn’t have gimmicks like that. Those things make Congress look good but don’t actually deal with our deficit and debt. There are rules that are internal that need to be fixed. We need to get real numbers and be able to have agreeable real numbers.

Right now there is a big argument all the time saying: How does the budget balance against the President’s budget—this particular baseline and that particular baseline? How about this: We have a lot of programs that have not been authorized—some of them for more than a decade—though we continue to allocate money for them every single year. Authorizing programs as we do for national defense every single year is important, and we should actually do the work with that to be able to bring bills to the floor and to be able to get it done.

We have reports from the GAO and from the IG that come out every year showing waste, yet many of those no one ever acts on. Three folks I see on the floor right now—Senator FLAKE and Senator MCCAIN from Arizona and my office—have all put out waste reports in the past 5 months detailing billions of dollars in waste. We can identify these areas, and the inspector general’s office and the GAO can identify these areas. We need to set a process in place to actually solve those issues. Then we can do more than talk about it. We can move it from just a messaging moment to solutions on our debt and our deficit.

I recommend a measure such as the Government Shutdown Prevention Act that says we don’t have a government shutdown. I understand some are very romantic about government shutdowns and what they would accomplish. Government shutdowns always cost more money for the taxpayer than they save. They cost a tremendous amount of turmoil in the Federal workforce and multiple places.

There is an easier way for us to handle this. Congress only acts when we have to. When we have a government shutdown, we suddenly have to act. How about if we do something simple and straightforward, and we put in place something that at the end of the budget year, if we do not have a budget in place and do not have proper appropriations done, we have a short-term

continuing resolution for 30 days that automatically puts into place in all legislative offices and the Executive Office of the White House a funding haircut to create the incentive that we need to act? If 30 days later we still don’t have the appropriations done, the Executive Office of the White House, the House, and the Senate get another haircut, and we continue to press. There are ways that we can add pressure to ourselves that won’t actually damage what is happening in the rest of the Nation.

Why don’t we pass a balanced budget amendment, which we have talked about forever and which we voted on in 2011 and has not come up again? We will never get to some of these measures until Congress is compelled to do the right thing. Let’s put some processes in place beginning with our budget process, with real reform in how we do the budget and real structural changes to actually push this body to do what everyone outside of this body says needs to be done.

In the days ahead when we are spending more on interest than we are on national defense, this body should hang its head in shame. But before that occurs, we should fix it so that never happens and we get on top of our debt and deficit with a straightforward process that actually gets us back to work.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate in morning business and be allowed to complete my remarks, which won’t be too long.

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

WATERBOARDING

Mr. MCCAIN. Mr. President, today is the 100th New Hampshire Presidential primary. Regardless of who wins, this is a celebration of our vibrant democracy of engaged citizens putting candidates to the test and demanding answers on the tough issues the next President will confront.

It is also another important step in choosing our next Commander in Chief, and the stakes couldn’t be higher. As we heard from the Director of National Intelligence this morning, the threats to our Nation are growing more diverse, more complex, and more dangerous. More than ever we need a Commander in Chief with a clear vision, a steady hand, sound judgment and confidence—not only in our Nation’s power but in the values and ideals that generations of American heroes have fought for and died defending.

That is why it has been so disappointing to see some Presidential candidates engaged in loose talk on the campaign trail about reviving waterboarding and other inhumane interrogation techniques. It might be easy to dismiss this bluster as cheap campaign rhetoric, but these state-

ments must not go unanswered because they mislead the American people about the realities of interrogation, how to gather intelligence, what it takes to defend our security, and at the most fundamental level, what we are fighting for as a nation and what kind of a nation we are.

It is important to remember the fact that these forms of torture not only failed their purpose to secure actionable intelligence to prevent further attacks on the United States and our allies, but they compromised our values, stained our national honor, and did little practical good. While some have shamefully sought to minimize the practice of waterboarding, it is clear to me that this practice, which is a simulated execution by drowning, amounts to torture as any reasonable person would define it and how the Geneva Conventions on the treatment of prisoners of war, of which we are signatories, define it.

The use of these methods by the United States was shameful and unnecessary because the United States has tried, convicted, and executed foreign combatants who employed methods of torture, including waterboarding, against American prisoners of war. Following World War II, Japanese generals were tried, convicted, and hung. One of the charges against them was that they practiced waterboarding. Contrary to assertions made by some of the defenders, it provided little useful intelligence to help us track down the perpetrators of the September 11 attacks or to prevent new attacks and atrocities.

This Senator knows from personal experience that the abuse of prisoners will produce more bad than good intelligence. I know that victims of torture will offer intentionally misleading information if they think their captors will believe it. I know they will say whatever they think their torturers will want them to say if they believe it will stop their suffering. Most of all, I know that the use of torture compromises that which most distinguishes us from our enemies—our belief that all people, even captured enemies, possess basic human rights that are protected by international conventions the United States not only joined but for the most part authored.

I understand that in the aftermath of the worst terrorist attacks on our homeland, those who approved harsh interrogation methods and those who used them were sincerely dedicated to securing justice for the victims of terrorist attacks and protecting Americans from further harm. I know that in the aftermath of the terrorist attacks in Paris and San Bernardino, many Americans feel again the grave urgency that we felt 15 years ago. But I dispute wholeheartedly that it was right for our Nation to use these interrogation methods then or that it is right for our Nation to use them now.

Waterboarding, as well as any other form of torture, is not in the best interest of justice, security or the ideals

we have sacrificed so much blood and treasure to defend.

It is the knowledge of torture's dubious efficacy and the strong moral objections to the abuse of prisoners that have forged broad bipartisan agreement on this issue. Last year, the Senate passed in an overwhelming vote of 91 to 3 the National Defense Authorization Act for fiscal year 2016, legislation that took a historic step forward to ban torture once and for all by limiting U.S. Government interrogation techniques to those in the Army Field Manual. That vote was 91 to 3. There was debate and discussion about it in the Armed Services Committee and on the floor of this Senate. The vote was 91 to 3.

Now candidates are saying they will disregard the law. I thought that was our complaint—Republicans' complaint—with the present President of the United States.

The U.S. military has successfully interrogated more foreign terrorist detainees than any other agency of our government. The Army Field Manual, in its current form, has worked for the U.S. military—including on high-value terrorist detainees in Iraq, Afghanistan, and elsewhere—and it reflects current best thinking and practices on interrogation.

Moreover, the Army Field Manual embodies the values Americans have embraced for generations, preserving the ability of our interrogators to extract critical intelligence from our adversaries while recognizing that torture and cruel treatment are ineffective interrogation methods.

Some of the Nation's most respected leaders from the U.S. military, CIA, and FBI supported this legislation, as well as numerous human rights organizations and faith groups, including the National Association of Evangelicals and the U.S. Conference of Catholic Bishops.

GEN David Petraeus, a military leader whom I admire more than literally any living military leader, said he supported the use of the Army Field Manual because "our Nation has paid a high price in recent decades for the information gained by the use of techniques beyond those in the field manual—and, in my view, that price far outweighed the value of the information gained through the use of techniques beyond those in the manual." Obviously, that includes waterboarding.

Why don't we listen to people like GEN David Petraeus, who has had vast experience in Iraq and Afghanistan with detainees, the information we have gotten from them, and our practices. If General Petraeus were here, he would tell you the most effective method of gaining information is establishing a friendly relationship with the detainee.

Obviously, we need intelligence to defeat our enemies, but we need reliable intelligence. Torture produces more misleading information than ac-

tionable intelligence. What the advocates of harsh and cruel interrogation methods have never established is that we couldn't have gathered as good or more reliable intelligence from using humane methods. The most important lead we got in the search for bin Laden came from using conventional interrogation methods. I think it is an insult to many of the intelligence officers who have acquired good intelligence without hurting or degrading prisoners to assert that we cannot win this war on terrorism without such methods. Yes, we can and we will.

In the end, torture's failure to serve its intended purpose isn't the main reason to oppose its use. I have often said and will always maintain that this question isn't about our enemies, it is about us. It is about who we were, who we are, and whom we aspire to be. It is about how we represent ourselves to the world.

We have made our way in this often dangerous and cruel world, not by just strictly pursuing our geopolitical interests but by exemplifying our political values and influencing other nations to embrace them. When we fight to defend our security, we fight also for an idea that all men are endowed by their Creator with inalienable rights; that is, all men and women. How much safer the world would be if all nations believed the same. How much more dangerous it can become when we forget it ourselves, even momentarily, as we learned from Abu Ghraib. Our enemies act without conscience. We must not. It isn't necessary, and it isn't even helpful in winning this strange and long war we are fighting.

Our Nation needs a Commander in Chief who understands and affirms this basic truth. Our Nation needs a Commander in Chief who will make clear to those who fight on our behalf that they are defending this sacred ideal and that sacrificing our national honor and our respect for human dignity will make it harder, not easier, to prevail in this war. Our Nation needs a Commander in Chief who reminds us that in the worst of times, through the chaos and terror of war, when facing cruelty, suffering, and loss, that we are always Americans—different, stronger, and better than those who would destroy us.

I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Scot Alan Marciel, of California, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I ask unanimous consent to speak for up to 2 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Maryland

Mr. CARDIN. Mr. President, I ask unanimous consent to speak for 2 minutes also.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. COTTON. I do modify my request.

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

Mr. COTTON. Mr. President, I rise today in support not only of the nomination of Scot Marciel to be our Ambassador to Burma but to celebrate the remarkable change Burma is undergoing.

I recently traveled to Burma, leading a congressional delegation hosted by our Embassy there, Ambassador Derek Mitchell, and Deputy Chief of Mission Kristen Bauer.

Burma has undergone a remarkable transition. After 50 years of a brutal military dictatorship, Nobel Laureate Aung San Suu Kyi and her party won a landslide election in November. The military is still entrenched in power, but gradual change is occurring, in part thanks to U.S. policies. It is change we should continue to support.

Sitting at the intersection of China and India, Burma is a geostrategically critical country. Sitting, as it does, between the crossroads of Southeast Asia and the Middle East, it is critical to the War on Terror. Burma can be a potent trading partner because of its largely untapped natural resources and is a shining example of the strategic impact of U.S. moral leadership in the world.

Those elections were not the end of the work, though; they are only the beginning of the work. The military still has a deep role in the Constitution. The National League for Democracy needs to transition from an opposition party to a governing party. Burma must address its internal ethnic conflicts, and, like most countries, it needs to address corruption and economic reforms as well. Our mission team in Rangoon is working on all these matters and more. I know that