assistance for their education, so they have to find it in other places. His work with the United Way helped to pay his way at the college. He went to the University of Illinois at Urbana-Champaign and received multiple academic awards and continued his volunteer service with Alpha Phi Omega, a national service fraternity. He received the Distinguished Service Key, the fraternity's highest award. He graduated with a bachelor of science in kinesiology and then went on to earn a master's degree in public health at the University of Illinois.

In his last semester of graduate school, President Obama announced the DACA Program, which I described earlier. He applied, signed up, and became part of that DACA Program.

What is he doing today with his master's degree, with his opportunity to work in fields of public health and such? He signed up for Teach For America. We know Teach For America is a national nonprofit organization that places talented recent college graduates in urban and rural schools that have a shortage of teachers. Jose is currently a high school physics and public health teacher in the city of Chicago.

He wrote me a letter, and he said:

DACA changed my life in more ways than I can ever explain. It has given me the power to help others, the freedom to travel, and the right to legally work without fear of deportation. Simply put, without DACA, I wouldn't exist for my students and my community.

If DACA is eliminated, what will happen to Jose? The day after DACA, he won't be able to teach. He could be deported back to Mexico, where he hasn't lived since he was a 2-year-old toddler. That would be a tragedy, not just for Jose and his family but for this Nation. This is a fine young man who, against great odds, undocumented, has written this amazing record in his young life. He is a giving person. He could be making a lot more money than his pay with Teach For America in an inner city school.

Do we need Jose Espinoza in America's future? I think we do. That is why I am happy that this BRIDGE Act would give him a chance and Congress a chance to address this issue of DREAMers. I hope President-Elect Trump will understand this and continue the DACA Program. If he decides to end the DACA Program, I hope his administration will work closely and rapidly with Congress to pass the BRIDGE Act into law.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROVIDING FOR AN EXCEPTION TO A LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS A REGULAR COMMISSIONED OFFICER OF THE ARMED FORCES—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. 84.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to S. 84, a bill to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

The ACTING PRESIDENT pro tempore. The motion is nondebatable.

The question is on agreeing to the motion.

The motion was agreed to.

PROVIDING FOR AN EXCEPTION TO A LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS A REGULAR COMMISSIONED OFFICER OF THE ARMED FORCES

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 84) to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces.

The ACTING PRESIDENT pro tempore. Under the provisions of Public Law 114–254, there will now be up to 10 hours of debate, equally divided between the two leaders or their designees.

Mr. MCCONNELL. Mr. President, we are on the Mattis waiver.

Anyone who would like to debate, please come over.

In the meantime, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 (Mr. SASSE). Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for 15 minutes.

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

NOMINATION OF JEFF SESSIONS

Mr. BLUMENTHAL. Mr. President, the Senate is holding hearings on each of President-Elect Trump's nominees to his Cabinet. Traditionally, Presidents are accorded a very high level of deference on assembling their own team, in part because these nominees are directly accountable to the President. But they are accountable to the American people too.

No Cabinet member is more powerful or has more impact on the day-to-day lives of Americans than the Attorney General of the United States.

The Attorney General is, indeed, a general, in command of an army of thousands of lawyers whose words carry enormous weight and power. It is the weight and power of the people of the United States. He speaks for us. He charges defendants in our name. He has sweeping authority to bring criminal charges in all Federal offenses, enormous unreviewable discretion in cases ranging from minor misdemeanors to the most serious felonies. In every sense, as capital penalties can be sought for some of these crimes, he wields the power of life and death.

The Attorney General's authority is not only sweeping, it is uniquely independent of the President's Cabinet. His decisions must supersede partisan politics. In most cases, there is no recourse to overrule his decisions unless there is political interference. He is not just another government lawyer or even just another member of the President's Cabinet. He is the Nation's lawyer, and he must be the Nation's legal counsel and conscience.

The job of U.S. Attorney General at stake here is one that I know pretty well. Like some of my colleagues in this body, I served as U.S. attorney, the chief Federal prosecutor in Connecticut.

I reported to the U.S. Attorney General. For years afterward as a private litigator and then as attorney general of the State of Connecticut for 20 years, I fought alongside and sometimes against the U.S. Attorney General and the legal forces at his disposal. I have seen his power, or hers, firsthand. The power of this Attorney General is awesome, as is that of any Attorney General.

In the best of cases, they are inspiring too. Even as he protects the public from vicious and violent criminal offenders, his role is also to protect the innocent from unfounded charges that could shatter their lives even if they are acquitted. As Justice Robert Jackson, a former Attorney General himself, once said: His job is not to convict, but to assure justice is done.

So this job requires a singular level of intellect and integrity and nonpartisan but passionate devotion to the rule of law and an extraordinary sense of conscience. That is because he is responsible for so much more than prosecuting and preventing crime and ensuring public safety. He is responsible for aggressively upholding our Nation's sacred constitutional commitment to protecting individual rights and liberties and preventing infringement on them, even by the government itself, maybe especially by the government.

This responsibility for safeguarding equal justice under the law is particularly important today, at a time when those civil rights and freedoms are so much in peril. This historic moment demands a person whose life work, professional career, and record shows that he will make the guarantee under our Constitution of equal justice under law a core mandate of his tenure.

Having reviewed the full record and recent testimony, regrettably and respectfully, I cannot support the President-elect's nominee, our colleague and friend JEFF SESSIONS, for this job.

At his confirmation hearing, Senator SESSIONS simply said he would follow the law and he would obey it, but the Attorney General of the United States must be more than a follower. He must be a leader in protecting the essential constitutional rights and liberties. He must be a champion, a zealous advocate. He must actively pursue justice, not just passively follow or obey the law.

Senator SESSIONS' record reflects a hostility and antipathy—in fact, downright opposition—to civil rights and voting rights, women's health care and privacy rights, antidiscrimination measures, and religious freedom safeguards. He has prided himself on his vociferous opposition to immigration reform legislation, a measure that passed this body with 68 bipartisan votes, and a criminal justice reform bill that has attracted a group of 25 cosponsors, Democrats and Republicans. He even split with the majority of his own party to vote against reauthorizing the Violence Against Women Act. He opposed hate crime prohibitions. Senator SESSIONS' views and positions on these issues and others, which are critical to protecting and championing rights and liberties under our Constitution, are simply out of the mainstream. There is nothing in Senator SESSIONS' record, including his testimony before the Judiciary Committee this week, that indicates he will be the constitutional champion the Nation needs at this point in its history.

Equally important, the Attorney General must speak truth to power. He must be ready, willing, and able to say no to the President of the United States and ensure that the President is never above the law. Senator SESSIONS' record and testimony give me no confidence that he will fulfill this core task.

When I asked him about enforcement of cases against illegal conflicts of interest involving the President and his family, such as violations of the emoluments clause or the STOCK Act, he equivocated. When I asked him about appointing a special counsel to investigate criminal wrongdoing at Deutsche Bank, owed more than $300 million by Donald Trump, he equivocated. When I asked him about abstaining from voting on other Presidential nominees while he is in the Senate, he equivocated. Those answers give me no confidence that he will be the independent, nonpolitical law enforcer against conflicts of interest and official self-enrichment that the Nation needs now more than ever—at a moment when the incoming administration faces ethical and legal controversies that are unprecedented in scope and scale.

Senator SESSIONS' record over many years and his recent testimony fail to demonstrate the core commitments and convictions necessary in our next Attorney General.

Back in 1986, the Senate Judiciary Committee rejected Senator SESSIONS' nomination to a Federal judgeship due to remarks he made and actions he took in a position of public trust as U.S. attorney in Alabama. However, my position on his nomination is primarily based on his record since those hearings and less on what was considered at that time.

On voting rights, Senator SESSIONS has often condoned barriers to Americans exercising their franchise. He has been a leading opponent of provisions in the Voting Rights Act designed to ensure that African Americans can vote in places, such as his home State of Alabama, which have a unique history of racial segregation. He has advocated for needlessly restrictive and draconian voter ID laws, citing utterly debunked threats of rampant voter fraud as an excuse for curtailing the real and legitimate rights of entire groups of voters.

On privacy—very important—Senator SESSIONS has passionately opposed this longstanding American right, which is enshrined in five decades of Supreme Court precedent. It protects women's health care and personal decisions involving reproductive rights. At a time when these rights are facing an unprecedented assault, he has continued to condemn Roe v. Wade and the many court decisions upholding that case.

He is also supported by extremist groups like Operation Rescue that defend the murder of doctors and the vilification and criminalization of women. With him as Attorney General, American women would understandably feel less secure about those rights.

On religious freedom, Senator SESSIONS has advocated for using a religious test to determine which immigrants can enter this country. When this issue arose in committee, Senator SESSIONS was the only Senator—the only Senator—to argue forcefully for religious tests and against principles of religious liberty that have animated our Republic since its founding. With Senator SESSIONS as Attorney General, a Trump administration would enjoy a permanent green light for any racially or religiously discriminatory immigration policy that might appeal to him.

On citizenship, Senator SESSIONS has called for abolishing a time-honored tradition that dates back to reconstruction. Birthright citizenship is the distinctly American concept that anyone born on our soil is a citizen of our country. We do not exclude people from citizenship based on the nationality of their parents or grandparents. Senator SESSIONS disagrees, a position that most other Republicans think is extreme.

With Senator SESSIONS as Attorney General, the Trump administration would be encouraged in attempting to deport American citizens—who have raised families and spent their entire lives here—from the only country they have ever known.

Senator SESSIONS declined my invitation at his nomination hearing to exercise moral and legal leadership and demonstrate his resolve to serve as the Nation's legal conscience. He refused to reject the possibility of using information voluntarily provided by DACA applicants to deport them and their families. As a matter of fundamental fairness and due process, when a DREAMer has provided information to our government after being invited to come out of the shadows, this information should never be used to deport that person. With Senator SESSIONS as Attorney General, that sense of legal conscience would be lacking.

On issues of discrimination and equal protection, Senator SESSIONS has publicly opposed marriage equality, claiming it ''weakens marriage'' and even tried to eliminate protections for LGBT Americans contained in the Runaway and Homeless Youth and Trafficking Prevention Act. He has repeatedly voted against steps to enhance enforcement against hate crimes—violent assaults involving bigotry or bias based on race, religion, and sexual orientation. He even defended President-Elect Trump's shocking admission on video of his pattern of engaging in sexual assault.

Senator SESSIONS himself has said that public officials can be fairly judged by assessing who their supporters are. Senator SESSIONS is backed by groups with ties to White supremacists.

He has even accepted an award and repeated campaign donations from groups whose founder openly promotes the goal of maintaining a ''European American majority'' in our society. Neither award, nor many other important parts of Senator SESSIONS' record, was reported on the questionnaire he prepared for the Judiciary Committee.

I gave Senator SESSIONS an opportunity at the hearing earlier this week to repudiate these hate groups and racist individuals who have endorsed his nomination and supported him in the past. In fact, instead he doubled down, saying that a man who has accused African Americans of excessive criminality and American Muslims of extensive ties to terrorism was ''a most brilliant individual.''

So I reach my decision to oppose this nomination with regret because JEFF SESSIONS is a colleague and a friend to all of us. Indeed, he and I have a rapport. I have come to like and respect

him through a number of shared experiences in this building, traveling abroad, and outside.

We have common causes. He and I both support law enforcement professionals who serve our communities and the Nation with dedication and courage. They are never given sufficient thanks and appreciation.

He and I both believe that individual corporate criminal culpability should be pursued more vigorously. Individual corporate executives should be held accountable for the wrongdoing of corporations when they are criminally involved.

This job, this decision, this responsibility is different. Here, my disagreements stem from bedrock constitutional principles. While I could envision deferring to Presidential authority and supporting him for other positions, my objections to his nomination here relate specifically to this particular, essential, all-powerful job.

At this historic moment, there must be no doubt about the ironclad commitment of the Attorney General of the United States to the bedrock principle of equal justice under law, his resolve to be an independent voice, assuring that the President is never above the law, his determination to be a champion for all people of America and our constitutional principles that protect all people, and to be a legal conscience for the Nation.

Reviewing his record, I cannot assure the people of Connecticut or the country that JEFF SESSIONS would be a vigorous champion of these rights and liberties. Therefore, I stand in opposition to his nomination.

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.

Mrs. GILLIBRAND. 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. GILLIBRAND. Mr. President, I rise to strongly oppose this legislation concerning a waiver for General Mattis.

I know that all of my colleagues on the Armed Services Committee who just left the hearing on this very topic with General Mattis and this entire body take the oversight role of our committee very seriously. We take civilian control of the military as a fundamental constitutional principle of the Founding Fathers. Even George Washington put aside his commission 5 years before he became our Commander in Chief and became the President of the United States. When Congress in 1947 debated the National Security Act to create the Department of Defense and create the Secretary of Defense, they decided to imbue this idea of civilian control into the Secretary of Defense by law, by mandating that he had to be separated from the military at least 10 years before taking on the role of Secretary of Defense, enshrining again this notion that civilian control is so important to our democracy and our American values.

On Tuesday, the Armed Services Committee had a very compelling hearing. We had two experts testify about the reasons for civilian control and why they are still so important today. The importance of having a Secretary of Defense who brings a civilian perspective to this position and brings with him or her a breadth of views and experience—those views coming from a civilian are very important.

Second, they said it is very important not to politicize our officer ranks, meaning our senior, top military advisers jockeying for the next job as a political appointee. That undermines the functioning of the military, and they testified about countries where it has had such deleterious effects.

The third reason is concern about bias toward one service or another. Arguably, if one comes from a particular service, one may have preferences innately for that branch of service, which could undermine the strength of our military.

The fourth reason, which is really important in today's world, is the desire to model civilian control for other countries around the world that are struggling to become more democratic, less autocratic, and less militarily run.

Those are the four reasons given as to why civilian control of the military is so important. Dr. Cohen and Dr. Hicks both agreed—despite those four reasons—that from their perspective, it should be abrogated. Dr. Cohen said it was because the characteristics of the incoming administration gave him such concern that he needed to have someone like General Mattis and thought the qualities of General Mattis were important. Even Dr. Hicks said it was the qualities of General Mattis that were so unique and important, but she very importantly said: Never, though, should we say that it is time for a general to be the Secretary of Defense. In her perspective, it should never be that you need a general. So for her it was not the exigencies of circumstances; it was the specific characteristics of General Mattis.

Overwhelmingly, the Senators and the Members of the Armed Services Committee, myself included, have expressed enormous gratitude for the extraordinary service of General Mattis. That is not in debate. But if there is no civilian in all the world as of today at this moment who could meet the needs of the incoming administration, then who is to say that there will be no civilian in the future who could meet the needs of this administration, should they need another Secretary of Defense, or the next administration?

What we are doing today, inadvertently, because of a cherished notion we have toward this one nominee, is subverting the standard, and, in fact, this exception now can swallow the whole rule. If we are literally saying an exception could be made because of the nature of an administration and the nature of a nominee, we have literally swallowed the rule.

I think it is a historic mistake. I truly believe we are about to unwind something that has served this country well for the past 50 years. We are about to unwind it. Interestingly, the last time the Congress unwound it, they said: Never again.

They didn't say: If you have an urgency as we have now, which was the concern, according to these experts, that World War III was looming, the concern that we needed a well-known, well-loved general because of all the foreign policy worries of the moment with North Korea; they said: Never again.

I don't know why we are here. I really don't know why—because it is not the standard.

Now this is the world we are going to live in. President-Elect Trump will mainly have his foreign policy input from two four-star generals and a three-star general. So where is the diversity of opinion coming from? Where is that balance going to come from, the No. 1 reason the experts gave for why we have civilian control of the military—Tillerson?

Even General Marshall, if we remember history correctly, had the experience of being a former Secretary of State and head of the Red Cross, so he had civilian experience in addition to his military experience. Civilian control has very important constitutional reasons based on our democratic values, the balance of power, and how our democracy runs. Those principles are being gutted and ignored. We are not using the right standards, and I think it is a historic mistake.

As I stated, this has nothing to do with our particular nominee. These principles exist for a reason. It has enabled our country's success for decades and has kept our democracy safe. If we take this change in our laws lightly, as we are about to do today, when future Congresses—or even this same Congress 2 or 3 year from now—look at this and want to make the same exception, it will be much easier to do.

I will continue to oppose this waiver for any nominee who is not a civilian or who has not met the waiting period that is required by law, and I urge all of my colleagues to do the same. I urge them to vote no.

Ms. COLLINS. Mr. President, today I wish to support the legislative waiver required for retired General James Mattis to become the next Secretary of Defense.

The principle of civilian control of the military has been fundamental to the concept of American Government since the inception of our Republic. It was the Continental Congress that granted General George Washington his commission, and General Washington reported to that legislative body throughout the entire war.

At the conclusion of the war, General Washington was the most popular and important figure in America. He easily could have positioned himself as the leader of the American government and, in fact, was urged to do so by many. Instead, General Washington famously resigned his commission on December 23, 1783, thus firmly establishing the principle that, in this new country, ultimate authority over the Armed Forces would rest with democratically elected civilians. General Washington's noble act was the foundation of such an important tenet of our democracy that the scene is depicted in a magnificent painting by John Trumbull, which occupies a prominent position in the rotunda of the United States Capitol.

The principle of civilian control of the military was at the center of the debate when the structure of our Armed Forces was dramatically reorganized after World War II. A congressional consensus emerged from the military readiness failures of Pearl Harbor that the modern world required a more significant standing military force with a more centralized command structure. But harkening back to the precedent established by George Washington, it was imperative that this new structure have civilian leadership. This was especially concerning at the time, given the number of remarkable generals who had deservedly attained heroic status in the eyes of the American public and the free world. Thus, in 1947, Congress passed section 202 of the National Security Act, which provided that the Secretary of Defense needed to have at least a 10-year gap, later reduced to 7, from any military service.

Since that time, 16 of the past 24 Defense Secretaries have had some prior military service. If approved, however, Gen. Mattis would only be the second Defense Secretary to receive a congressional waiver of the law—the other being General George Marshall in 1950.

In order to examine this important history and review the wisdom of granting a waiver for Gen. Mattis, the Senate Armed Services Committee held a hearing exploring the issue of civilian control of the Armed Forces. After carefully reviewing the testimony from those hearings, I do support making an additional, one-time exception to the law in the specific case of James Mattis.

In 1950, the world was a tumultuous place, with a hot war in Korea coupled with the extraordinary risks associated with a growing cold war in the nuclear age. President Truman turned to General Marshall to serve as Secretary of Defense because his noted character and competence, combined with his experience and ability, made him an ideal fit for the unique challenges presented at that time.

Today the world is again a tumultuous place. The combination of the threat from terrorist organizations like ISIS and al Qaeda, as well as the threats emanating from countries such as Iran, North Korea, Russia, and China, has heightened tensions around the globe. And all our international challenges today take place against the backdrop of the knowledge that the world has a large and aging nuclear arsenal that could quickly create chaos in the wrong hands.

As was the case with Gen. Marshall, Gen. Mattis, with his exceptional character and competence and his remarkable skills and ability, is a fit for these dangerous times.

Over the course of his 44-year career in the Marine Corps, Gen. Mattis has earned a reputation as a warrior and commander who is beloved by soldiers and veterans alike. The ''warrior monk,'' as he is known in military circles, is a voracious reader and a student of history. He has served as a military commander at all levels and all over the world. His assignments have included a combat deployment during the Persian Gulf Wars and difficult leadership posts in both Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom, where Mattis commanded the 1St Marine Division in the city of Fallujah.

His work over the past decade has demonstrated a deep appreciation for the challenges our country faces today. In 2006, Mattis coauthored the military's counterinsurgency manual with then-Army General David Petraeus. As an expert in counterinsurgency, Mattis understands the crucial role military power plays in conjunction with other civil instruments of national power, including diplomatic and economic efforts.

Between 2007 and 2010, while serving as commander of the now disestablished U.S. Joint Forces Command, Mattis gained experience in broad DOD policy and management at an organization focused on the transformation of U.S. military capabilities.

In 2010, I supported Gen. Mattis's nomination to serve as commander of U.S. Central Command, where he oversaw the wars in Iraq and Afghanistan and was responsible for an area which includes Syria, Iran, and Yemen. His experience at CENTCOM is a tremendous asset in developing a coherent strategy to address the threats posed by state actors and terrorist networks in the region and elsewhere around the world.

In 2015, he testified before the Senate Armed Services Committee on the United States' global challenges and offered insight to the committee on crafting a coherent, bipartisan national security strategy with an eye towards international diplomacy and alliances, defense budgeting, and military force size and capabilities.

Last year, he coedited a book on civil-military relations that explored the growing cultural gap between civilian society and the military, as well as the impact this lack of understanding may have on the civilian-military relationship.

Finally,I would note that Gen. Mattis has the support of three very capable and successful former Secretaries of Defense whose careers were either largely or entirely in the civilian workforce. Secretaries Cohen, Panetta, and Gates know as well as anyone what it takes to succeed in that position and the importance of civilian leadership of the military. Their unqualified support of Gen. Mattis carries considerable weight with me and further convinces me that, in this particular circumstance, a waiver is warranted.

Mr. CARDIN. Mr. President, civilian control of our military is one of the bedrock principles of American self-government. The National Security Act of 1947, U.S.C. Title 10 Section 113(a), stipulates that an individual ''may not be appointed as Secretary of Defense within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.'' President-Elect Donald Trump's choice of retired U.S. Marine Corps General James N. Mattis violates that provision since he has only been out of the uniform for 3 years; thus, Congress will need to pass a waiver so that he can serve if confirmed.

I have considered this issue carefully, and I have listened to Gen. Mattis's testimony earlier today before the Senate Armed Services Committee. I believe Gen. Mattis is committed to the principle of civilian control of the military. I was reassured by his testimony this morning, and I will vote to grant the waiver. There is a precedent: in 1950, the Senate voted to confirm General George C. Marshall's as Secretary of Defense, despite the fact that he had been retired for only 5 years. Former Secretaries of Defense Donald H. Rumsfeld, Robert M. Gates, and Leon E. Panetta have expressed bipartisan support for Gen. Mattis. I am willing to vote for the waiver, as long as one nomination does not turn into a trend. There are particular times and circumstances in which granting the waiver may be appropriate, but the bedrock principle of civilian control of our military must not be eroded.

Mr. VAN HOLLEN. Mr. President, I oppose changing the law to allow a recently retired general to serve as Secretary of Defense. While I admire Gen, Mattis and I am grateful for his decades of service to our Nation, I believe that, except in a national emergency, we should abide by the longstanding principle of civilian control of the military enshrined in the National Security Act.

Civilian control of the military is a fundamental tenet of our American democracy. It was in Annapolis, MD that General George Washington resigned his military commission in 1783, after leading the Continental Army to secure America's independence. Washington believed that our new Nation could survive only with civilian leadership. Five years later, Washington returned to serve the Nation, as a civilian, as our first President. George Washington's example has been embodied in the statutory requirements of the National Security Act.

George C. Marshall, nominated by President Truman in 1950, was the only Secretary of Defense for whom Congress enacted an exception. In enacting the exception for General Marshall, Congress expressly emphasized that:

''the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military men to the office of Secretary of Defense in the future. It is hereby expressed as the sense of the Congress that after General Marshall leaves the office of secretary of defense, no additional appointments of military men to that office shall be approved.''

Congress should not cavalierly disregard the principle of civilian leadership of our military. I have no doubt that President-Elect Trump was briefed on the National Security Act's requirement, but chose to proceed notwithstanding the law and our Nation's tradition. President-Elect Trump's lack of regard for this law and the principle of civilian control of the military should be a matter of concern.

Our Founders' emphasis on civilian leadership distinguished the young United States from the other nations of the time. It remains an important bulwark of our democracy today.

My vote today is not against Gen. Mattis. It is a vote to uphold an important principle of our American democracy. Should Congress vote to waive this law at this moment in time, I will review the nomination of Gen. Mattis on its individual merits.

Mrs. GILLIBRAND. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

OBAMACARE REPEAL

Mr. HATCH. Mr. President, several years ago, Democrats in Congress pulled out all the stops to pass the so-called Affordable Care Act and force the system we now call ObamaCare on the American people. They passed the law on a purely partisan basis and without any regard for public opinion. Quite simply, it was one of the most blatant exercises in pure partisanship in our Nation's history. It deepened partisan divides in Washington and around the country and contributed to the cynicism many have about whether their government is actually paying attention to their needs. Worst of all, in the years since the passage of ObamaCare, the American people have been paying the price in the form of skyrocketing costs, fewer choices, burdensome mandates, and unfair taxes.

For 7 years, many of us in Congress—virtually all of us on the Republican side—have been working to right what has gone wrong under the Affordable Care Act. We have pledged to our constituents that, given the opportunity, we would repeal ObamaCare and replace it with reforms more worthy of the American people. Those promises are among the biggest reasons why we Republicans are now fortunate enough to find ourselves in control of Congress and, very soon, the White House.

Last night we took a big step in the effort to repeal and replace ObamaCare. With the budget resolution passed, many in Washington and in the media are talking about what happens next. We are hearing a lot of discussion about the timing of our repeal-and-replace efforts, with some arguing that we should hit the brakes and solve every problem in advance of taking another vote. My view is that the repeal of ObamaCare cannot wait. The American people need us to act now. While there is still some debate as to what our replacement plan should look like, a majority of Senators voted last night to give us the tools to take the next steps to repeal and replace ObamaCare. The American people have entrusted us with the power to do just that.

We could spend the next several months coming up with more slogans and analogies, but this is not a campaign. The elections have been won, and it is time to do what our constituents have sent us here to do. I am not saying we need to put off the replacement effort. On the contrary, I think it is important that the legislation we draft pursuant to the budget reconciliation instructions include as many sensible health reforms as possible, keeping in mind the limitations that exist with our rules and the necessary vote count.

We should definitely work on making the largest possible downpayment on the ObamaCare replacement with the budget reconciliation bill. That downpayment should include measures that give individuals and families more control over their health care decisions and empower States to do more of the heavy lifting when it comes to regulating health care. In addition, we need to provide for a smooth transition period so we can maintain some stability in the health insurance markets and ensure that we are not leaving Americans who have insurance under the current system out in the cold.

As chairman of one of the primary committees with jurisdiction over these matters, I have been working closely with my House counterparts—Chairman KEVIN BRADY of the House Ways and Means Committee and Chairman GREG WALDEN of the House Energy and Commerce Committee—to develop proposals on the matters that fall within our purviews. We have been talking with stakeholders throughout the country and working through the various problems that exist. That work will continue unabated as we work on the immediate repeal effort and into the future. I am quite certain that my friend who chairs the Senate HELP Committee has been similarly engaged in addressing the draconian insurance regulations that were imposed under ObamaCare, as well as the other parts of the law that are within that committee's jurisdiction.

In other words, the work to replace ObamaCare is ongoing, and we hope to have some initial elements ready to include in the budget reconciliation package. That work will continue once the repeal has been passed and signed into law so that we can help ensure that affordable health care options exist for Americans. We do not need to wait until every single replacement measure is drafted and agreed upon before moving forward. Instead, we need the incoming administration to add to our current efforts and work with us to produce a full replacement plan and then to execute it. I look forward to continuing to work with President-Elect Trump and his team.

The path forward on replacing ObamaCare could end up taking many forms. We could draft and pass a series of limited reforms to replace ObamaCare piece by piece or we could pull together a full and comprehensive replacement package that puts all the necessary changes into law at once. I think there are merits and potential pitfalls with either approach. That is something we need to consider as we move forward, but it is not a decision that needs to be made before we can keep the promises we all made to our constituents to repeal ObamaCare.

To be sure, replacing ObamaCare is going to be a difficult process; however, with a new and more cooperative administration in place, I have every confidence we can accomplish these important objectives without imposing artificial deadlines or goalposts or putting the repeal process on hold. All of this is possible so long as we remain committed to the principles that have guided most of our efforts thus far. For example, in my view, the new reforms need to be patient-centered, not government-driven. They need to recognize the reality of the marketplace and the benefits of competition. Perhaps most importantly, any suitable reforms need to put the States back in charge of regulating and overseeing health care policy. If the ObamaCare experience has taught us anything, it is that when the Federal Government gets a hold of something that is as consequential as health care, it will overpromise results, overstep its authority, and overregulate the subject matter.

As I have said a number of times, Utah is not California or Massachusetts, and California and Massachusetts are not Utah. All of our States face different challenges and have different needs. There is no reason to begin with the premise that any single approach to health care policy is what is best for the entire country. That is why I, along with several of my colleagues, have been engaging with stakeholders at the State level for quite some time as we work to craft reforms and to put them in place. For example, next week the Senate Finance

Committee is hosting a roundtable discussion on Medicaid with some of the most prominent Governors in the country. I am pleased that Energy and Commerce chairman GREG WALDEN will join us for the discussion as well. This meeting and others like it will give States the opportunity to detail the challenges they face and how we can empower them to meet those challenges instead of dictating solutions from offices here in Washington, DC.

I believe all of my colleagues want to be judicious and methodical with this undertaking. No one wants to act recklessly and do even more damage to our Nation's health care system. Discussions and debates over the substance of our ObamaCare replacement should continue. As I said, they have been going on for some time now, and they are not going to stop. But after last night, we have the tools we need to take the first major step in this effort by repealing ObamaCare. In my view, we need to take that step now.

Republicans are united in our desire to repeal ObamaCare. We have the support of the American people to do just that, and I personally will do all I can to deliver on that promise. I hope our friends on the other side will work with us. If they will, I think we can come up with an approach toward health care that not only will work but will be better for our country but most importantly, better for our citizens, better for the States that will manage a lot better than we will here, and better for our citizens within those States.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to discuss S. 84, a bill that would provide a one-time exception from the longstanding law that requires a member of the military to be retired from the armed services for at least 7 years before being appointed as Secretary of Defense. We are considering this legislation today because the President-elect's nominee for Secretary of Defense, General James Mattis, has only been retired from the U.S. Marine Corps for 3 years.

In considering the unique situation presented by this nomination, this week the Armed Services Committee held two hearings. The first hearing, on Tuesday, had a panel of two excellent outside witnesses who discussed the history of the retirement restriction law and the benefits and challenges of legislating an exception to that law. Then, this morning, the committee held a nomination hearing with General Mattis and examined his views on a wide range of defense challenges facing our country and the Defense Department.

General Mattis has a long and distinguished military career, and he is recognized by his peers as a thoughtful and strategic thinker. However, since its passage in 1947, the statutory requirement designed to protect civilian control of the Armed Forces has only been waived one other time. Therefore, I believe it is extremely important that we carefully consider the consequences of setting aside the law and the implications such a decision may have on the future of civilian and military relations.

Civilian control of the military is enshrined in our Constitution and dates back to George Washington and the Revolutionary War. This principle has distinguished our Nation from many other countries around the world, and it has helped ensure that our democracy remains in the hands of the people.

The National Security Act of 1947, which established the Department of Defense, included a provision prohibiting any individual ''within ten years'' of ''active duty as a commissioned officer in a regular component of the armed services'' from being appointed as the Secretary of Defense. However, in 1950, President Harry Truman nominated former Secretary of State and former Chief of Staff of the United States Army General George Marshall to serve as the Secretary of Defense, thus causing Congress to pass an exception to the statute.

While Congress ultimately waived the restriction for General Marshall, the law included a nonbinding section that stated: ''It is hereby expressed as the intent of the Congress that the authority granted by this Act is not to be construed as approval by the Congress of the continuing appointments of military men to the office of Secretary of Defense in the future. It is hereby expressed as the sense of the Congress that after General Marshall leaves the office of the Secretary of Defense, no additional appointments of military men to that office shall be approved.''

Nearly 70 years later, Congress again must make a determination if an exception should be made in the case of General Mattis. Let me remind my colleagues why making this change is so significant. During our committee hearings, Dr. Kathleen Hicks astutely noted: ''The Defense Secretary position is unique in our system. Other than the President acting as commander in chief, the Secretary of Defense is the only civilian official in the operational chain of command to the Armed Forces. Unlike the President, however, he or she is not an elected official.''

As I stated during the committee's consideration of the waiver legislation, we must be very cautious about any actions, including this legislation, that may inadvertently politicize our Armed Forces. During this past Presidential election cycle, both Democrats and Republicans came dangerously close to compromising the nonpartisan nature of our military with the nominating convention speeches from recently retired general officers advocating for a candidate for President.

I am also concerned about providing a waiver for General Mattis in light of the fact that he will join other recently retired senior military officers who have been selected for high-ranking national security positions in the Trump Administration. Throughout our Nation's history, retired general officers have often held positions at the highest levels of government as civilians. In fact, a few have even been elected President.

What concerns me, however, is the total number of retired senior military officers chosen by the President-elect to lead organizations critical to our national security and the cumulative affect it may have on our overall national security policy. Specifically, there may be unintended consequences having so many senior leaders with similar military backgrounds crafting policy and making decisions as weighty as those facing the next administration.

In the course of our review of General Mattis' nomination, the reason most often cited in support of a waiver allowing him to serve is that a retired four-star general known for his warfighting skills and strategic judgment to lead the Department of Defense will counterbalance the President-elect's lack of defense and foreign policy experience. As Tom Ricks wrote recently in The New York Times: ''Usually I'd oppose having a general as Secretary of Defense, because it could undermine our tradition of civilian control of the military. But these are not normal times.''

Likewise, Dr. Eliot Cohen testified before the Senate Armed Services Committee earlier this week, and he argued that if it weren't for his deep concern about the Trump Administration, he would oppose the waiver for General Mattis. Specifically, he stated: ''There is no question in my mind that a Secretary Mattis would be a stabilizing and moderating force . . . and over time, helping to steer American foreign and security policy in a sound and sensible direction.''

If Congress provides an exception for General Mattis, we must be mindful of the precedent that action sets for such waivers in the future. The restriction was enacted into law for good reason, and General George Marshall is the only retired military officer to receive this exception.

Based on General Mattis' testimony this morning, as well as his decades of distinguished service in the U.S. Marine Corps, and weighing all of the other factors, I will support a waiver for him to serve as Secretary of Defense. General Mattis testified to the fact that the role of Congress does not end with the passage of this legislation. As Dr. Hicks stated, ''The United States Congress, the nation's statutes and courts, the professionalism of our Armed Forces, and the will of the people are critical safeguards against any perceived attempts to fundamentally alter the quality of civilian control of the military in this country.''

Any of us who support this bill have a profound duty to ensure that the Department of Defense and its leaders,

both civilian and military, are following and protecting the principles upon which this country is founded.

Let me be very clear. I will not support a waiver for any future nominees under the incoming administration or future administrations. I view this as a generational exception, as our bipartisan witnesses recommended. I would ask that my colleagues on both sides of the aisle make this same commitment. Indeed, I intend to propose reestablishing the original 10-year ban which was in place when the Defense Department was established. Restoring the threshold for service to 10 years would send a strong signal that this principle of civilian control of the military is essential to our Democratic system of government.

At this point I would ask if the chairman of the committee might engage in a colloquy. I do that first by thanking him for the extraordinarily fair, thoughtful, and careful way he has guided this nomination through the committee and here to the floor.

I wish to thank the Senator from Arizona for the thoughtful and thorough process we have had in considering the nomination of General Mattis. I think one of the high points was a hearing on civilian military relations with Eliot Cohen and Kathleen Hicks. Both witnesses emphasized that while they supported this waiver, it should be a rare, generational exception to ensure the integrity of civilian control of our military, which is the bedrock of our democracy.

I agree wholeheartedly with that assessment, and I would ask the chairman if he also agrees with that assessment.

Mr. MCCAIN. Mr. President, I would say that I also agree. I want to thank the Senator from Rhode Island for his leadership, and I want to thank him for setting the tenor and the environment that surrounds the Armed Services Committee, which resulted in the 24-to-3 vote today in the Armed Services Committee. Because of the relationship that we have, but also because of his leadership, we have a very bipartisan committee, which is vital to maintain, considering the awesome responsibilities we hold.

The Senator from Rhode Island has displayed time after time a willingness to work together for the good of the country. I think this is the latest example, even though he had significant reservations—which are valid—concerning the short period of transition from wearing the uniform to holding down the highest civilian position as far as defense of the Nation is concerned. I know he didn't reach this conclusion without a lot of thought, a lot of study, a lot of—as he has displayed—references to history; reasons for the origination of this legislation, which requires 7 years before an individual is eligible to be Secretary of Defense after leaving the military.

So I just wanted to thank the Senator from Rhode Island, and I look forward to an overwhelming vote.

Mr. President, could I ask the parliamentary situation as it is right now.

The PRESIDING OFFICER. The Senate is considering S. 84 with 10 hours equally divided.

Mr. MCCAIN. Mr. President, has a time been set for the vote?

The PRESIDING OFFICER. There is not yet an order for the vote.

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

Mr. MCCAIN. I yield to my friend from Rhode Island.

Mr. REED. Mr. President, I believe the chairman does concur with me regarding the fact that this is a rare and generational exception; I think that is fair to say.

Mr. MCCAIN. Mr. President, is it accurate to say that 2:45 p.m. is a time that is being seriously considered?

Mr. REED. We hope so, and I think, if we recognize Senator MERKLEY for his comments, and then I think the chairman of the committee has comments, we would be on that schedule.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be allowed 5 minutes prior to the vote, if the time of the vote is set, and the Senator from Rhode Island be given 5 minutes prior to that, in the case of the time of the vote being set.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mr. REED. Mr. President, I believe I still retain the floor.

Let me make the point that I appreciate very much the Senator from Arizona allowing me 5 minutes, but I will yield that 5 minutes so that at the end, the Senator from Arizona would have 5 minutes, and then I would suggest we recognize Senator MERKLEY so that we can conduct the vote at 2:45 p.m.

Mr. MCCAIN. Mr. President, I would like to modify my unanimous consent request that I be allowed 5 minutes prior to the vote.

ORDER OF PROCEDURE

Before I do that, however, I ask unanimous consent that the time until 2:45 p.m. be equally divided between the managers or their designees, and that following the use or yielding back of that time, the bill be read a third time, and the Senate vote on passage of S. 84; further, that following the disposition of S. 84, the Senate recess subject to the call of the Chair for the all-Members briefing.

So I would ask the Senator from Oregon how much time he needs.

Mr. MERKLEY. Less than 10 minutes.

Mr. MCCAIN. Mr. President, I am asking for a ruling on the unanimous consent request I just made.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I add to that unanimous consent request that I be given the final 5 minutes before the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, we have a longstanding tradition in our country of civilian control of government and civilian control of the military. This was first symbolized by George Washington through his act of resigning as Commander in Chief for all of the Continental Army on December 23, 1783. It is a tradition, or a moment in time, that is preserved on the walls of the Rotunda where a mural depicts Washington's noble and selfless act.

Our early days were full of the warnings of a standing Army and of ongoing military control at high levels, and those ideas came from Thomas Jefferson and from Alexander Hamilton and from Samuel Adams. When we came to the point in our history where we realized that a continuing military force was necessary, we preserved the importance of civilian control.

We did so for a host of important reasons, which others have pointed out on this floor but I think are worth restating. It is important to have a Secretary of Defense who brings a broad world view that includes a civilian perspective to the position.

Second, it is important not to politicize our officer ranks and have them essentially competing to position themselves to hold this position of Secretary of Defense.

Third, we do not want the services competing against each other in order to hold this position. This is why the Joint Chiefs of Staff position is rotated on a specific schedule. And if we have a Secretary of Defense come from one military service, then another branch of service is going to say: Next time it should be our turn. The Marine Corps today, the Air Force tomorrow, the Army after that, and then the Navy. That is not the position we want to end up in.

We also know that across the world, countries wrestle with preserving civilian control; that is, preserving democratic republics in the face of the power of military machinery in their country, military organizations, and we see military coups and we see massive military influence.

It has been the desire of our country to model a republic that is of the people, by the people, and for the people, not a nation that becomes controlled by a massive concentration of power in the military. Now my colleagues—many of whom are very learned in the history of our country—have arisen to say that there is a set of special circumstances, a unique set of circumstances, that merit an exception, and they note that there was an exception once before in our history. That exception was the appointment of George C. Marshall to become Secretary of Defense in the time following

World War II. But think about how many circumstances we face in the world that can be put forward to be an exceptional time. It was exceptional when terrorists used planes to attack the Twin Towers in New York City and our Pentagon, and had not one plane gone down, the additional target may have been the Capitol or the White House. That was an exceptional moment. It is an exceptional moment when we are fighting Al Qaeda. It is an exceptional moment when we are fighting ISIS. It is an exceptional moment when Russia invades Ukraine and takes over Crimea. There is an exceptional moment almost continuously in the face of a complex and changing world.

So I stand on the side of maintaining the principle of civilian control. Each time we violate this principle, it is easier next time to say: It has been done before. But the conversation will not be ''We did it once half a century ago, and so we should do it again,'' it will be ''We did it twice, once quite recently when we weren't facing a world crisis. Nobody had invaded the United States. We had not just lost a couple hundred thousand folks fighting for our country in a world war.'' So the conversation will get easier and more fragile, and that is not the direction we should go.

It was Eisenhower who warned about the overreach of a military enterprise—the ''military industrial complex,'' as he referred to it. But one piece of our structure of government that has held back is to maintain that principle of civilian control. Can anyone in this room rise up and say that out of the thousands of experienced individuals who have both national security experience and civilian experience, there isn't one who currently meets either the 10- or 7-year standard of separation? I am sure there are hundreds who could meet that standard.

So here we are. If we could send a message to the President-elect: We reject your effort to eviscerate civilian control. Send us someone who is qualified. And if we feel that person is so far out of the reach of reason—which is what I have been hearing from my colleagues in private conversation, terrified that this President-elect will nominate somebody who basically is unhinged, that we have to seize on this moment to take this individual because this body won't have the courage to turn down and reject an unhinged individual nominated by this President-elect. That is a sad commentary on the leadership of this body. It is a sad commentary on what has become of the U.S. Senate that we wouldn't have the courage under our advice and consent power to turn down someone we saw as unfit. That is, in fact, how we are charged under this Constitution, under the advice and consent clause. It was Hamilton who laid out that it is our responsibility to determine whether an individual is of fit character or unfit character, and we would retain that power for any nomination that, in the collective judgment of this body, did not meet that standard.

So let's sustain the principle of civilian control and reject this change.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, in response to the Senator from Oregon who asked if there were not any people who were qualified to serve as Secretary of Defense, I am absolutely certain there are. Is there anyone as qualified as General Mattis? My answer to the Senator from Oregon is no. I have watched General Mattis for years. I have seen the way that enlisted and officers react to his leadership. I have seen the scholarly approach he has taken to war and to conflict.

I hope the Senator from Oregon will have at some point a chance to get to know him, and he will then appreciate the unique qualities of leadership that are much needed in these times where the outgoing President of the United States has left the world in a state of chaos because of an absolute failure of leadership, which is disgraceful. We now see an outgoing President of the United States who in 2009 inherited a world that was not being torn apart in the Middle East. The Chinese were not acting assertively in the South China Sea. The Russians had not dismembered Ukraine and taken Crimea, in gross violation of international law. All of those things have come about because of his presidency.

So now he comes to the floor and objects to one of the most highly qualified individuals and leaders in military history. I say to the Senator from Oregon: You are wrong.

I believe the overwhelming majority of this body will repudiate and cancel out his uninformed remarks.

Mr. President, in a few minutes we will vote on a historic piece of legislation. For just the second time in seven decades, the legislation before us would provide an exception to the law preventing any person from serving as Secretary of Defense within 7 years of Active-Duty service as a regular commissioned officer of the Armed Forces. This legislation would allow Gen. James Mattis—the President-elect's selection for Secretary of Defense, who retired from the Marine Corps 3 years ago—to serve in that office.

Earlier today, the Senate Armed Services Committee received testimony from General Mattis. Once again, he demonstrated exceptional command of the issues confronting the United States, the Department of Defense, and our military servicemembers, but he also showed something else—that his understanding of civil-military relations is deep and that his commitment to civilian control of the Armed Forces is ironclad.

General Mattis's character, judgment, and commitment to defending our Nation and its Constitution have earned him the trust of our next Commander in Chief, Members of Congress on both sides of the aisle, and so many who are serving in our Armed Forces. General Mattis is an exceptional public servant worthy of the exceptional consideration. That is why, directly following the conclusion of today's hearing, the Senate Armed Services Committee reported this legislation to the Senate with an overwhelming bipartisan vote of 24 to 3—I repeat: with an overwhelming vote of 24 to 3.

I am not saying that members of the Armed Services Committee are smarter than the Senator from Oregon, but I am saying that members of the Armed Services Committee have scrutinized—both sides of the aisle, Republican and Democrat, including the ranking member—have looked at General Mattis. Many of us have known him for years and years, as he has shown the outstanding characteristics of leadership that he has had the opportunity to display in his service to the country, and he was voted out by an overwhelming vote of 24 to 3. So obviously there are 24 people on the Armed Services Committee who believe in General Mattis and believe that this exception should be made, as opposed to 3 who share the view of the Senator from Oregon.

Mr. MERKLEY. I ask my colleague from Arizona if he will yield for a question.

Mr. MCCAIN. That is why, directly following the conclusion of today's hearing, the Senate Armed Services Committee reported this legislation to the Senate with a vote of 24 to 3. I urge this body to follow suit.

That said, it is important for future Senators to understand the context of our action here today. Civilian control of the Armed Forces has been a bedrock principle of American Government since our Revolution. A painting hanging in the Capitol Rotunda not far from this floor celebrates the legacy of George Washington, who voluntarily resigned his commission as commander of the Continental Army to the Congress. This principle is enshrined in our Constitution, which divides control of the Armed Forces among the President as Commander in Chief and the Congress as coequal branches of government.

Since then, Congress has adopted various provisions separating military and civilian positions. In the 19th century, for example, Congress prohibited an Army officer from accepting a civil office, more recently, in the National Security Act of 1947, and subsequent revisions, Congress's 7-year ''cooling off'' period for any person to serve as Secretary of Defense. It was only 3 years later, in 1950, that Congress granted GEN George Marshall an exemption to that law and the Senate confirmed him to be Secretary of Defense.

Indeed, the separation between civilian and military positions has not always been so clear. Twelve of our Nation's Presidents previously served as generals in the Armed Forces, and over the years, numerous high-ranking civilian officials in the Department of

Defense have had long careers in military service.

The basic responsibilities of civilian and military leaders are simple enough—for civilian leaders: to seek the best professional military advice while under no obligation to follow it; for military leaders: to provide candid counsel while recognizing civilians have the final say or, as General Mattis once observed, to insist on being heard and never insist on being obeyed. But the fact is that the relationship between civilian and military leaders is inherently and endlessly complex. It is a relationship of unequals who nonetheless share responsibility for the defense of the Nation. The stakes could not be higher. The gaps in mutual understanding are sometimes wide. Personalities often clash. And the unique features of the profession of arms and the peculiarities of service cultures often prove daunting for civilians who have never served in uniform.

Ultimately, the key to healthy civil-military relations and civilian control of the military is the oath that soldiers and statesmen share in common ''to protect and defend the Constitution.'' It is about the trust they have in one another to perform their respective duties in accordance with our republican system of government. It is about the candid exchange of views engendered by that trust and which is vital to effective decisionmaking. And it is about mutual respect and understanding. The proper balance of civil-military relations is difficult to achieve, and, as history has taught us, achieving that balance requires different leaders at different times.

I believe that in the dangerous times in which we live, General Mattis is the leader our Nation needs as Secretary of Defense. That is why, although I believe we must maintain safeguards of civilian leadership at the Department of Defense, I will support this legislation today and General Mattis' nomination to serve this Nation again as Secretary of Defense.

I want to assure my friend from Rhode Island, the ranking member of the Armed Services Committee, who has very serious concerns—I want to assure him that this is a one-time deal. I know the Senator from Rhode Island had deep concerns about this whole process we have been through. Yet I think he has put the interests of the Nation and placed his confidence in General Mattis as being so exceptional that the law that was passed back in 1947—there can be made one single exception to it.

The PRESIDING OFFICER. The majority's time has expired.

The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 72

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 4:15 p.m. on Tuesday, January 17, the Committee on Homeland Security and Governmental Affairs be discharged and the Senate proceed to the consideration of H.R. 72; further, that there be 30 minutes of debate equally divided in the usual form, and that upon the use or yielding back of time, the bill be read a third time and the Senate vote on passage of H.R. 72 with no intervening action or debate; finally, that if passed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I agreed——

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Has time expired according to the previous UC?

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

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

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MCCONNELL. Just to let everybody know, all I am doing is setting up a vote for Tuesday afternoon at 4:15. That is what I was asking consent on.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. I reserve the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. I reserve the right to object.

Mr. President, I was very gracious in agreeing to a unanimous consent request that would grant me 10 minutes. That was cut short by the filibuster of my colleague, who repeatedly brought me into the conversation and refused to yield for my question. So I ask unanimous to have 2 minutes to close.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the majority leader's request?

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

REQUEST FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders.

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Duly noted.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. MORAN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

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

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—81

Barrasso	Flake	Nelson
Bennet	Franken	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Peters
Brown	Grassley	Portman
Burr	Harris	Reed
Cantwell	Hassan	Risch
Capito	Hatch	Roberts
Cardin	Heinrich	Rounds
Carper	Heitkamp	Rubio
Casey	Heller	Sasse
Cassidy	Hirono	Schatz
Cochran	Hoeven	Schumer
Collins	Inhofe	Scott
Coons	Isakson	Sessions
Corker	Johnson	Shaheen
Cornyn	Kaine	Shelby
Cortez	Kennedy	Stabenow
Masto	King	Sullivan
Cotton	Klobuchar	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Warner
Donnelly	McCain	Whitehouse
Enzi	McCaskill	Wicker
Ernst	McConnell	Young
Feinstein	Menendez	
Fischer	Murkowski	

NAYS—17

Baldwin	Leahy	Tester
Blumenthal	Markey	Udall
Booker	Merkley	Van Hollen
Duckworth	Murphy	Warren
Durbin	Murray	Wyden
Gillibrand	Sanders	

NOT VOTING—2

Alexander	Moran

The bill (S. 84) was passed, as follows:

S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense after the date of the enactment of this Act may be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

(b) LIMITED EXCEPTION.—This section applies only to the first person appointed as Secretary of Defense as described in subsection (a) after the date of the enactment of this Act, and to no other person.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands