

More trickle-down economics, more tax cuts for the rich are not the ways to build an economy. We build an economy by building from the middle class out. That means a tax system and a trade system that works for Greenfield, MA, and works for Mansfield, OH.

Mr. CRAPO. Mr. President, I support the nomination of Mr. Kevin Allen Hassett to serve as Chairman of the Council of Economic Advisers. His nomination received wide bipartisan support, not only in the Banking Committee, but also from other esteemed members of his profession.

Mr. Hassett was voted out of our committee on a voice vote with widespread support. We received a letter in favor of his nomination signed by a bipartisan group of 44 economists, including 14 former Chairmen of the Council of Economic Advisers and two former Federal Reserve Chairmen. At Mr. Hassett's confirmation hearing, he expertly fielded questions on a wide range of economic issues and provided insights on progrowth policies that would support all members of the economy. In my office, we discussed at length his extensive experience in economic and tax policy modeling.

Mr. Hassett brings a wealth of relevant experience in academia, government, and policy. His counsel, insight, and expertise will be invaluable as the administration addresses initiatives like tax reform, which undoubtedly will have a large impact on the macro economy.

Thank you.

Mr. MCCAIN. Mr. President, I am pleased to support the nomination of Dr. Kevin Hassett to be Chairman of the Council of Economic Advisers. Kevin is exceptionally qualified to be Chairman of the CEA, where he will play an integral role in tax reform and shaping this administration's progrowth economic policies.

I have known Kevin for quite some—beginning when he served as the chief economic adviser to my Presidential campaign in 2000. The only time I have doubted his intellect was when he agreed to return to advise for my 2008 Presidential campaign.

He has an extensive economic career spanning multiple administrations, including those of Presidents Clinton and George H.W. Bush. Currently, Kevin works at the American Enterprise Institute, AEI, as the State Farm James Q. Wilson Chair in American Politics and Culture and director of Research for Domestic Policy. Before joining AEI, Kevin served as a senior economist at the Federal Reserve and did a stint at Columbia Business School teaching economics and finance.

To understand fully how smart he is, Kevin's former colleague told me the story of how he printed out a 400-plus page technical paper at the request of Kevin, only to realize he had printed out the original German version rather than an English translation. Without batting an eye, Kevin said "no problem" and went about reading the scholarly report in German.

Kevin's nomination has received support from an ideologically diverse group of notable economists, including past CEA Chairmen. Additionally, the Senate Banking Committee approved his nomination by voice vote.

I am pleased to support Kevin's nomination today. I wish him, his lovely wife, Kristie, and their sons, John and Jamie, all of the best in this new chapter of their lives.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

All time has expired.

The question is, Will the Senate advise and consent to the Hassett nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 194 Ex.]

YEAS—81

Alexander	Feinstein	Murkowski
Baldwin	Fischer	Murphy
Barrasso	Flake	Murray
Bennet	Franken	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Peters
Brown	Grassley	Portman
Burr	Hassan	Reed
Cantwell	Hatch	Risch
Capito	Heitkamp	Roberts
Cardin	Heller	Rounds
Carper	Hoeven	Sasse
Casey	Inhofe	Scott
Cassidy	Isakson	Shaheen
Cochran	Johnson	Shelby
Collins	Kaine	Stabenow
Cooms	Kennedy	Strange
Corker	King	Sullivan
Cornyn	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Toomey
Daines	Manchin	Van Hollen
Donnelly	McCain	Warner
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Ernst	Moran	Young

NAYS—16

Blumenthal	Duckworth	Heinrich
Booker	Gillibrand	Hirono
Cortez Masto	Harris	Markey

Merkley
Sanders
Schatz

Schumer
Udall
Warren

Wyden

NOT VOTING—3

Menendez

Nelson

Rubio

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today to oppose unauthorized, undeclared, and unconstitutional war. What we have today is basically unlimited war, anywhere, anytime, anyplace upon the globe.

My amendment would sunset in 6 months the 2001 and 2002 authorizations for use of force. What does that mean? This was legislation passed many years ago to go after the people who attacked us on 9/11. I supported that battle, but I think the mission is long since over. I don't think anyone with an ounce of intellectual honesty believes these authorizations from 16 years ago and 14 years ago—I don't think anyone with intellectual honesty believes they authorized war in seven different countries.

Not only is it lives we are losing, the American soldiers, the brave young men and women who are sent to distant lands and asked to give their lives for their country without the Senate taking the time to authorize the war—I think that is terribly unjust and should end.

There are some who argue that we don't even need to vote at all. Some of the Presidents, Republican and Democratic, have said they have article II—this is the second article of the Constitution—they say that by the Constitution, they can do what they want, when they want, where they want, and that Congress never has to approve their authorization and never has to give authority to go to war. These advocates of perpetual war argue that these powers are implicit and that no one can stop a President who wants to go to war.

This is diametrically opposite of what our Founding Fathers thought. Madison in particular disagreed. Madison wrote that the executive branch is the branch most prone to go to war; therefore, the Constitution, with studied care, vested that power in the Congress. Our Founding Fathers saw the

history of Europe as the perpetual history of war—brothers fighting brothers, Kings of two different countries who were cousins, brothers, uncles, fathers, sons. The history of Europe was perpetual war.

When we broke away, we said: We are going to have some checks and balances in place. We are going to make it difficult to go to war. We are going to vest that power in the Congress.

But somewhere along the way, we lost our way, and we now commit ourselves to war or one man or one woman commits us to war without any vote by Congress. This is not what our Founding Fathers intended.

Former President Obama, when he was a candidate, wrote that no President should unilaterally go to war unless we were under imminent attack. That is the understanding of the Constitution that most originalists take. Yet, once Mr. Obama was in the White House, he bombed seven different countries. He expanded the use of Executive power. He expanded the war-making power of the Presidency, even while all along saying that he was for a narrower interpretation.

Candidate Trump said that the war in Afghanistan had lost its purpose, that it was a disaster, and that it should end. He said that on maybe 15 different occasions. Yet, now that he is in the White House, the generals have said: We must fight on. We must continue to fight. If we leave, the Taliban will take over.

My question is, When will the Afghans stand up and fight? We have spent \$1 trillion helping them. We spent billions of dollars trying to convince them not to grow the poppy that becomes the opium that addicts the world. Yet last year Afghanistan had the biggest crop of poppy they have ever had in recent history. The people who run Afghanistan, whom we put in to govern, the Karzai family—full of drug dealers, crooks, and thieves. You wonder why they are not popular in their own country. But my question is, Where did the \$1 trillion go? Why can't they defend themselves? Why do we have to fight their wars for them?

One thing is certain: The war was not authorized by you, the people, and the war was not authorized by us, the Congress, and therefore the war is unconstitutional. The war is unauthorized.

You say: Well, do we ever get it right? Have we ever voted to authorize war?

Yes, we have. When we went to war in Afghanistan the first time—and I would have voted yes—there was a vote, and overwhelmingly we voted to go in.

Some have argued: Well, is 6 months enough time for Congress to do anything? Can they get anything done in 6 months?

When we were attacked in Pearl Harbor, do you know how long it took us to declare war? Twenty-four hours. When we were attacked on 9/11, how long did it take us to authorize the

military force to go in? Three days. People say Congress will never get it done. Maybe it is because we are divided.

We haven't been attacked, we have no clear purpose in Afghanistan, and there is no clear route to victory. Realize that in 2011 President Obama put 100,000 troops into Afghanistan. Sure, he pushed the Taliban back. Where did they go? To our ally Pakistan, which has gotten billions and billions of dollars of American welfare and as we sit here is destined to get another half a million of your money in American welfare over the next month. Billions and billions of dollars we send to Pakistan, but where does the Taliban live? In Pakistan. They run back and forth across the border.

So we have to ask the question, What is our purpose? Are we nation building? We spend hundreds of billions of dollars building their roads, building their bridges, building their schools. They bomb them, we bomb them—somebody bombs them, and then we rebuild them again.

We have \$150 billion worth of damage in Texas. Do you know how we should pay for it? Let's quit sending welfare to foreign countries. Let's look at our country first, the problems we have here, rebuild our roads, our bridges, our schools, and not borrow it, not add to a \$20 trillion debt. Take the money we are sending in welfare to foreign countries and let's rebuild our own.

We are at war in seven countries—none of them voted on by Congress. Is it expensive? Yes, to the tune of trillions of dollars.

Today we will debate the issue of war and whether Congress is constitutionally bound to declare war. We will debate whether one generation can bind another generation to perpetual war.

We are at the point where we have been in Afghanistan so long that within the next year, there will be people fighting who were not yet born on 9/11. This war no longer has anything to do with 9/11, no longer has anything to do with any vital interest in our country. It has to do with us believing we could reshape the world and make the world safe for democracy—everyone is going to love America, and everyone is going to become a western style democracy. Guess what? It is never going to happen.

Afghanistan is not even a real country; it is a collection of five or six tribal lands that were stuck together by Europeans who had no knowledge of the local people. They don't even like each other, much less us. Do you know what they call the President, who resides in Kabul? They call him the mayor of Kabul derisively because he has no sway over them. They are interested in who their chieftain is in their local area. They speak five different languages. They are never going to be a country.

If you want to be at war there, you want to send your sons and daughters

to Afghanistan, you think somehow it will make our country safer, let's vote on it. So what I am advocating is a vote. For the first time in 16 years, I am advocating that we should vote on whether we should be at war. It should be a simple vote, but it is like pulling teeth. I have been trying very hard to get this vote for 5 years now. I am this close. I am hoping to get the vote today or tomorrow, but it isn't easy because we have been obstructing and obstructing, and no one wants to be on the line. Yet that is why we are elected—to put our names, our John Hancock, on the line. Are you for the war or against the war?

I am done. I am done. I am ready to come home. I remember my father saying, in 2008, in one of the Presidential debates, when they asked "How will you get the people home?" he said "We just marched in, and we can just march out."

There is no more meaning or purpose in Afghanistan. We had 100,000 troops there in 2011. All of the Taliban scurried into Pakistan, and as soon as the troops diminished, they went back. Some people take from that lesson—they say: We need 200,000 or we need half a million troops or we need to stay there forever and police every corner for them. I take it to mean that the governments themselves over there do not have the popular support of the people.

Stand up and fight for your country. Half of the people in Afghanistan who were helping us over there came to our country. They fled. It is the same with Iraq. All of the good people in Iraq—our translators, pro-Western people—came to our country. I understand wanting to come to a good place, but it would be like having the people who signed the Declaration of Independence, after they had fought the war and America had won, going back to England and saying: Oh, it is dangerous in the new country. Yet that is what we have been saying year after year, so the people who have pro-Western values from Afghanistan now live in the United States and the same in Iraq.

The thing is that we need to have some tough love. They need to practice some responsibility, and they need to take ownership of their country. But as long as you coddle people, as long as you give people stuff, and as long as you fight their wars for them, they are not going to step up and fight.

We are going to debate whether Afghanistan is a winnable war.

We will also debate whether war in Yemen is in our national interest. Most of America does not know that we are at war in Yemen. Most of America does not know where Yemen is. We need to know why we are there and whether it is of any value to the United States.

We will debate whether our support for Saudi Arabia is exacerbating starvation and the plague of cholera in Yemen.

We will debate whether it is in our national interest to topple the Government of Syria. There are 2 million

Christians who live in Syria. Guess what. We may not understand it, but most of those Christians support Assad. On the side of the war that we have been funding and arming with the radical Islamists from Saudi Arabia and with the radical Islamists from Qatar are the people who hate the Christians. We are fighting on the side of the people who hate the Christians in Syria. Does that make Assad a good guy? No, but the thing is that maybe sometimes there is no good person in a war, no good side to a war.

For 5 years, I have been fighting to have a vote on whether we should be at war and where. I think there is no greater responsibility for a legislator than to vote on when we go to war. I tell the young soldiers whom I meet that it is my responsibility to discuss, debate, and think seriously about whether we send them to war.

One of the things that is most mistaken by politicians—even by some who are well intended—is that they think every soldier in America is jumping up and down to go to his eighth tour in Afghanistan. Go out and meet the soldiers. They are not allowed to be politically active, and they are not a political force on Washington, but I guarantee that if you were to ask our soldiers “Are you ready to go back for your eighth tour of Afghanistan? Do you see purpose in Afghanistan?” that they have lost sight of what that purpose is.

I met a Navy SEAL about a year ago. He had been in for 19 years—a tough guy, as they all are—and he said to me: Do you know what? We can defeat any enemy. We can kill any enemy. We can succeed at almost any mission that you give us. But the mistake is when you—Congress or a President—tell us to go somewhere and plant the flag and create a country. We are just not very good at nation building.

We have the world's most elite military. We can defend our country. We can defend, without question, against all invaders. Yet we are not very good at making countries out of places that are not.

What we should think about is that we have a \$20 trillion debt. We borrow \$1 million a minute. Even if you thought it was a good idea to try to create a country in Iraq or create a country in Afghanistan or create some sort of paradise in Yemen or Somalia or Nigeria or Libya or any of the places we are—even if you thought some paradise was a great thing—we have no money with which to do it. We are destroying our country from within. We are eating out the substance of the very greatness of America by borrowing \$1 million a minute. We are flat broke. We cannot afford to be everybody's Uncle Sam. We cannot afford to be everybody's Uncle Patsy. We cannot afford to keep exporting our money and our jobs to the rest of the world. We need to look at our country and say it is time that we did things for our country, for our people, and it

is time that we quit borrowing \$1 million a minute.

The question is, Will the Senators—will those who gather to vote—stand for the rule of law? Will the Senators stand for congressional authority for war? Will they stand for what the Constitution clearly says in article I, section 8, which is that Congress, not the President, shall declare war? Will the Senators sit idly by and let the wars continue unabated and unauthorized?

Some will argue that sunseting the old authorizations is too soon, too dramatic. Really? So 6 months and 16 years later, we have not decided whether we should be at war or where we should be, and we cannot decide in 6 months? It took us 24 hours to decide with Pearl Harbor. It took us 3 days to decide with 9/11. I think 6 months is more than enough time.

Will Congress do its job unless it is forced to? All history says no. Why does Congress have an 11-percent approval rating from the people? Because it is not doing its job. How do we force Congress to do its job? Give it deadlines. How can we get a deadline? Let's pass this. Let's let the authorizations expire. Let's have a full-throated, deep, and heartfelt debate over whether we should be at war and where. Should we be at war in Afghanistan? Is there a winnable and foreseeable winnable future there? Should we be at war in Iraq? Syria? Yemen? Libya?

Today's vote can be seen as a proxy vote for the Constitution. Today's vote is not really a vote for or against any particular war. Today's vote is simply a vote on whether we will obey the Constitution. Today's vote is a vote on whether Congress will step up and do its job. Sixteen-and-a-half years is more than enough time to determine whether the war in Afghanistan or Yemen or Libya or Somalia has purpose or real meaning for our national security.

Often, it is said—very glibly—that, yes, it is in our national security interest. Realize when people tell you that they are giving you a conclusion. That is the beginning of the debate. We could debate for hours and hours. Hopefully, we will have some of that debate, but we have to debate what is in our vital national interest. Just to say it is so does not make it so.

Does anybody in America think the war in Yemen is in our vital interest? Most people do not know where Yemen is, much less think it is in our vital interest. Guess what. The war in Yemen may actually be opposed to our vital national interest. It may be making it worse. The war in Libya certainly did.

President Obama, when he chose to act illegally and intervene in Libya, made the world less safe. It was not his intention. I will grant him that his motives were to make it more safe, but he made the world less safe. Why? Because when Qadhafi was toppled, you got chaos. You have two competing governments in Libya, and you have chaos. If you want to set up a terrorist camp, if

you are ready to go find a good place in the world, Libya is one of the prime places to go now because the government is gone and there is chaos. So I would argue that the intervention—one of the wars that we fought illegally, without the approval of the Senate, under the unilateral action of the President—made us less safe. That is why we are supposed to debate before we go to war. We are less safe because of the Libyan war.

How about the Syrian war? It is the Christians on one side and us on the other side. That is the first problem I have. The people on the side of the war that we supported are the radical Islamists. ISIS was on the side that we were supporting. In fact, one of the most famous, if not the most famous and important leaked email about Hillary Clinton from WikiLeaks was when Hillary Clinton sent an email to John Podesta, writing to him: Hmm, we need to exert some influence on Saudi Arabia and Qatar because they are giving financial and strategic assistance to ISIS.

Realize that. Of the people we are selling weapons to in Saudi Arabia and Qatar—they get all of their weapons from us—guess who they are giving them to. ISIS. They were on the same side as ISIS.

Let's say you do not believe that. You say: Oh, I don't believe that. Certainly we would not have done that because we would not have supported the bad people.

Let's say we just supported the so-called moderates. They are still fighting against the guys who are protecting the Christians.

What was the net effect of the Syrian civil war? Before we got involved, Assad was winning the war. Once again, like Qadhafi, he is not a great guy, but he does defend the Christians, and the Christians do support him. We turned the tide of the war by flowing in hundreds and hundreds of tons of weapons in 2013—us, Qatar, and Saudi Arabia—but these weapons went in indiscriminantly. What happened when we turned the tide of the war? Chaos in a vacuum. In that vacuum, guess who arose. ISIS.

When you created chaos in Libya by fighting an unconstitutional, unauthorized war, you got more terrorism, more chaos, and the world was a less safe place.

When we got involved in Syria without the authorization of Congress—unconstitutional, unauthorized—what did you get? Chaos and the rise of ISIS.

What do we have in Yemen right now? In Yemen, you have a Sunni-backed government in exile that is supported by the Saudis, and you have these Houthi rebels who are supported by Iran. But that is not all you have in Yemen. You also have al-Qaida of the Arab Peninsula—three different groups. It is said that al-Qaida of the Arab Peninsula is actually the strongest remaining presence of al-Qaida. Is it possible, in our supporting the Saudi

Arabian-backed government against the Houthis, that they fight and kill each other to such a degree of chaos that al-Qaida of the Arab Peninsula fills the vacuum? If you look at Libya, that is what happened. If you look at Syria, that is what happened. What if it happens in Yemen?

You have to ask, what is our vital interest in Yemen? Why are we in Yemen? Why are we supplying bombs to the Saudis? Is it somehow making us safer from terrorism? Are we killing them over there so they do not kill us over here? Guess what. We may be creating more terrorists than we can possibly kill.

The Saudis bombed a funeral procession of civilians. They killed 150 people, and they wounded 500. Do you think they are ever going to forget about it? That is going to be passed down through oral tradition for a thousand years, and they will talk about the day that the Saudis came and bombed civilians. They will also say in the next breath: Guess who gave them the bombs. The Americans. Guess who helped to guide the planes. Guess who refueled the planes in the air. The Americans refueled the Saudis the day that they came to bomb a funeral procession.

So, in the end, we killed 150 people. You might say: Well, they were all bad people. They were at the funeral of a bad person. Do you think that we killed 150 and that will be the end of it, or do you think that those who were wounded, who survived and went back to their villages, told every one of their neighbors and everyone in the village about the day the Saudis came with the American bombs?

We have to ask ourselves, are we making things better? Is Yemen in our vital national interest? Are we making things better or are we making things worse? Is there a possibility that it will lead to such chaos that al-Qaida of the Arab Peninsula will rise up and become a real threat to us?

What else is happening in Yemen? It is one of the poorest countries on the planet, as 17 million people, as we speak, live on the edge of starvation—17 million people. They are having the largest outbreak of cholera. Where is most of this happening? Where is most of the starvation, most of the killing, and most of the cholera? It is in the areas that are being bombed by the Saudis. They have bombed the infrastructure into ruins, and there is no clean water, so cholera is spreading.

War is probably the most common and most important precipitating factor in humanitarian disasters. If you look at humanitarian disasters around the world, you will find that the No. 1 cause is war, and Yemen was already a poor place to begin with.

You are fighting the war, and nobody asked your permission. You are fighting a war in Yemen through the proxy of Saudi Arabia, and no one has asked my permission. This is a grave insult to us. It is dangerous to the Treasury,

but it is also your sons and daughters who are being asked to go to Yemen now.

We had a manned raid in Yemen and lost one of our Navy SEALs. I have asked what we got, and they just sort of push me off and say, oh, they might tell me on another occasion. No one will tell me what we got. They claim that it was great, that it was the best stuff you could ever find, that it is going to prevent loss of life. But the thing is, we have no business in Yemen. We have not voted to go to war in Yemen. We have been at war 16 years—the longest war now—in Afghanistan. There is no purpose left. There is no future for the war in Afghanistan.

Today's vote will be remembered as the first vote—if we have it—in 16 years on whether to continue fighting everywhere, all the time, without ever having to renew the authorization of Congress. I hope Senators will think long and hard about the seven ongoing wars and, at the very least, show regard for our young soldiers and go on the record to uphold their oath of office. Each Senator should uphold their oath of office and defend the Constitution and its requirements with regard to war.

I, for one, will stand with soldiers, young and brave, sent to fight in distant lands in a forgotten, forever war. I will stand for the Constitution. I will stand with our Founding Fathers, who did everything possible to make the initiation of war difficult.

I hope my colleagues will stand for something. I hope my colleagues will finally vote to do their constitutional duty and oversee and/or discontinue the many wars we are in. But even if my colleagues say: War, war—that is the answer—everywhere, all the time, by golly, come down and put your name on it. If you think we should be at war in Afghanistan, vote for it. If you think we should be at war in Yemen, come down to the floor and vote for it.

What does everybody do? Pass the buck. Let the President do it. Let the President take the blame if things don't go well. We should vote. So on my amendment, you will probably see that the majority will say: We don't want any responsibility; let the President take care of that.

My vote isn't actually directly on any of the wars, although I do oppose most of the wars we are involved in. My vote is on whether or not we should vote on whether we should be at war.

So for those who oppose my vote, they oppose the Constitution. They oppose obeying the Constitution, which says that we are supposed to vote. They are going to say: No, I refuse to vote on any of these wars.

All my amendment does is to sunset an authorization that really doesn't apply to anything we are doing at the moment, and it says that in 6 months' time, you have to come up with an authority to go to war. I hope my colleagues will stand for something. I

hope they will finally vote to do their constitutional duty. It is the least we can do to honor the service of our brave young soldiers.

Thank you, Mr. President.

I reserve the remainder of my time.

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

Mr. INHOFE. Mr. President, I want to discuss an amendment, and I am not sure when it will be offered—I understand it will be offered—and I think it is very significant.

First of all, let's keep in mind what this is all about. The NDAA is the National Defense Authorization Act. It is one that we know is going to pass. It has passed for 55 consecutive years. If something happened and it didn't pass, the troops wouldn't get hazard pay or flight pay, and it would really be a traumatic thing that would happen. But it is not going to happen. It is going to pass. It is the most important bill that I believe we pass every year. As I said, we have passed it for 55 consecutive years, and it is important that we pass it right away. Sometimes it gets stalled until later in the year, but if it isn't done by the end of December, that is when everything falls apart. So we just don't need to do that, and I believe we have the momentum to go ahead and get it done.

Now, we are facing a threat. I have stood at this podium so many times now to talk about how I look back wistfully at the days of the Cold War when we had two superpowers. We knew what they had. They knew what we had. Mutually shared destruction meant something, but now it is totally different.

We hear that the two biggest threats facing us right now would be North Korea and Iran. I stand on the side that it is North Korea because North Korea is run by someone with a questionable mentality, and they are developing—I have watched them over the years—the capabilities that they now have. I certainly agree that Iran also is a serious threat. But the fact is that our Armed Forces are now in a condition that they have not been in for a long time.

I chair the Subcommittee on Readiness in the Senate, and we had the vice chairs testify before us not too long ago. They testified that we are in worse shape now than we were during the hollow force of the 1970s, right after the Carter administration. Many of us remember that, and I certainly do. Our Armed Forces are smaller than in the days of the hollow force in the 1970s, and readiness in the form of personnel, training, and equipment have been degraded, I think, to a breaking point. All the while, we have witnessed an uptake in the training and operational accidents across the Armed Forces. While the risks posed by the readiness crisis are significant, Congress is already taking steps to correct the shortfalls.

Every amendment considered for the NDAA should focus on increasing readiness across our services. We owe it to

our troops and our Nation to help ensure that levels are acceptable. That is why it is disappointing and dangerous that we are considering an amendment that would authorize a base realignment and closure round, better known to all of us as a BRAC round. We have had five BRAC rounds since 1989, and I am familiar with all of them. I, along with many of my colleagues in the Senate Armed Services Committee, successfully have a provision that would include a prohibition against a BRAC right now. I think it is pretty obvious. Everyone knows what the threat is out there. At least those on the Armed Services Committee do. But they also know that any BRAC round that you do is going to have the effect of costing a lot of money that should be spent on readiness. No matter what a base realignment and closure, or BRAC, is, the amount of money that is spent when you first start is going to be very expensive.

Unfortunately, an amendment is pending that would enable a new BRAC round in 2019, and, at the same time, remove—this is critical—the non-partisan commission that allows the input of both local defense communities and Congress into the BRAC process.

I will tell my colleagues why that is important. I remember because it was shortly after I was first elected. Prior to 1989, the Defense Department was the agency that made the decisions as to what was going to happen to our various installations around America. It was very, very political. There were rumors or some stories that they would agree for certain considerations to allow someone to continue to operate when they really shouldn't be operating.

Well, the Pentagon claims that a BRAC round would save money and would allow the military to invest that money into critical readiness shortfalls. It is just not true. Before the most recent BRAC round in 2005, we heard these same arguments from the Pentagon, that the BRAC would somehow save money and would allow the military to increase efficiency. With 22 major base closings and 33 realignments—that is what happened in 2005—the round was depicted to save, over a 20-year period, \$35 billion, with costs of \$21 billion. The reality is far different. The 2005 BRAC round cost taxpayers roughly \$35 billion, and it is only expected to save \$9.9 billion over the next 20 years.

Now, the other day I went back and looked up just to see what the GAO said about that. Keep in mind that it was a 2005 BRAC round, but the GAO study was actually in 2011, saying: We know what we said at that time; let's see how they performed.

So let me read right out of their report: The "one-time implementation costs"—that is the cost of putting together a BRAC round—"grew from \$21 billion originally estimated by the BRAC Commission in 2005 to about \$35

billion." In other words, they said it was going to cost \$21 billion, and it ended up costing \$35 billion. That is an increase of 67 percent. It has been that way with the other rounds too.

Looking at their analysis of the value, it is very important that we understand what they are saying here. The GAO said that "the 20-year net present value DOD can expect by implementing the 2005 BRAC recommendations has decreased by 72 percent."

In other words, they were 72 percent off as to what great savings we were going to have in the future by making these closures.

They went on to say that "the 20-year net present value—that is, the present value of future savings minus the present value of up-front investment costs—of \$35.6 billion estimated by the Commission in 2005 for this BRAC round has decreased by 72 percent." It cannot be more specific than that, and this is the consistent pattern that we have.

So, clearly, those base closure rounds cost the American taxpayers an exorbitant amount of money up front and take years to recoup their initial investment, if they ever do. In this case, they haven't, and they don't expect to. With the history of previous inconsistencies between expected and actual costs, there is no certainty that any proposed base closures or realignments would be economically viable now or at any time in the future.

Now, we are at a point of uncertainty that makes it irresponsible to expend billions of dollars in downsizing our Armed Forces when we are currently facing some of the most volatile, unpredictable, and dangerous military threats that America has ever seen. Readiness can't wait, and our enemies around the world will not.

We must also consider the possibility that we will soon require the capacity that is presently considered excess if the current military threats materialize in a manner that would encourage expansion of our armed services.

I think that just stands to reason. We know the threats are out there, and we know the problems are more severe than they have ever been in the history of this country. So maybe the current size of our forces would not be adequate. Well, it is a lot cheaper to go ahead and keep something that is already there than it is to tear down something and start all over again.

So, anyway, as to the early years, everybody knows that the certainty is there that it will cost money in the early years. The high cost of a BRAC round would divert resources away from addressing immediate, tangible threats.

Just last week, North Korea tested what is believed to be a hydrogen bomb, its most powerful nuclear weapon tested to date, estimated at nearly seven times as powerful as the bomb detonated over Hiroshima. This came on the heels of North Korea's first suc-

cessfully tested and more powerful and far-ranging intercontinental ballistic missile, or ICBM. We are familiar with that test, which began over the summer. Now, if fired on a trajectory, experts believe the ICBMs that North Korea tested could have reached the United States of America.

I can remember talking about this with our intelligence department years ago. At that time, we were saying that they could finally develop a bomb and a delivery system that could reach the United States of America. Well, that may be here today. If not, it is imminent.

A BRAC round now would also short-change a response to the immediate readiness needs. Over the last 90 days, we have witnessed a spike in accidents across the military services, especially in the Navy and in some of the aviation mishaps. While these accidents are still under investigation—under investigation to determine the cause—it is not hard to correlate them with the readiness decline.

Our forces are smaller than the days of the hollow force in the 1970s. Our equipment is aging. Our base infrastructure requires critical maintenance and upgrades. Our Air Force is short 1,500 pilots, and 1,300 of those are fighter pilots. Only 50 percent of the Air Force squadrons are trained and ready to conduct their assigned missions. The Navy is the smallest and the least ready it has been in years. It currently can only meet about 40 percent of the demand for regional combat commanders. We are talking about the commanders in the field who make that assessment. We can only carry out less than 40 percent of them. More than half of Navy aircraft are grounded because they are awaiting maintenance or lack necessary parts. The Marine Corps' F/A-18s, known as the Hornets, 62 percent are broken. We don't have that capacity. The Army has said about one-third of their brigade combat teams, one-fourth of their combat aviation brigades, and one-half of their division headquarters are currently ready.

Speaking in January about the Army readiness, then-Vice Chief of Staff of the Army General Allyn said:

What it comes down to . . . we will be too late to need. . . . Our soldiers will arrive too late, our units will require too much time to close the manning, training, and equipment gap . . . the end result is excessive casualties to civilians and to our forces who are already forward-stationed.

We are talking about lives. We are talking about American lives. That is a sobering assessment, especially when considering the gravity of the threats we face around the world, including, of course, the Korean Peninsula.

The NDAA's first priority has to be to rebuild our force and improve its readiness, which is what we are in the process of doing right now, and we need to get it done. A BRAC round would divert vast resources away from this end for savings we would not see for decades to come, if we ever did—and we

are growing, not shrinking. Now is not the time for a BRAC round.

I hope my colleagues in the Senate will join me in rejecting this amendment. However well-intentioned, now is not the time for a shortsighted BRAC round.

There are still Members—I have talked to Senators who are saying they really believe, and they have been told, that somehow we are going to have more money for readiness if we have a BRAC round. It is exactly the opposite. Again, straight from the GAO, they made the analysis of the 2005 BRAC, and said the 20-year net present value DOD can expect by implementing the 2005 BRAC recommendations has decreased by 72 percent. It always costs a lot more on the front end and saves much less in the long run.

With that, I encourage my colleagues to reject this amendment, if this amendment is indeed offered.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING FRANK BROYLES

Mr. BOOZMAN. Mr. President, I rise today to pay tribute to the legendary University of Arkansas football coach, Frank Broyles, who passed away August 14 at the age of 92. He spent his life in service to the university, its student athletes, and our great State.

I was fortunate to have been recruited by and played for Coach Broyles as an offensive tackle in the early 1970s. For a kid from Arkansas, this was a dream come true. Outside of family, the people who have had the greatest influences on my life were my coaches, teachers, pastors, friends, and certainly Coach Broyles is right at the top. He was an icon in Arkansas and a legend in collegiate athletics.

As head coach of the Razorback football team from 1958 to 1976, he turned the school's program into a national powerhouse. During his tenure, Coach Broyles led the Razorbacks to seven Southwest Conference titles, and a Football Association of America national championship. Coach Broyles had tremendous charisma and had a remarkable ability to attract and develop talent—both players and coaches. He wasn't afraid to seek out talent to support him, and he had an innate ability to see the strengths in people. He would turn them loose to use those strengths to help the team and those individuals succeed. His recipe was to get great people around him to help the program win while helping those individuals get to where they wanted to be in their own professional careers.

The roster of assistants under Coach Broyles reads like a Who's Who in NFL

and college football: great coaches such as Jimmy Johnson, Barry Switzer, Johnny Majors, Joe Gibbs, Raymond Berry, and Hayden Fry—and the list goes on and on. They were once Coach Broyles' assistants. His legacy of producing great assistant coaches is recognized in an award named in his honor to recognize college football assistant coaches for the work they do. Since 1996, the Broyles Award has been given annually to the top assistant coach in college football.

Frank Broyles' impact on the University of Arkansas went well beyond the football field. He implemented his vision for Arkansas athletics as the athletic director for more than three decades, helping the university's men's program win 43 national championships during his tenure. When he retired from the position in 2007, he continued his devotion to the University of Arkansas working as a fundraiser at the Razorback Foundation.

Coach Broyles used his notoriety for his most important mission, which he undertook in his later years. He became a passionate advocate for finding a cure for Alzheimer's and educating Americans on caring for loved ones suffering from this disease when his wife Barbara lost her battle with Alzheimer's in 2004. He shared the experience of his family as caregivers to his beloved Barbara across Arkansas and brought his story to Capitol Hill, where he encouraged lawmakers to be passionate about Alzheimer's so we can find a cure. He told Members they need to turn that compassion into passion to make a difference.

Coach Broyles spent his final years showing his passion for fighting Alzheimer's and helping other families touched by the disease. When his family was learning the best way to care for Barbara, they found there were limited resources available to caregivers looking for assistance. That is one of the reasons they created the Broyles Foundation and were inspired to share what they had learned in caring for Barbara to help other caregivers. The culmination of that effort was a book, "Coach Broyles' Playbook for Alzheimer's Caregivers," which has been translated into 11 languages and distributed across the country.

After years of advocacy on behalf of those suffering from Alzheimer's and their families, the disease he fought so passionately to find a cure for ultimately took his life as well. One of the best ways we can honor Coach Broyles' legacy is by continuing to fund research in search of a cure for this devastating disease.

Coach Broyles brought the same energy to fighting Alzheimer's that he brought to college football and his work on behalf of the University of Arkansas on and off the field. He made a tremendous mark on the lives of so many student athletes during his years as a coach, athletic director, and all-around ambassador for the University of Arkansas and for our State.

I was one of the many who learned from the example Coach Broyles set. His leadership, faith, and ability to attract talent and utilize it to make our State a better place has been a tremendous influence on me through the years. I will be forever proud to be a Razorback and to have had the opportunity to play for Coach Broyles.

Coach Broyles was fond of saying there are two types of people in the world: givers and takers. Live your life as a giver, not a taker. We lost a giver, but we are so much better for what he gave us.

HONORING DEPUTY TIMOTHY BRADEN

Mr. President, I would also like to pay respect to a law enforcement officer in my home State of Arkansas who lost his life in the line of duty, Thursday, August 24, 2017.

Drew County Sheriff's Deputy Timothy Braden gave his life while serving and protecting the citizens of Arkansas. Deputy Braden was a selfless servant who made a career out of helping others. He joined the Drew County sheriff's office in February after serving 3 years at the McGehee Police Department.

He is remembered as a kind and hardworking officer who performed his job with a positive attitude. He had an appreciation for law enforcement and had aspirations of serving as an Arkansas State Police trooper. I am grateful for Deputy Braden's commitment to the community. He represents the selfless service of our men and women who turn toward danger to protect communities and bring criminals to justice.

He showed his dedication to the community in many ways, including being a former member of the Arkansas National Guard and a former Eagle Scout of the Year in his hometown, Star City. Deputy Braden's ultimate sacrifice reminds us all of the risks members of the law enforcement community face on a daily basis.

My thoughts and prayers go out to Deputy Braden's family, including his wife and four young children, his friends, and the law enforcement community. I pray they will find comfort during such a difficult time as this.

I join all Arkansans as we express our gratitude for Deputy Braden's service and sacrifice.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I come to the floor today to question the plan for auditing the Department of Defense. The new Chief Financial Officer, Mr. David Norquist, presented a plan to the Armed Services Committee on May 9. It appears flawed, like a lot of other such plans. The Department

may be audit ready by the September 30 deadline, but the goal—and the goal ought to be a clean opinion—isn't in the mix. In its place, we get another lame excuse: "I recognize it will take time to go from being audited to passing an audit."

We have heard this story over and over for 26 years. When will it come to an end?

I don't think the Pentagon has a clue if the Department is truly audit ready. Then, why is the Chief Financial Officer predicting failure before the audit even starts?

Doubletalk is necessary to accomplish that goal. A monster is lurking in the weeds, and nobody wants to talk about it. It is the "deal-breakers." That is a term that is often used in audit reports. They are red-flagged accounting issues listed in Department of Defense reports for years and years. They are prefaced by this warning: "The deal-breakers prevent clean opinions."

If Mr. Norquist wants to win this war, he had better get on top of the "deal-breakers." But he ignored them in testimony, focusing instead on this apparent distraction: DOD has spent too much time "preparing for full-scope audit without starting it."

We need to pinpoint "vulnerabilities"—those are his words, and he went on—"to drive change to a clean opinion." Suggesting that the Department of Defense lags behind on audit starts or needs more audits to spot weaknesses seems very wrongheaded. The Department has conducted nonstop audits since 1991—294 financial audits, to be exact—and 90 percent were failures, but a few were full-scope audits with clean opinions. Together, the Corps of Engineers and the Military Retirement Fund earned 28 clean opinions out of 43 starts. In the case of the Corps of Engineers, auditors relied on unorthodox procedures known as "manual workarounds" or "audit trail reconstruction work." Highly paid auditors scramble around searching for missing records. These procedures work on small jobs, but the point is that they are an inefficient substitute for a modern accounting system.

Now, I have talked about small jobs. To the contrary, on big jobs this approach is a nonstarter. Yet, that is exactly where Mr. Norquist intends to go—the toughest, the unauditable: the Army, the Navy, the Marine Corps, the Air Force, and the rest of the Defense Department. This is where auditing hits the wall—over 200 starts without a successful finish.

If these audits begin before the accounting house is in order, the Norquist plan may be swallowed up by the swamp. The destructive power of the deal-breakers was hammered home by the most important audit so far—the Marine Corps audit. Their impact was exposed in a first-rate report issued by the Government Accountability Office. I spoke at length about that report on the Marines on August

4, 2015. Today, I will touch on it just briefly. This background is very, very important.

Back in September 2008, the Marine Corps, the smallest of the big ones, stepped up to the plate. The Marine Corps boldly declared that it was audit ready. As a pilot project, the Marine Corps would lead the way. High hopes for a breakthrough were not to be. Ten years and five audits later, the Marine Corps is still stuck on square one. The inspector general and the Government Accountability Office determined that it was never ready for audit. It failed for the same reasons as all the other audits failed, going back to the term "deal breakers."

To make matters worse, there was an attempt to cover up these shortcomings. Initially, a clean opinion was issued. The then-Secretary of Defense, Chuck Hagel, gave the Marine Corps an award for being the first service to earn a clean opinion. The opinion did not stand up to scrutiny. The evidence did not meet "professional auditing standards." So the inspector general had to withdraw, leaving Mr. Hagel with egg all over his face.

The deputy inspector general for audit was removed and reassigned, and the accounting firm involved lost the contract to Kearney & Company, where the now Chief Financial Officer, Mr. Norquist, was a partner.

Without strong leadership, the Marine Corps could be the Norquist template. This is where we have been before: audit ready but light years away from a clean opinion. So that takes you to nowheresville. Why go there when you know what you are going to find? Although lessons were learned, the end result was mostly waste—\$32 million for five premature audits. DOD is big, big business for these auditing firms, and what do we get? No clean opinion.

The deal-breakers, which doomed the Marine Corps audit and all the others, are alive and well. They are still driving the freight train with no fix in sight. Yet, in spite of these formidable barriers, the Marine Corps is once again shooting for the moon. It jumped out in front of all the other military services by starting a full financial audit, which the press calls a "mammoth task." Why would the outcome be any different this time around, when we just exposed within the last 2 years that what they thought was a clean audit was not such a clean audit.

The government's expert on accounting—and I call him the expert on government accounting because he is Comptroller General Gene Dodaro—understands the dilemma. The \$10 billion spent annually on fixing the accounting system, he says, "has not yielded positive results." Money is being spent in the wrong places. Mr. Dodaro wonders if the Department of Defense has the talent to get it right, and that is his word—"talent."

With his plan resting on shaky ground, Mr. Norquist may need to shift

gears. For starters, the cost of the full financial audits, which are touted as the largest ever undertaken, could top \$200 million. Spending so much money on audits doomed to failure would be a gross waste of tax dollars.

Now, I am not suggesting that Mr. Norquist back off. Mr. Norquist just needs to get a handle on the root cause of the problem, and the feeder systems are that root cause. As a main source of unreliable transaction data, the feeder systems are the driver behind the deal-breakers. Fix them, and then the rest should be just a piece of cake.

Department of Defense reports have repeatedly called for "testing the feeder systems." However, according to the Government Accountability Office, those tests were never, never performed.

So the aggressive testing and aggressive verification of transactions are the right places to start. Senators JOHN-SON, ERNST, PAUL, and this Senator are sponsoring an amendment to make that happen.

Once all of the tricky technical issues are ironed out and testing provides confidence that the system is reliable, the plan will gel. Audit readiness will be self-evident, not contrived. Full financial accounting could begin. Clean opinions should follow, and those clean opinions should be our goal.

There has been 26 years of hard-core foot-dragging that shows that internal resistance to auditing the books runs very, very deep. It will take strong, confident leadership and strong determination to root out that internal resistance to auditing the books. I am counting on Secretary Mattis and Chief Financial Officer Norquist to get the job done in the shortest time possible.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Virginia.

MR. KAIN. Mr. President, I rise to speak about the pending NDAA. In particular, I rise to speak about an amendment that has been previously discussed on the floor that is being offered by the Senator from Kentucky, Mr. PAUL, that deals with the current authorizations for use of military force that are justifying American military action in Afghanistan, Iraq, Syria, and numerous other countries.

The authorizations that currently support military actions were passed in 2001 and 2002. About a quarter of us were here and voted on those. Three-quarters of us have joined either the Senate or the House since those authorizations have been voted on. What that means is that we have American troops who are deployed in harm's way, that thousands have been killed, that thousands have their lives at risk right now, and that three-quarters of Congress has never voted to support the military operations that are currently underway. Many of us support them or support them with recommendations or reservations or qualifications, but three-quarters of us have never cast a vote.

These authorizations are, respectively, 15 and 16 years old. The authorizations have, essentially, been interpreted in a very broad way—first, by the Bush administration; second, by the Obama administration; and now by the current Trump administration. I would argue that the current interpretation of the authorizations would essentially allow, without any approval from Congress, an American President to wage war anywhere against any terrorist group for however long he wants to.

That was not the intention of the authorizations when they were originally drafted. If you were to go back and talk to those who had been here and cast their votes in 2001 and 2002, they would say that it was completely beyond their contemplation that what they were voting for then, which was going after those who had attacked the Pentagon—9/11 was yesterday—and the World Trade Center, would 16 years later still be used to support military action in a total of 14 countries in 35 separate instances having been declared by the last three administrations.

Senator PAUL has an amendment on the table, and the amendment is this: to sunset the 2001 and 2002 authorizations in 6 months as a mechanism for forcing Congress to finally do the job of having a debate and defining the legal authority of the military mission that we are currently engaged in and putting a senatorial and congressional thumbprint on the mission so that those who are risking their lives know that they are doing so with a political consensus by the American political leadership here in Congress. I am supporting Senator PAUL's amendment.

I think it is way past time for Congress to take this up and for everybody to be on the record. I think that our allies need to know whether Congress supports the American military missions that are currently underway. I think that our adversary needs to know that there is a congressional resolve, not just an Executive resolve. Most importantly, I think that the American troops who are deployed in harm's way every day deserve an answer to the question of whether Congress is behind them.

I came to Congress being very focused on this and to the Senate in January of 2013. I gave my first speech about it on the floor in the summer of 2013, when President Obama expanded the military action against al-Qaida to also incorporate military action against ISIS, which did not form until 2 years after the 9/11 attack. I filed my first military authorization, seeking to get Congress on board and to send to the troops the message that we supported them. That was now almost 3 years ago. I was once able to get a vote on an authorization in the Foreign Relations Committee. It passed out of committee but died for lack of any action on the floor.

Since 2015, out of a thought that we should try to be at least as bipartisan

as we could in putting support behind the troops and carrying out our article I responsibilities, Senator JEFF FLAKE of Arizona and I have worked together, first, in introducing in 2015—and then in reintroducing this year—an authorization for use of military force. We have a pending authorization that we filed in June, which has been pending in the Foreign Relations Committee, to set forth a military authorization with certain conditions to undertake and legally justify military action against al-Qaida, ISIS, and the Taliban. That has been pending in the Foreign Relations Committee, but there has been no particular motive or forcing mechanism that has made the committee take this up, bat it around, hear from experts, debate it, amend it, and send it to the floor.

I think, of all of the powers that Congress has, the one that we should most jealously guard is the power to declare war. James Madison was the drafter of the Constitution, and he gathered great ideas from others. The 230th anniversary of the drafting of the Constitution is this Sunday, September 17—Constitution Day in Philadelphia. The Constitution was a great collection of wonderful ideas, many that had been tried out in other nations, but the genius of it was the way in which we got the best of the best and tried to put them together in the document.

It has been said by many historians that there were only about two items in the Constitution circa 1787 that were truly unique and that we were doing for the first time. One was the protection of the ability of the people to worship as they pleased without preference or punishment, which had been drawn from a statute that had been passed in Virginia in 1780, the Statute for Religious Freedom. The second idea that was very unique to our country and was, really, an effort by the Framers of our Constitution to change the course of human history was the idea that war should only be initiated by Congress and not by the Executive.

The Framers of the Constitution knew in 1787 about Executives and Executive overreach, especially in matters of war. They knew Kings, Emperors, Monarchs, Sultans, and Popes, and they knew that that was how war started. Madison decided that we were going to do it differently, and the Framers and those who voted in Philadelphia agreed with him. The Constitutional Convention's minutes that were taken by Madison and others demonstrated what they were trying to do.

Madison explained it in a letter to President Jefferson about 10 years later, when Jefferson was grappling with questions of war. Madison wrote in the letter that our Constitution supposes what the history of all governments demonstrate—that it is the Executive that is most interested in war and, thus, is most prone to war. For this reason, we have, with studied care, placed the question of war in the legislature. Madison was trying to change it

so that war could not be initiated without a vote of Congress.

In my view—and I was tough on a President of my own party about this—when President Obama decided to initiate offensive military action against ISIS in August of 2014, I said: You must come to Congress. When President Trump used military might—in this instance, weapons against Syria—to undertake the laudable step of punishing the use of chemical weapons against civilians, I said: I will support you with a vote, but you cannot do that without Congress. That is because there is nothing in the authorizations that are currently pending that allow the United States to take military action against the Government of Syria.

Yet we have gotten so sloppy about this. Frankly, we have been sloppy about it just about since 1787. If I can be blunt, throughout our history, regardless of party—Whig or Federalist, Democrat or Republican—Members of Congress have often concluded that a war vote is a very difficult vote and that, if we could allow the President to initiate it without a vote, we might be politically insulated from the consequences of the vote. That has been a uniform trend, and it has been a non-partisan one. That is one of the reasons that we are where we are right now in Congress's being reluctant to take up war votes. These are difficult votes.

I have been on the Foreign Relations Committee since January 2013 and have cast two votes for military action—first, against Syria for using chemical weapons in the summer of 2013 and, second, in the matter that I mentioned earlier in voting for a war authorization against ISIS in December of 2014. I will say that there is no vote that you will ever cast that is harder.

I come from a State with a great military tradition. More people in Virginia are connected to the military—either as Active Duty, veteran, Guard, Reserve, DOD civilian or military contractor or military family—than in any other State. One of my children is a Marine infantry commander. Any war vote—if not immediately, then prospectively—affects him and the people whom he works with and cares deeply about.

These are very, very hard votes. They are supposed to be hard, but that is no reason to duck them. Congress is supposed to take this up, not hand any President of any party a *carte blanche* to go to war without a vote of Congress. Even against bad guys like ISIS or even against a Syrian dictator who is using chemical weapons against civilians, we are not supposed to be at war without a vote of Congress.

So I am here to support Senator PAUL's amendment, which would take these old and outdated authorizations and sunset them within 6 months. I view his amendment as being an attempt to force Congress to do what it should do, which is to have a debate anew after 16 years and come up with a crafted legal authority and appropriate

strategy for carrying out military actions against nonstate terrorist groups.

I applaud my colleague from Arizona, Senator FLAKE, because he and I have worked together very hard on this issue. We have a matter that is pending. If Senator PAUL's amendment passes, the result of his amendment will be that the Senate Foreign Relations Committee and this body will have to grapple with what is an appropriate authorization circa 2017 to replace the authorizations from 2001 and 2002.

We shouldn't be afraid of that discussion. We should relish it and protect the power of Congress to decide when we will and will not be at war. I believe the version that Senator FLAKE and I have introduced, that was introduced in June, is a good-faith effort to listen to all and craft a compromise going forward.

I will close and say what I have said already. I think Congress should not only do this because we are constitutionally required to—and waging war without an authorization poses all kinds of legal challenges that I think are significant; that it is constitutionally required should be enough—but I actually really like the reason. I like the reason for the constitutional provision.

Madison and the Framers concluded that we should not order men and women into combat, where they are risking their lives and their health, if there is not a political consensus by the elected leadership of the country that the mission is so worth it that we can fairly ask them to risk their lives. If we are afraid to cast a vote because, oh, it is too unpopular or it could be too challenging, how can we stand up and say we are going to duck that responsibility when the consequence of war is that volunteers are being deployed and potentially injured and killed?

I will close and just say it seems to me that the sacrifice of the millions who serve Active, Guard, and Reserve—of the thousands who are deployed overseas in theaters of war right now—their sacrifice should call upon us to have a debate and do the job we are supposed to do.

If the Paul amendment passes, I look forward to working especially with my colleague from Arizona and my colleagues on the Armed Services Committee and colleagues on this floor to have a debate, have a vote, and send a strong message to terrorist groups, to our allies—but especially to our troops—that the article I branch of the U.S. Government has a resolve and supports them.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I wish to thank the Senator from Virginia for his leadership on this issue. He has been at it a long time. The two of us have been at it for quite a while. I think this is the year. This is the time. We are well past time for an AUMF.

I wish to thank the Senator from Kentucky for focusing the Senate's attention on the 16-year-old authorization for use of military force. As a freshman Member of the House of Representatives, I voted in favor of the 2001 authorization on September 14, 2001—almost 16 years ago to the day—September 14, 2001. I can attest that when I voted for that law, I had no idea it would still be in effect 16 years later.

Since its passage, more than 300 Members of the House who took that vote that day, on September 14, 2001—more than 300 Members of the House are no longer in office. Of the Senators who voted, only 23 remain in the Senate today—23 out of 100. That comes out to about 70 percent of the Congress who has not voted to authorize force against terrorist groups abroad.

It is long past time for Congress to calibrate the legal underpinning of the war against terrorism to today's realities. ISIS, for example, did not exist when the 2001 law was approved. We have learned a number of things since we voted to go to war with the perpetrators of the 9/11 attacks, and I think it is time to incorporate those lessons into a new AUMF.

For example, we have learned that no administration is ever going to want to have the powers granted to it under the 2001 law curtailed. The Obama administration fought efforts to put an ISIS-specific AUMF in place, and the Trump administration has signaled it believes the 2001 authorities are adequate, and it does not plan to seek a new AUMF.

We have also learned that crafting a new AUMF that garners bipartisan support is an especially difficult task. I know, because we have been trying for a while.

I think we can all agree, the only thing worse than having the 2001 statute in place is a partisan vote on a new AUMF.

Lastly, we have learned that America is strongest when we speak with one voice, which means Congress needs to have some buy-in. We have to have some skin in the game. Otherwise, we can simply blame the administration for any effort overseas.

We can't let wars against new terrorist groups like ISIS be waged only by the executive branch. We in Congress need to weigh in and we have to let our allies and our adversaries know we are serious and committed.

Taking these lessons into account, I think it is imperative for any future terrorism-related AUMF to include a sunset provision that requires Congress to put its skin in the game. That way, we can avoid being put in the position we are in today—having to vote on an amendment to repeal a law that authorizes force against groups that are actively planning attacks against American interests.

Ultimately, I cannot support my colleague's effort to repeal the 2001 AUMF in 6 months because of the very real risk associated with repealing such a vital law before we have something to

replace it with. Fortunately, I know the chairman of the Foreign Relations Committee remains committed to considering legislation to repeal the 2001 AUMF and to replace it.

As I mentioned, the Senator from Virginia and I have introduced legislation to do just that. That legislation, S.J. Res. 43, would repeal the 2001 law and authorize the use of force against al-Qaida, the Taliban, and ISIS. It would allow for greater congressional oversight of what groups can be deemed as "associated forces" of those organizations. It also contains a sunset provision.

So I look forward to working with my colleague from Kentucky and other members of the Foreign Relations Committee to move an AUMF that can garner bipartisan support. That is the right way to do it—under regular order, moving it through the Foreign Relations Committee, and then bringing it here to the floor, where we can debate and we can have buy-in, and the Senate can vote on an AUMF and then the House. Then, the U.S. Government—the Congress and the executive branch—can speak with one voice.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to speak in support of the National Defense Authorization Act.

The Defense bill has a long tradition of bipartisan cooperation, and I was glad to join in that tradition as part of the Armed Services Committee. As with any far-reaching legislation, there are a number of provisions in this I support and some I do not, but, on the whole, this bill is a win for national security and a win for Massachusetts.

Massachusetts has a lot to offer our national security. Each of our military bases is unique in making vital contributions to our defense. The Massachusetts National Guard has a proud history, dating back to 1636, and it contains the oldest units of the U.S. Army.

Today we are proud of our military tradition, and we have a unique ecosystem of universities, industries, startups, and military labs, all focused on the next-generation needs for our warfighters. Research and development is critically important to this effort. It will literally save lives. I have made research funding a major priority, and I am very pleased we have secured an additional \$45 million in funding for the Army's Basic and Applied Research accounts, for places like Natick, where researchers are doing cutting-edge work to better protect our soldiers. Overall, the bill increases funding for science and technology \$250 million above the President's budget.

The bill also recognizes the critical role that MIT Lincoln Lab plays in national security research, and supports the construction of a new advanced microelectronics integration facility that will begin in 2019. It also fully funds the Defense Innovation Unit Experimental, or DIUX, which is doing

great work connecting DOD with innovative startups in Cambridge and around the country.

Our military bases, which are the lifeblood of their communities in Massachusetts, are also receiving much needed facility upgrades. Hanscom Air Force Base will receive \$11 million to build a new gate complex that will dramatically improve its security. Westover Air Force Base in Chicopee will receive more than \$60 million to construct a new maintenance facility and build a new indoor small arms range to improve readiness. Natick Soldier Systems Center will receive \$21 million to improve family housing facilities, bringing our families working at Natick closer to the base.

All three of my brothers served in the military, and I know the demands of the military can be hard on families and on servicemembers. I have spent a lot of time over the last 9 months working hard with both Republican and Democratic Senators to do everything I can to help improve the lives of our military personnel and their families. I partnered with Senator ERNST, a Republican from Iowa, to introduce the Leadership Recognition Act, which has been incorporated into this larger Defense bill. Our proposal ensures that our servicemembers get the pay raises they deserve.

Over the last 15 years, Congress directed the Pentagon to raise military pay so it was more comparable to civilian wages, but it also gave the President the authority to waive the requirement to raise military pay. Unfortunately, that keeps happening, and military families who are already sacrificing so much don't get the pay raises they are entitled to.

Our new provision restricts the use of this waiver. We promised our military their regular pay raises in line with inflation, and they ought to get those raises, period. This one is a no-brainer. I am sorry it is taking Congress so long to get it done, but we are there now.

The Defense bill also includes my Service Member Debt Collection Reform Act. The Consumer Financial Protection Bureau has identified how unscrupulous debt collectors often take advantage of military personnel, for example, by alleging that servicemembers owe disputed or imaginary debts and sometimes even by contacting a servicemember's commanding officer to intimidate a servicemember into paying a debt they don't owe. This is outrageous. My provision requires DOD to review and update its policies regarding harassment of servicemembers by debt collectors.

Our military personnel are also entitled to educational benefits that can help them earn a degree or transition to civilian life. However, too often military members don't actually use these benefits because they can't navigate a frustratingly complicated and bureaucratic application process. That is why I offered an amendment to the NDAA to make sure DOD works with

the Departments of Education and Veterans Affairs to automate the application of student loan benefits available to military borrowers. These Departments can use this information that already exists in Federal databases to expedite student borrower benefits for servicemembers, and there is no reason we shouldn't just do that right away. This will make life a little easier for our vets, and it will help put many of them on the road to a better education and higher earnings for the rest of their lives.

There is another problem in our military that we need to address. I was appalled earlier this year at reports that some male servicemembers shared nude photos of their fellow female servicemembers without consent, and harassed them on a website called Marines United. The military is not immune to the rise of so-called revenge porn online. Make no mistake, revenge porn is sexual harassment. DOD concluded in a May 2017 report that such harassment can lead to sexual assault.

Just last week, I sat with women in Massachusetts who had been sexually harassed and sexually assaulted during their time in the military. They volunteered for the military out of a deep sense of patriotism, and now they are struggling hard to come to terms with what happened to them. Their sense of betrayal—betrayal by their fellow servicemembers—ran deep.

Acts like these are deeply wrong, and they undermine unit cohesion and readiness. The Marine Corps and other services have taken some positive steps in response to the website scandal, but military prosecutors need the tools to combat this specific behavior.

Commanders have always had the ability to prosecute disorderly conduct, but the Uniform Code of Military Justice does not explicitly prohibit non-consensual photo-sharing in all cases. To solve this problem, I teamed up with Senator SULLIVAN, a Republican from Alaska, to introduce the Protecting Servicemembers Online Act. Our proposal closes the revenge porn loophole, making it unlawful under the UCMJ for military personnel to share private, intimate images without the consent of the individual depicted. It does this by balancing privacy protections and survivors' rights, and I am grateful this year's Defense bill takes similar steps to address this revenge porn problem. There is more to do to make sure each person who signs up to serve our country is treated with dignity and respect, but this is a positive step.

This year's Defense bill also addresses an issue which is very personal to me—how we care for victims of terrorist attacks. I had been a Senator for only 3 months when the twin explosions went off at the Boston Marathon finish line on April 15, 2013, killing three people and wounding hundreds more. I was on a flight from Boston to DC when the bombs went off. I didn't even leave the DC airport. I just caught the next flight back to Boston.

The next day, I met with Jessica Kensky and Patrick Downes. They had been recently married. When the bombs went off, they were both seriously injured. Each had a leg amputated at the scene. They were rushed to separate hospitals, where they underwent more lifesaving treatments and where Jessica lost her other leg.

When I first saw Jessica, she still had gravel and glass embedded in her skin—injuries the doctors hadn't yet cleaned up. She was grateful to be alive, but worried about Patrick. When I first met Patrick, he had the same question: How is Jessica?

The Boston hospitals at which they received emergency care are among the world's best, and they saved many lives on that day, but those hospitals don't specialize in the long-term recovery from such complex and serious injuries like limb amputation. For that, you need military hospitals, like Walter Reed National Military Medical Center, but right now, access to Walter Reed requires a special exemption from the Secretary of Defense. Jess and Patrick say they owe their recoveries to the doctors, physical therapists, and prosthetic lab technicians who treated them at Walter Reed and who have treated thousands of troops since 2001.

Earlier this year, Senator COLLINS, a Republican from Maine, joined me in introducing the Jessica Kensky and Patrick Downes Act, which would allow all victims of terror attacks to receive treatment at military medical facilities if there is space available. I hope we will never see another attack like the Boston Marathon bombing, but this bill will help us be ready if it happens.

I am glad the Defense bill includes language to implement the policy in our bipartisan bill, and I am particularly thankful to Senator COLLINS for working with me so other victims of terrorist attacks will be able to access our world-class military medical facilities if they need them the way Jessica and Patrick did.

The work on servicemember pay, GI student loan benefits, and help for civilian victims of terror made me proud to be in the U.S. Senate. At the same time, I worked hard this year to ensure the Defense bill contains a number of provisions that will strengthen our national security.

Like my colleagues on the Armed Services Committee, I am concerned about Russian aggression. Too often this year, this issue has been obscured by partisan sniping, and it shouldn't be that way. Russia's attempts to sow global instability are a major national security threat, and on the Armed Services Committee we have treated it that way.

Earlier this year, I introduced the Countering Foreign Interference with Our Armed Forces Act. This bill contains two provisions—one requiring annual reports on the new and disturbing trend of Russian efforts to target our military personnel with disinformation

campaigns and a second bill in response to the Michael Flynn scandal so DOD will be required to report to Congress when a retired general officer requests permission to accept payments from a foreign government. We need to protect our military and our country from outside influence, and these are two steps we can take right now.

Another area which concerns me is the money we spend to outfit our military. The DOD buys a lot of goods and equipment, which means it pays an extraordinary amount of money to government contractors. It shouldn't be too much to ask those contractors to provide high-quality products at a reasonable price, to treat their workers decently, and to knock off any efforts to extort extra profits out of the government. I am pleased the Defense bill also includes a number of my priorities to promote these kinds of reforms.

Step one in this process needs to be a full audit of the Department of Defense. DOD spending makes up half of the discretionary budget, and yet the DOD—unlike other government agencies—has never been audited. That makes no sense at all. Senator ERNST and I teamed up to fight for a provision to incentivize the Department to achieve audit readiness by mandating a pay reduction for the Secretary of each military service unit that does not achieve audit after 2020, and we got it passed.

Senator PERDUE, a Republican from Georgia, and I joined together to press the Defense Innovation Board to study how we can improve the way the Department acquires software.

Senator ROUNDS, a Republican from South Dakota, and I successfully fought for a provision requiring DOD to open source software methods and open source licenses whenever possible for unclassified, nondefense software, in accordance with best practices from the private sector. This one is particularly important so contractors can't shake down the Pentagon for new piles of cash every time DOD needs to upgrade and improve its software systems.

Finally, after stories about contractors with terrible safety records continuing to get DOD contracts, one after another, I successfully secured a provision that will require DOD contracting officers to consider workplace safety and health violations when they evaluate a potential DOD contractor. I introduced the Contractor Accountability and Workplace Safety Act to address this issue, and I am very glad it has been included in the NDAA.

This Defense bill isn't perfect. I don't agree with all of it. In a Republican-controlled Congress, I wouldn't expect to agree with all of it. For one thing, I vehemently disagree with the decision to authorize funding for research and development for a new generation of intermediate-range missiles. Everyone knows the Russians have violated the INF treaty already, but that is not a reason for the United States to violate

this core anti-nuclear proliferation treaty as well. Our military doesn't want it. Our European allies don't want it. Even the White House doesn't want it. We obviously don't need it. In a world of limited resources, spending tons of taxpayer money to build an unnecessary weapon that will make all of us less safe is a terrible idea.

I also disagree with the committee's recommendation to zero out the funding for the Warfighter Information Network-Tactical, otherwise known as WIN-T. I have listened to the critiques of this system, but WIN-T Increment 2 is the only tactical communications system the Army currently has that permits communications on the move. GEN Mark Milley, the Army Chief of Staff, has noted the importance of remaining mobile on the battlefield. "If you stay in one place longer than 2 or 3 hours, you will be dead," he said. We should improve WIN-T, not junk it, and we definitely shouldn't abruptly cancel this program without having any earthly idea of what will replace it. Fortunately, this program is not zeroed out in the House version so I will continue to fight for this during the House-Senate conference.

Finally, I am concerned about the overall increase in defense spending contemplated by this bill, particularly when there is no real plan in place to pay for it. The Defense Department is not the only agency that is critical to our national security, and most of those other agencies are under attack in this Congress. Moreover, it is important for us to make the investments we need here at home, to do things like address climate change and promote resilience after natural disasters, to invest in scientific research and discovery, to improve access to healthcare and education, to build new schools, and to repair aging roads and bridges. We cannot support a buildup in military spending that leaves our country weakened and unable to build a strong economy going forward.

Fortunately, the bill we are putting forward today merely authorizes new defense funding. Actual dollar amounts for Federal spending will be determined later this year for all of our agencies as part of the appropriations process. At that point, all spending—defense and nondefense—will be on the table at the same time. If that process is going to serve the American people well, it must provide for significant increases in spending on education, infrastructure, basic research, and the other building blocks of a strong country with a vibrant future.

I commend the leadership of Senators JOHN MCCAIN and JACK REED throughout this process. Our committee has a long history of bipartisanship, and Senators MCCAIN and REED have continued that proud tradition. This legislation supports our servicemembers and their families, promotes commonsense Pentagon spending reforms, advances cutting-edge defense research, and bolsters the Commonwealth's innovation econ-

omy. Most importantly, this NDAA will make a real, positive impact on the lives of Americans. For those reasons, I intend to support it, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I stand to support my friend Senator RAND PAUL and to encourage my colleagues in the U.S. Senate to support his proposed amendment to the National Defense Authorization Act.

In the Declaration of Independence, the Founding Fathers lodged the following grievance against King George III: "He has affected to render the military independent of and superior to civil power."

A decade later, the Founders included a safeguard in the Constitution so "civil power"—in other words, the people and their duly elected representatives—would play an important role in matters of war and peace. The safeguard takes up all of seven words in the Constitution: "The Congress shall have Power . . . to declare War."

Today this safeguard—this crucial check on government—has been eroded in several ways and in ways many Americans would find downright alarming.

Congressional authorization for the use of military force is being used in a contorted way to justify wars with an ever-growing list of adversaries without any input from Congress or the American people about whether we should be fighting those wars in the first place.

Senator PAUL has submitted an amendment to sunset two such authorizations: the 2001 authorization of military force against the perpetrators of 9/11, and the 2002 authorization of military force against the regime of Saddam Hussein in Iraq.

I support my colleague's amendment because the world has changed and our adversaries have changed since those authorizations were passed into law by Congress. Osama bin Laden is dead. Saddam Hussein is dead. In fact, his statue in Firdos Square came down almost a decade and a half ago. Yet thousands of American troops are still serving in the Middle East based on the same authorizations Congress granted more than a decade and a half ago. Instead of changing these authorizations to reflect a changing world, politicians have used the old authorizations to start new wars in countries other than Iraq and Afghanistan against adversaries that had nothing to do with 9/11.

The 2001 AUMF has been used to justify a drone war across the Middle East without a debate or a vote in Congress. It has been used to justify air wars in Libya and Yemen without a debate or a vote in Congress. It has been used to justify military action against the Islamic State terrorist group without a debate or a vote in Congress. Some of these military actions may be justified, but the best way to determine

whether they are is to submit them to scrutiny, to debate and vote on the matter in Congress as the Constitution prescribes.

As many of you know, we are in the midst of sort of a populist challenge to Washington, DC. Senator PAUL and I have listened to countless Americans voice many of their grievances against Washington. The gist of their complaint in this area is this: They don't feel as though their interests are being taken into account in our Nation's Capital. Bit by bit, they have watched their representatives cede decision-making power to unelected, unaccountable bureaucrats in the executive branch. They have watched as a Washington consensus has emerged, a kind of faux consensus shared nowhere else other than in Washington, DC.

If you understand these concerns that Washington, DC, is deeply unrepresentative of how much of the country feels, then you understand a lot about the populist moment. It applies to foreign policy as well as domestic policy, to how our government conducts itself abroad as well as at home.

A decade and a half after the terrorist attacks of September 11, 2001, the American people want a place at the table in decisions about war and peace, about life and death. They want to be represented in decisions that concern them and their sons and their daughters so intimately. If we do not give the American people these things, if we don't listen to their concerns, advocate for them in the legislative branch and vote on them openly under the light of day in this Chamber, then we are failing them as representatives, and we are ignoring the Constitution. That is why I am supporting Senator PAUL's amendment. I hope my colleagues will join me so that this issue can get the vote it deserves.

Mr. President, I yield the floor.

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

Mr. REED. Mr. President, I have listened intently to the discussions this afternoon with respect to the AUMF of 2001 and the AUMF of 2002, and all of the speakers have made a point that I think is obvious: We have to update our authorizations to account for the past 16 years, to account for the transformation of the threats in those 16 years and many other factors.

The Paul amendment does not give us that transformative language so that we can make a reasoned judgment. It simply gives us a 6-month period of time to work our way through all of the nuances, which are very complicated and difficult. I think it would unwittingly and unintentionally cause more difficulties than be an effective way to urge action and to seek complete action in this Senate and the House and a signature by the President.

Again, I do understand the concerns of all. I supported the 2001 authorization for the use of military force after

the incredible and shattering attacks on New York City, Washington, and the crash of an aircraft in Shanksville, PA, and we responded.

Like so many of my colleagues who were here at the time, I did not expect that 16 years later we would still be engaged in the evolution of that fight that began on 9/11, but we cannot simply stop and threaten to pull back our legal framework with the expectation that in 6 months we will produce a new and more appropriate authorization for the use of military force.

I think we should be on the floor debating such an AUMF. I think it should have been debated seriously and thoroughly in the Foreign Relations committee, subject to amendment, and brought forward to this Senate so that we could debate it. Then we could present it to our colleagues in the House and ultimately to the President and also do so in the full view of the American public.

What we are simply doing, if the Paul amendment is adopted, is saying: If we can't get our job done in 6 months, then we have no legal authority or questionable legal authority to continue operations across the globe. It would be an arbitrary 6-month period. I think it would, unfortunately, send a very inappropriate signal to our troops and to our allies in the fight across the globe. Also, it would send an unfortunate signal to our adversaries because it would raise, quite literally, the possibility, since we have supported the option, of abandoning our legal basis for conducting many of these operations in 6 months. I think it would be read many places as a signal that the Senate has essentially declared that in 6 months we are going to de-authorize our military efforts. I think that signal would be very disturbing to our troops in the field, to our allies, and it would give a huge propaganda lever to our adversaries.

The 6-month period is not related to our operations on the ground, not related to the planning and the operational procedures that are in place already. It is unrealistic to believe that if we cannot come to some resolution in 6 months, we could suddenly withdraw our forces or find some other reason to prosecute these wars and these efforts.

Again, we have to think seriously about what the message would be if we adopted this resolution. I think the headline might say "Senate moves to end involvement." I am more certain, after multiple trips to Iraq and Afghanistan and recently to Syria, that the headline in Baghdad and Kabul and Damascus would be "U.S. moves to end engagement." That would cause great concern among our allies. It would cause great concern among our troops.

Operationally, our planning and staging is not something that is done in 6-month periods. It takes months and months for military forces to prepare to go in. Unless we could do something literally next week, we would be run-

ning into the reality of American military commanders wondering whether they should begin to plan for the extraction of our forces and the closing of our facilities on these bases. I don't think anyone here believes, with the workload we have, that we could tackle this issue in the next week or two.

As the days go by, that contingency becomes more pressing on our military forces. Those commanders would have to start making serious plans. Those serious plans would be easily communicated to our allies, to our adversaries, and to our troops on the ground. As a result, I think, again, this is not the responsible way to pursue what we all want, which is a more realistic AUMF, one more resonant in terms of being consistent with the reality today.

Some people have argued—in fact, this seems to be the most compelling argument—that this will force Congress to act. Well, I do think we have to act, but I think what the proponents are missing is that our action will not be immediate. As we look ahead, we have recesses that we will observe; we will have other requirements; we have to get appropriations done. We have a host of legislative items. If this effort takes a backseat and we approach the 6 months again, the difficulty of conducting military operations will be significantly complicated. What is intended to be a forward effort in Afghanistan will gradually begin planning for withdrawal, even if at the last moment we come forward with a new authorization.

We have to think about those things because it does affect the troops who are defending us today, it does affect how much our allies will be supportive of our efforts, and it will also, as I indicated, give our adversaries the argument that they have used repeatedly—that the United States is going. It was pointed out years ago on one of my first trips to Afghanistan—a saying has become commonplace where the Taliban would say: "You all have the watches, we have the time." And what we are doing with this measure is once again giving them the time so they can predict or proselytize with more power that our presence will be diminished.

Secretary Mattis and Secretary Tillerson have written to the Senate leadership expressing their concerns with this approach, and I immensely respect both gentlemen. I particularly respect Secretary Mattis for his service. He has been on the ground. He knows what it takes to lead marines, soldiers, airmen, and sailors in action. They are quite concerned. They are concerned about issues, too, to which we have not devoted full attention.

As Secretary Mattis and Secretary Tillerson indicate, there is a strong argument that the legal basis for continuing to hold captured combatants at Guantanamo Bay would be taken away and that these individuals could, through our courts, apply for habeas corpus and could likely be released—

something that I don't think anyone would want to see. The presence of an AUMF provides a legal basis for holding these very dangerous combatants at Guantanamo Bay.

I think it could also affect our ongoing operations against terrorists throughout the globe, particularly our military operations, our special forces operations that are focused on terrorists connected to Al-Qaida, connected to ISIS, connected to those groups who have, over several administrations, been included within the scope of the AUMF.

To a point my colleagues have made, administrations going back to President George W. Bush, the Obama administration, and now the Trump administration—particularly in the case of the Obama and Bush administrations—have adjusted the AUMF to confront new circumstances, such as the rise of ISIS, et cetera. They have done so, though, in the context of a congressional statute, not because of the expansive power, under article II of the Constitution, of the President to defend the United States. One issue here is, again, do we want to put ourselves in the position where there is no governing law; rather it is simply that article II of the Constitution that provides the legal basis?

For many reasons, I hope we will think carefully about our role with respect to Senator PAUL's amendment. He has been tireless in his advocacy—"relentless," I think, is probably a better word. He is doing so with the utmost integrity and the utmost commitment to doing what he thinks is in the best interest of the United States.

I come here today to point out what I think our consequences would be, which would be very serious and very detrimental to ourselves, particularly our troops. I ask all of my colleagues to think clearly about what we are doing. We should and we must replace the AUMFs—both of them; however, until we have a replacement, we shouldn't create a 6-month period of uncertainty, doubt, and confusion. That is what it will be because it will affect our soldiers, our allies, and in some respects, give more leverage to our adversaries.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. RUBIO. Mr. President, in my absence today, I would like to note my

support for the confirmation of Mr. Kevin Hassett to be Chairman of the White House Council of Economic Advisers. Due to ongoing and urgent recovery efforts from Hurricane Irma, which finished its course through Florida only yesterday, and the lack of commercial air travel in the wake of this disaster, I am staying in my State to help coordinate and marshal the full capacity of recovery resources available to us.

Had I been able to attend today's vote, I would have voted in favor of Mr. Hassett's confirmation as Chairman.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. NELSON. Mr. President, I was necessarily absent for today's vote on Executive Calendar No. 110, Kevin Hassett to be Chairman of the Council of Economic Advisers. I would have voted yea.

Mr. President, I was necessarily absent for yesterday's vote on the motion to invoke cloture on the motion to proceed to calendar No. 175, H.R. 2810, the National Defense Authorization Act. I would have voted yea.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 194 on the nomination of Kevin Allen Hassett, of Massachusetts, to be Chairman of the Council of Economic Advisers. Had I been present, I would have voted yea.●

ABOLISH HUMAN TRAFFICKING ACT AND TRAFFICKING VICTIMS PROTECTION ACT

Mrs. FEINSTEIN. Mr. President, today I wish to congratulate this body on its passage of two important antitrafficking bills: the Abolish Human Trafficking Act and the Trafficking Victims Protection Act.

I am proud to have worked with Senators GRASSLEY, CORNYN, and KLOBUCHAR on these comprehensive bills and commend them and their staffs for the thoughtful and bipartisan manner in which they were drafted.

I would also like to thank the numerous law enforcement and antitrafficking organizations and, most importantly, the survivors, who have provided feedback and support throughout this process. It is my hope that the legislation passed last night will assist the tremendous work these groups do in the fight against human trafficking.

Both bills reauthorize a number of important programs that help victims and strengthen efforts to prevent, detect, and respond to human trafficking crimes.

The Trafficking Victims Protection Act, which I authored with Senator GRASSLEY, promotes victim-centered training for school resource officers, judges, prosecutors, and law enforcement. It ensures that trafficking victims are properly screened and that more comprehensive data about trafficking crimes are collected.

The Trafficking Victims Protection Act also includes one of my top priorities, which is to prevent the proliferation of trafficking offenses over the internet. I want to take a moment to discuss why I believe this to be a deeply important step in curtailing the criminal enterprise of trafficking.

The commercial sex industry is evolving. The use of the internet to sell commercial sex has escalated dramatically over the past several years.

Online platforms have provided an easily accessible and seemingly low-risk forum for buyers. In 2014, one website advertised nearly 12,000 advertisements for commercial sex in a single day.

Some of these sites have become hubs of human trafficking. Backpage.com, in particular, has been used to facilitate sex trafficking of minors for years. The National Center for Missing and Exploited Children has determined that Backpage.com is linked to 73 percent of all suspected child sex trafficking reports that it receives through its "CyberTipline."

Indeed, just a few months ago in my home State, a 3-month investigation into Backpage.com led the Stockton Police Department to discover eight victims being trafficked for sex in the area. Some of these girls were as young as 14 years old. San Joaquin District Attorney's Human Trafficking Task Force said that advertisements on Backpage.com offered sexual acts with the victims for as little as \$20.

Under current law, it is a criminal offense to knowingly advertise commercial sex acts with a minor. Backpage.com has repeatedly asserted that it has no involvement with the advertisements posted on its website. However, after a thorough review of Backpage.com's screening methods and practices regarding their advertisements, the Senate's Permanent Subcommittee on Investigations concluded that Backpage.com knows that its website facilitates trafficking and knowingly concealed evidence of criminality by systematically editing its adult ads to help them avoid detection by law enforcement.

Shortly after these findings were publicly released, the Washington Post obtained documents that showed that contractors hired by Backpage.com were specifically instructed to solicit and create sex ads aggressively, including the posting of ads suggestive of sex with minors. In fact, these documents revealed that "invoices and call sheets indicate Backpage.com was pushing [the contractor] to get as many new listings as possible."

These revelations are deeply concerning, and I hope that they will be