

amendments, I hope we can have an open amendment process.

I know I speak on behalf of myself and Senator REED. We have been wanting to do this for a long period of time.

While we are debating this bill, I encourage my colleagues to come to the floor and share why the NDAA is important to their States and to national security.

Here is one reason why. We are at a really crucial junction in our military. Our world keeps growing more unstable and less safe. Our military is, frankly, in a crisis. I think we are all aware of that. The NDAA is going to set the tone for our defense strategy not just this year but well into the future.

It is a message to our servicemembers, their families, and the world. Are we going to show Russia and China that we mean business? Are we going to help our military continue to rebuild? Are we going to give our All-Volunteer Force the equipment, training, and housing they need to do their job? That is why this bill provides a total of \$750 billion in defense spending. It is what we call the defense top line. It is the minimum we need to restore the longstanding military's strength that we have seemingly lost.

That is why this bill provides for it, and that is why the bottom line and the top line is the same thing. We have real growth in the defense budget each year. We have decided on this, technically, based on two sources, from the military before our committees and then, of course, the Commission report that says that in order to get our military back, we are going to have to have a net increase of 3 to 5 percent, and that is what this \$750 billion will do.

This is also a direct recommendation from our military leadership; that \$750 billion is the bare minimum we need to get to that goal. The committee has heard the same refrain from every service leader at posture hearings this year; that stable, ontime, adequate funding is their No. 1 priority.

So the best thing we can do for our troops, it seems pretty clear to me, is that this should be our priority too. An important part of the whole equation is that we are spending this money responsibly. This is an across-the-board increase. The NDAA makes tough decisions to put funding where it was most needed and makes cuts in other places.

We direct this funding to critical, bipartisan priorities: a pay increase for our troops, the largest in a decade; rebuilding a right-sized force with the newest, most capable aircraft, ships, and equipment in the world; and modernizing our nuclear arsenal so it is strong and safe.

During the last 5 years of the Obama administration, the amount of money we had to run our military was reduced by almost 25 percent. That was extremely harmful to our readiness and to our troop morale.

Thanks to the Trump administration, that trajectory is changing. In fiscal year 2018, we increased funding

back up to \$700 billion, the largest year-over-year increase since the beginning of the War on Terror.

In fiscal year 2019, we increased it again to \$716 billion and got that funding out the door on time. This was really meaningful for our military, and I hope we can do it again this year.

I commend Majority Leader MCCONNELL and my colleagues who are still fighting for a budget deal. We have to raise the defense cap or exempt defense from the caps to give the military what they need to fight and win. We are on a path to recovery in our readiness rates. We are helping the military keep up with China and Russia. It is a different situation than we have ever been in before. We have severe competitors out there.

Let me conclude that we are on our way right now. This is a major step. I want to also say, in working with Senator REED, we have been together much more than we have been apart. We have been staying on top of this thing, and our combined tenacity has resulted in getting a bill done.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I commend the chairman for the bipartisan and thoughtful way he has approached this entire process of crafting the National Defense Authorization Act for this year. We had a very successful markup. The result was a strong bipartisan vote of 25 to 2 on the committee. Subsequently, with our staff, we have done an extraordinary job. We have been able to include an additional 100 amendments, on a bipartisan basis, to the substitute. So we have been able, I think, to respond to all of the concerns of our colleagues or very many of these concerns of our colleagues.

The chairman has indicated some of the strengths of the bill. We have increased our operations and maintenance funding so our readiness stature and posture is increasing. One area, too, that I think is very important is the fundamental reform of privatized housing which was a real problem that we discovered. Again, the chairman led two very thorough hearings in which we had not only the operators but also the families who live there. The legislation before us contains significant improvements in the privatized family housing at the Department of Defense. That is something critically important.

I, too, like the chairman, would like to see a very open amendment process so we can bring to the floor amendments that are important and linked to the national defense bill, have votes on these amendments, and then move forward.

Let me just conclude my brief remarks by thanking the chairman for his leadership.

I yield the floor.

Mr. BOOZMAN. The Senator from Oregon.

#### DEATH OF JAMAL KHASHOGGI

Mr. WYDEN. Mr. President, tonight I am going to speak about Saudi Arabia's brutal murder of U.S. resident and journalist Jamal Khashoggi. This despicable act has been condemned by the Congress, by the American people, and by governments and citizens around the world, but Donald Trump and members of his administration will not talk about it. They seem to think it is just fine to sweep this atrocity under the rug. I am here to describe why the Congress must not let that happen and how I intend to do everything in my power to make sure it does not happen.

The Senate is now debating the Defense Authorization Act, which this year includes the Intelligence Authorization Act. I serve on the Senate Select Committee on Intelligence, and the Intelligence bill that is part of the defense legislation contains an amendment I offered with my colleagues, Senator HEINRICH, Senator HARRIS, Senator FEINSTEIN, and Senator BENNET. That amendment requires that the Director of National Intelligence provide a public report identifying those who carried out, participated in, ordered, or were otherwise responsible for the killing of Mr. Khashoggi.

Last Wednesday, the United Nations released a detailed report on the Khashoggi murder. The report described how even before Mr. Khashoggi entered the Saudi consulate in Istanbul, Saudi officials had meticulously planned his killing.

A team of more than a dozen Saudi agents were organized. Their travel and accommodations were designed to mask the purpose of their trip to Turkey. The consulate office where the killing took place was cleared of staff. In the moments before Mr. Khashoggi's arrival at the consulate, the Saudi agents were recorded discussing how to kill and dismember him and dispose of his body.

They referred to Mr. Khashoggi as "the sacrificial animal." The report even describes the recorded sounds of the killing and the dismemberment.

Who bears ultimate responsibility for this brutal, horrendous, despicable crime? The U.N. report stated that every expert—every expert—who was consulted found it inconceivable that an operation of this scale could be implemented without the Crown Prince. They found that, at the very least, being aware that some kind of criminal act was to be conducted against Mr. Khashoggi was, in their view, clearly, something the Crown Prince knew about.

The U.N. then concluded that there was "credible evidence warranting further investigation of high-level Saudi officials' individual liability, including the Crown Prince." I have read that directly from the U.N. report.

The Senate has also spoken on this in a resolution passed unanimously. The Senate stated that it believes the Crown Prince is responsible for the murder of Jamal Khashoggi.

Donald Trump and his administration refuse to discuss this publicly. Last November, Donald Trump said the intelligence community was continuing to assess information about the killing, but as for the question of whether the Crown Prince had knowledge, the President said only: "Maybe he did and maybe he didn't." Then he said: "We may never know all the facts."

So we have, in the Intelligence Committee, something at the beginning of the year called an open threats hearing. It is a public hearing. At that open threats hearing, I asked the CIA Director whether the Senate's unanimous belief that the Crown Prince was responsible was correct. She acknowledged that the Khashoggi murder was premeditated. In terms of who was responsible, she referred us to what the Saudis had said publicly, but Director Haspel said she would not disclose to the public what the intelligence community thought with respect to who was involved in the brutal murder of Mr. Khashoggi. That is why there is a provision in the Intelligence Authorization Act that we are considering, as a part of this Defense bill, requiring a public report on the Khashoggi killing. The provision is there so, finally, more than 8 months after the murder, there will finally be some real accountability.

Now, those who may be following these remarks or this discussion may ask: Why does this matter? Why is this important? It matters because the Trump administration has bent over backward to please the dictator running Saudi Arabia.

The U.N. report recommended an FBI investigation of the Khashoggi murder. Donald Trump made it clear that he is not interested in that either. It is part of a pattern. In one of the most dismal and disappointing responses I have seen to any national security concern, this administration refuses to look into whether Saudi officials helped Saudi criminal suspects flee the United States to escape justice.

The administration continues to turn a blind eye to the Saudi Government's grotesque human rights abuses. Donald Trump vetoed bipartisan legislation that would have ended U.S. support for a devastating and seemingly endless war in Yemen. The President recently invoked what I consider to be a phony emergency to go around Congress and sell arms to the Saudis. Example after example, whether it is within our borders, in a consulate office in Istanbul, or elsewhere, this administration's record is the same. They will help cover up the Saudi Government's brutality.

Jamal Khashoggi, besides being a U.S. resident, was a journalist who wrote for a U.S. newspaper. The absence of accountability for his murder sends a horrendous message that as far as the Trump administration is concerned, it is open season on journalists. Donald Trump is making this clear

when he cozies up to dictators cracking down on journalists in Russia, Hungary, and the Philippines. That doesn't even include his affection for the dictator of North Korea, where we all know there is no press at all.

Donald Trump's contempt for a free press in the United States is as apparent as it is dangerous. The White House and Pentagon have simply stopped all press briefings. Donald Trump has threatened to use the taxation and antitrust powers of the government to punish the media when they dare to criticize him. At his rallies, he has whipped up support against the media to the point where people are threatening journalists in attendance. Almost every day, he dismisses any media outlet that accurately describes what he disagrees with, with respect to their comments, the corruption in his administration, as fake news. Recently, he accused journalists at the New York Times of treason after they dared to publish a story that displeased him.

The Trump administration created a secret list of journalists it targeted for tracking and questioning—journalists who were reporting on the administration's cruel treatment of migrants at the southern border. Border agents have even detained journalists—American citizens—and subjected them to prying and detailed questions about their travel and their work.

Most ominously, over and over, he called journalists enemies of the people. That is language that is designed to justify state repression or vigilante violence against journalists. It is also language that comes, unfortunately, directly from the worst dictators in history. That is based on the record, based on the public statements I am walking through tonight. That is what Donald Trump thinks of the press, which is why the Saudis told him that Jamal Khashoggi was an enemy of the state.

As far as I can tell, the President seems to believe that first amendment freedom of the press basically should only apply to people who say nice things about him.

I don't know of any such provision in the First Amendment about which the Founding Fathers felt so strongly. They thought freedom of the press was almost as important as anything else people could imagine. The Founding Fathers didn't in any way suggest the First Amendment applies to discussing only nice things about someone who is a public official. Reporting facts to the public on corruption in the administration and the President's tax cheating, on the administration policy of locking up migrant children in cages without beds, soap, or toothbrushes—Donald Trump evidently considers all of this to be a treasonous act.

The brutal, premeditated murder of Jamal Khashoggi is, in my view, the canary in the coal mine for press freedom around the world. These are dangerous times for journalists. It is al-

ready a dangerous career in many countries. If dictators see the killing of Jamal Khashoggi as a signal that they, too, can get away with cold-blooded murder, then the question is, How many more journalists and dissidents are going to die?

That is why, as a member of the Intelligence Committee, I am tonight drawing the line right here. For me, the events of the last week have only highlighted the urgency of this issue. In a nationally televised interview aired just yesterday, Donald Trump was asked repeatedly about the murder of Jamal Khashoggi. Each time he kept coming back to Saudi money. He said: "Take their money." And he repeated it: "Take their money."

I disagree that U.S. arms sales to Saudi Arabia somehow mean that they have all the leverage and that the United States is helpless, but even more important, the message that impunity for a brutal murder can be bought is both repulsive and dangerous.

Right now, Donald Trump is telling the Saudis and every other dictator in the world that for the right price, you can murder a U.S.-based journalist you don't like. You can dismember his body, and you can make it disappear. As far as Donald Trump is concerned, what we have seen recently is that the lives of journalists are for sale.

In the same interview, Donald Trump was also asked about the U.N.'s call for an investigation into the Khashoggi murder. He made it clear that, again, he would resist any public accountability. He said the murder had already been "heavily investigated" and that he had seen "so many different reports." Well, it is time for the American people, the Congress, and everyone around the world fighting for press freedom to see the reports.

Something else happened last week that I thought was also very important for the Senate to reflect on. Jamal Khashoggi's fiancée wrote an extremely important essay in the New York Times. She wrote: "Washington has chosen not to use its strong ties and leverage with Riyadh to get the Saudis to reveal the truth about Jamal's murder and to ensure those responsible are held accountable."

Jamal Khashoggi's fiancée described her meetings with Members of Congress who are sympathetic but were embarrassed that nothing had been done, and this is what she concluded:

"I began to feel that Jamal had not only died in Istanbul but also in Washington."

This must not be the last chapter. The U.S. Congress must demonstrate that the fight for press freedom does not die in the Nation's Capital.

To describe how I intend to proceed here, you have to give a little bit of a sense of how the Intelligence Committee works. The Intelligence Committee accepts as boilerplate that we always keep classified what are called

sources and methods. It is just automatic in the consideration of any business before us and before the Congress. That is because we so admire—I know the Presiding Officer feels this way—we so admire those who work in the intelligence field and in the national security field, and should sources and methods be exposed, we can have people who are helping to keep us safe die. So we put it in every bill.

In order to get my amendment to make sure that we would actually have the American people get the information that the intelligence community has about how Mr. Khashoggi died, I accepted boilerplate language about protecting sources and methods. But I want to be clear—because the intelligence community has, in effect, bobbed and weaved around this issue for some time—that if the intelligence community attempts to use that boilerplate language to avoid real accountability and real transparency, I am going to fight them tooth and nail, and that includes using the procedure, which I will describe tonight, that is available to members of the Senate committee to get information to the American people.

I am going to be specific here just for a moment. I am going to describe section 8 of S. Res. 400, which allows members of the Intelligence Committee to initiate a process that ultimately would permit the Senate to release information over the objection of the President of the United States. I don't make this statement lightly. I don't make threats lightly, and I hope it doesn't come to this.

I hope the intelligence community finally adheres to the intent of the provision in this legislation and tells the American people and the world what it knows about the death of Mr. Khashoggi. But if the intelligence community stonewalls again—once again blocks the truth from the American people—I am not going to rest. The stakes are too high. Press freedom here and around the world must survive. Intimidation and murder cannot be allowed to stand.

I state tonight that I will use S. Res. 400 and every tool at my disposal to finally get this long overdue information about the death of Jamal Khashoggi to the American people.

I yield the floor.

I note that my colleague from Oregon, who is doing important work, is here and I am sure wishes to speak now.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Oregon.

#### CONSTITUTIONAL POWERS

Mr. MERKLEY. Mr. President, this Chamber has the responsibility to debate tough issues that face our Nation. It has been devoid of such tough debates now for a very long time, essentially failing to perform its responsibilities to the American people under the vision of our Constitution. I am more

troubled at this moment about this failure than any previous moment because, at this moment, the drums of war are beating, and this Chamber stays silent.

At this moment, we have a bill before us to address security issues. Yet we are being denied the chance to debate the most important security issue of all—whether or not the United States goes to war.

The question before us in the amendment put forward by TOM UDALL of New Mexico and TIM KAINE of Virginia is this: Has there already been an authorization by this body for the President to go to war against Iran? Their amendment answers this question. It says with great clarity that the answer is no. The President does not have authority to go to war. The power to make that decision is vested with Congress, and no bending and twisting and contorting of any previous authority can be used in this situation. That is what their amendment says. It says: Mr. President, if you want to go to war, you have to come to Congress to get authority—authority voted on after the date of their amendment.

It is a fundamental question: Are we going to follow the Constitution or not? When our Framers were working on the Constitution, many feared that a President would become a King, and many feared that Kings take countries to war to the benefit of their treasure and their power but to the disadvantage of the people. But we are supposed to be a country with a different vision—not government by and for a King or by and for the powerful, but by and for the people.

They debated this at great length and decided with clarity and authority that Presidents in the United States would not have that power. Hamilton wrote about this in his *Federalist* Paper 69 in 1788:

The President is to be the commander-in-chief of the army and navy. . . . In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces . . . while that of the British king extends to the DECLARING of war.

This declares a huge difference between a kingship that can decide on war, but here in America, it is the power vested in this body—Congress.

At another point Hamilton wrote that the President of the United States “would be an officer elected by the people for FOUR years,” again, describing the difference between a President and a King. “[T]he king of Britain is a perpetual and hereditary prince. . . . The one would have a right to command the military and naval forces of the nation”—the one being America, the other being the King of Britain—“possesses that of DECLARING war,” very much emphasizing how important this distinction is.

President Lincoln addressed this when he was in office:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. . . . If, today, he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, “I see no probability of the British invading us,” but he will say to you, “Be silent; I see it, if you don’t.”

Then Lincoln brings to bear that our Constitution doesn’t allow this.

The provision of the Constitution that gives the war-making power to Congress was dictated, as I understand it, for the following reason: that Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. Our Convention understood this to be the most oppressive of all kingly oppressions, and it resolved to so frame the Constitution of the United States that no man should hold the power of bringing this oppression upon us.

These were powerful words from President Lincoln in his describing the Founders’ vision to make sure that no one man, including the President, holds the power to bring that oppression, the oppression of war, upon us.

James Madison’s notes of the debate of the Constitutional Convention of 1787 revealed that when Pierce Butler, of South Carolina, urged the President be given the power to initiate a war, the delegates overwhelmingly rejected his proposal.

Elbridge Gerry, of Massachusetts, said that he never expected to hear in a republic a motion to empower the Executive to declare war.

George Mason, of Virginia, remarked that he was “against giving the power of war to the Executive” because the President “is not safely to be trusted with it.”

Leader after leader said this power must reside in Congress, not in the President.

This list of the Founders’ vision goes on and on, all to this fundamental point: No one man—certainly not a President—is given the power to declare war.

While we are here on the Defense Authorization Act, shouldn’t we debate this issue? We have a President who, regardless, claims he has complete power to declare war. We have asked members of his Cabinet: Do you respect the Constitution? Will you come to Congress and ask for authority if you want to wage war against Iran? They have refused to answer that question time and again.

So we demand here on this floor that we hold a debate on TOM UDALL and TIM KAINE’s amendment that states, very clearly, we have not authorized war. You cannot take any prior authorization and bend and twist and contort it to somehow say Congress has provided you this authority.

I expect, under debate, if we were here listening to each other, this would