commander supported them, 73 percent were satisfied with their unit commander's response, and 73 percent said they would recommend others report if they were a victim of sexual assault.

And this is really important: The Gillibrand amendment does nothing to combat retaliation. The recent RAND survey found that the majority of reported retaliation does not come from commanders; it comes from peers. This is a cultural problem we have to get after, and certainly I would stand ready to work with Senator GILLIBRAND, Senator GRASSLEY, and all of my colleagues to look to see what we have to do to get at this peer-to-peer retaliation, which is the vast majority of what was reported.

Finally, the Gillibrand amendment actually weakens punishment for the crime of retaliation. By moving retaliation from article 92 to article 93 of the UCMJ, it would actually reduce the maximum punishment for this crime, and it, finally, prohibits the resources necessary to get at this problem. The amendment says we cannot add any additional resources to get after this.

Historic reforms have been made. They are working, based on data. Talking to dozens and dozens of prosecutors and untold victims, as a former sex crimes prosecutor who cares about nothing more than taking care of victims and making sure they have due process and are respected and deferred to, I must urge this body to reject the Gillibrand approach, which removes commanders from being held accountable where they must be held accountable.

Mr. President, I urge a ''no'' vote on the Gillibrand amendment.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I wish to respond to the last point and the first point that my colleague made that somehow this reform makes commanders less responsible.

The PRESIDING OFFICER. The Senator is advised that all time for debate has expired.

Mrs. GILLIBRAND. I ask unanimous consent to continue the debate for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, this statement that somehow commanders are removed from responsibility and that we are not keeping commanders responsible, that couldn't be further from the truth. Today, commanders are the only ones responsible for good order and discipline at every level. The unit commander is responsible for order and discipline. Every aspect of the chain of command is responsible. It is their jobs to train troops, to maintain good order and discipline, to prevent rapes and crimes from being committed under their command, and to punish retaliation. They have failed in that duty.

In this chain of command, 97 percent of commanders are responsible and do not have the convening authority we would like to give to prosecutors—97 percent, their job doesn't change one iota.

So to say you are making commanders less responsible is a false statement that has no bearing. In fact, they are 100 percent responsible for good order and discipline, for training their troops, to prevent these rapes, and to prosecute retaliation. In 1 year—they have been on notice for years about this, 25 years, and we have this zero tolerance. They are super on notice now—in 1 year, not one prosecution of retaliation.

This guy can prosecute retaliation under article 15. This guy can do something about retaliation. This guy, this guy, this guy. Only 3 percent have the right to convening authority, and that 3 percent needs to be moved to someone who is actually a lawyer, who is trained, who knows how to weigh evidence and can make the right decision, and that is not what is happening today.

So right now this supervisor and unit leader—in 60 percent of the cases where there is alleged gender discrimination or sexual harassment, it is the unit leader. One in seven of the alleged rapists is one of these commanders—chain of command.

There is a perspective by a survivor that this chain of command ''does not have my back.'' So I would like to give it to another chain of command—senior military prosecutors—to make this decision, so her perspective can be: Someone has my back. This chain of command may well be tainted for her if her unit commander is harassing her and her rapist is in the chain of command. We need to professionalize the system.

We are trying to make the military the best prosecutorial system in the world, and they can do this mission. We need to give them the tools, and having this current status quo—the status quo that has been in charge of no retaliation and no rape for 25 years—is failing. To have the same rate of retaliation we had 2 years ago when the commanders said: You must trust us to do this—every one of these commanders does not have convening authority, but every one of these commanders could have stopped retaliation.

When you say it is just peer-to-peer, it is dishonest. Thirty percent of the cases of retaliation are administrative, 30 percent of the cases are professional. Only a commander can administer administrative or professional retaliation.

This culture must change, and if Congress doesn't take their responsibility to hold the Department of Defense accountable, no one will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the fiscal year 2015 NDAA passed last year included 34 new provisions dealing with sexual assault. Commanders have barely had time to implement these provisions, let alone assess their effectiveness.

The fiscal year 2014 NDAA included more than 50 individual provisions, the most comprehensive set of changes to the Uniform Code of Military Justice since 1968.

Cumulative, the last three NDAAs included 71 sections of law containing more than 100 unique requirements, including 16 congressional reporting requirements. This year's bill builds on that progress with 12 military justice provisions, including every proposal that was offered by Senator GILLIBRAND during the committee's markup of this legislation.

It is true that sexual assaults have been reduced. That is a fact. That is a fact. So to somehow allege that nothing has been done—her proposal is rejected by literally every member of the military whom I know who has years of experience.

We cannot remove the commanding officer from the chain of command, and that is what Senator GILLIBRAND's amendment and effort has been—to remove the commanding officer from responsibility—and I will steadfastly oppose it.

I hope that at some point the Senator from New York would acknowledge that we took in this bill every provision that she offered during the markup of the legislation.

So with respect and appreciation for Senator GILLIBRAND's passion and for her dedication on this issue, I respectfully disagree and urge my colleagues to reject this amendment.

Mr. President, I yield the floor.

UNANIMOUS CONSENT AGREEMENT—ORDER OF PROCEDURE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture vote on the substitute amendment No. 1463 be waived; further, that there be 2 minutes of debate, equally divided, prior to each vote in the 2:15 p.m. series.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

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

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—Continued

AMENDMENT NO. 1549

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1549, offered

by the Senator from Arizona, Mr. MCCAIN, for the Senator from Iowa, Mrs. ERNST.

The Senator from Iowa.

Mrs. ERNST. Will the Chair notify me after 30 seconds?

The PRESIDING OFFICER. The Senator will be so notified.

Mrs. ERNST. I thank the Presiding Officer.

Colleagues, just a few brief points on this amendment.

We are just providing the administration the option to get arms directly to the Kurds. The Kurds currently are providing refuge to over 1.6 million refugees from Iraq and Syria. Many of them are ethnic and religious minorities, such as Christians.

The Peshmerga have shown the ability to be effective on the battlefield against ISIS. This Ernst-Boxer amendment is a companion bill to the one presented by Representatives ROYCE and ENGEL in the House.

I urge my colleague to support this amendment.

The PRESIDING OFFICER. The Senator has used 30 seconds.

Mrs. ERNST. I yield to Senator BOXER.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Presiding Officer.

Mr. President, I am very proud to team up with the good Senator because this is a very modest amendment that just puts us in line with our colleagues: the United Kingdom, Germany, Turkey, Canada, France, Australia, and others who already are directly arming the Kurds.

Now, the President's policy that I absolutely support is we are going to take this fight to ISIS, but we are not going to have combat boots on the ground; we are going to help strategically with airstrikes.

These are the people who are taking it day after day—deaths and blood and wounds. The least we can do is support this amendment.

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I oppose the Ernst amendment. It would undermine what has been the fundamental policy of the United States going back into the last administration: a unified, sovereign Iraq. This amendment would send a signal to the Iraqis that we are supporting the Kurds directly, not supporting a unified, sovereign Iraq. That would complicate our efforts against ISIL. It would complicate our efforts in the region.

Also, it is the situation now where the effort is shifting into Anbar Province in the Sunni areas. We are supporting the Kurds. In fact, Prime Minister Barzani was here a few weeks ago and indicated that he was at least accepting of the arrangements, which I think were appropriate.

If this amendment passes, the perception will be that the United States is now not trying to unify or help the Iraqis unify but put a degree of separation between an autonomy, and that would be a mistake.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Mrs. ERNST. 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).

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—54

Ayotte	Fischer	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Peters
Booker	Grassley	Portman
Boozman	Hatch	Risch
Boxer	Heinrich	Roberts
Burr	Heller	Rounds
Capito	Hoeven	Sasse
Cassidy	Inhofe	Schatz
Coats	Isakson	Scott
Collins	Johnson	Shelby
Cornyn	Kirk	Stabenow
Cotton	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Vitter
Ernst	Moran	Wyden

NAYS—45

Alexander	Flake	Murray
Baldwin	Franken	Nelson
Bennet	Gillibrand	Perdue
Blumenthal	Heitkamp	Reed
Brown	Hirono	Reid
Cantwell	Kaine	Sanders
Cardin	King	Schumer
Carper	Klobuchar	Sessions
Casey	Leahy	Shaheen
Cochran	Markey	Tester
Coons	McCaskill	Udall
Corker	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murphy	Wicker

NOT VOTING—1

Rubio

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 1578

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on amendment No. 1578, offered by the Senator from Rhode Island, Mr. REED, for the Senator from New York, Mrs. GILLIBRAND.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to urge my colleagues to vote yes on this strongly bipartisan amendment. The central question is simple—whether this Congress is doing everything we can to protect members of our military. The metric of success is not how many reforms we have passed; it is whether we have passed all of the reforms that are necessary to make the difference. If you think the assault rate that is exactly where it was in 2010 is unacceptable, then vote yes. Some 20,000 sexual assaults, rapes, and unwanted sexual contact in 1 year alone is unacceptable. If you think an average of 52 cases every single day is unacceptable, then vote yes. If you think it is unacceptable that three out of four servicemembers still don't feel it is worth the risk of reporting, then vote yes. If you think that zero progress on retaliation isn't good enough, then vote yes. If you think a sexual assault survivor being 12 times more likely to suffer retaliation than see their offender get convicted for a sex offense, then vote yes.

Let's do the right thing. Let's take action and stop the assaults, stop the retaliation, and build trust and professionalize our military justice system.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I strongly oppose this effort. If you care about our military commanders, listen to them. Every one of them opposes this. If my colleagues believe that the military legal community knows what they are talking about, listen to them. Every JAG of every service opposes this. A 29-percent decrease in sexual assault incidents, a 70-percent increase in reporting. Senator MCCASKILL, Senator AYOTTE, Senator FISCHER, and many others, along with Senator REED—we have reformed the military justice system in an appropriate manner. But here is what we should never allow to happen:

Commander, last night there was an alleged rape in the barracks.

Oh, I don't care about that anymore; send that over to the lawyers.

Let's never let that happen. Never let a commander avoid responsibility for what happens in their unit. It is their job to make sure we have good order and discipline. Don't let them off the hook. Reinforce good commanders and fire bad ones. Do not disenfranchise the best military leadership in the history of the world. And that is exactly what this does. We will solve the sexual assault problem. We are not going to dismantle the infrastructure that has given us the finest military in the history of mankind. That is why everybody who knows what they are talking about opposes this.

Mr. WICKER. 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 bill clerk called the roll.

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

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—50

Baldwin	Franken	Murkowski
Bennet	Gardner	Murphy
Blumenthal	Gillibrand	Murray
Booker	Grassley	Paul
Boxer	Heinrich	Peters
Brown	Heitkamp	Reid
Cantwell	Heller	Sanders
Cardin	Hirono	Schatz
Casey	Kirk	Schumer
Collins	Klobuchar	Shaheen
Coons	Leahy	Stabenow
Cruz	Markey	Thune
Daines	McConnell	Udall
Donnelly	Menendez	Vitter
Durbin	Merkley	Warren
Enzi	Mikulski	Wyden
Feinstein	Moran	

NAYS—49

Alexander	Flake	Reed
Ayotte	Graham	Risch
Barrasso	Hatch	Roberts
Blunt	Hoeven	Rounds
Boozman	Inhofe	Sasse
Burr	Isakson	Scott
Capito	Johnson	Sessions
Carper	Kaine	Shelby
Cassidy	King	Sullivan
Coats	Lankford	Tester
Cochran	Lee	Tillis
Corker	Manchin	Toomey
Cornyn	McCain	Warner
Cotton	McCaskill	Whitehouse
Crapo	Nelson	Wicker
Ernst	Perdue	
Fischer	Portman	

NOT VOTING—1

Rubio

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

CLOTURE MOTION

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on amendment No. 1463, offered by the Senator from Arizona, Mr. MCCAIN.

Mr. LEAHY. Mr. President, today, the Senate will vote on whether we will accept the budget gimmicks used by the Senate majority to pay for defense spending priorities, or reject those efforts in favor of a meaningful budget deal that protects both defense and discretionary spending. After more than 2 weeks of consideration, and votes on fewer than a dozen of the over 550 amendments that have been filed, I am disappointed by the majority leader's decision to vote to cut off debate on the pending Defense authorization bill. This bill deserves thorough consideration. It has not received that.

Even worse, little progress has been made in approving amendments through managers' packages. Less than two dozen amendments have been approved by unanimous consent. Even in years when this bill has been most troubled, we have been able to clear noncontroversial amendments on both sides in significantly greater numbers, to improve the underlying authorization. But this year, that has not happened. So when asked if we should cut off debate, my answer is a clear ''no.'' Debate over what should or should not be in this bill is not yet close to over.

It is too bad, because this bill includes many provisions that I support to promote our national interests, provide support to our military personnel, and reaffirm our commitment to partners abroad. As the bill's managers have both noted time and again, this Defense authorization bill increases readiness, keeps faith with servicemembers and their families, and invests in game-changing technology.

As in past years, however, I am concerned that this year's Defense authorization bill includes several ill-advised provisions that would make it even harder to close the detention facility at Guantanamo Bay. It imposes unnecessary new restrictions on transferring detainees to foreign countries—despite the steep cost of holding detainees at Guantanamo. And even though military commission proceedings still have barely gotten off the ground—14 years after September 11—it provides no realistic path for transferring detainees to the United States for trial in Article III courts. As long as the detention facility at Guantanamo remains open, it will continue to serve as a recruitment tool for terrorists and tarnish America's role as a champion of human rights. Closing Guantanamo is the morally and fiscally responsible thing to do, and I strongly oppose the provisions in this bill that needlessly restrict detainee transfers out of that facility.

But perhaps the biggest flaw of this bill is that it yet again relies on and expands the Overseas Contingency Operations fund to avoid sequestration caps. The intention of this fund, which I have repeatedly stated should be done away with, has been severely distorted since its inception. We cannot continue to put our national defense on a credit card while asking working families to take responsibility for these costs. I support eliminating sequestration and believe it never should have been put in place, but simply ignoring its cap for defense spending by putting it in this off-books account doesn't get us any closer to that reality. We need a real solution to rid ourselves of sequestration, not one that relies on gimmicks while leaving military families, and low- and middle-class families, as well as our veterans, behind.

The Senate needs to fully consider this bill. The annual Defense authorization is an important bill. It is also a comprehensive bill that authorizes over $½ trillion in defense spending, including pay and benefits, acquisition programs, and initiatives to protect our national security. It should be fully vetted before debate is ended. We owe it to the American people. I will oppose cloture on this substitute amendment.

Mr. MCCAIN. Mr. President, I yield back the time.

Mr. REED. Mr. President, I yield back the time.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the McCain amendment No. 1463 to H.R. 1735, an act to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, John McCain, Richard C. Shelby, Jeff Flake, John Barrasso, John Cornyn, Mike Rounds, Jeff Sessions, Shelley Moore Capito, Lamar Alexander, Lindsey Graham, Joni Ernst, John Hoeven, Roger F. Wicker, Kelly Ayotte, Richard Burr, Thom Tillis.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1463, offered by the Senator from Arizona, Mr. MCCAIN, to H.R. 1735, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

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

The yeas and nays resulted—yeas 83, nays 15, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—83

Alexander	Feinstein	Murray
Ayotte	Fischer	Nelson
Barrasso	Flake	Perdue
Bennet	Gardner	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Boxer	Heitkamp	Rounds
Burr	Heller	Sasse
Cantwell	Hirono	Schatz
Capito	Hoeven	Schumer
Cardin	Inhofe	Scott
Carper	Isakson	Sessions
Cassidy	Johnson	Shaheen
Coats	Kaine	Shelby
Cochran	King	Stabenow
Collins	Kirk	Sullivan
Coons	Klobuchar	Tester
Corker	Lankford	Thune
Cornyn	Lee	Tillis
Cotton	McCain	Toomey
Crapo	McCaskill	Udall
Daines	McConnell	Vitter
Donnelly	Menendez	Warner
Durbin	Moran	Whitehouse
Enzi	Murkowski	Wicker
Ernst	Murphy	

NAYS—15

Baldwin	Gillibrand	Paul
Brown	Leahy	Reid
Casey	Manchin	Sanders
Cruz	Markey	Warren
Franken	Merkley	Wyden

NOT VOTING—2

Mikulski Rubio

The PRESIDING OFFICER. On this vote, the yeas are 83, the nays are 15.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Arizona.

AMENDMENT NO. 1456

Mr. MCCAIN. Mr. President, I call for the regular order with respect to the McCain amendment No. 1456.

The PRESIDING OFFICER. The amendment is now pending.

Mr. MCCAIN. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1911 TO AMENDMENT NO. 1456

Mr. MCCAIN. Mr. President, I call up the Hatch amendment No. 1911, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. HATCH, proposes an amendment numbered 1911 to amendment No. 1456.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require a report on the Department of Defense definition of and policy regarding software sustainment)

At the appropriate place, insert the following:

SEC. _____. REPORT ON DEPARTMENT OF DEFENSE DEFINITION OF AND POLICY REGARDING SOFTWARE SUSTAINMENT.

(a) REPORT ON ASSESSMENT OF DEFINITION AND POLICY.—Not later than March 15, 2016, the Secretary of Defense shall submit to the congressional defense committees and the President pro tempore of the Senate a report setting forth an assessment, obtained by the Secretary for purposes of the report, on the definition used by the Department of Defense for and the policy of the Department regarding software maintenance, particularly with respect to the totality of the term ''software sustainment'' in the definition of ''depot-level maintenance and repair'' under section 2460 of title 10, United States Code.

(b) INDEPENDENT ASSESSMENT.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in matters described in subsection (a), selected by the Secretary for purposes of the assessment.

(c) ELEMENTS.—

(1) IN GENERAL.—The assessment obtained for purposes of subsection (a) shall address, with respect to software and weapon systems of the Department of Defense (including space systems), each of the following:

(A) Fiscal ramifications of current programs with regard to the size, scope, and cost of software to the program's overall budget, including embedded and support software, percentage of weapon systems' functionality controlled by software, and reliance on proprietary data, processes, and components.

(B) Legal status of the Department in regards to adhering to section 2464(a)(1) of such title with respect to ensuring a ready and controlled source of maintenance and sustainment on software for its weapon systems.

(C) Operational risks and reduction to materiel readiness of current Department weapon systems related to software costs, delays, re-work, integration and functional testing, defects, and documentation errors.

(D) Other matters as identified by the Secretary.

(2) ADDITIONAL MATTERS.—For each of subparagraphs (A) through (C) of paragraph (1), the assessment obtained for purposes of subsection (a) shall include review and analysis regarding sole-source contracts, range of competition, rights in technical data, public and private capabilities, integration lab initial costs and sustaining operations, and total obligation authority costs of software, disaggregated by armed service, for the Department.

(d) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall provide the independent entity described in subsection (b)with timely access to appropriate information, data, resources, and analysis so that the entity may conduct a thorough and independent assessment as required under such subsection.

AMENDMENT NO. 1473, AS FURTHER MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Vitter amendment No. 1473 be further modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

(Purpose: To limit the retirement of Army combat units, and to provide an offset)

On page 38, line 12, insert after ''**FIGHTER AIRCRAFT**'' the following: ''**AND ARMY COMBAT UNITS**''.

On page 43, between lines 3 and 4, insert the following:

(e) MINIMUM NUMBER OF ARMY BRIGADE COMBAT TEAMS.—Section 3062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Effective October 1, 2015, the Secretary of the Army shall maintain the following:

''(A) A total number of brigade combat teams for the regular and reserve components of the Army of not fewer than 32 brigade combat teams.

''(B) A total number of brigade combat teams for the Army National Guard of not fewer than 28 brigade combat teams.

''(2) In this subsection, the term 'brigade combat team' means any unit that consists of—

''(A) an arms branch maneuver brigade;

''(B) its assigned support units; and

''(C) its assigned fire teams''.

(f) REDUCTION OF ARMY BRIGADE COMBAT TEAMS.—

(1) PRESERVATION OF TEAMS.—The Secretary of the Army shall give priority to maintaining 32 brigade combat teams for the Army as required by subsection (e)(1) of section 3062 of title 10 United States Code (as amended by subsection (e) of this section), and shall carry out such priority as funding or appropriations become available to maintain such war fighting capability.

(2) REDUCTION.—Notwithstanding subsection (e)(1) of section 3062 of title 10 United States Code (as so amended), or paragraph (1) of this subsection, the Secretary may, after October 1, 2015, reduce the number of brigade combat teams of the Army to fewer than 32 brigade combat teams, or reduce the number of brigade combat teams of the National Guard to fewer than 28 brigade combat teams, upon the latest of the following:

(A) The date that is 30 days after the date on which the Secretary submits the report required by paragraph (3).

(B) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that the reduction of Army brigade combat teams will not increase the operational risk of meeting the National Defense Strategy.

(C) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(i) in the case of a reduction in the number of brigade combat teams of the Army to fewer than 32 brigade combat teams, funding or appropriations are not adequate to sustain 32 brigade combat teams for the regular Army; or

(ii) in the case of a reduction in the number of brigade combat teams of the Army National Guard to fewer than 28 brigade combat teams, funding or appropriations are not adequate to sustain 28 brigade combat teams for the National Guard.

(3) REPORT.—The Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) The rationale for any proposed reduction of the total strength of the Army, including the National Guard and Reserves, below the strength provided in subsection (e) of section 3062 of title 10, United States Code (as so amended), and an operational analysis of the total strength of the Army that demonstrates performance of the designated mission at an equal or greater level of effectiveness as the personnel of the Army so reduced.

(B) An assessment of the implications for the Army, the Army National Guard of the United States, and the Army Reserve of the force mix ratio of Army troop strengths and combat units after such reduction.

(C) Such other matters relating to the reduction of the total strength of the Army as the Secretary considers appropriate.

(g) ADDITIONAL REPORTS.—

(1) IN GENERAL.—At least 90 days before the date on which the total strength of the Army, including the National Guard and Reserves, is reduced below the strength provided in subsection (e) of section 3062 of title 10, United States Code (as amended by subsection (e) of this section), the Secretary of the Army, in consultation with (where applicable) the Director of the Army National Guard or Chief of the Army Reserve, shall submit to the congressional defense committees a report on the reduction.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A list of each major combat unit of the Army that will remain after the reduction, organized by division and enumerated down to the brigade combat team-level or its equivalent, including for each such brigade combat team—

(i) the mission it is assigned to; and

(ii) the assigned unit and military installation where it is based.

(B) A list of each brigade combat team proposed for disestablishment, including for each such unit—

(i) the mission it is assigned to; and

(ii) the assigned unit and military installation where it is based.

(C) A list of each unit affected by a proposed disestablishment listed under subparagraph (B) and a description of how such unit is affected.

(D) For each military installation and unit listed under subparagraph (B)(ii), a description of changes, if any, to the designed operational capability (DOC) statement of the

unit as a result of a proposed disestablishment.

(E) A description of any anticipated changes in manpower authorizations as a result of a proposed disestablishment listed under subparagraph (B).

(h) REPORT MANNING OF BRIGADE COMBAT TEAMS AT ACHIEVEMENT OF ARMY ACTIVE END-STRENGTH.—Upon the achievement of the end strength for active duty personnel of the Army specified in section 401(1), the Secretary of the Army shall submit to the congressional defense committees a report on the current manning of each brigade combat team of the Army.

(i) CONSTRUCTION.—Nothing in this section should be construed to supersede Army manning of brigade combat teams at designated levels.

(j) ANNUAL PAY INCREASES.—

(1) SENSE OF CONGRESS ON PAY INCREASES.—It is the sense of Congress that, if the President exercises the authority under section 1009(e) of title 37, United States Code, with respect to the rates of basic pay for members of the uniformed services—

(A) the adjustment in the rates of basic pay for each statutory pay system under section 5303 of title 5, United States Code, should be 0.5 percentage points less than the percentage adjustment in the rates of basic pay for members of the uniformed services; and

(B) the President should not adjust, under the authority under section 5303(b) of title 5, United States Code, the rates of basic pay for a statutory pay system by a percentage that is greater than the percentage described in subparagraph (A).

(2) ADJUSTMENT TO RATES OF PAY FOR FISCAL YEAR 2016.—

(A) STATUTORY PAY SYSTEMS.—The adjustment in rates of basic pay for employees under the statutory pay systems (as defined in section 5302 of title 5, United States Code) that takes effect in 2016 under section 5303 of title 5, United States Code, shall be a decrease of 1.0 percent, and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2016.

(B) PREVAILING RATE EMPLOYEES.—The adjustment in rates of basic pay for the statutory pay systems that take place in 2016 under sections 5344 and 5348 of title 5, United States Code, shall be equal to the percentage decrease received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under subparagraph (A) of this paragraph and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is decreased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5, United States Code, for purposes of this subparagraph.

(3) ADJUSTMENT TO RATES OF PAY FOR FISCAL YEAR 2017.—

(A) STATUTORY PAY SYSTEMS.—The adjustment in rates of basic pay for employees under the statutory pay systems (as defined in section 5302 of title 5, United States Code) that takes effect in 2017 under section 5303 of title 5, United States Code, shall be a decrease of 1.0 percent, and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2017.

(B) PREVAILING RATE EMPLOYEES.—The adjustment in rates of basic pay for the statutory pay systems that take place in 2017 under sections 5344 and 5348 of title 5, United States Code, shall be equal to the percentage decrease received by employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under subparagraph (A) of this paragraph and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is decreased pursuant to sections 5303 and 5304 of title 5, United States Code, and prevailing rate employees described in section 5343(a)(5) of title 5, United States Code, shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5, United States Code, for purposes of this subparagraph.

(4) SENSE OF CONGRESS ON USE OF FUNDS AVAILABLE.—It is the sense of Congress that amounts available to the Government by reason of the reductions in adjustments to rates of pay for fiscal years 2016 and 2017 by reason of paragraphs (2) and (3) should be used to sustain a total number of brigade combat teams for the regular and reserve components of the Army of not fewer than 32 brigade combat teams, anda total number of brigade combat teams for the Army National Guard of not fewer than 28 brigade combat teams, during fiscal years 2016 and 2017 as required by subsection (e) of section 3062 of title 10, United States Code (as amended by subsection (e) of this section).

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate vote in relation to the Vitter amendment at 5 p.m., with the time equally divided in the usual form and no second-degrees prior to the vote. I further ask that Senator LEE or his designee be recognized to withdraw his amendment No. 1687 prior to the vote on the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

AMENDMENT NO. 1687

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Lee amendment No. 1687 be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. MCCAIN. Mr. President, 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. CORNYN. 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. CORNYN. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

AMENDMENT NO. 1889

Mr. CORNYN. Mr. President, this morning I voted against the Feinstein-McCain amendment No. 1889 because I believe it represents shortsighted national security policy.

The central provision of this amendment would limit the interrogation of detainees by any U.S. Government employee or agent to techniques that are listed in the publicly available Army Field Manual on human intelligence collection (FM 2–22.3), essentially codifying a portion of Executive Order No. 13491, issued by President Obama on January 22, 2009. Due to the wide public availability of this manual, this policy enables our enemies to study and dissect the methods we use to try to elicit sensitive information from them, giving them the opportunity to train against these techniques and prepare for them.

Quite simply, the effect of this policy is to hand our entire interrogation playbook to groups such as the self-declared Islamic State of Iraq and the Levant, ''ISIL,'' Al Qaeda, and the Taliban, which is a profound mistake. Moreover, this limitation is unnecessary, because Congress has already taken action to prohibit interrogation or other treatment of detainees that is ''cruel, inhuman, or degrading treatment or punishment'' by enacting the Detainee Treatment Act of 2005.

In the past, other interrogation techniques that were not publicly disclosed to our enemies, known as enhanced interrogation techniques, proved their worth in numerous instances. In the wake of the terrorist attacks of September 11, 2001, these enhanced techniques were deemed necessary for use with certain hardened Al Qaeda leaders and operatives who possessed valuable intelligence that could save American lives, including knowledge of planned attacks against our Nation. There is strong evidence to believe that EITs, in desperate situations, helped protect our country from terrorist attacks. In addition, intelligence obtained through these interrogations helped locate Osama bin Laden and enabled the operation to kill or capture him in Abbottabad, Pakistan, on May 2, 2011. The Obama administration cannot deny that intelligence gleaned through the use of enhanced techniques played a role in tracking down bin Laden.

In recent months, the threat of terrorism has been increasing in both intensity and complexity. The rise of the terrorist army of ISIL makes this a challenging time in the fight against terrorism. While it is clear that President Obama has no intention of authorizing the use of enhanced interrogation techniques while he is President, this amendment would unwisely and tightly restrict the tools available to future Presidents to protect this country. I cannot support such a policy.

WORKING ACROSS THE AISLE

Mr. President, for the past several weeks we have been debating the National Defense Authorization Act, which performs one of our most important and significant functions, which is to make sure the people who fight our

Nation's wars have the resources they need in order to do the job and to keep the American people safe.

This bill that started in the Armed Services Committee passed out overwhelmingly, and that is because this is not or should not be a partisan issue. Our duty to protect our troops so they can protect us should be a no-brainer. You would think partisan politics would be the furthest thing from this debate.

I am glad the Senate has now taken a big step forward to help move this legislation along, but I have to admit there are some ominous signs on the horizon. Initially, Senate Democrats on the Armed Services Committee threatened to block this bill in the committee unless there was some deal cut on spending. That is troubling, although I am grateful that only four Democrats voted against this bill in the committee. Then there is some suggestion from the President of the United States that he might consider vetoing this legislation. Why? Because he disagrees with some of the content of this legislation? Well, no. The reason he threatened to veto it is because he said we haven't agreed to his demands to increase spending—by the way, spending money we don't have, adding to our national debt.

It concerns me a great deal when something that should enjoy broad bipartisan support, such as our national defense, somehow becomes a potential hostage to take in the spending wars here in Washington, DC.

Now we have learned that the strategy among our Democratic friends is not to block this bill. Candidly, I think that is because they realized they didn't have the votes to do it, and it would have been a momentous decision if they had blocked it for some extraneous reason. But now we are told that the next bill we turn to, which will probably be the Defense appropriations bill—that our friends across the aisle are threatening to block that in another continuing effort to do what they call prepare for their filibuster summer.

The great thing about our friends across the aisle is that you don't have to wonder necessarily what they are planning to do; all you have to do is read the newspapers because they will tell you. There, Senator SCHUMER, one of the senior Democrats in leadership, said they plan to block every appropriations bill until they get a negotiated deal to raise spending limits that have been in effect since 2011.

Well, I have to think this is why the minority leader, the Senator from Nevada, initially when we were starting debate on this bill, suggested it would be a waste of time. I can't think of any other reason why he would say debating and voting on and passing the Defense authorization bill would be a waste of time unless there was some implicit threat there that it would never actually see the light of day.

But there has been a casualty along the way. You will remember that last Thursday we had a vote on a bill that would effect commonsense improvements in our cyber security at a time when more and more Americans are undergoing cyber attacks. Of course, these take different forms, but many nation states have active cyber attack efforts against our intellectual property—let's say the people who have labored long and hard and make big investments in weapons systems and airplanes and the like. Well, our adversaries are actively trying to steal the design information so they can copy that, of course at a much cheaper cost, and they can learn what the capabilities are of our weapons systems and our airplanes.

But other cyber attacks are more straightforward. It is just crime. It is stealing people's identity. It is stealing their money. It is stealing their resources. There are criminal networks all around the world that are actively engaged in trying to steal from the American people online.

So you would have thought that this amendment, dealing as it did with cyber security—that a good place to park this would have been on the Defense authorization bill, as important a role as cyber security plays in our national security. Of course, the purpose was to help the government and private businesses work together to protect Americans' personal information and their privacy, which is a pretty straightforward goal. Protecting the personal information of the American people is very important. And it was noncontroversial. This particular bill that was offered as an amendment to the Defense authorization bill passed out of the Senate Intelligence Committee 14 to 1. But since this is filibuster summer, the minority leader, Senator REID, decided the Democrats were going to vote as a group to block that amendment.

Not even 24 hours later, though—their timing could not have been worse—the need for this critical legislation became even more urgent. On Friday—1 day after the Democratic leader urged his colleagues to block this important cyber security measure—media reports began confirming that hackers had accessed government networks and obtained incredibly sensitive background information used for security clearances in a second breach to the personnel management systems. This information, which one former NSA official described as the crown jewels and a gold mine for foreign intelligence services, was reportedly stolen en masse and includes many personal details of job applicants. As a matter of fact, the people who actually applied for a security clearance, which is processed by the Office of Personnel Management, the people who fill out these forms fill out extensive background information, including birth dates, names, telephone numbers, and the like, but it also includes things such as passport information, Social Security numbers, private identification and background details, extensive information about background places of residence and addresses, and the names and contact information of close friends and family members. So you can see why there would be concern when state actors penetrate the network at the Office of Personnel Management to steal information about that background and security clearance process. This stolen information could be used not only against our intelligence officers and military officials but also their family and friends who may well now be exposed.

That same day, last Friday, it was reported that the first Office of Personnel Management data breach—a breach that was initially reported 2 weeks ago—actually compromised the records of as many as 14 million current and former government officials. That is more than three times the original estimate.

While our Nation's public servants were having their sensitive personal information stolen, the Democratic leader led nearly all of his colleagues to block sensible, bipartisan legislation which was focused on that specific threat and which would provide for greater information sharing between the private sector and government in order to address this very problem.

I am pleased to say that the minority leader was not able to convince all Democrats to block this legislation. In fact, seven Democratic members voted to promote security over partisanship. Good for them for joining us in doing that.

As I said before, but it is worth noting again, the American people have rejected this idea that the Senate and the Congress should do nothing. They did that last November during the election. They made crystal clear that they wanted their elected representatives, whether the House or the Senate, to come here to Washington on their behalf and to actually take steps to make their lives better and to work on their behalf, not to use this Chamber for partisan political games.

We have heard the accusations in the past. The Democratic leader has loudly and routinely criticized this side of the aisle for obstruction. But threatening to block all funding bills unless you get 100 percent of what you want, after spending money we don't have and while looking at an escalating debt in the tens of trillions of dollars, is, to me, the height of hypocrisy.

By pledging to filibuster upcoming appropriations bills, including the Defense appropriations bill, he and his Democratic colleagues have made their priorities very clear. They are willing to jeopardize the paychecks and the security of our men and women in uniform so they can give more taxpayer dollars to sprawling bureaucracies such as the IRS and the EPA. Unfortunately, the leadership on the other side of the aisle is using these very same troops who put their lives on the line every day to score a few partisan

points and to leverage their insatiable appetite for tax dollars. There is never enough. There is never enough.

I don't know that everyone on that side of the aisle is comfortable with this strategy. I am somewhat encouraged in a strange sense of the word by the fact that seven Democrats refused to follow the Democratic leader down this path to blocking the cyber security legislation. To their credit, they voted on the merits of the legislation. But, unfortunately, not enough did in order for us to get it considered and voted on.

In light of this almost contemporaneous occurrence at the Office of Personnel Management and the recurring daily stories about how cyber attacks are stealing personal property, represent an intelligence threat, and are stealing the money of the American people, I hope our colleagues will work with us to do what the American people elected us to do, which is to work together to move forward sensible, bipartisan legislation that is important to the country.

I hope our friends across the aisle will listen to the American people instead of their misguided leadership. Over the past few months under Republican majorities, this Chamber has demonstrated that we are willing to work across the aisle to get the Senate functioning again for the American people.

Do you know what? The irony is that our friends who are now in the minority who used to be in the majority—I think they kind of like it because they actually can offer amendments, they can get votes on amendments, and they can represent their constituents in this body, which they came here to do.

I hope we can keep the Senate working and avoid this filibuster summer that was touted in one of the newspapers just last week. I know the people of my State expect me to come up here and represent their interests, and I know all of our constituents expect us to do better by them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I come to the floor to talk about an amendment I have to the Defense authorization legislation.

Americans who volunteer to defend our country deserve our utmost support and great credit for their uniquely honorable, difficult, and important service. We are a safe and free Nation because of their bravery and sacrifice. However, as we honor our troops and veterans, we have to remember they don't serve alone. Military families serve too. They make serious career and personal sacrifices on behalf of their loved ones so their loved ones can serve our country.

Anyone who has served in the military or has been married to a servicemember or even attended a military retirement ceremony—I actually come from a military family—understands that a successful military career depends on the support and sacrifice of those you love and those who are in your family. A career in the military frequently involves frequent moves and long separations for your spouse, which present unique challenges for military families.

The service and sacrifice of military families not only deserves recognition and respect, but military families are also a critical component of our military readiness. It is difficult for a mother, father, husband or wife serving in the military to focus on defending our Nation if they are worried about the well-being of their family at home. Perhaps that is why, in March of this year, the Commandant of the Marine Corps, Gen. Joseph Dunford, who has now been nominated to serve as the Chairman of the Joint Chiefs of Staff, testified that ''a key element in our overall readiness is family readiness. The family members of our Marines are very much a part of the Marine Corps family. Their sacrifices and support are not taken for granted.''

However, it has come to our attention that the current laws and regulations fail to fully reflect the sacrifices of our military families or the importance of this issue to military readiness.

I wish to talk about a specific problem; that is, when a member of our military actually gets into criminal trouble. Yet their spouse and children have to suffer as a result of it.

Current law forces military juries to sometimes confront the undesirable dilemma of either supporting justice or supporting the military family—but not both. In these rare and tragic cases, a jury must choose either to impose a just sentence on a member of our military—which of course these cases are rare—who commits a crime, but if the jury imposes a just sentence, this could cause the retirement benefits that the family of the military member is counting on to be taken away, and so it leads to this choice of either giving a just or strong sentence and also punish the family who is an innocent bystander in all of this or give a weak and unjust sentence to spare the innocent family—but not both.

When a jury chooses a just sentence, an innocent family can be left with nothing, and that is wrong. Knowing this, some family members choose not to report a crime out of fear that coming forward will risk loss of benefits that a family member helped earn.

For these reasons, I am proud that the National Defense Authorization Act, as passed by the committee, does include an amendment that I introduced with Senator GILLIBRAND which could make transitional benefits available to innocent military family members when their retirement-eligible servicemember forfeits those benefits due to a court-martial.

I am also pleased that the Defense authorization legislation contains sense-of-Congress language that recognizes the valuable service of military families and emphasizes the view of the committee that military juries should not have to choose between a fair sentence and protecting military families. However, this doesn't go far enough. Our work isn't finished. We must do more to recognize the service of military families and to ensure a strong and fair military justice system.

I will briefly talk about the case of Rebecca Sinclair. Rebecca was married to a career Army officer who served with distinction. She married him early in his career and supported him as he rose through the ranks to become General. She served alongside him for 27 years. He was at home for a total of 5 years between 2001 and 2012. She had been a single mother during those five combat deployments when he was serving our country.

She moved 17 times in 27 years. Her oldest son went to six schools by the time he was in sixth grade. Despite earning a bachelor's and master's degree, Rebecca's career had been severely limited by the constant moves.

She thought this sacrifice was worthy because she was doing it on behalf of her Nation and her family. Because she wasn't able to achieve her full earning potential, she was counting on the pay benefits and retirement plan she helped her husband earn over 27 years. But then, in 2012, she watched helplessly as all of this sacrifice, all of this effort, and all of this work hung in the balance. Unlike the vast majority of servicemembers who serve their whole career with honor, her husband was charged with 25 counts of misconduct, including: forcible sodomy, sexual assault, indecent conduct, making fraudulent claims against the government, and obstruction of justice.

Rebecca was totally innocent of this conduct. Her sons, who were 10 and 12 years old, were totally innocent. Yet her husband's actions threatened to leave her with no benefits and no security after 27 years of sacrifice, and if he were to be dismissed from the Army, Rebecca and her sons would be left with nothing.

During his sentencing hearing, Rebecca's husband begged the court to allow him to retire at a reduced rank so his family could collect the benefits which, in his words, ''they have earned serving alongside me all these years.''

Rebecca also made a plea to the court for a sentence that would spare her family from being punished for her husband's actions. I think Rebecca sums it up well in the piece she wrote for the Washington Post in 2012:

> For military wives, the options are bad and worse. Stay with an unfaithful husband and keep your family intact; or lose your husband, your family and the financial security that comes with a military salary, pension, health care and housing. Because we move so often, spouses lose years of career advancement. Some of us spend every other year as single parents. We are vulnerable emotionally and financially. Many stay silent out of necessity, not natural passivity.

It is time to fix these problems. Saying thank you to the military families is not enough. We must ensure that our laws and regulations reflect our gratitude to military families and the importance of what they do. They serve our country, too, and they have earned the benefits as well. It is not right for a military member to rely on his family to help earn retirement benefits and then have that individual commit misconduct and the family is punished too.

My amendment will fix this problem by recognizing that military families serve, too, remove disincentives to report misconduct, and put the sentencing process back in balance. Juries can choose a punishment to fit the crime without worry that an innocent family member will suffer as a result. My amendment has been endorsed by 10 veterans service organizations.

I urge my colleagues to support this important amendment that allows the military justice system to function properly and also makes sure that innocent family members do not suffer and that their service is recognized as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

PROTECTING INTERNET ACCESS FROM TAXATION

Mr. WYDEN. Mr. President, I wish to address events from the last several days, both of which have the potential to reshape the way the American people use the Internet for communication and commerce.

The first came last week when the other body voted on a bipartisan basis to permanently extend the Internet Tax Freedom Act. I wrote that law, which is commonly known as ITFA, along with former Congressman Chris Cox, in 1998. The Internet Tax Freedom Act is one of the most popular tax policies in the country, and I believe it is past time for the Senate to follow the House's lead and send a permanent extension to the President's desk.

The second important matter came up yesterday, when a bill called the Remote Transaction Parity Act was introduced in the other body. What this proposal offers is a brand-new national sales tax managed by a privatizing, tax-collecting bureaucracy that not a single voter in America has approved. I see this online tax hike as a major threat to the Internet that has flourished under the bipartisan Internet Tax Freedom Act.

I want to address both of these issues briefly today, beginning with the importance of the permanent Internet Tax Freedom law. Ever since Congress passed it, it has been an essential tool in helping the Internet grow unencumbered by discriminatory taxation. It prohibits the kind of discriminatory taxes that some in Congress are too fond of; the kind of taxes that I believe will hurt innovation and punish the millions of citizens and businesses that use and depend on the Internet each day.

The Internet Tax Freedom Act has saved families in Oregon and across America hundreds of dollars a year. That is because without the law, access to the Internet would likely be subject to the same level of punishing taxation that is currently imposed on cigarettes and alcohol. We already see that with wireless services not protected by the Internet Tax Freedom Act, and this area does involve onerous taxes. Inflicting those taxes on Internet access is a burden the Senate absolutely should not heap on the American people.

Unfortunately, Congress has become too reliant on stop-and-go governing, so the Internet Tax Freedom Act has been extended several times on a temporary basis. Some Members in the Senate and House want to tie the Internet Tax Freedom Act, which saves people money, to a controversial proposal that will drive up the cost of using the Internet the way Americans do today, and that is where the second issue I would like to address comes in.

The House proposal, called the Remote Transaction Parity Act, has taken a variety of different forms over the years. An older version that died in Congress was called the Marketplace Fairness Act. The idea used to be to turn every business that operated online—big or small—into a tax collector for the thousands of tax jurisdictions across the country. With every new version of this online tax hike bill, we would see a new set of problems crop up. Now the proposal has become even bigger and more unwieldy. The new proposal coming from the other body would build an enormous, privatized, tax-collecting bureaucracy, and that new bureaucracy would take a big cut of every online sale before a single dime of sales tax gets distributed back to the States or local communities.

I will take a minute and talk about how this hurts my home State. My home State has no sales tax, but under this proposal, this murky tax-collecting middle man is going to get involved anytime somebody in Virginia, Michigan or California makes a purchase online from an Oregon company. This proposal would unfairly siphon money away from Oregon. Yet Oregonians will get nothing in return from these newly empowered national tax collectors. In effect, there would be a new national sales tax overseen by a privatized middle man, and that raises serious questions about whether taxpayer dollars should be going to a for-profit tax collector. It could put sensitive data about businesses and their customers into the crosshairs of hackers and criminals. That would be just about the biggest Federal intrusion into State commerce in a long time.

The online tax bill also creates a major new hurdle for small businesses that want to find consumers online. That would be a particularly harsh blow to companies in rural America, rural Oregon, and elsewhere. It would suddenly be a whole lot harder to compete with a retailer in a crowded city when the cost of doing business online takes a jump.

Finally, it takes a fundamentally tilted playing field against U.S. employers, and, in effect, makes those employers pay a national sales tax. It creates a fundamentally tilted playing field. The Internet spans national borders, but sellers from China, Canada, and Europe will not and cannot be subject to this tax, and under this approach, they will profit at the expense of the American consumer and American worker.

In my view, we have at hand now two radically different pieces of legislation. The first has been on the books now for well over a decade and has been hugely valuable in terms of innovation, choice, and consumers. That is the permanent Internet Tax Freedom Act, in effect taking what we have had for over a decade and making it permanent. With the permanent approach, we lower costs for consumers and protect the Internet as a bulwark for free speech and commerce, promoting American companies and American ideals. So that is approach No. 1—making permanent legislation that has worked since 1998.

The second approach is the Remote Transaction Parity Act, which would raise costs for Americans, hurt small and rural businesses, and punish States such as Oregon that have kept taxes low.

In my view, it would be legislative malpractice to tie these two approaches together. The path forward for the U.S. Senate should be very clear; that is, to take the permanent Internet Tax Freedom Act that has sailed through the House and, with the ball in our court, pass it here. I believe that a permanent law protecting Internet access from taxation is long overdue, and the proposal for an online tax hike should not get in the way.

So I urge my colleagues to join me now in working for a bipartisan, permanent Internet Tax Freedom Act, unencumbered by the kind of approach which has been introduced in the House and which creates a national sales tax. Let's reject that and move to pass a permanent Internet Tax Freedom Act as soon as possible.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from Rhode Island.

AMENDMENT NO. 1473, AS FURTHER MODIFIED

Mr. REED. Madam President, at 5 p.m. we will be voting on an amendment proposed by the Senator from Louisiana, Mr. VITTER. The amendment would require the Secretary of the Army to maintain at least 32 brigade combat teams in the Regular and Reserve components of the Army and 28 brigade combat teams in the Army National Guard.

Effectively and deliberately, this amendment would prevent the Army from managing its own force structure, determining how many brigades it needs, how they are disposed in terms of Active, Reserve, and Regular forces. In addition, the way the amendment is

paid for, to maintain these additional brigades would be to mandate a 1-percent pay cut for all Federal civilian employees for 2016 and 2017—not a pay freeze, a pay cut.

The Army does not support this amendment. They need the flexibility to manage their forces to respond to the threats as they perceive them in the world, to determine where the forces are mechanized, whether they are located in the National Guard or whether they are located in the Regular force. As such, as the Army draws down—and it is on that trajectory because of many issues, some of them budgetary—they would have to totally reexamine their existing force structure and they would indeed have to, I think, sacrifice what they think is the most optimal force for a legislative mandate of an arbitrary number of brigades in place. This will create readiness problems because it is one thing to have brigades on paper; it is another to have brigades that are ready to deploy, fully trained, fully equipped, fully manned. That would complicate this process for the Army.

So for these reasons, when the amendment is presented at 5 p.m., I will be opposing the amendment, and I urge my colleagues to join me in that opposition. I think the Army is the most capable to determine its force structure and not by legislative fiat.

With that, 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. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Madam President, the Vitter amendment tries to enforce a minimum number of Army brigade combat teams. It seeks to direct the U.S. Army to maintain not fewer than 32 brigade combat teams in the Regular Army and 28 in the Army National Guard. The Secretary of the Army could not reduce these until he reports to Congress and certifies impacts on operational risk to the national defense strategy and insufficient funds or appropriations. The Secretary of the Army must also report rationale for any proposed reduction of total strength in the Regular Army, National Guard, and Army Reserves. This includes an operational analysis that shows continued mission performance given a reduction and an assessment of force-mix ratio among all of those organizations.

Additionally, the Secretary, with the Director of the Army, National Guard, or Chief of Army Reserve, must report to Congress at least 90 days before any possible reductions. The report must list remaining major combat units, missions, unit assignments by installation, and proposed BCTs for disestablishment—on and on and on and on.

I say to the Senator from Louisiana, we don't do this. We don't tell the Army or the National Guard that they can only have a minimum of this or that and that they can't do certain things. The amendment requires the Army to report manning levels. In principle, I agree with the Senator from Louisiana. The world is less secure. We are facing many threats. We need an Army capable of securing our interests around the world. In fact, last week, decisions were made to deploy more forces to Iraq.

The amendment is bad policy. The Congress shouldn't attempt to manage forces. That is the job of the Secretary of the Army and the Chief of Staff. Our job is to authorize and fund. The key is giving Army leadership the flexibility to manage the total Army force given the planned drawdown. In fiscal year 2016, the Army end strength is being reduced and funding is planned to be adjusted accordingly.

The cost to maintain the total Army at 490,000 for 1 year is about $2.4 billion. Of course, the Senator's amendment does not have any indication where that $2.4 billion would come from.

If enacted, the amendment could result in a Regular Army of ''tiered readiness.'' The Army would have a force of 490,000 with a budget for 475,000. We don't want a ''hollow Army'' as we had in the 1970s.

So I urge my colleague from Louisiana, the sponsor of this amendment, to devote his energies and efforts to the repeal of sequestration. That is what is forcing these decisions to be made by the Army, which, in my view and the view of our military leaders, is putting the lives of the men and women at greater risk.

Mr. VITTER. Will the Senator yield for a question?

Mr. MCCAIN. I wish to finish my statement first, and I appreciate that.

So I oppose the amendment on the fact that we do not have the funding here to maintain the Army at the level that both he and I would prefer. If we do repeal sequestration, then there will be sufficient funding for maintaining the Army, the National Guard, and the Army Reserves at the level the Senator from Louisiana strongly advocates and I also advocate.

I will be glad to respond to a question from the Senator from Louisiana.

Mr. VITTER. I thank the Senator for yielding. I would just ask whether the underlying bill doesn't do exactly the same sort of thing in other categories, such as minimum numbers of aircraft carriers in the Navy, such as minimum numbers of certain key equipment in the Air Force, which I agree with. But I don't see any difference between those provisions of the underlying bill and what this provision would constitute with regard to a key element of Army brigade combat teams. That is the first question.

The second question is, Did the Senator know that in the resubmitted version of the amendment, there is a noncontroversial sense-of-the-Senate regarding an offset for this to be put forward?

Finally, I would certainly agree with the Senator about trying to fix the top-line numbers and the top-line situation with regard to sequestration, and, as I am sure he knows, I support that.

Mr. MCCAIN. Madam President, I respond to my friend to say that what we have authorized, as the Senator from Louisiana clearly described, is what the services have said they need to do their mission—and based on their requirements, not the view of what my requirements are. So I think the Senator's proposal is very different from what he described.

Again, there is sufficient funding for everything we have authorized in the bill. What this amendment is authorizing in the bill would require an additional $2.4 billion to be authorized out of the budget that was set by the Budget Committee, which would then mean reductions in other areas, as I am sure the Senator appreciates, that we authorized to the budget numbers as a result of the Budget Committee's allocation for defense.

So I thank the Senator from Louisiana for his continued support of the men and women in the military, especially the bases in Louisiana as well as around the world. He is an advocate for the men and women who are serving, and I appreciate his continued dedication to their welfare and benefit. We just have an honest disagreement on whether this amendment is appropriate in our management of the armed services.

I thank the Senator. We have a disagreement on the amendment. We will vote on it, as he requested. He requested not having a tabling motion. He asked if we could consider his amendment, if we could have it not be a tabling motion, and I am glad to accommodate the Senator.

With that, I yield the floor, and I ask unanimous consent to start the vote now.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, the question is on agreeing to amendment No. 1473, as further modified, offered by the Senator from Louisiana, Mr. VITTER.

Mr. VITTER. 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 legislative clerk called the roll.

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

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

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—26

Alexander	Ernst	Paul
Blunt	Gardner	Perdue
Capito	Grassley	Risch
Cassidy	Heller	Scott
Corker	Hoeven	Sullivan
Cornyn	Isakson	Tillis
Crapo	Lankford	Toomey
Cruz	Lee	Vitter
Daines	Moran	

NAYS—73

Ayotte	Franken	Nelson
Baldwin	Gillibrand	Peters
Barrasso	Graham	Portman
Bennet	Hatch	Reed
Blumenthal	Heinrich	Reid
Booker	Heitkamp	Roberts
Boozman	Hirono	Rounds
Boxer	Inhofe	Sanders
Brown	Johnson	Sasse
Burr	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Kirk	Sessions
Carper	Klobuchar	Shaheen
Casey	Leahy	Shelby
Coats	Manchin	Stabenow
Cochran	Markey	Tester
Collins	McCain	Thune
Coons	McCaskill	Udall
Cotton	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murphy	
Flake	Murray	

NOT VOTING—1

Rubio

The amendment (No. 1473), as further modified, was rejected.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Madam President, I seek recognition to speak for up to—I ask unanimous consent to withhold my motion at this time.

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

The Senator from Oklahoma.

MORNING BUSINESS

Mr. LANKFORD. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

PAPAL ENCYCLICAL ON THE ENVIRONMENT

Mr. MARKEY. Madam President, on Thursday, Pope Francis will officially release a historic encyclical on the environment. An encyclical is a personal message from the Pope to Catholic bishops and the 1.2 billion Catholics around the world on a topic that he feels requires urgent attention. It is an opportunity for the Pope to bring together accumulated teachings in a comprehensive way. This will be only Pope Francis's second papal missive, and it has garnered enough attention that the conservative Heartland Institute traveled to the Vatican this spring to respectfully inform the Pope that there is no global warming crisis.

Earlier this week, my colleague Senator INHOFE agreed with the Heartland Institute and told them that Pope Francis should ''stay with his job and we'll stay with ours.'' Well, I disagree with Senator INHOFE. Pope Francis is doing his job, but it is Republicans in this Chamber who are not doing theirs.

To those critics who say that Pope Francis shouldn't be speaking out on this, I will give them a very simple history lesson. Pope Francis is not the first to speak out on climate change and environmental protection. He will join a chorus of previous pontiffs who drew attention to the crisis of climate change and its impact on people, especially the poor and the children of our planet.

In 1971, Pope Paul VI warned that human actions that harm nature may make the future intolerable. Pope John Paul II first raised the greenhouse effect as a moral issue in his landmark 1990 World Day of Peace message. Two decades later, Pope Benedict XVI shined a light on environmental refugees in his World Day of Peace message and committed the Vatican to going carbon neutral, including installing a massive solar panel energy system on one of the largest buildings in the Vatican.

As the leader of more than 1 billion Catholics around the world, many of whom are suffering from the worst consequences of global warming—disease, displacement, poverty—it is the Pope's responsibility to speak out on behalf of the people he leads. And that is exactly what he will be calling all of us to do.

The same people who want to deny Pope Francis's right to speak out on climate change are the same people who deny the science of it. But our understanding of human influence on climate change rests on 150 years of wide-ranging scientific observations and research, and it is informed by what we see today with our own eyes and measured by our own hands.

Here is the reality. Global temperatures are warming, glaciers are melting, sea levels are rising, extreme downpours and weather events are increasing, the ocean is becoming more acidic, and last year was the warmest year on record. Increasing temperatures increase the risk of bad air days, in turn increasing the risk of asthma attacks and worse for people with lung disease. We have a public health crisis.

We are already feeling the cost of climate disruption. The Government Accountability Office added climate change to its 2013 high-risk list and found that climate change ''presents a significant financial risk to the Federal Government.'' GAO could just have easily said it presents a significant financial risk for all of America. But the United States is not tackling this climate change alone. Efforts are underway in countries all around the world. We are seeing academies of science in country after country all coming to the same conclusion.

What can we do here in the United States to answer the call of the Pope? Here is what we can do. We can make sure the wind and the solar tax credits do not expire. That is what is happening in this Congress. We can continue this incredible revolution in wind and solar and other renewable sources. That is going to die in this Congress unless we renew them.

We can ensure there is a dramatic increase that continues in the fuel economy standards of the vehicles we drive—the cars, the SUVs, the trucks—that dramatically reduces greenhouse gases. We can ensure when President Obama propounds his clean powerplant rules, which will reduce by 30 percent the amount of greenhouse gases going up into the atmosphere by the year 2030, that they are not repealed on the Senate Floor.

We are the greatest innovation country in the history of the world. Science and technology are the answer to our prayers. They are going to give our country the ability to give the leadership and hope to the rest of the world when we answer the prayer of Pope Francis. The poorest in the world are going to be those who are most adversely affected by the richest countries in the world.

We can, in fact, save all of creation by engaging in massive job creation—the new vehicles we drive, the new energy technologies we create, the new technologies that will reduce the amount of greenhouse gases going up from powerplants. We did it once with the Clean Air Act of 1990, and we can do it again.

So while Pope Francis preaches to the world, the world turns to us for leadership. We cannot preach temperance from a barstool. We cannot tell the rest of the world they should change their habits unless we take the leadership in creating the new technologies that we deploy here and then see deployed around the rest of the world.

We can transform the way energy is in fact produced across this entire planet within the 21st century. That is what the Pope is asking us to do—not to sacrifice but to innovate, not to give up but to invest in those technologies that will transform this planet.

President Kennedy called upon us in 1961 to put a man on the moon by investing in new metals and new propulsion technologies, so that we could ensure that the Soviet Union did not impose its communistic regime across the entire planet. We invented the new technologies for peaceful purposes. And when our astronauts stepped foot on the moon, that American flag that flew was the return on investment of that generation. This generation of Americans is now being asked to make the same kind of commitment to a new generation of energy technologies that can reduce greenhouse gases dramatically, give leadership for the rest of the world, and answer the call from Pope Francis.

Those who say it is not Pope Francis's business to speak out on