

granted a waiver of this requirement in 2017 for General Mattis, Congress had approved a waiver only once before, in 1950 for General George Marshall. With the nomination of Gen. Lloyd Austin, what I had thought would be a once-in-a-generation waiver in 2017 now appears to be the start of an unwelcome trend.

To be clear, I do not believe that General Austin himself poses a specific risk to the civilian control of our military. By all accounts, he is a dedicated public servant and patriot with more than 40 years of successful military service. However, I do not believe that President Biden has offered a strong enough justification for granting another legislative waiver in so short a time.

Should a waiver for his service be approved over my objections, which appears likely to occur, I intend to support General Austin's nomination based on his merits and qualifications. Over the course of his long and distinguished career, including as commander of U.S. Central Command during one of the region's most challenging periods for the United States, he has served with professionalism and diligence and has earned the trust of President Biden.

General Austin has committed to uphold the principle of civilian control of the military and pledged to ensure civilian leadership and oversight over the Pentagon's strategic and operational planning. I commend General Austin for once again answering the call to serve, and I look forward to working with him to rebalance our civil-military relations toward civilian control.

In November 2018, the congressionally appointed National Defense Strategy Commission concluded that, "There is an imbalance in civil-military relations on critical issues of strategy development and implementation. Civilian voices appear relatively muted on issues at the center of U.S. defense and national security policy." Losing this civilian perspective can have profound, long-term strategic impacts on the Pentagon and our national security policy.

There are many reasons for this trend toward unbalanced civil-military relations in recent years, including the failure of the prior administration to adequately fill Senate-confirmed positions at the Pentagon, instead relying on acting officials with limited ability to assert themselves within the department.

We have also seen a troubling increase in the politicization of our military. For example, hundreds of retired generals and admirals signed public letters of support for Presidential candidates in 2020, with both campaigns competing for the most military endorsements. That was coupled with a growing trend toward political expression among the ranks on social media and elsewhere; in at least one instance, servicemembers in uniform were featured at one of the national Presidential nominating conventions. It is

imperative that military officers do not come to view their commands as auditions for future political appointments or opportunities to curry favor with civilian political leaders.

As Dr. Lindsay Cohn, a professor at the U.S. Naval War College, stated during the recent Senate Armed Services Committee hearing examining civilian control of the Armed Forces, civilian control of our military is not necessarily an on-off switch. It is a web of institutions, norms, practices, and understandings which can be weakened or strengthened. Recently, we have begun to see the principle of civilian control of the military weakened and degraded.

In my view, Congress must not simply acquiesce to that growing trend. I do not believe it would be wise to allow the exception to swallow the rule when it comes to such a foundational principle of our Republic as civilian control of the military.

Mr. VAN HOLLEN. Madam President, I rise today to once again oppose a waiver to bypass U.S. law and allow a recently retired member of Armed Forces to serve as our Secretary of Defense. On the merits, I support the nomination of Lloyd Austin, and I believe that Mr. Austin is highly qualified for this role. However, the importance of civilian leadership at the Department of Defense is greater than any individual nominee.

The subordination of military authority to civil authority is a bedrock principle of our democracy. In 2017, when I voted against a waiver to allow James Mattis to serve as Secretary of Defense, I stressed that our Founders' emphasis on civilian leadership distinguished the young United States from the other nations of the time. I also noted that in enacting the exception for General Marshall in 1950, Congress expressly stated that: "the authority granted by this Act is not to be construed as approval by the Congress of continuing appointments of military men to the office of Secretary of Defense in the future. It is hereby expressed as the sense of the Congress that after General Marshall leaves the office of secretary of defense, no additional appointments of military men to that office shall be approved."

I still believe that the 7-year waiting period is a valuable practice—one of many—that preserves our Nation's long tradition of placing civilian authority above military authority. In 2017, I said "should Congress vote to waive this law at this moment in time, I will review the nomination [ . . . ] on its individual merits." And I intend to apply my words then to my actions now and will consider Mr. Austin's nomination on its merits when it comes to the floor for a vote.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I would ask unanimous consent to yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will read the title of the bill for the third time.

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

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

Mr. REED. Madam 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.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Kansas (Mr. MORAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Kansas (Mr. MORAN) would have voted "nay."

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

The result was announced—yeas 69, nays 27, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—69

Bennet	Hagerty	Paul
Blunt	Hassan	Peters
Boozman	Heinrich	Portman
Braun	Hickenlooper	Reed
Brown	Hirono	Risch
Cantwell	Hoeven	Romney
Capito	Inhofe	Rounds
Cardin	Johnson	Sanders
Carper	Kaine	Schatz
Casey	Kelly	Schumer
Cassidy	Kennedy	Scott (SC)
Coons	King	Shaheen
Cornyn	Klobuchar	Shelby
Cramer	Lankford	Sinema
Crapo	Leahy	Smith
Cruz	Luján	Stabenow
Daines	Manchin	Sullivan
Durbin	McConnell	Thune
Ernst	Menendez	Tuberville
Feinstein	Murkowski	Warner
Fischer	Murphy	Warnock
Graham	Ossoff	Whitehouse
Grassley	Padilla	Wicker

NAYS—27

Baldwin	Gillibrand	Rubio
Barrasso	Hawley	Sasse
Blackburn	Lee	Scott (FL)
Blumenthal	Lummis	Tester
Booker	Markey	Toomey
Collins	Marshall	Van Hollen
Cortez Masto	Merkley	Warren
Cotton	Murray	Wyden
Duckworth	Rosen	Young

NOT VOTING—4

Burr	Moran
Hyde-Smith	Tillis

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the bill is passed.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

The bill (H.R. 335) was passed.

The PRESIDING OFFICER. The Senator from New Jersey.

MORNING BUSINESS

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Senate be in a period of morning business,

with Senators permitted to speak therein for up to 10 minutes each.

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

#### TRIBUTE TO DR. MICHAEL CARTER

Mr. McCONNELL. Madam President, for more than two decades, my friend Dr. Michael Carter has made Campbellsville University an oasis where students can answer their calling. Nestled in the heart of Taylor County, CU offers quality Christian higher education to thousands of future leaders. As the school's president, Michael accomplished one remarkable goal after another. He also set the university on a path toward long-term success. At the end of last year, Michael began a richly-earned retirement leaving behind a grateful university community. I would like to take a moment today to recognize my friend for his servant leadership and his lasting impact in Kentucky and beyond.

According to CU's board chair, Michael's leadership "forever transformed" the century-old school. I couldn't agree more. When Michael came to campus in 1999, the university was home to around 1,600 students and 74 full-time faculty. His tenure has seen the CU family grow to include more than 13,500 students and a record-setting freshman class despite the coronavirus pandemic. CU recently graduated its first class of Ph.D. students, marking a major milestone for the school's academic excellence. He also nearly tripled the faculty ranks with leading scholars and dedicated educators.

To accommodate the new students and faculty, Michael undertook an ambitious plan to grow CU's physical footprint. That plan—like everything at CU—was centered on faith. Michael embarked on the construction of a landmark chapel anchoring the entire community in its mission. Then, under the steeple of the new Ransdell Chapel, the growth has continued to surpass expectations.

CU's expansion wasn't limited to the city of Campbellsville, either. Michael oversaw the opening of eight additional centers of learning in Kentucky and around the country. The university was even approved for a new international arm in Ontario. Today, CU properties account for 1.1 million square feet, giving it the ability to serve current students with plenty of space to expand its reach.

In each of my visits to the school, I have been impressed by the remarkable development under Michael's leadership. From its 850 student athletes to a \$137 million economic impact in Taylor County, Michael has helped CU reach previously unbelievable heights. With the rest of his all-star leadership team, including my friend Dr. John Chowning, Michael drove the school's growth while keeping focus on an unmatched student experience.

When CU bid farewell to its president, the community also said goodbye

to its consequential first lady. Debbie Carter has a long list of accomplishments in her own right. She took a leadership role in securing a national accreditation for CU's Carver School of Social Work. She was also a driving force to create pathways for students with financial needs to attend CU. Michael and Debbie made an incredible team that changed this university and our Commonwealth for years to come.

Whatever the future holds in store for Michael and Debbie, I would like to wish them the very best. They leave office with the sincere gratitude of a university community made better by two decades of devotion. I encourage my Senate colleagues to join me in honoring Dr. Michael Carter for his leadership at Campbellsville University.

#### TRIBUTE TO MAJOR GENERAL, RET. ARTHUR T. DEAN

Mr. GRASSLEY. Madam President, I would like to recognize the retirement of MG Arthur Dean as CEO and executive chairman of Community Anti-Drug Coalitions of America, known as CADCA. MG Arthur T. Dean, U.S. Army, Retired, came from humble beginnings in North Carolina to rise to the highest, most distinguished levels of military service, where he retired after 31 years at the grade of major general. He possesses numerous military awards, with the highest being two awards of the U.S. Army Distinguished Service Medal.

I have had the honor to work with CADCA for many years and have long supported their efforts to prevent drug abuse. For instance, I supported and led efforts to create the Drug Free Communities Program in 1997.

Major General Dean began his career as CEO and board chair at CADCA in 1998, so we have had the pleasure of working on anti-drug efforts for over 20 years. I applaud him in his well-deserved retirement.

Over the past 23 years of service, I have had the pleasure to witness General Dean use his superior leadership, diplomatic skills, and passion to build CADCA into a world-class organization. Under his leadership, the Drug Free Communities Program has grown, and now over 2,000 communities benefit from these grants.

General Dean is a leader with vision, compassion, and a steely determination to ensure that substance use prevention remains a national priority so the next generation of Americans can grow up safe, healthy and drug free.

General Dean has been an outstanding leader of CADCA. His legacy will be one of progress and dedication towards reducing rates of youth substance use and misuse.

I want to thank General Dean for his dedicated and exceptional service to our Nation, both as a military and civilian leader, and wish him well in his much-deserved retirement.

#### CONFIRMATION OF AVRIL DANICA HAINES

Mrs. FEINSTEIN. Madam President, I today rise in support of the nomination of Ms. Avril Haines as the Director of National Intelligence.

Last night, the Senate overwhelming voted to confirm Ms. Avril Haines as the Director of National Intelligence with a vote of 84-10.

I voted in support of Director Haines as I believe her to be a highly-qualified professional with the trust and mandate by President Biden to be a strong leader and reinstall stability and objectivity to the intelligence community.

She has pledged to defend and uphold our democracy, our freedoms and our values by ensuring there is simply no place for politics ever when it comes to intelligence.

It is clear from her background that Ms. Haines has the experience necessary to be an effective DNI.

She has served as both the Deputy Director of CIA and as Deputy National Security Advisor to President Obama, along with other positions in the White House and Congress.

Her nearly 20 years of experience in national security, intelligence, and foreign policy matters gives her valuable insight into the many challenges facing the intelligence community and makes her a great choice for Director of National Intelligence.

Based on my conversations with Director Haines and her testimony before the Senate Intelligence Committee, I am fully confident she has what it takes to put the IC on the right path.

During her confirmation hearing on Tuesday, January 19, 2021, Director Haines outlined her top three priorities: No. 1, strengthening the institution including increasing trust and credibility with analytic objectivity; No. 2, better aligning IC efforts and resources to the major threats we are facing such as China and transnational threats; and No. 3, building better partnerships Congress, academia, the private sector, U.S. State and local officials, and with other countries.

I strongly agree on these significant priorities and look forward to periodically receiving updates from her on these.

Furthermore, I thank her for her clearly stated position that waterboarding is, in fact, torture and that the CIA's former interrogation program's enhanced interrogation techniques included torture.

In short, she is the ideal candidate to head the intelligence community at a time when we face numerous crisis threatening our national security.

She inherits an intelligence community beset by challenges, and I look forward to working with her to protect the American people.

Mr. PAUL. Madam President, the Director of National Intelligence must demonstrate commitment to restraining the vast power of our intelligence agencies. They should not view themselves as an enabler or facilitator of