then he will know that signing this bipartisan National Defense Authorization Act is anything but the waste of time some of his allies might pretend it to be. In fact, this bill is essential.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NATIONAL DEFENSE AUTHORIZATION BILL AND BENGHAZI SELECT COMMITTEE

Mr. REID. Mr. President, the bill before the Senate this afternoon, in spite of all the statements of my friend the Republican leader, is another piece of political theater. Everyone knows the President is going to veto this. Everyone knows this. The House, if they are called upon first to sustain the veto, will do it. If we are called upon first to sustain the veto, we will do it.

Republicans are trying to paint Democrats as being soft on defense. Based on what we have heard from my friend today, I don't know where he doesn't want American troops—China, Iran, Russia, all over the Middle East. It is stunning to listen to what he has said. We have spent a lot of money training foreign troops. I was in Iraq. Who was training the troops then? General Petraeus. I don't know what my friend wants, but I do tell everyone the gimmick we have in this bill today; that is, having this funny money funding and that is what it is—I can't imagine my Republican friends who have in the past been so supportive of not doing things that deal with funny money, that their—Senator MCCAIN, the chairman of the committee, has acknowledged that sequestration will destroy the military—that is my word—but will badly damage the military. He has said that many times.

So we have a lot of problems here, but the gimmick my friend is so touting today does nothing to support the security we need at home: The FBI, homeland security, border protection. I say to my friend, the Presiding Officer, today: You voted the way I thought Republicans should vote when this matter came before the body yesterday.

It has been a week since it happened, but the American people are still reeling from House Majority Leader KEVIN MCCARTHY's admission that the so-called Benghazi Select Committee is nothing more than a political hit job on Hillary Clinton. That is what he said. Speaking about this committee, he told FOX News:

> Everybody thought Hillary Clinton was unbeatable, right? But we put together a Benghazi special committee, a select committee. What are her numbers today? Her numbers are dropping.

It doesn't take much to figure out the point he was making; that this was nothing more than a hit job on Hillary Clinton. According to Mr. MCCARTHY, the so-called Benghazi Select Committee was orchestrated with one goal in mind—to weaken Hillary Clinton's Presidential campaign. Of course that is shameful. House Republicans have used the tragic deaths of four Americans as political fodder to win an election. Don't the victims deserve better? Don't their families deserve not to have their deceased loved ones pulled into a political inquisition?

Even more shocking, this political farce continues now. House Republicans are showing no signs of bringing this charade to an end. Consider the facts. These are a number of the select committees that have been going on that we have had in the Congress in recent years: Hurricane Katrina, Pearl Harbor, Warren Commission, Iran-Contra, Watergate, and the Benghazi Committee. This big red line sitting here shows this committee has spent far more time than any committee except Watergate. Look at that. It is hard to believe. For 16 months now we have used the tragic deaths in a way that is not what we should be doing. They have spent almost $5 million of taxpayer money on this so-called select committee, and the number continues to climb as I speak. Not only do they have a select committee, they have had six other committees that have held hearings on this. What a waste of taxpayer dollars. The select committee has investigated Hillary Clinton for 17 months, 517 days—longer than the investigations that I mentioned: Pearl Harbor, the Kennedy assassination, and even, timewise, Watergate—close but still more time than on Watergate, and it is still going on. What have they accomplished? What have they achieved after all that time and money has been spent? What have they accomplished for the American people? Nothing. And they have held three hearings in 17 months. Not one American is safer today because of the select committee, not one terrorist attack has been thwarted because of the committee's work, and Republicans are fine with that. They hail the Benghazi committee as a success because it was never the panel's intention to get to the truth. This committee's only real objective was to hurt Hillary Clinton—exactly as Congressman MCCARTHY said. The evidence makes that clear. In 17 months, the committee has interviewed or deposed eight Clinton campaign staffers. They are obsessed with Hillary Clinton and her campaign status. Yet, stunningly, Chairman GOWDY and Republicans have little interest in questioning intelligence and defense experts. They have held only one hearing with an expert from the intelligence community. They have never held a single hearing with anyone from the Department of Defense. The Republican chairman and his colleagues have abandoned their plans to interview Defense officials and instead have gone after Secretary Clinton and her staff. The evidence is clear. The Benghazi Select Committee is a sham. Democrats have known this for 2 years, but now we have the man who is going to be—I understand after tomorrow at noon—running the House of Representatives come November 1. He has acknowledged it is a witch hunt. That is why the Democratic leadership of the Senate wrote to Speaker BOEHNER asking him to disband the select committee. That is why I will not stop reminding Republicans of Congressman MCCARTHY's admission.

If it were up to me, the House Democrats on that panel would nail this quote on the committee room doors as a reminder to everyone that Republicans have manipulated a true American tragedy and turned it into a political circus:

> Everybody thought Hillary Clinton was unbeatable, right? But we put together a Benghazi special committee, a select committee. What are her numbers today? Her numbers are dropping.

He is so proud of himself. Until House Republicans do the right thing and disband this committee, I will continue to tell the American people about the disgrace that is the House Republicans' Benghazi committee.

Mr. President, would the Chair announce what we are going to be doing today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 1735, which the clerk will report.

The legislative clerk read as follows:

> Conference report to accompany H.R. 1735, a bill 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.

The PRESIDING OFFICER. Under the previous order, the time until 1 p.m. will be equally divided between the two leaders or their designees.

The Senator from Utah.

THE RIGHT TO EXTENDED DEBATE

Mr. HATCH. Mr. President, 2 months ago I came to the Senate floor in my capacity as President pro tempore to speak to my colleagues about the importance of maintaining decorum and respect in this body. I reminded them that decorum is essential to the proper functioning of the Senate and to its unique role in our constitutional structure. The Framers designed the Senate to be an institution of deliberation and reason, where Members would work to promote consensus and the common good rather than their own narrow, partisan interests. Today I rise once

more in my capacity as President pro tempore, this time to discuss another defining feature of this body—the right to extended debate.

The Framers designed the Senate to serve as a necessary fence against the fickleness and passion that drives hasty lawmaking—what Edmund Randolph called the turbulence and follies of democracy. James Madison in turn described the Senate as a bulwark against what he called the transient impressions into which the people may from time to time be led. Senators were to refine the popular will to wisdom and sound judgment, reaching measured conclusions about how best to address the Nation's challenges. It is no accident that passing bills through this body takes time. The Framers intended the Senate to be the cooler, more deliberate, more reasoned branch. As Madison once said, the Senate was to ''consist in its proceedings with more coolness, with more system, and with more wisdom than the [House of Representatives].''

Key to the Senate's deliberative nature is its relatively small size, which enables a much more thoroughgoing debate and greater opportunity for individual Members to improve legislative proposals. Longer, staggered terms also give Members flexibility to resist initially popular yet ultimately unwise legislation, and statewide constituencies require Senators to appeal to a broader set of interests than do narrow, more homogenous House districts. To these constitutional characteristics, the Senate has added a number of traditions—some formal, others informal—that have enhanced its deliberative character. Foremost among these traditions is the right to extend debate—what we today call the filibuster.

For many years—indeed, for the first 130 years of this body's existence—there was no formal way to cut off debate. Senators could, in theory, speak as long as they wanted, on whatever subject they wanted. In 1917, the Senate adopted the first cloture rule, which required a two-thirds vote to end debate. Filibusters remained rare, although they were used from time to time to delay legislation. In 1975, under the leadership of Majority Leader Mike Mansfield, the Senate lowered the cloture threshold from two-thirds to three-fifths, where it has remained ever since, with the notable exception of Senate Democrats' unilateral decision last Congress to lower the cloture threshold for most nominations to a simple majority vote. The cloture threshold for legislative filibusters remains three-fifths.

Now, one may wonder why a device that allows a minority of Senators to delay or block legislation is a good thing. My friends and colleagues, the junior Senator from Oregon and the senior Senator from New Mexico spoke on the Senate floor last week about the importance of majority rule and the need to allow legislation to proceed. I do not deny that obstructionism can be a serious problem. Obstinately refusing to allow any legislation to move forward or requiring complete capitulation by opponents is not statesmanship, and it is not what the Framers had in mind. But when exercised properly, the right to extended debate can measurably improve policy.

The filibuster furthers two of the Senate's key purposes. First, it helps to guard against intemperate impulses that may from time to time infect our political order. Second, it facilitates the process of refining the popular will.

The way in which the filibuster guards against intemperate impulses is obvious. By requiring a supermajority to pass major legislation, the filibuster ensures that a narrow partisan majority swept into office through a fluke election does not go about unravelling vast swaths of America's legal architecture. The filibuster also ensures that the same narrow majority does not run riot with new, pie-in-the-sky ideas that cost billions of dollars while producing little discernible benefit.

I would point my colleagues to two major, extremely controversial measures that passed the House in 2009 but went nowhere in the Senate: the cap-and-trade energy tax and the so-called public option for health insurance. Speaker PELOSI was barely able to ram through cap and trade by a vote of 219 to 212. The public option passed by an even slimmer margin of 220 to 215. These two pieces of legislation received little consideration in this body because there were nowhere near enough votes for cloture. Absent the filibuster, however, it is likely both would have passed the Senate and become law. Had that occurred, a temporary electoral victory would have wrought fundamental changes to American energy policy and put our Nation even more firmly on the path to government-run health care.

Many on the left may point to the failure of cap and trade and of the public option in 2009 as reasons to eliminate, not preserve, the filibuster. After all, it prevented progressives from achieving two of their most sought-after policy goals. But consider what happened a mere 2 years later, in the very next election: Voters delivered President Obama and the Democratic Party a sharp rebuke, voting out of office the highest number of Democratic officeholders in generations. Voters disapproved of the Democrats' policymaking, and registered their disapproval at the polls. Note, too, that the Democrats lost their majority in the House—the body that passed cap and trade and the public option—but retained their majority in the Senate—the body that never even took up either proposal.

The filibuster prevented a transient Democratic majority from enacting far-reaching reforms that a majority of voters ultimately opposed. It didn't prevent all reforms. After all, the Democratic majority still managed to enact many of its policy priorities. But the filibuster prevented other extreme measures from becoming law and stopped a short-lived congressional majority from running roughshod over longstanding principles of federalism, free enterprise, and limited government.

To my friends from Oregon and New Mexico and to others who argue that the filibuster is anti-democratic, I would say that it is in fact the opposite. The filibuster ensures that fundamental change comes only through sustained victories at the ballot box. It typically takes two or three successive victories at the polls to build a filibuster-proof majority. This multiyear window gives the public time to evaluate the majority's platform and to determine whether it is in fact the better course of action.

If by democracy one means to win at all costs, perhaps one could say the filibuster is anti-democratic. But if democracy, as I believe, instead means the system for transforming the people's preferences into law, then the filibuster is not anti-democratic at all. Rather, it preserves the people's preferences until they decide emphatically, and with the benefit of review, that it is time for significant change.

I have also said that the filibuster facilitates the process of refining the popular will. It does this in two ways. First, it gives opponents of a particular piece of legislation additional time to explain why the legislation is misguided or how it could be improved. It also gives proponents of the legislation additional time to explain why the objections are unfounded. This helps to increase understanding on both sides and also offers opportunities to correct problems with particular provisions.

Second, by requiring 60 votes in order to proceed on controversial issues, the filibuster ensures increased buy-in. The process of refining the public will works only if Senators actually pay attention to legislation and devote their resources to examining it. By requiring 60 Senators to assent to legislation rather than a bare majority, the filibuster ensures that no bill passes this body without first garnering broad support. The process of getting to 60 requires more scrutiny, more investigation, and more consensus than the process of getting to a bare majority. It also decreases the likelihood of deeply flawed legislation making it to the President's desk because more Senators have to agree that the legislation warrants passage.

To the extent there are problems with the filibuster, they are not problems with the filibuster itself but with how it has sometimes been used in recent years, as a matter of fact. In April of this year, I spoke on the floor about the need for mutual restraint in the Senate, about the need for both sides to exercise discretion in wielding the powers of the majority and the minority. Yes, the filibuster can be a tool for improving legislation and winning important promises from the Executive,

but it can also be abused for narrow partisan ends. It can be used to bring business to a halt for irrelevant or unimportant purposes or merely to make a point. It can be used to win an unsavory favor for a particular individual or constituency, and it can be used to create false narratives about the majority's ability to govern.

From time to time we hear calls—including by Members of this body—to strip the minority of certain rights. Lately, there have been calls by some in the media, on the campaign trail, and on the other side of the Capitol to eliminate the filibuster. Though these calls to abolish the filibuster may be instinctively appealing, we should reject them. Without the filibuster and other important minority rights, the Senate would lose its unique character. It would become less a body marked by deliberation and reasoned debate and more a body where the majority gets whatever it wants. Indeed, stripped of minority rights, the Senate would merely duplicate the work of the House of Representatives. That may be advantageous for the current Senate majority, but it would not fulfill the constitutional design in creating a second House of Congress where the popular will would be refined through prudent judgment.

Those who call on the Senate to abolish the filibuster should keep in mind that this is not the first Congress to face institutional challenges. Indeed, I would urge my colleagues to recall the example of Mike Mansfield, the late Senator from Montana, whom I referenced earlier. Senator Mansfield served as Senate majority leader from 1961 to 1977, longer than any other Senator in history. During Senator Mansfield's time as majority leader, the Nation confronted a number of difficult, divisive issues. Chief among these were debates over school integration and civil rights, which deeply split the Democratic caucus. Near the beginning of his tenure, when a determined minority stalled President Kennedy's legislative priorities, Senator Mansfield faced great pressure from within his own party to exert the majority's power more assertively. In an act of great courage, Senator Mansfield resisted the calls of his colleagues to bend Senate rules. Though tempted by the prospect of important political victories, he instead counselled that the remedy to gridlock ''lies not in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution of it by the Senate itself, by accommodation, by respect for one another, [and] by mutual restraint.''

Senator Mansfield was absolutely right. For the Senate to function effectively, Senators of all stripes must practice mutual restraint—Republican and Democrat, conservative and liberal, majority and minority alike.

The solution to our current strife is not to change the rules but to follow them and to wield them only as necessary to improve legislation. Cooperation, not going nuclear, is what will restore this body to proper functioning. Going nuclear will only hollow out this institution and infect more of what we do with puerile partisan poison.

I wish to close by quoting two great statesmen who loved the Senate and who truly understood its unique role in our constitutional system. The first quote is from the first Adlai Stevenson, who served as Vice President from 1893 to 1897. In his farewell address to the Senate, Vice President Stevenson said the following:

> In this Chamber alone are preserved without restraint two essentials of wise legislation and good government: the right of amendment and of debate. Great evils often result from hasty legislation; [but] rarely from the delay which follows full discussion and deliberation.

Vice President Stevenson understood that deliberation and reasoned debate lead to better policy outcomes than the headlong rush to action. Delay rarely causes great evils. More commonly, it helps to avoid them.

The second quote comes from a man familiar to all of us, the late Senator Robert C. Byrd of West Virginia. Senator Byrd, who served in this body longer than any other Senator in history and who spent the vast majority of his 51 years in the Senate in the majority, said this about the filibuster and minority rights: ''[A]s long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.''

Senator Byrd recognized that the Senate's cooling function serves as a crucial check on transient majority impulses and on the often misguided desire to act quickly and to act at all costs.

The filibuster is a key bulwark against error and against the ability of short-lived political majorities to work fundamental changes to our Nation. Although it can be deeply frustrating—particularly when misused and overused by an intransigent partisan Senate minority—the filibuster is an important element of the Senate's character and institutional structure. I urge my colleagues to resist calls to abolish the filibuster. Whatever we might win in the way of short-term political gain would be overwhelmed by the enduring, irreparable damage we would do to the Senate as an institution.

I knew Mike Mansfield. I visited with him in Tokyo when he was the Ambassador to Japan. He was a great leader. He was a great human being.

I also knew very well Senator Robert C. Byrd. There were times when I led the fight against labor law reform in 1977, 1978, where I was hard-pressed to like Senator Byrd because he used every tool at his disposal—procedural and otherwise—to try to put that bill forward, which would have changed the whole character of America for the worse.

I was young. I didn't realize how important that man really was. But as I continued to serve in the Senate and saw his devotion to the Senate, his devotion to the Senate rules, his fairness when he dealt with both sides, I got to really respect his understanding of the procedural votes.

I venture to say I don't know that anybody has ever had that full capacity as much as he did, with the possible exception of Senator Allen of Alabama, who I greatly admired also. He stood right over there on that side of the floor and took on his own party time after time. The filibuster was a very important instrument at that time, especially since Mr. Byrd was a very strong personality. The longer I served in the Senate, the more I appreciated Senator Byrd and his devotion to the rules, the Constitution, and the Senate itself. He cared for the Senate.

I can remember him sitting right here in this chair. I went up to him and I said: Bob, I love you. This was right before he died. He looked like he was going to cry, and he said: ORRIN, I love you too. That meant so much to me because in the early days we were principal adversaries. He had more power than I could dream of.

We ended up winning on labor law reform through a miraculous sixth cloture vote. It was a great loss to Senator Byrd. He was not particularly enamored with me for the first number of years. But as we served together, fought together, and worked together, I gained tremendous experience from him and from his ability. I gained a great appreciation for Senator Byrd and his abilities and his dedication to the rules of the Senate and his dedication to not changing them and keeping those rules alive, and those rules have existed for almost a century.

Nobody I know of felt more sad when he had to leave the Senate than I did. Keep in mind, that was after a lot of blood and guts fighting here on the floor where I, as a young freshman Senator, had to take it on the chin regularly because he knew the rules better than I did and he had power that was much stronger than anybody on this side of the aisle. He had a very forceful presence.

I will just say this: He believed in the rules, and he lived by the rules. Even when he lost, he was a gentleman. I think that man did more for the Senate in many ways than very few other Senators did.

Let's not get so rambunctious about passing anything we want to pass around here. Let's think these rules through. The more you think, the more you realize these rules are here for a reason, and they have been here a long time for a reason and have functioned amazingly well and stopped the majority from running over the minority.

Every once in a while, the Democrats are in the minority, although not very often. Over the last number of years, they had the majority around 22 times and we had it maybe 6 times. I can say

this: There are Democrats on the other side who really know these rules are very important, and I hope they prevail as we move on to even more difficult problems and processes in the future and in the time to come. This is a great body. It remains great in large measure because of its rules and because of the people who serve here. We should all respect the rules, and we should all respect each other for the privilege of serving in the U.S. Senate.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

CUBA

Mr. MENENDEZ. Mr. President, I rise today, as I have in the past, in defense of the Cuban people, who long for the day when they are free of the iron fist of the Castro regime, a day when we can honestly say ''Cuba es libre'' and mean it. I rise with great concern over the trajectory of the policy towards Cuba that President Obama announced on December 17 of last year.

In executing this new policy, the Obama administration has spared no generosity towards the dictatorship in Cuba. It commuted the sentences of three convicted Cuban spies, including one serving a life sentence for murder conspiracy against Americans who died while flying a civilian aircraft in international airspace that was struck down by Cuban MIGs. It eased a host of travel and trade sanctions in spite of the purpose and intent of U.S. law. It removed Cuba from the state sponsors of terrorism list, while it continues harboring fugitives from the U.S. justice system and members of foreign terrorist organizations.

Among those people who are in Cuba is Joanne Chesimard, who killed a New Jersey State trooper. She was convicted of doing so, escaped, and is on the FBI's top 10 most wanted terrorist list. Yet we took them off the list of state sponsors of terrorism.

It negotiated an agreement to establish diplomatic relations with Cuba that falls far short of international legal norms in terms of what the people at our Embassy can and cannot do inside of Cuba. It upgraded Cuba in the trafficking in persons report, despite its continued slave labor and human trafficking practices. It even acquiesced to shunning dissidents from attending the U.S. Embassy's flag-raising ceremony in Havana.

Yet Cuban dictator Raul Castro refuses to reciprocate any of these concessions. To the contrary, Castro has emphasized that he ''will not cede 1 millimeter.'' In his speech at last month's United Nations General Assembly gathering, he demanded even more, namely for President Obama to evade U.S. law as regards sanctions, to shut down Radio and TV Marti, which is, in essence, the equivalent of our Voice of Democracy so that the Cuban people can get free and unfettered information, to end democracy programs, to return the military base at Guantanamo, and to pay $1 trillion—not $1 million, not $1 billion, $1 trillion—in damages to his regime.

So today, 10 months later, the metrics of this new policy show it is clearly headed in the wrong direction. The Castro family is poised for a generational transition in power. The Cuban regime's monopolies are being strengthened. Courageous democracy leaders are being relegated to obscurity, their voices muffled by the actions of the United States and foreign nations alike.

Political repression has exponentially increased. The number of Cubans desperately fleeing the island is rising, and the purpose and intent of U.S. law is being circumvented. The trajectory of our policy is unacceptable, and I urge President Obama to correct its course.

While speaking recently to a business gathering in Washington, President Obama argued how he believes this new policy is ''creating the environment in which a generational change in transition will take place in that country.'' But the key question is this: a generational change in transition towards what and by whom?

Cuban democracy leader Antonio Rodiles has concisely expressed his concern. He said: ''Legitimizing the [Castro] regime is the path contrary to a transition.'' CNN revealed that the Cuban delegation in the secret talks that began in mid-2013 with U.S. officials in Ottawa, Toronto, and Rome, and which led to the December 17 policy announcement, was headed by Colonel Alejandro Castro Espin. Colonel Castro Espin is the 49-year-old son of Cuban dictator Raul Castro. In both face-to-face meetings between President Obama and Raul Castro this year, the first at April's Summit of the Americas in Panama City, a summit that is supposed to be a meeting of democracies within the Western Hemisphere—Cuba in no way can qualify under those set of circumstances—and just last month at the United Nations General Assembly in New York, Alejandro was seated next to his father with a wide grin.

Now, Alejandro holds the rank—this is him standing next to Raul Castro—of colonel in Cuba's Ministry of the Interior. Now, Cuba's Ministry of the Interior is, in essence, the state security that oppresses its people, with its hand on the pulse and the trigger of the island's intelligence services and repressive organs. It is no secret that Raul is grooming Alejandro for a position of power.

Sadly, his role as interlocutor with the Obama administration seeks to further their goal of an intrafamily generational transition within the Castro clan, similar to the Assads in Syria and the Kims in Korea. We know how well those have worked out. To give you an idea of how Colonel Alejandro Castro views the United States, he describes its leaders as ''those who seek to subjugate humanity to satisfy their interests and hegemonic goals.''

But, of course, it also takes money to run a totalitarian dictatorship, which is why Raul Castro named his son-in-law, General Luis Alberto Rodriguez Lopez-Callejas, as head of GAESA, which stands for Grupo de Administracion Empresarial, S.A., or, translated, the Business Administrative Group.

GAESA is the holding company of Cuba's Ministry of the Revolutionary Armed Forces, Cuba's military. It is the dominant, driving force of the island's economy. Established in the 1990s by Raul Castro, it controls tourism companies, ranging from the very profitable Gaviota, S.A., which runs Cuba's hotels, restaurants, car rentals, and night clubs, to TRD Caribe, S.A., which runs the island's retail stores. GAESA, this holding company of Cuba's Ministry of the Revolutionary Armed Forces, controls virtually all economic transactions in Cuba.

According to Hotels Magazine, a leading industry publication, GAESA, through its subsidiaries, is by far the largest regional hotel conglomerate in Latin America. It controls more hotel rooms than Walt Disney Company. As McClatchy News explained a few years back, ''Tourists who sleep in some of Cuba's hotels, drive rental cars, fill up their gas tanks, and even those riding in taxis have something in common: They are contributing to the [Cuban] Revolutionary Armed Forces' bottom line.''

Now, GAESA became this business powerhouse thanks to the millions of Canadian and European tourists who have and continue to visit Cuba each year. But these tourists—going over a decade and a half, maybe two—have done absolutely nothing to promote freedom and democracy in Cuba. To the contrary, they have directly financed a system of control and repression over the Cuban people, all while enjoying cigars made by Cuban workers paid in worthless pesos and having a Cuba Libre, which is an oxymoron, on the beaches of Varadero.

Yet, despite the clear evidence, some want American tourists to now double GAESA's bonanza—and, through GAESA, double the regime's bonanza. An insightful report this week by Bloomberg Business also explained how:

> [Raul's son-in-law, General Rodriguez] is the gatekeeper for most foreign investors, requiring them to do business with his organization if they wish to set up shop on the island. . . . If and when the U.S. finally removes its half-century embargo on Cuba, it will be this man—
>
> Castro's son-in-law—
>
> who decides which investors get the best deals.

Of course, it is those investors in the company that ultimately is the Cuban Revolutionary Armed Forces, Cuba's military. In other words, all the talking points about how lifting the embargo and tourism restrictions would somehow benefit the Cuban people are empty and misleading rhetoric. It would only serve as a money funnel for Castro, Inc.

Now, here is what over a dozen of Cuba's most renowned prodemocracy leaders, including the head of the Ladies in White—the Ladies in White are a group of women, composed of mothers, wives, daughters, and other relatives of Cuban political prisoners. These are political prisoners who basically have languished in Castro's jail, not because they did anything violent, not because they broke the common law, as we would understand it here in the United States, but because they sought to create peaceful change.

They march every Sunday, dressed in white, holding a gladiola, peacefully to church. They are beaten savagely and arrested. And yet they do this every Sunday.

Berta Soler, shown in the middle, former prisoner of conscience Jorge Luis Garcia Perez ''Antunez,'' and Sakharov prize recipient Guillermo Farinas, who are all pictured here, warned in an open letter to the U.S. Congress, dated September 25, 2015:

> The lifting of the embargo, as proposed by the [Obama] Administration, will permit the old ruling elite to transfer their power to their political heirs and families, giving little recourse to the Cuban people in confronting this despotic power. . . .
>
> Totalitarianism communism will mutate into a totalitarian state adopting minimal market reforms that will serve only to accentuate the existing social inequality in the midst of an increasingly uncertain future.

These are the people inside of Cuba languishing as they try to create change in their country toward peaceful moves toward democracy.

It is very interesting, as you can see, that despite the talk about the Cuban regime creating greater equality, these pro-democracy movers in this picture who wrote this letter to Congress are all Afro-Cubans. So much for the equality that the regime created and this mysticism or romanticism that some have about the regime.

From an economic perspective, the very concept of trade and investment in Cuba is grounded in a misconception about how business takes place on the island. Right now, the Commerce Secretary of the United States is there talking about business. With whom are you talking business? With the regime.

In most of the world, trade and investment means dealing with privately owned or operated corporations. That is not the case in Cuba. In Cuba, foreign trade and investment is the exclusive domain of the state; for instance, the Castro family. There are no exceptions.

In the last five decades, every single foreign trade transaction with Cuba has been with the Castro regime or an individual acting on behalf of the regime. The regime's exclusivity regarding trade and investment is enshrined in article 18 of Castro's 1976 Constitution. He changed the Constitution and gave exclusivity to the state as it relates to trade and investment. That has not changed.

Moreover, there is no real private sector in Cuba. We often hear the Obama administration and the media refer to Cuba's small ''self-employment'' licenses as private enterprise, which implies private ownership. Yet Cuba's self-employed licensees have no ownership rights whatsoever—be it to their artistic or intellectual outputs, commodity that they produce or personal service that they offer.

Licensees have no legal entity to transfer, sell or leverage. They don't even own the equipment essential to their self-employment. More to the point, licensees have no right to engage in foreign trade, seek or receive foreign investments.

Effectually, licensees continue to work for the state. When the state decides such jobs are no longer needed—and we have seen this experiment before—licensees are shut down without recourse, which has happened several times in the past. Why? Because when you permit somebody to have a little barbershop and people congregate at the barbershop and begin to talk, that is a threat to the regime. When you permit people to assemble legally under the law, even if it is for the purposes of getting, for example, a haircut or eating at a restaurant—although that is normally for foreigners, not for locals—the bottom line is that when that gets out of hand, the regime, as it has in the past, will stop it. So this suggestion that there is this private enterprise is such a huge false fact.

The fact is, we already know what expanded U.S. trade with Cuba would look like. Since the passage of the 2000 Trade Sanctions Reform and Export Enhancement Act, over $5 billion in U.S. agricultural and medical products have been sold to Cuba. It is, however, an unpleasant fact—and facts are stubborn—that all those sales by more than 250 privately owned U.S. companies were made to only one Cuban buyer: the Castro regime.

Don't believe me. According to the U.S. Department of Agriculture itself: ''The key difference in exporting to Cuba, compared to other countries in the region, is that all U.S. agricultural exports must be channeled through one Cuban government agency, ALIMPORT.''

Exporting to Cuba is not about trading with small- or mid-sized farmers, private businesses and manufacturers around the island, as some of my colleagues would have Americans believe. So it should be no surprise that U.S. products end up on the shelves of regime-owned stores that accept only what? Hard currencies. Meaning what? The U.S. dollar or a euro—with huge price markups.

Shoppers at these ''dollar stores'' are mainly tourists or those Cubans who happen to have U.S. families who will send them money, but at the end of the day, those stores have these huge markups. And where does the money go to? Not a private enterprise but the regime.

Little imported food or medicine ever makes it into stores where Cubans shop. Neither is it available on ration cards. It requires a tremendous leap of faith or belief in some extreme and unprecedented economic model—call it dictator-down economics, from my perspective—to argue or theorize that current or more U.S. sales to Castro's monopolies have or can ever benefit the Cuban people.

The facts prove otherwise, as has been the case with sales of U.S. food and medicine. So what makes us believe expanded trade with the United States would be any different? As a matter of fact, since December 17 of this past year—when the agreements between the United States and Cuba were announced and despite the Obama administration's efforts to improve relations with the Castro regime, which have included an increase in travel and eased payment terms for agricultural sales—U.S. sales to ALIMPORT, that Cuban regime company which they control, during the same period have plummeted by over 50 percent. So the question is, Why would even more concessions make this manipulation by the Castro regime's monopolies any different?

Let's stop talking about the embargo in vague terms. The embargo, as codified by the U.S. Congress into law, simply requires the fulfillment of some very basic conditions which are consistent with the democratic and human rights standards of 34 out of the 35 nations in the Western Hemisphere—Cuba remaining the sole exception and, of course, ironically Venezuela heading into a downward spiral with a lot of influence by the Castro regime.

When President Obama or some of my colleagues call for lifting the embargo, they are asking Congress to unilaterally discard these conditions. So I want to ask them, which of these conditions—codified in U.S. law—do they disagree with or oppose that they are willing to unilaterally discard them? Which one are they willing to live without?

Is it, for example, the condition that Cuba ''legalizes all political activity'' or the condition that Cuba ''releases all political prisoners and allows for investigations of Cuban prisons by appropriate international human rights organizations''? As I understood part of this agreement, the Red Cross—I think it was the International Red Cross—was going to be able to go into Cuban prisons. The regime said: Not interested in that.

Is it the condition that Cuba ''dissolves the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for

the Defense of the Revolution. . . . ''? What is the Committee for the Defense of the Revolution? It is a block-watch entity in every neighborhood, in every village, in every hamlet inside of Cuba whose only job is to spy on their neighbors, and when their neighbor says something critical of the regime, they get ratted out.

Is it the rapid response brigades? What are those? Those are state security dressed as civilians who go take people such as the Ladies in White—people like these three pro-democracy individuals—and arrest them so it seems as if the populace is the one doing it when it is state security.

Is it the condition that Cuba ''makes a public commitment to organizing free and fair elections for a new government'' or the condition that Cuba ''makes public commitments to and is making demonstrable progress in establishing an independent judiciary; respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation; allows the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization'' among others.

Is it the condition that Cuba give ''adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people'' or the condition that Cuba is ''effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba''?

Is it the condition that Cuba is ''assuring the right to private property'' or ''taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property''?

Is it the condition that Cuba has ''extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States''?

Which one of these conditions do they not agree with? Are they all willing to just throw them all out, require nothing?

If President Obama, as media reports indicate, takes the unprecedented step of abstaining from voting against a Cuban resolution in the United Nations General Assembly criticizing our own Nation's law—which is what the Cuban embargo is—he would be disavowing these basic conditions because these basic conditions are what is written into the law. I know. At the time, I was one of the authors who wrote the law in the House of Representatives.

Think about the horrible message that turning a blind eye to these basic conditions in U.S. law would send to the Cuban people about the priorities of the United States. Think of the horrible message it would send to Cuba's courageous democracy leaders.

Since December 17, scores of foreign dignitaries, businessmen, and Members of the U.S. Congress have descended upon Havana to meet with Raoul Castro and his cronies, while sidelining Cuba's courageous dissenters.

As independent journalist and blogger Yoani Sanchez lamented, ''A true shower of presidents, foreign ministers and deputies has intensified over Cuba without daily life feeling any kind of relief from such illustrious presences.''

Sadly, as the AP reported, ''more than 20 U.S. lawmakers have come to Cuba since February without meeting with opposition groups that once were an obligatory stop for congressional delegations.''

The reason U.S. lawmakers don't meet with human rights activists and political dissidents is because if they do, then they don't get a meeting with Raoul Castro. So I guess the photo op with Raoul Castro is more important than meeting with human rights activists and political dissidents.

Perhaps the biggest affront was during the flag-raising ceremony during the opening ceremony of the U.S. Embassy in Havana—to which no Cuban dissidents were invited. The Secretary of State said publically this was due to ''a lack of space'' and that it was a ''government-to-government'' function. Yet images clearly showed there was plenty of space and lots of nongovernmental figures on the invitee list.

Can you imagine what the world would be like today if this had been the attitude of the United States toward Sakharov, Solzhenitsyn, Vaclav Havel, Lech Walesa, and Nelson Mandela?

Meanwhile, adding insult to injury, Cuba's courageous dissident leaders—now neglected by the administration and congressional supporters of the new policy and even further neglected by foreign dignitaries and unscrupulous businessmen searching for a profit at whatever cost—are facing a dramatic increase in repression. Since December 17, when President Obama announced his new policy, Raoul Castro's dictatorship has exponentially increased the number of political arrests, beatings, and detentions. Just between January and March of this year, politically motivated arrests increased nearly 70 percent, from 178 arrests in the former month to 610 in the latter.

According to the Cuban Commission for Human Rights and National Reconciliation—an internationally recognized human rights watchdog—the total number of political arrests during the first 9 months of this year were 5,146. In just 9 months, these 5,146 political arrests surpassed the year-long tallies recorded for 2010, which was 2,074; 2011, which was 4,123; and 2015 is tragically on pace to become one of the most repressive years in recent history.

The official number of September arrests alone—the month just passed—was 822, the most in 15 months. They include Danilo Maldonado, a 31-year-old artist known as El Sexto who was imprisoned on December 25 of this past year, one week after the new policy was announced. El Sexto was arrested for painting the names Fidel and Raul on two pigs, which was considered an act of ''contempt.'' He remains imprisoned without trial or sentence or any justice. Amnesty International has recognized him as a prisoner of conscience.

They also include Zaqueo Baez Guerrero, Ismael Bonet Rene and Maria Josefa Acon Sardinas, a member of The Ladies in White. These three dissidents sought to approach Pope Francis during his recent mass in Havana to ask for his solidarity with Cuba's political prisoners and democracy movement. They were dragged away and arrested under the eyes of the international media. They have been on a hunger and thirst strike since September 20 and are being held at the infamous secret police center for ''investigations'' at Aldabo and 100th Street in Havana. I am very concerned about their well-being.

They also include the case of Digna Rodriguez Ibanez, an Afro-Cuban member of The Ladies in White in Santa Clara, who was attacked by Castro regime agents and pelted with tar. That is right, with tar. Also included is Eralisis Frometa Polanco, another member of The Ladies in White, who was pregnant and forcefully aborted due to the violent blows to the stomach she received during a beating for her peaceful activism, and Daisy Cuello Basulto, also a member of The Ladies in White, whose daughter was arrested, stripped naked, and forced to urinate in front of male state security officers as a means of tormenting her mother.

For 24 straight Sundays in a row, Cuban dissidents have tried to peacefully demonstrate after Mass under the slogan ''Todos Marchamos''—we all march. And for 24 Sundays in a row they have been intercepted, violently beaten, and arrested.

This image is of Cuban dissident leader Antonio Rodiles, a 43-year-old intellectual, after having his face literally shattered during one of those peaceful Sunday marches. Yet, despite the tremendous indignities at the hands of the Castro regime, they remain undeterred in their struggle for freedom and democracy for all Cubans. Rather than shunning these courageous individuals, the United States should be embracing them.

On the same day the news hit that 882 political arrests were made in September alone by the Castro regime, Secretary Kerry was in Chile talking about some marine life agreement with Cuba. What about the human lives in Cuba suffering under this oppression? The Obama administration's policy seems to be bringing little comfort to the Cuban people generally, as they

continue to flee by land, by air, and the perilous journey by sea across the Florida straits, where countless Cubans have lost their lives in search of freedom.

Nearly 32,000 Cubans entered the United States in the first 9 months of the fiscal year that ended on September 30, up from about 26,000 migrants who entered last fiscal year, according to the Department of Homeland Security. Fewer than 7,500 Cubans came in 2010.

Finally, Mr. President, as one of the authors of the Cuban Liberty and Democratic Solidarity Act of 1996, known as the Libertad Act, and having served as a manager in the conference committee, I am concerned that the recent regulations and actions being taken by the Treasury and Commerce Departments contravene the purpose and intent of the law. As the final conference committee report of the Libertad Act made clear, ''It is the intent of the committee of conference that all economic sanctions in force are March 1, 1996, shall remain in effect until they are either suspended or terminated pursuant to the authorities provided in section 204 of this (requiring a Presidential determination that a Democratic transition is under way in Cuba).''

Those are the conditions I had previously addressed. The report also states that ''the explicit mandates in this legislation make clear congressional intent that U.S. law be enforced fully and, thereby, provide a basis for strict congressional oversights of executive branch enforcement measures henceforth.''

In furtherance of this intent, the prohibition on U.S. assistance and financing of agricultural sales to Cuba, the prohibition on additional imports from Cuba, and the prohibition of travel relating to tourist activities in the Trade Sanctions Reform and Export Enhancement Act of 2000 are explicit, clear and leave no room for exceptions.

These provisions were precisely written to deny U.S. funds to the Castro regime's repressive machinery and prohibiting them from being funneled through Castro's monopolies. Yet that is the direction—perhaps unintended—the new regulations are headed in, with the tragic, repressive consequences on full display.

Any hope that President Obama's goodwill would elicit a different tone from Raul Castro was further diminished by the Cuban dictator's speech to the U.N. General Assembly last month. Castro dedicated his 17-minute speech almost entirely to bashing the policies of the United States from Latin America to Eastern Europe to the Middle East. He praised Latin American autocrats in the mold of Hugo Chavez, sided with Putin and Assad, criticized representative democracy, and dismissed human rights as a ''utopia.'' While President Obama referred to the concessions he has already made in his remarks to the U.N. General Assembly, Raul Castro audaciously demanded even more.

So let me close by saying we all remember the message President Obama sent to the foes of freedom in his first inaugural speech. He said, ''[W]e will extend a hand if you are willing to unclench your fist.'' I urge the President to follow his own doctrine and reconsider some of the unmerited and unreciprocated generosity in this new policy, for Raul Castro's fist clearly remains clenched, yet the President's hand is still fully extended.

The President claims those who don't agree with his Cuba policy are stuck in the past, but it is the Castro regime that is stuck in the past, still living their misguided Cold War dreams in a world that hasn't insisted they move forward. And when you own everything in the country—which the regime does—why would you be willing to give it up after 50-some-odd years? Instead, we are rewarding them for their intransigence. Unless we challenge them, we will not see change.

The fact is that hope and change do not come easily. They do not just happen. Like any parent with a child, they won't change unless you challenge them and give them a reason. Like Congress, it needs to be challenged to change. And so with Cuba the world needs to challenge the regime or change will never come—not give in and give everything. To do so only strengthens their resolve to hold on to their dictatorship and prolong the day when we can truly say to the world that ''Cuba es Libre''—Cuba is free.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, while he is still on the floor, I want to thank the Senator from New Jersey for his remarks. He is clearly one of the institution's experts on Cuba and the Castro regime, and I think we need to pay attention to what he is saying.

Unfortunately, we seem to be dealing with other countries and other regimes as we hope they will be, not as they are in reality. That was an important set of remarks, so I thank the Senator.

Mr. President, yesterday the United States Senate voted to advance the National Defense Authorization Act—what we call the NDAA. I worry sometimes we talk in Senate-speak, and we don't actually communicate what legislation is, so I want to talk a little about what this defense—or national security—legislation is and why it is so important that it passes.

After passing both the House and the Senate earlier this summer, colleagues worked in a conference committee led by MAC THORNBERRY from Texas, chairman of the House Committee on Armed Services, and Senator JOHN MCCAIN, the chairman of the Senate Committee on Armed Services. I know they had a tough job in reconciling those two different versions of the legislation, but now they have come forward with strong bipartisan legislation that supports our military and our families.

My dad served for 31 years in the United States Air Force. He flew B–17s in World War II in the Army Air Corps. I proudly grew up as an Air Force brat, so this is personal to me, as I know it is to the Presiding Officer, who has served in the Marine Corps for a long time and for whom this is a very personal issue as well.

In my State of Texas we are very proud of our connection with the military. We claim—I am not sure it is exactly true but we make this claim—that one out of every ten persons in uniform calls Texas home. I think that is probably roughly correct, but we want to make sure that through this legislation we do our job to make sure our military gets the equipment and the training they need in order to perform the dangerous missions we ask them to perform here in the United States and around the world. That is what this legislation does.

For example, the bill authorizes funding for the Corpus Christi Army Depot. This installation is a true national treasure because what it does is to refurbish the rotary-wing aircraft that come from overseas. After they are battered and beaten up, they come back and make them like new. So when these army helicopters serve overseas, they come back for a pit stop in Corpus Christi at the depot, and they make sure they are ready for the next challenge our military faces. This legislation we will be voting on at 2 p.m. this afternoon authorizes funding for the construction of a new facility at the depot where helicopter engines and transmissions can continue to be repaired, and we can continue to equip, as we should, our military.

This Defense authorization bill also authorizes critical military construction, such as the barracks at the Air Force basic training program at Lackland Air Force Base in San Antonio, where thousands of airmen start their service to this Nation every year.

That was the first assignment for my dad, at Lackland Air Force Base in San Antonio, TX, when I was a freshman in high school. I have had the privilege of attending some of the graduation ceremonies there, and they are really an inspiration. You see this whole football field full of trainees learning, through their basic training, how to become airmen and to serve our country in the U.S. Air Force.

The real people and real installations are dependent upon this authorization bill becoming law. This defense legislation is integral to ensuring our military is well resourced, well trained, and ready for action when called upon. Importantly, this legislation also helps clarify the United States' long-term defense priorities and authorizes funds to equip our military to handle the multiple evolving conflicts around the world.

I am reminded that in August I visited the Pacific Command with some of

our colleagues here in the Senate, where we asked Admiral Harris, the four-star commander of the Pacific Command, what keeps him up at night. What are you most concerned about? At the top of his list was North Korea, governed by a volatile dictator with nuclear weapons and intercontinental ballistic missiles. I know General Dunford, the new Chairman of the Joint Chiefs of Staff and the former Commandant of the Marine Corps, had a little different ordering. He put Russia at the top, I think, then China, North Korea, and then ISIL, if I am not mistaken. But regardless of the exact order, we know there are numerous threats to world peace and regional security.

We learned the lesson on 9/11 that what happens overseas doesn't stay overseas. It directly affects our security right here at home too. That is why this legislation is so critical.

This Defense authorization bill also includes provisions that fund efforts to counter Russian aggression in Eastern Europe, where Vladimir Putin is trying to intimidate and coerce countries that are part of NATO, the North Atlantic Treaty Organization, and threatening them with the kind of aggression we have seen in Crimea and Ukraine. This bill helps counter that aggression. It also provides resources to help train and assist our partner nations in the Asia-Pacific, it provides help for Israeli missile defense and anti-tunneling defense, and it supports our partners in Afghanistan and throughout the Middle East to combat rampant terrorist activity.

So what we do here in the Senate and in this Congress and here in Washington, DC, is important to our national security and the safety of our Nation. That is why for over 50 years Congress has made passing the Defense authorization bill—what we sometimes refer to as the NDAA, the National Defense Authorization Act—that is why we have always made that a priority. All of us, regardless of political affiliation or ideology, believe it is fundamentally important to make sure our men and women in uniform, who are fighting on our behalf or standing ready to fight when called upon, faced with unprecedented threats around the world—we need to make sure, as a moral obligation, that they have what they need and that they know we are solidly behind them. That is what signal this legislation sends.

Now we have a chance to send this to the President—after we vote on this legislation—send it to him for his signature. But here is where I am troubled. President Obama has indicated he may well veto this legislation. And what, we might ask, would be his reason? Is there some provision of the legislation that he finds so repugnant or difficult that he wants to veto the legislation? Frankly, what the President and the White House have said is—they claim the funding levels outlined in the Defense authorization bill are ''irresponsible.'' But get this: These same funding levels are reflected in the President's own budget request. So we gave the President what he asked for, and he calls them ''irresponsible.'' What kind of hypocrisy is that?

I hope the President and his counselors at the White House will reconsider playing fast and loose with support for our troops and this important piece of legislation. This bill is bipartisan. We can have our fights over all sorts of things—and Heaven knows we will—in this polarized political environment, but if there is one thing on which we all ought to agree on a bipartisan basis, it is that this legislation needs to pass.

This support for our troops in an ever-dangerous world should be a priority. Fortunately, many of our Democratic friends understand this, and they have worked with us, and that is the way it should be. So I hope they aren't tempted to block this legislation in order to give cover to the President and to prevent him from being held accountable for his own decisions. This is not a time to play games, particularly with our national security and our men and women in uniform at stake.

Today our Armed Forces face a world with growing challenges in almost every corner of the world. As a matter of fact, I think the Director of National Intelligence, James Clapper, said he doesn't remember a time in his long career in the Air Force and now in the intelligence community where the world has faced more diverse threats and challenges. And, like it or not, the United States is the point of the spear in addressing those challenges. If the United States doesn't step up and lead, there is a vacuum created which does nothing but encourage these tyrants, these thugs, the dictators and other people who will take advantage of that void.

We can't tie our own hands behind our backs while asking our troops to fly into harm's way to support efforts against ISIS and Syria and Iraq or sail to the edges of the Pacific to keep Chinese ambitions in check or to accompany Afghan soldiers in deadly firefights against a resurgent Taliban. Right now, as I stand in this Chamber, we have Americans—soldiers, sailors, and marines—who are putting their lives at risk to defend this Nation. By definition, when they are deployed overseas, they are far away from home, separated from their loved ones and their families. We ought to always remember that for every man or woman who wears the uniform, there is a family back home who is serving our Nation as well who deserves our gratitude and our support. The last thing our military needs is a reason to question the strength of our convictions, and they need Congress to support them.

Our adversaries watch this sort of thing, too, because what they read into political dysfunction—particularly when it comes to something as important as our national security—is they see encouraging signs that maybe they can push the envelope a little further. Maybe they can challenge the United States and our allies a little more. Maybe they can grab a little more property, real estate. Maybe they can plant a flag someplace they otherwise would not because they see in our actions—particularly on something as important as this—a certain reticence, perhaps not a willingness to lead but, rather, an America retreating from our international responsibilities, and that is dangerous. That is dangerous.

I encourage all of our colleagues to simply vote once more in support of this legislation so we can send it to the President's desk. What he does is his responsibility. This legislation passed last June with more than 70 votes. If we can send this bill to the President with that same sort of overwhelming bipartisan support, the President won't be able to veto this legislation because he knows his veto can be overridden by a two-thirds vote in the House and the Senate.

So let's do our part together to show our men and women in uniform that our support for them will never ever waiver.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I appreciate the words of my friend from Texas. I just want to point out that our military is fully funded and that some of us believe our military is so important that it ought to be funded by real dollars, not make-believe smoke and mirrors.

I have a press release from the ranking member, the top Democrat on the Armed Services Committee, who said he opposes using budget gimmicks to fund the Pentagon, and he declined to sign the NDAA, which is very unusual.

If we really care about our military, and everyone does, we ought to fund with real dollars, not make-believe money—this one called OCO.

Mr. President, I ask unanimous consent that this press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REED OPPOSES FUNDAMENTALLY FLAWED NDAA

TOP DEMOCRAT ON ARMED SERVICES COMMITTEE OPPOSES USING BUDGET GIMMICKS TO FUND THE PENTAGON & DECLINES TO SIGN NDAA CONFERENCE REPORT

WASHINGTON, DC.—Today, U.S. Senator Jack Reed (D–RI), the Ranking Member of the Armed Services Committee announced that he will not sign the Conference Report for the Fiscal Year 2016 National Defense Authorization Act (NDAA). Reed opposes the Conference Report because it uses an inefficient budget gimmick that underfunds the Pentagon's base budget while inflating the emergency war spending account known as the Overseas Contingency Operations (OCO) fund, which is exempted from Budget Control Act spending caps. As a result, about one out of every six dollars in this year's NDAA, nearly $90 billion, is counted off the books. ''There are many needed reforms in the Conference Committee Report, but the use of

emergency war funds does not realistically provide for the long-term support of our forces,'' said Senator Reed. ''I cannot sign this Conference Report because it fails to responsibly fix the sequester and provide our troops with the support they deserve.'' ''I remain committed to working toward a more balanced, responsible way to fix the sequester so our defense and domestic needs are met. Achieving that goal is essential to the security and financial well-being of the American people. The Department of Defense is critical to national security, but so are the FBI, Homeland Security, the Department of Justice, and many other federal agencies that help keep Americans safe,'' Reed concluded.

HIGHWAY BILL

Mrs. BOXER. Mr. President, I came over here because the American people keep hearing: Government shutdown. Government shutdown. What is going to happen?

The opinion of Congress is the lowest of all times because we are not doing our job. We are not doing our work.

We are facing three possible shutdowns.

The first one is the possible shutdown of our entire transportation program, and that has 22 days left. On this one, I want to praise the Senate because we stepped up, Democrats and Republicans together, and we said: We are not going to let this happen; we are going to work together and get a bill. I am going to talk about that in a bit.

The second date we face is in early November, when, if we don't raise the debt ceiling so we can pay for the programs everyone here voted for, the government will shut down and we will become, frankly, the people who have overseen for the first time a bankruptcy. We have to raise the debt ceiling. As Ronald Reagan said very eloquently—I don't have his exact quote, but he said something like this: Even the thought of not paying our bills, even the thought of not raising the debt ceiling should be avoided. But we face that made-up crisis.

The third one is December 11, where all of our budget has to be looked at and we have to come to some agreement on the fair level of spending for both defense and nondefense and all the things we do.

I am here to talk about the first deadline because I am intimately involved with this as the ranking member on the Environment and Public Works Committee. I want to start off by praising my chairman, JIM INHOFE. He and I don't see eye to eye on a lot of things, but we sure do when it comes to transportation.

One hundred days ago—my colleague knows this—the Senate Environment and Public Works Committee unanimously approved the DRIVE Act. It has been 68 days since the Senate passed the bill by a vote of 65 to 34—that is an overwhelming vote in a bipartisan way—and now we are down to 22 days before we shut down. People can say: Why are we going to shut down when the Senate has done its job? Because the House hasn't done its job. It is inexcusable.

If we can find the bipartisan will to work together to pass a long-term transportation bill that increases funding for roads and bridges and transit projects, certainly they can find it in the House, and they should find that consensus there. We are up against this deadline. We keep hearing that the House—or I did—is going to act. Now, as far as we know, they have put off the markup of the bill until the day before we have a shutdown. That is ridiculous.

I call on Republicans and Democrats over there to come together, just as we came together. It is painful here on so many issues, but we found the political will to do the right thing. Where is the House bill?

In September, 68 organizations sent a letter to the House calling on the House to pass the Transportation bill. Look who signed this. I will mention a few: the National Association of Manufacturers, the U.S. Chamber of Commerce, the Associated General Contractors, the Travel Association, Mothers Against Drunk Driving, the Laborers International Union, the American Bus Association, the AAA, the American Trucking Association, the Society of Civil Engineers, the American Public Works Association, the National Railroad Construction and Maintenance Association. This is pretty amazing. This goes on and on.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 11, 2015.

DEAR REPRESENTATIVE: The undersigned organizations representing every sector of the U.S. economy urge all members of the House to pass a six-year reauthorization of the federal surface transportation program in 2015 that increases investment in highway and public transportation improvements.

America's transportation infrastructure network is the foundation on which the nation's economy functions. American manufacturers, industries and businesses depend on this complex system to move people, products and services every day of the year. It is also a direct contributor to enhanced personal mobility and quality of life for all Americans.

The Senate passed a multi-year surface transportation bill with substantial bipartisan support in July. It is now incumbent on the House of Representatives to keep the reauthorization process moving forward to ensure a six year bill is enacted before the latest short-term program extension expires October 29.

The U.S. economy and all Americans require a surface transportation infrastructure network that can keep pace with growing demands. A six-year federal commitment to prioritize and invest in our aging infrastructure and safety needs is essential to achieve this goal.

Temporary program extensions and eight years of recurring Highway Trust Fund revenue crises do not provide a path to future economic growth, jobs and increased competitiveness. We urge you to end this cycle of uncertainty by advocating and voting for a six-year surface transportation program reauthorization bill during 2015.

Sincerely,

National Association of Manufacturers, U.S. Chamber of Commerce, American Road & Transportation Builders Association, Associated General Contractors of America, U.S. Travel Association, Mothers Against Drunk Driving, International Union of Operating Engineers, Laborers International Union of North America, Building America's Future, AAA, National Retail Federation, American Association of State Highway and Transportation Officials, American Public Transportation Association, American Trucking Association, American Society of Civil Engineers.

American Public Works Association, American Highway Users Alliance, National Ready Mixed Concrete Association (NRMCA), Associated Equipment Distributors, American Concrete Pressure Pipe Association, American Association of Port Authorities, Coalition for America's Gateways & Trade Corridors, National Stone, Sand & Gravel Association, Industrial Minerals Association—North America, Auto Care Association, National Recreation and Park Association, National Electrical Contractors Association (NECA), National Tank Truck Carriers, Inc., American Concrete Pavement Association, North American Equipment Dealers Association, American Bus Association.

Transportation Intermediaries Association, Association of Equipment Manufacturers, National Steel Bridge Alliance (NSBA), Metropolitan Planning Council, Chicago, American Institute of Steel Construction (AISC), American Concrete Pipe Association, Institute of Makers of Explosives, National Safety Council, National Precast Concrete Association, The National Industrial Transportation League, Corn Refiners Association, Specialized Carriers & Rigging Association, National Asphalt Pavement Association, Construction & Demolition Recycling Association, American Council of Engineering Companies.

Concrete Reinforcing Steel Institute, Governors Highway Safety Association, North America's Building Trades Unions, National Electrical Manufacturers Association (NEMA), International Bridge, Tunnel and Turnpike Association, Energy Equipment and Infrastructure Alliance, American Iron and Steel Institute, American Traffic Safety Services Association, The Association of Union Constructors (TAUC), Asphalt Emulsion Manufacturers Association, Asphalt Recycling & Reclaiming Association, International Slurry Surfacing Association, Airports Council International–North America.

American Rental Association, Commercial Vehicle Safety Alliance, Precast/Prestressed Concrete Institute, National Railroad Construction & Maintenance Association (NRCMA), Motorcycle Riders Foundation, Intelligent Transportation Society of America (ITS America), Farm Equipment Manufacturers Association, NATSO, Representing America's Travel Plazas and Truckstops, National Association of Development Organizations (NADO), National Utility Contractors Association (NUCA).

Mrs. BOXER. All of these extraordinary organizations are behind the Senate bill—the Governors Highway Safety Association, American Concrete. This is America together. They are calling on us. And this is not a partisan issue.

It is incumbent on the House to keep the reauthorization process moving forward and not wait until October 29 when we are on top of the deadline and we have to do another extension. We

are all sick of it. Let me just say it doesn't work.

If you went to the bank and wanted to buy a house and they said, ''I have great news from you, Mr. and Mrs. America: You have been approved for a loan, but it is only for a year,'' you are not going to buy the house. It is the same way with our State highway people. They are not going to build a new highway or fix a road or invest in a transit program if they only have a few days of an extension that they can rely on. They want us to have a long-term bill. We passed the 6-year bill here with 3 years of pay-fors.

We have seen the organizations. I am saying that our people who drive on roads are Democrats, Republicans, Independents, liberals, conservatives, rightwing, leftwing, ''middlewing.'' It doesn't matter. This is one issue where we can come together, and the Senate proved we can come together. So our words—and I really speak for everyone. I know. I talked to Senator INHOFE, and he knows I am speaking today. The words we have for the House: Just do it. Just do it. If we can do it, you can do it. Short-term extensions don't work.

I gave the example of going for a mortgage. You are not going to invest in a house if you can only get a year's mortgage. The same thing is true if you want to buy a new car. If you go to the bank and they say, ''Great news: You are approved, but it is only for 3 months, or 90 days,'' you are not going to buy the car. It is the same way for our States.

I have a chart—I don't have it with me now—that shows how much the States rely on the Federal Government. I don't have it blown up, but I am going to go through this. It is so interesting. We have States that rely on the Federal Government highway program for anywhere from 30 percent all the way up to 100 percent. Many States rely on the Federal Government for over 70 percent. Mr. President, I ask unanimous consent that this list of the percentages by State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Federal Share of Each State's Capital Outlays for Highway & Bridge Projects

State	*Percentage*
Rhode Island	102
Alaska	93
Montana	87
Vermont	86
South Carolina	79
Hawaii	79
North Dakota	78
Wyoming	73
South Dakota	71
Connecticut	71
New Mexico	70
Idaho	68
Alabama	68
New Hampshire	68
Missouri	65
Mississippi	65
Colorado	64
Minnesota	64
Oklahoma	63

Federal Share of Each State's Capital Outlays for Highway & Bridge Projects—Continued

State	*Percentage*
Arkansas	62
Georgia	62
Tennessee	62
West Virginia	61
Iowa	59
Ohio	58
Virginia	57
Maine	57
Wisconsin	55
Oregon	54
Indiana	54
New York	54
District of Columbia	52
California	49
Nevada	49
Arizona	49
Nebraska	49
Kansas	49
Louisiana	48
North Carolina	48
Maryland	48
Texas	47
Pennsylvania	46
Washington	45
Kentucky	44
Michigan	41
Delaware	41
Florida	39
Illinois	39
Utah	38
Massachusetts	37
New Jersey	35

We know Delaware is 41 percent reliant on the Federal Government; Rhode Island is 100 percent reliant on the Federal Government; Vermont, 80 percent; Hawaii, 79 percent; Alaska, 93 percent.

This is something that is a partnership. This is a partnership. We work together with the States, but we are so disadvantaging our States. In my State, it is about 50–50. We raise our resources about 50 percent. But do you know what the other 50 percent means to California, because we have almost 40 million people? It is $4 billion a year. We can't do our program on our own.

As my friend JIM INHOFE says, it is a need that he feels as a conservative he can support. When you read the Constitution, we are one Nation; we are connected. We need to build these roads.

There are over 61,000 bridges that are structurally deficient. We know this. We have worked together to fix this problem, because we know, in a way, it is a moral issue. Once you know something is dangerous, you have to fix it. We did with the Senate bill. We call on the House to do the same. Now, 50 percent of our roads are in less than good condition. This is not news to most of our people. They understand it. They drive on these roads. It takes a toll on their cars. I forget the exact amount, but I think it is about $1,000 a year of costs for people who use their cars a lot from roads that are not in good condition.

Every day, there are over 215 million crossings by motorists on structurally deficient bridges in every single State in our great Union. Let's show you a list of some of these bridges that are in need of repair: Alabama, Arizona, Arkansas, California—our Golden Gate Bridge, our famous, incredible bridge. I crossed that bridge when I lived in Marin County every day for work. Seriously, the bottom line is that we need to act. Connecticut, District of Columbia, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa—these are bridges in great need of repair. Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York—the Brooklyn Bridge, that iconic bridge, is dangerous and in need of repair. In North Carolina, there is a Greensboro bridge. Ohio, Oklahoma, Oregon, Pennsylvania—the Benjamin Franklin Bridge—Pennsylvania is the home of the chairman over there. In Oregon—the ranking member—there is the Columbia River Crossing. The Columbia River Crossing and the Benjamin Franklin Bridge are in the homes of the chairman and ranking member of the committee who have the obligation to get this done. There is South Carolina, Texas, Utah, Washington, and Wisconsin.

I have rushed this, but I don't want to spend the time naming every bridge. But this is where we are. A multiyear surface transportation bill is going to solve these problems, and we are going to start the work that needs to be done. We know there are still 1.3 million fewer construction workers today than in 2006, when the recession started. According to the Associated General Contractors, 24 States and the District of Columbia lost construction jobs between July and August. No wonder people look at Congress and they don't think we are doing a good job. We know all this.

The Senate has passed a good bill, bipartisan. All we are asking is what construction industry officials want us to do, and that is to stop the uncertainty about future Federal funding levels for highway and transit repairs. We know that the bill we passed in the Senate is a good bill. It is not as big as a lot of us wanted, and it is not as small as other people wanted. We found a sweet spot.

I am going to conclude by saying this. The reports I have heard indicate that the House Transportation and Infrastructure Committee may well take action at the end of this month. That is so late. Let's go back to the 22 days chart. We are 22 days away from a transportation shutdown. They are going to mark up on the very day that we lose the authorization to spend funds.

We know the writing is on the wall. They are going to send us some short-term legislation. I want to say I am not going to allow that because I will oppose any short-term extension that pulls pieces out of our bill and takes the pressure off of passing a bill, such as positive train control. We have taken care of positive train control in our bill. I am not going to pull it out and put it on a short-term extension—no. They will get nothing.

They have to do their job. That is why they are here. We know we can do

it. We proved it over here. We have really serious problems over here, but we did it. We did it. When you have 65 votes for something over here and you pull equally from both parties, you have a good product. We have serious issues, and they have to be addressed. We are not going to pull out special favorite pieces out of the highway bill and stick it on a short-term extension or have some stand-alone bill that solves positive train control or any other of the special issues that we have addressed in the bill. Everyone knows we have to act.

I know my friend is waiting patiently to make a few remarks. I simply want to conclude with this. We passed a good bill—over $55 billion for 6 years. There are two new programs, including a formula freight program that provides funds for all States to improve goods movement. We have included the McCaskill-Schumer rental cars bill so rental cars will be safe. We have the first-ever commuter rail fund for positive train control.

These are some of the good things we have done. Let's not throw it all away and get it all glommed up into the other problems we are facing, which are the date on the debt ceiling and the December 11 date on funding the budget. We don't have to do it. This is a special fund. It is the highway trust fund. It should not get enmeshed in the end-of-budget-year issues. We should take that crisis off the plate. We did it in the Senate. They should do it in the House. That is our message today to the House: Please, Republicans, Democrats, liberals, conservatives, moderates, everyone in between, come together for the good of this country and pass a highway bill. Let's get to conference. Let's get the best bill we can get and be done with it and, at least then, send a signal to the people of this country that we are doing our job.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to discuss the legislation before this body, the National Defense Authorization Act. Before doing so, I want to take a minute and address the DRIVE Act. I strongly support the DRIVE Act. It is very important that we have a 6-year highway bill for our country and that we get it in place. It was passed in a bipartisan basis. I think there are many provisions in it that will be very helpful, not only to our country but to each and every one of our States. We have worked on that legislation; we have passed it through regular order. It is vitally important.

When I go home and talk to my constituents in North Dakota, as I know is the case for all Members of this body, they express how important it is that we get not only a highway bill passed but a 6-year highway bill, a long-term highway bill passed so that these multiyear projects can go forward. We do need to get that done and get it done now so that we don't have an interruption in the Federal highway program.

To my esteemed colleague, I want to express my support as well for this important legislation. I appreciate both the work of the chairman of the Environment and Public Works Committee and of the ranking member—my colleague who is the ranking member on EPW. This is important legislation. We need to continue to work in a bipartisan way in both Houses—the Senate and House—and get this legislation done.

Mrs. BOXER. Would the Senator yield so I could thank him for a minute?

Mr. HOEVEN. I will.

Mrs. BOXER. Through the Chair, I want to thank the Senator so much because he was one of those people who really helped us. In addition, every member of the Environment and Public Works Committee, on both sides of the aisle, was terrific on this. In addition to the chairman, Senator INHOFE, I also want to single out Senator DURBIN and Senator MCCONNELL, because they stepped up from both sides of the leadership when it really looked as if it would never happen. We proved that we could do it. I am so grateful to my friend for showing his support because we have so many contentious issues. This is not one of them. I want to thank him very much for his comments.

Mr. HOEVEN. Madam President, again, I thank the Senator from California. This is important bipartisan legislation, and we need to continue to work to get it done.

I rise today to discuss the NDAA—the National Defense Authorization Act. It is likewise incredibly important legislation, in this case for our military—for our military and for the defense of this great Nation. I want to begin by commending the members of the Armed Services Committee, and especially Chairman MCCAIN, but all of them for their diligence. That means Members of both the Senate and the House, working together in conference committee after both Houses passed this legislation, passed the legislation through regular order. I emphasize that because it is so important that we follow regular order in this body and in the House, where we bring forward the legislation from the committees, bring it to the floor, have the debate, have the opportunity to offer amendments, debate those amendments, vote on those amendments, and then vote on the legislation. Let these bodies work their will. Send the legislation to the President. He makes his decision and we move forward.

I emphasize this right at the outset because it is so important that we work in this way through regular order so that we get to the important work of this country. I use this legislation as a great example—the National Defense Authorization Act, the defense of our Nation. We are moving forward because we are following regular order. We are working in the way I just described in both the Senate and the House, and that is what we need to do.

It is hard to overstate the importance of this legislation for our men and women in uniform and for the security of our Nation. I am pleased that we are now debating this conference agreement, and I look forward to moving to final passage. In just a few hours, at 2 p.m. eastern time today, we will be voting on final passage on this legislation.

There are several features of this bill that I want to highlight, and I am going to talk about a few of them. There are many important provisions, but I do want to highlight some of them here over the next few minutes. The first is in the area of personnel and benefits, taking care of those who put on the uniform—men and women who wear the uniform and put it all on the line for us and for our country.

This bill represents a continuing commitment to the well-being of our service men and women. It makes significant improvements to the benefits we offer to those who serve, particularly, by allowing military participation in the Thrift Savings Plan, as recommended by the Military Compensation and Retirement Modernization Commission.

We recognize that we need to reward those who stay in the military for 20 years with a strong retirement package. We also recognize through this legislation that those who serve less than 20 years deserve something in retirement as well. The Thrift Savings Plan provides a great mechanism to do that. I am very glad that we are able to include that in this legislation.

Let me touch for a minute on international security assistance. We face an incredible array of threats to our security and to the security of our allies. Those threats require immediate and careful attention, and this legislation points us in that direction and provides important tools. Because of the serious concerns many of us have about the efforts to fight ISIL, the National Defense Authorization Act increases congressional oversight of the effort to support the fight against ISIL in Syria.

We should not wait to pass this legislation. There is too much at stake in critical regions of the world, and we need to move forward. We should pass this legislation immediately, and the President should sign it right away so that our military has all of the authorities it needs to address threats such as ISIL as soon as possible.

I will talk for a minute about some of the critical defense programs. Of course the military needs the best tools available in order to meet the security threats of today and tomorrow.

The National Defense Authorization Act for Fiscal Year 2016 provides authorization for a number of key weapon systems, including the Air Force's new long-range strike bomber and the aerial refueling tanker programs, missile

defense, and a wide range of other procurement priorities. Delaying these programs now will harm our national security in the future, so it is important to keep them on track by passing this legislation and getting it signed into law.

I am also very pleased that the fiscal year 2016 legislation provides full authority for the Air Force's nuclear forces, including the B–52 bomber and the Minuteman III ICBM as well as the Global Hawk unmanned aircraft. Our Global Hawks provide incredible intelligence, surveillance, and reconnaissance capabilities. In North Dakota, we are proud to host the capabilities that make such vital contributions to the defense of our Nation—two of the legs of the nuclear triad—the intercontinental ballistic missiles and the B–52 bombers, as well as the unmanned Global Hawk.

I also want to say another word about remotely piloted aircraft, RPAs. The Air Force has been squeezed by the demand for the capabilities we have in the Predator and the Reaper, and it has been difficult to meet those demands and still have the capacity to train new pilots for these RPAs, remotely piloted aircraft.

I wish to commend the members of the conference committee for a very strong section in this legislation that requires the Air Force to consider all of its options to train additional RPA pilots. I have been advocating using the private sector to increase our capability to train those pilots. That is a step that can be done in the short term without drawing down our ability to support commanders in theater.

Right now the commanders in theater want those remotely piloted aircraft for the mission. That is a very high operations tempo. That doesn't leave pilots available here at home to train new pilots to fly these aircraft. That is why a private sector solution can be so helpful to our Air Force, and that is the language I worked so hard to include in this legislation.

I also have language in the report that goes along with the fiscal year 2016 Defense appropriations bill. The companion bill to the authorization bill is the appropriations bill. I included language in the appropriations bill that instructs the Air Force to look at private sector-led training. My hope is that between that language and what we are passing in this authorization bill, the Air Force will find a way to leverage the private sector to enhance what the Air Force can do with its RPA fleet, meaning a higher ops tempo, and at the same time train new pilots and bring them into the system to fly unmanned aircraft.

Finally, I will highlight a couple of items that are important to North Dakota specifically. One is an amendment I offered during floor consideration of the NDAA in the Senate. This language directs the Air Force to determine the feasibility of partnering the Air National Guard with the Active-Duty Air Force to operate and maintain the Global Hawk. Similar to what it does in support of the Predator and Reaper missions, I believe the Air National Guard can provide a valuable contribution to the Global Hawk missions. I am very grateful that the conferees retained this amendment in the bill, and I hope that it will prove to be valuable not only in North Dakota but will set an example that can be followed with other aircraft and the Air National Guard units in other States across the country.

I also wish to thank the conferees for including a $7.3 million authorization to construct a new Intelligence Targeting Facility at Hector Field in Fargo. Our Air National Guard is taking on an exciting new targeting mission and this much needed facility will give them the space required and the capability—the facilities and resources necessary—to do that job right. They are already doing an outstanding job, but they need this secure facility as part of this highly specialized and highly important mission.

I worked on this project through the military construction appropriations subcommittee, and I look forward to completing the authorizing and appropriating legislation so we can get construction started on this new facility in Fargo.

The bottom line is that this legislation includes many provisions that are important for our men and women in uniform, that are critical to our national security, and that are vital to each of our States. The bill is well crafted, and it has received bipartisan support. It is absolutely necessary that we move forward and pass it and that it becomes law, so I will touch on that aspect of the legislation for just a minute as well.

The President has indicated that he intends to veto this legislation. So he intends to veto legislation that is passing through this body with very strong bipartisan support. The irony is that he is vetoing this legislation because we included additional funding in the legislation for our military that is incredibly important and is very much needed. But he is saying, nope, that is not what he wants done and has indicated that he will veto the legislation.

It is very important today that we have strong bipartisan support to send a clear message that if this legislation is vetoed, this body and the House will override that veto. We have to stand strong on a bipartisan basis. We have to make sure that we get this legislation passed, not just for our men and women in uniform but for the good and for the security of our country.

This is vitally important legislation. This is about making sure that we join together in a bipartisan way and get it done for our men and women in uniform, and then there is still more to do.

This is the authorizing legislation. Then we have to pass the appropriating bill that goes with this legislation so that we fund the authorizations provided in this legislation, and not until all three things are done have we stepped up and got the job done for our military. We need to pass this authorization. We need to make sure that we override any veto—should the President decide to veto this very important legislation—and then we need to stand strong, come together, and make sure we do not have a filibuster of the companion bill, the Defense appropriations bill, which goes with this authorization. Then, and only then, will we have the job done that we need to do for our men and women in uniform. That is the task before us, and that is what we need to get done. We need to keep our eye on that ball very clearly, and we need to make sure the American people understand that we have to pass this legislation, override any veto, and then pass the companion Defense appropriations bill. Only then have we got the job done for our men and women in uniform who put it all on the line for us.

With that, I yield the floor.

SECTION 1045

Mrs. FEINSTEIN. Madam President, I want to thank Chairman MCCAIN and Ranking Member REED for their efforts to include an anti-torture provision in the conference report on the National Defense Authorization Act for Fiscal Year 2016, H.R. 1735. As a coauthor of this provision—Section 1045 of the conference report—I am pleased that there will now be clear limits on interrogation techniques so that the United States can never again conduct coercive and abusive interrogations or indefinite secret detentions.

Section 1045 applies the restrictions on interrogations in the Army Field Manual under current law to the entire U.S. Government. The provision therefore extends to the whole of government what Congress did in 2005, by a vote of 90–9, with the Detainee Treatment Act, which banned the Department of Defense from using techniques not authorized by the Army Field Manual. The Detainee Treatment Act also banned across the government the use of cruel, inhumane, and degrading treatment or punishment.

Section 1045 also requires prompt access by the International Committee of the Red Cross to any detainee held by the U.S. Government.

Madam President, I ask unanimous consent to engage in a colloquy with the chairman of the Armed Services Committee, Senator MCCAIN, to provide clear legislative history as the coauthors of the amendment.

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

Mrs. FEINSTEIN. I would like to start by asking the distinguished Senator from Arizona, Mr. MCCAIN, a question concerning this anti-torture provision, Section 1045.

Some have raised the concerns about the exemption in this provision for Federal law enforcement agencies. The concern is that this new provision

might supersede other laws, rules, and guidance that apply to Federal law enforcement agencies. The language in the Senate-passed bill made clear that Federal law enforcement agencies could use interrogation techniques outside of the Army Field Manual if those techniques are authorized, noncoercive, and ''designed to elicit voluntary statements and do not involve the use of force, threats, or promises.''

Does the absence of this language in the conference report somehow open the door to the use of coercive interrogation techniques by those agencies? Is that the intent of the law enforcement exception in Section 1045?

Mr. MCCAIN. No. I assure the Senator from California that this is not the case and that I would not have agreed to any such provision if it were. The conferees decided that the requirement that all U.S. interrogations be conducted in accordance with the Army Field Manual on interrogations should not apply to Federal law enforcement officials for two simple, straightforward reasons.

First, Federal law enforcement agencies already have an extensive and well-established set of rules and procedures concerning interrogations because law enforcement interrogations are by definition conducted to produce statements that are voluntary and admissible in court. Those rules and procedures strictly prohibit the use of coercive techniques.

Second, the U.S. Army Field Manual was not written with law enforcement circumstances in mind, and it is unnecessary to ask law enforcement agencies to use or adapt the Army Field Manual when they already have their own rules and procedures for noncoercive interrogations.

Since at least 2004, it has been the policy of the FBI that ''no attempt be made to obtain a statement by force, threats, or promises,'' according to the Legal Handbook for FBI Special Agents, as publicly recounted by the FBI general counsel in July 24, 2004, congressional testimony. This and other such rules and applicable restrictions are unaffected by this provision.

In short, we did not ''open the door'' to coercive techniques by law enforcement in any way. We left the existing law enforcement rules under current law and Executive order in place. Indeed, as the joint explanatory statement of managers in this conference report states: ''The conferees recognize that law enforcement personnel may continue to use authorized non-coercive techniques of interrogation, and that Army Field Manual 2–22.3 is designed to reflect best practices for interrogation to elicit reliable statements.''

Also, it should go without saying that the exemption for ''Federal law enforcement entities'' does not apply to the Central Intelligence Agency, Department of Defense, and the like, but rather includes entities like the Federal Bureau of Investigation and the Department of Homeland Security, as specified.

It is false to suggest that the conferees in any way agreed to allow the use of coercive interrogations by law enforcement agencies. We have banned coercive interrogations because they are a stain on our national character, ineffective, and counterproductive to our foreign policy goals.

I did not work for more than a decade to preclude coercive interrogations only to agree to permit them so long as they are carried out by a different set of agencies. I did not, and this provision does no such thing. The rules and strictures on coercive interrogations by Federal law enforcement agencies are completely unaffected by this provision. I say that as the coauthor of the Senate amendment and as the chairman of the Armed Services Committee, who negotiated the agreement on the final language.

Mrs. FEINSTEIN. I want to thank Chairman MCCAIN for explaining the legislative intent of the provision and for making clear that this legislation does not allow the use of coercive interrogations by Federal law enforcement agencies.

I would also like to ask the Senator for his view on one additional change made to the anti-torture provision in the conference process. The Senate bill required the Secretary of Defense, in coordination with other specified officials, to review the Army Field Manual for update and revision. The Senate bill required this to be completed within a year from the date of enactment and once every 3 years thereafter. The conference report changes the timeline for that review, so that it occurs not sooner than 3 years from the date of enactment, and then every 3 years thereafter. Can the chairman of the committee clarify the reasoning behind that change?

Mr. MCCAIN. I thank the Senator for the question. There was a concern among the conferees that the Senate provision would not allow adequate time for the mandatory review, especially given the broadening of the application of the Army Field Manual to the rest of government. In light of this change, and the importance of the review, the conferees decided that 3 years was a more appropriate timeline.

I would also like to clarify one point, as there has been some confusion. It has been pointed out that the conference report requires the mandatory review of the Army Field Manual to be completed ''not sooner than'' 3 years from the date of enactment. This should not be read as allowing the review to be done far in excess of 3 years or potentially not at all. This language appears under the heading ''Requirement to Update,'' and it is the conferees' view that this review must be completed on or shortly after 3 years from the date of enactment.

Mrs. FEINSTEIN. Again, I thank the chairman and congratulate him for his very important legislative achievement.

Madam President, I want to thank Chairman MCCAIN and Ranking Member REED for their efforts to include an anti-torture provision in the conference report on the National Defense Authorization Act for Fiscal Year 2016, H.R. 1735.

Section 1045 of the conference report establishes clear limits on interrogation techniques so that the United States can never again conduct coercive and abusive interrogations or indefinite secret detentions.

Section 1045 applies the restrictions on interrogations in the Army Field Manual under current law to the entire U.S. Government. The provision therefore extends what Congress did in 2005, by a vote of 90–9, with the Detainee Treatment Act, which banned the Department of Defense from using techniques not authorized by the Army Field Manual, and also banned across the government the use of cruel, inhumane, and degrading treatment or punishment.

Section 1045 also requires prompt access by the International Committee of the Red Cross to any detainee held by the U.S. Government.

Both of these provisions are consistent with U.S. policy for the past several years, but Section 1045 will now codify these requirements into law.

President Obama banned the use of coercive and abusive interrogation techniques by Executive order in his first few days in office, on January 22, 2009.

That Executive order, No. 13491, formally prohibits—as a matter of policy—the use of interrogation techniques not specifically authorized by Army Field Manual 2–22.3 on human intelligence collector operations. Section 1045 places that restriction into law, which is long overdue.

What this means is that a future President can't simply rewrite the policy—these limitations are now a matter of law and can't be undone without a future act of Congress.

Section 1045(a)(2) states that an individual in custody or otherwise detained ''shall not be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in the Army Field Manual.''

Section 1045(a)(2)(B)(i) makes clear that the ban on interrogation techniques not authorized by the Army Field Manual applies to all individuals ''in the custody or under the effective control of an officer, employee, or other agent of the United States Government,'' whether during or outside an armed conflict.

This is a very important change. Unlike the Executive order, which only applies to armed conflict, we are saying with this law that coercive interrogations will never again be used, period.

Section 1045(b) codifies a separate section of President Obama's January 2009 Executive order, requiring access by the International Committee of the

Red Cross to all U.S. detainees in U.S. Government custody—which has been historically granted by the United States and other law-abiding nations and is needed to fulfill our obligations under international law, such as in the Geneva Conventions.

I know my colleagues are well aware of the executive summary of the study released by the Intelligence Committee in December 2014 on the deeply flawed detention and interrogation program carried out by the CIA beginning in 2002.

During my floor speech on the study in December 2014, I described how the interrogations of CIA detainees from 2002 onward were absolutely brutal and ineffective.

In August of 2014, President Obama said what many of us have known for years: that the CIA's now-defunct interrogation program amounted to torture.

CIA Director John Brennan has clearly stated he agrees with the ban on interrogation techniques that are not in the Army Field Manual. Director Brennan wrote the following to the Intelligence Committee in 2013 about the President's 2009 Executive Order:

''I want to reaffirm what I said during my confirmation hearing: I agree with the President's decision, and, while I am the Director of the CIA, this program will not under any circumstances be reinitiated. I personally remain firm in my belief that enhanced interrogation techniques are not an appropriate method to obtain intelligence and that their use impairs our ability to continue to play a leadership role in the world.''

More recently, in a September 11, 2015, letter to me, Director Brennan wrote that ''CIA strictly adheres to Executive Order 13491, 3 C.F.R. 199 (2009), and fully supports efforts to codify key provisions of the executive order in the National Defense Authorization Act for FY 2016.''

As a result of the anti-torture statute (18 U.S.C. §2340A) and passage of the Detainee Treatment Act in 2005, current law already bans torture, as well as cruel, inhuman, or degrading treatment or punishment.

However, the provision in this bill is still necessary because the CIA was able to employ brutal interrogation techniques based on deeply flawed legal theories that those techniques did not constitute ''torture'' or ''cruel, inhumane, or degrading treatment.''

Opinions written by the Department of Justice's Office of Legal Counsel, OLC, which could not withstand scrutiny and have since been withdrawn, managed to twist legal reasoning beyond all recognition and find that waterboarding, sleep deprivation up to 180 hours at a time, stress positions, slamming a detainee into a wall, and other similar techniques were not torture.

OLC reached these erroneous legal judgments by ignoring the inherent brutality of the CIA's so-called enhanced interrogation techniques. While ignoring that fact, OLC claimed CIA's techniques were a necessity to keep Americans safe and OLC mistakenly found the CIA program was managed and implemented with great care, which it was not.

This stood in stark contrast to the clear language of the anti-torture statute in the U.S. Code, and the Convention against Torture, which the U.S. Senate ratified in 1994.

That convention, clearly and absolutely, bans torture. It says: ''No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.''

And yet so-called enhanced interrogation techniques—not allowed by the Army Field Manual, were approved, used, and abused by the Bush administration.

Section 1045 will serve as an additional bulwark to prevent similar techniques from ever be used again by imposing—on all of the U.S. Government—the same restrictions that apply to the U.S. military today under the Detainee Treatment Act.

In order to make sure that the legislative history is clear, I'd like to describe the minor changes that were made to the language of this anti-torture provision during the conference.

As described in the joint explanatory statement of the committee of the conference, the following two minor changes were made to the amendment.

First, regarding the applicability of this new provision to law enforcement interrogations, Section 1045 makes clear that the new limitations ''shall not apply to officers, employees, or agents of the Federal Bureau of Investigation, the Department of Homeland Security, or other Federal law enforcement entities.''

The version that passed the Senate and this final version both have an exemption for law enforcement because law enforcement agencies do not use the Army Field Manual and are already required to use noncoercive interrogation methods in which officers question suspects in order to elicit voluntary statements.

This exemption is consistent with and reinforces the relevant requirements of Executive Order 13491 on ''Ensuring Lawful Interrogations,'' which allows law enforcement agents to use only ''authorized, non-coercive techniques of interrogation that are designed to elicit voluntary statements and do not involve the use of force, threats, or promises.''

For example, since at least 2004, it has been the policy of the FBI that ''no attempt be made to obtain a statement by force, threats, or promises,'' according to the Legal Handbook for FBI Special Agents which was publicly recounted by the FBI general counsel in July 24, 2004, congressional testimony.

As the conferees to the defense bill wrote in their joint explanatory statement: ''The conferees recognize that law enforcement personnel may continue to use authorized non-coercive techniques of interrogation.'' The absence of this language in the final bill text should not be interpreted as any authorization for law enforcement to use any coercive interrogation techniques.

The second minor change to the anti-torture amendment that was made in the conference committee is that the timing for the completion of the required update to the Army Field Manual—after the specified ''thorough review''—was changed from ''[n]ot later than one year'' to ''[n]ot sooner than three years'' in subsection (a)(6)(A) of Section 1045.

This change does not alter the importance of the required review, the imperative that it be initiated in the immediate future, and that it be completed in 3 years' time.

The language of the provision is clear: the conferees wanted the Secretary of Defense to be thorough and gave him 3 years to complete the review. But the amendment says that he ''shall complete'' a thorough review after 3 years, not that he ''shall initiate'' a thorough review after 3 years.

It is also important to point out that, regardless of the timing of this statutorily required review, this administration or the subsequent administration may at any time revise portions or the entirety of the Army Field Manual.

As Section 1045(a)(6)(A) states, revising the Army Field Manual is not optional; it is a ''requirement to update.'' Moreover, the provision makes clear that this requirement must be undertaken every 3 years. Therefore, it would be inconsistent with the title, structure, and purpose of this subsection to suggest that the initial review following enactment can be postponed indefinitely.

Also, as the amendment notes, revisions to the Army Field Manual may be necessary to ensure that it complies with the legal obligations of the United States, a requirement that the executive branch is obligated to adhere to at all times.

In addition, no matter when the updates to the Army Field Manual are made, the manual ''is designed to reflect best practices for interrogation to elicit reliable statements,'' as the conferees also wrote their joint explanatory statement. America's best and most experienced interrogators have consistently and emphatically stated that best practices for eliciting reliable, actionable intelligence solely involve noncoercive techniques that elicit voluntary statements.

Let me now turn briefly to part (b) of Section 1045, which codifies part of President Obama's Executive order of January 2009 requiring access by the International Committee of the Red Cross, ICRC, to all U.S. detainees in U.S. Government custody.

This requirement—which is based on our obligations under international

law—has had bipartisan support in previous Congresses.

As we know from our own history and from the experiences of detainees around the world, closing the door to the ICRC opens the door to torture and other forms of mistreatment. Providing ICRC access is also necessary for our moral standing and critical to our efforts to defend human rights abroad.

Finally, our troops depend on the promise of ICRC access should they be taken prisoner. Now is the time to ensure that we live up to the values—in practice and in law—that we expect will be accorded to our own members of the military.

I have been opposed to coercive interrogations and the use of so-called enhanced interrogation techniques since I first learned of their use at Abu Ghraib and by the CIA. This bill, at long last, puts the end to them. I am very proud to have been part of the process to author and support this provision and very much thank the bill managers for their insistence that it remain in the final legislation.

Whatever one may think about the CIA's former detention and interrogation program, we should all agree that there can be no turning back to the era of torture. Coercive interrogation techniques do not work, they corrode our moral standing, and ultimately, they undermine counterterrorism policies they are intended to support.

Thank you.

The PRESIDING OFFICER. The Senator from Florida.

YOUTUBE KIDS APP

Mr. NELSON. Madam President, a few weeks ago I brought to the attention of the Senate the continuing new challenges that we have with the Internet and the fact that so much material is available to all of us, including our youngest citizens, indeed, our toddlers.

The question is: What is appropriate content for our toddlers? Google has put up a YouTube application for kids. They call it YouTube Kids. I have some pictures here that show some of the content on that application. First of all, I think this picture is self-explanatory. It says: How to open a beer with another beer. Mind you, this is a YouTube Kids application. Toddlers can access this information. It says: How to open a beer, and it goes through the sequence. This is another fairly graphic picture of how to open a beer with a beer.

Is that appropriate for young children? It is readily available and promoted by Google. I doubt that we would conclude that it is. Here is another one.

This one has wine-tasting tips. What is tannin in wine? Identifying acidity in wine.

Here is the cutest baby song in the world, ''Everybody Dance Now.'' That doesn't look too bad. Here is Alvin and the Chipmunks. This has nursery rhymes for babies, but when you play it, there are some unusual words in there, and so forth and so on. You get the picture. This is for children. This is for little ones.

Now here is a picture that shows how to make sulfuric acid two ways. Is that appropriate for toddlers?

I have another example. This shows how to make toxic chlorine gas. Is that appropriate for young children? I don't think so.

I wrote to Google, and fortunately Google responded. I wish to share with the Senate what I believe are steps in the right direction, but not enough. For example, I asked: What policies and procedures govern the inclusion of the videos on this app?

The answer in the Google letter is that Google uses algorithms that govern the automated system. Parents can notify Google of problem videos. Google will be informing parents on how to change its settings to allow parents to be more restrictive with the range of videos their kids can access.

Well, why should parents have to intercede when their algorithms—if you type in a search for beer—come up with what I showed you? It shows us how to open a beer with another beer. That seems contrary to common sense.

Then we ask: What factors determine whether content is suitable for children?

Google's answer is: An automated system and parental complaints.

I ask in my letter: For what age range must content be suitable?

Google did not answer that question.

I additionally ask: What steps, such as filtering, does Google take to ensure unsuitable content does not appear in search results on YouTube Kids? Do these steps apply to new content uploaded to YouTube Kids?

Google's answer was: Google uses algorithms in the automated system. Google will soon be informing parents on how to change settings and restrict the range of videos. That is the same answer that applied to a previous question.

So I ask: How long after content is flagged does Google assess its suitability?

The answer is quite unclear. The statement in this letter was: Google personnel quickly manually review any videos that are flagged.

So I additionally ask: How does Google remove content that is deemed unsuitable for YouTube Kids and ensure that it continues to be inaccessible to YouTube Kids?

The answer from the letter is: The video is manually removed by Google employees. That is the automatic way of what is deemed unsuitable to ensure that it continues to be inaccessible.

So I ask: What policies and procedures govern how Google determines the suitability of advertisements and whether they can appear on this app?

The answer is: Advertising must abide by three core principles which include that ads maintain an appropriate viewing environment, that they not be based on data tracking, and that they are formatted to enable exclusive YouTube Kids control.

That is nice. How do we get those beer advertisements off of there?

Then I ask: What policies and procedures does Google use, if any, to distinguish advertisements and paid content from unpaid content on YouTube Kids?

The answer is: Paid advertisements are clearly labeled.

We have constantly had this tension with any publication as to what is appropriate content. The movie industry years ago went through this with the rating system. But now we are in the age of the Internet and, as such, it is ubiquitous and it is available to very small children who want to know how to use a device that they see everybody else using. On an application that is specifically designed for children, if we allow this kind of stuff to go on, then where are our commonsense values? We don't want to be teaching a toddler about beer and wine and about how to open a beer bottle with your teeth, and we certainly don't want to be throwing out pictures such as these for toddlers to see. Maybe there is a time and place for that under parental discretion and guidance—but not available on an app for children.

I want to thank Google publicly for making a first step, but it is only that. It is a first step. Since this is an app by Google for small children, Google has a responsibility. If there is a privilege of doing an app like this, then there must be accountability, and Google has to accept that responsibility to be accountable.

Madam President, I yield the floor.

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. PERDUE. 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. PERDUE. Madam President, I rise today to speak in favor of the National Defense Authorization Act. I strongly urge my colleagues in this body to vote for the NDAA and send it to the President's desk for signature. Let's move to fund our military.

The threats to our Nation have never been greater or more complex in my entire life. As a member of the Senate Foreign Relations Committee, I am given daily briefs of what I believe is an emerging global security crisis.

This administration just completed a nuclear deal with Iran that stokes the fears of our friends and allies in the region and releases tens of billions of dollars in sanctions relief to a regime that is the world's worst state sponsor of terrorism. We have had to bolster our support to allies in the region in an attempt to mitigate the impact of further Iranian spending to support Assad in Syria, the Houthi rebels in Yemen, Hezbollah, Hamas, and terrorism worldwide. We have seen the astonishing rise of ISIS as they have taken advantage of the power vacuum we left

behind by prematurely withdrawing our troops from Iraq. I would hate to see history repeat itself in Afghanistan, which is actually being discussed as we speak today.

Meanwhile, traditional rivals are aggressively posturing on two other fronts. China is antagonizing our allies in the Pacific Rim, and Russia is testing the resolve of our NATO alliance, blatantly grabbing sovereign territory in Ukraine, Crimea, and injecting troops and war materiel into Syria.

At the same time we see an increase in symmetric and asymmetric threats, we are headed in a direction where we are about to have the smallest Army since World War II, the smallest Navy since World War I, and the smallest Air Force ever.

Meanwhile, the Chinese alone are rapidly expanding their investment in their military and their forces in the Asian Pacific region and are set to double their defense budget by 2020. As a matter of fact, I was recently briefed at U.S. Pacific Command headquarters on the developments of U.S. forces in the Asia-Pacific in comparison directly to those of China. This is very alarming. In 1999, the U.S. military had a dominant and protective position in the Asia-Pacific and was totally capable of protecting our interests in the region. Today, however, China has reached military parity in the region. What is really troubling are the projections for 2020, however, in which China's relative combat power and presence in the region will be significantly more dominant than that of the United States.

That is why we need to ensure that we continue funding our military at the appropriate level. We need to ensure that our brave service men and women have the tools, training, and technology they need to meet the current threats we face on a daily basis but also to tackle what is coming in the future.

This year's NDAA reinforces the mission against ISIS and Operation Inherent Resolve. It provides assistance and sustainment to the military and national security forces of Ukraine, including the authority for lethal aid to Ukraine for defensive purposes. This NDAA fills critical gaps in readiness, ensuring that our service men and women meet their training requirements and have mission-capable equipment.

The convergence of our fiscal debt crisis and our global security crisis is indeed a sobering reality, and they must be resolved simultaneously. In order to have a strong foreign policy, we have to have a strong military, and to have a strong military, we have to have a strong economy. We have to solve our debt crisis at the same time that we continue to dominate militarily.

As former Joint Chiefs of Staff Chairman Admiral Mullen once said, ''The most significant threat to our national security is our [Federal] debt.'' That fact still rings true today.

Having recently visited our troops and military leaders in the Middle East and the Asia-Pacific regions, I can tell you that the very best of America is in uniform around the world in our military, putting their lives in jeopardy every day to protect our freedom here at home. Our military is made up of some of the finest, smartest, and bravest people I have ever met. They are true American heroes committed to defending our freedom. They deserve our unwavering support.

One of the 6 reasons—only 6 reasons—why 13 Colonies came together in the beginning of our country to form this Nation, as enshrined in our Constitution, was to provide for the common defense. As George Washington said, ''To be prepared for war is one of the most effective means of preserving peace.'' Indeed, as we have learned over and over, maintaining a strong national defense can actually deter aggression. We absolutely must maintain a military force so strong that no enemy in its right mind would challenge us and those who dare have no hope in defeating us.

Madam President, I yield the floor.

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

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

Under the previous order, the time until 1:30 p.m. will be controlled by the Democratic manager or his designee and the time from 1:30 p.m. until 2 p.m. will be controlled by the chairman of the Committee on Armed Services or his designee.

The Senator from Rhode Island.

Mr. REED. Madam President, I rise once again to speak about the fiscal year's national defense authorization conference report. Yesterday I spoke at length about the OCO funding issue, and that, to me, is the most critical issue in the bill and one that has caused me to reluctantly not support the conference report. But this time I will discuss the conference report in its entirety.

Again, I would like to thank Chairman MCCAIN, Chairman THORNBERRY, and Ranking Member SMITH for a very thoughtful and cooperative process which allowed us to reach agreement on some very difficult issues. I also thank in particular the staff of the House and Senate Armed Services Committees, who worked tirelessly over several months to resolve differences on over 800 different provisions.

As I stated yesterday, in many respects this is a good conference report which supports our men and women in uniform and establishes many much needed reforms and, with the exception of the OCO position, would be something that would have widespread support.

There are many provisions in the bill that are commendable. This conference report authorizes a 1.3-percent pay raise for servicemembers and reauthorizes a number of expiring bonuses and special pay authorities to encourage enlistment, reenlistment, and continued service by Active-Duty and Reserve component military personnel.

Significantly, it includes much needed reform of the military retirement system and brings the military retirement system into the 21st century for a new generation of recruits.

It also deals with the need to begin to bring into better control personnel costs at the Department of Defense because, as we all recognize, there is a huge trendline of personnel costs that would outstrip at some point the training and equipment that are necessary to the vitality and agility of the force.

One example is the pilot program to test approaches to the commissary and exchange system to see if there are ways in which that can be handled more efficiently without preventing military personnel from enjoying that benefit they have earned.

The report also includes a commitment to seriously consider reforms to military health care in the coming year. All told, these personnel authorities and reforms will serve tomorrow's servicemembers and their families, and they will save the Department of Defense annually in its discretionary budget, allowing that funding to be reapplied to readiness and modernization or even to maintaining a larger force.

The conference report includes roughly 60 provisions on acquisition reform. I commend in particular Chairman MCCAIN for his efforts in this area. It is a long history and a proud history. He worked with Chairman LEVIN. Previously he has worked with so many others. He has made this a personal area of not only concern but of notable action. The provisions will help streamline acquisition processes, allow DOD to access commercial and small businesses, and improve the acquisition workforce. They build on the success of the reforms led by the chairman in the Weapons System Acquisition Reform Act of 2009.

The report also includes a number of provisions that will strengthen DOD's ability to develop next-generation technologies and weapons systems and maintain our technological superiority on the battlefield. The report strengthens the DOD laboratories and increases funding for university research programs and STEM education. It also contains a number of provisions that will make it easier for the Pentagon to work with high-tech small businesses, bringing their innovative ideas into the defense industrial base.

With respect to cyber security, this report includes multiple provisions, some of which I sponsored and all of which I support. These include a requirement for biannual whole-of-nation

exercises on responding to cyber attacks on critical infrastructure, independent assessment of Cyber Command's ability to defend the Nation against cyber attack, comprehensive assessments of the cyber vulnerabilities of major weapons systems, and the provision of limited acquisition authorities to the commander of Cyber Command.

The conference report also has over $400 million in additional readiness funding for the military services—across all branches: Active, Guard, and Reserve. It fully authorizes the programs for modernizing our nuclear triad of sea, ground, and airborne platforms. There are also specific recommendations on many procurement programs that will help the Department improve management and cope with shortfalls. All of these provisions will ensure that our military personnel have the equipment and training they need to succeed in their mission.

For the various overseas challenges facing the United States, and they are considerable, this conference report provides key funding and authority for two major U.S.-led coalition operations: the mission in Afghanistan and the counter-ISIS coalition in Iraq and Syria. It also includes additional funding for initiatives to expand the U.S. military presence and exercises in Eastern Europe, reassuring allies and countering the threat of Russian hybrid warfare tactics, and authorizes additional military assistance, including lethal assistance for Ukraine. I had the privilege of visiting Ukraine recently and being with the paratroopers of the 172nd Airborne Brigade who are training Ukrainian forces. They are doing a commendable job and it represents a tangible commitment by the United States to support friends across the globe.

The conference report also includes, very notably and very importantly, the Senate provisions codifying the current policy that interrogations of detainees in the custody of any U.S. Government agency or department must comply with the Army Field Manual on Interrogation. These provisions, sponsored by Senator MCCAIN, Senator FEINSTEIN, and I, will ensure that detainee interrogations are conducted using noncoercive techniques that do not involve the threat or use of force, consistent with our values as a nation. I know how important this was, particularly to Chairman MCCAIN and Senator FEINSTEIN. It represents our best values and also from the testimony we have heard over many years, the most effective way to obtain information in circumstances as we have witnessed in the last few years.

All of these provisions are commendable. They are the result of significant effort by Chairman MCCAIN, Chairman THORNBERRY, Ranking Member SMITH, and the staff who worked tirelessly. However, there are provisions that do in fact cause some concern. Let me first talk about the issue of Guantanamo Bay. The report continues the restrictions on the President's authorities relating to the Guantanamo detention facility.

In previous Defense authorization bills, we had made progress in giving the President greater flexibility in streamlining the process of making transfers from Guantanamo to other locations, bringing us closer to the goal of closing Guantanamo. The Guantanamo provisions in this year's conference report, however, are in a sense a step backward. They continue to maintain the prohibitions on the transfer of Guantanamo detainees to the United States and on the construction or modification of a facility in the United States to hold such detainees.

This deprives the President of a key tool for fighting terrorism, the ability to prosecute Guantanamo detainees in Federal court. To make matters more complicated, the conference report proposes additional hurdles on the transfer of Guantanamo detainees overseas, requiring the Secretary of Defense to complete a checklist of certifications for overseas transfers and prohibiting such transfers to certain specified countries altogether.

Further, the conference report does not include a provision from the Senate bill that authorized the temporary transfer of Guantanamo detainees to the United States for medical reasons in the event of life-threatening emergencies. As the Guantanamo detainees get older, there is an increasing risk of a detainee suffering serious harm or death because the military is legally prohibited from bringing that person to the United States to receive necessary medical care.

Both President Bush and President Obama have called for closing Guantanamo Bay. Our military leaders have repeatedly said that Guantanamo harms our national security and serves as a propaganda and recruiting tool for terrorists. This is an issue we have been wrestling with for over a decade, and I regret that we are no closer to resolving it with this conference report.

This conference report also does not contain many of the cost-saving proposals that the Department of Defense requested. For example, the retirement of many aging aircraft and ships is prohibited and a BRAC round was not ever considered. Without such authorities, we in Congress are making it even more difficult for the Department of Defense to acquire and maintain the things they need because we are forcing them to keep what they consider no longer cost- or mission-effective.

Finally, as I have said it many times consistently throughout this process, the one item that I find is most objectionable, and indeed reluctantly forced me to argue against the conference report, is the fact that it shifts $38 billion requested by the President in the base military budget, in the routine base budget—it shifts it to the Overseas Contingency Operations account or OCO.

Essentially, it skirts the BCA. This transfer from base to OCO raises several concerns. First, it violates the consensus that was agreed to when we passed the BCA that both defense discretionary spending and domestic discretionary spending would be treated equally. Now, we find a way to avoid that consensus. In fact, that was one of the premises many of us found persuasive enough to support the BCA, but the concerns that are raised are many.

First, adding funds to OCO does not solve—it actually complicates—the Department of Defense's budgetary problems. Defense budgeting needs to be based on our long-term military strategy, which requires DOD to focus at least 5 years into the future. A 1-year plus-up to OCO does not provide DOD with the certainty and stability it needs when building its 5-year budget. This instability undermines the morale of our troops and their families who want to know their futures are planned for more than 1 year at a time and the confidence of our defense industry partners that we rely on to provide the best technology available to our troops.

Second, the transfer does not provide additional funds for many of the domestic agencies which are also critical to our national security. We cannot defend our homeland without the FBI. In fact, we just heard reports today of FBI activities disrupting a potential smuggling of nuclear material in Eastern European, headed—the suggestion is—toward ISIL or other radical elements. We need the FBI. Yet they remain subject to the Budget Control Act.

We need to fund the Justice Department, other aspects of their activities, the TSA, Customs and Border Protection, and the Coast Guard. These later agencies are funded through the Department of Homeland Security. Without adequate support for the State Department, the danger to our troops increases. In addition, failing to provide BCA cap relief to non-DOD departments and agencies would also shortchange veterans who receive employment services, transition assistance, and housing and homeless support.

Third, moving funding from the base budget to OCO has no impact on reducing the deficit. OCO and emergency funding are outside the budget caps for a reason; they are for the costs of ongoing military operations or to respond to unforeseen events, such as the flooding we are witnessing in South Carolina. To transfer funds for known day-to-day operations into war and emergency funding accounts to skirt the law is not fiscally responsible or honest accounting.

The OCO was designed for the contingencies that were non-routine and would not be recurring. In fact, we have seen OCO funds go up dramatically as our commitments both in Afghanistan and Iraq went up and then go down as you would expect. Suddenly that curve is beginning to shift up and go up, not because of the increased

number of military personnel deployed—in fact, there are fewer military personnel deployed in these areas today—but because we have found a way—at least we think we have found a way—to move around the BCA for defense and defense alone.

Many have argued: Well, that might be true, but this is not the place to talk about this issue. I disagree. This is not a debate about which appropriations account we put the money in; it is a fundamental debate about how we intend to fund the workings of the government today and in the future, all parts of the government, because if we can use this technique for defense, it, frankly and honestly, relieves the pressure to take the constraints off other agencies. It sets the whole table, if you will, for our budget for every Federal agency.

So this is not a narrow issue of appropriations, whether it is the committee on housing and urban development or the committee on interior and environment; this is a fundamental issue. The BCA is a statute, not an appropriations bill, per se. It came to us as an independent statute. We have a responsibility to respond to the challenge it poses to the defense budget and to every other budget.

This is just not a 1-year fix. If this were a bridge that we knew would take us from this year to next year, well, we might do these things in a different way. Unfortunately I think this conference report is going to be replicated in the future, because if we rely on this approach this year, there is huge pressure next year to do the same thing, unless we can resolve the underlying problems of the Budget Control Act.

I believe it is essential for us to do this for the best interests of our country, for the best interests of our military personnel. I don't think by standing up and casting a vote in this light we are disrespecting or not recognizing the men and women who wear the uniform of the United States. In fact, it has not been uncommon over the years that because of issues, this bill has been objected to by both sides.

Indeed, since 2005 my colleagues on the Republican side have cast votes against cloture on the NDAA 10 times and successfully blocked cloture 4 times over such issues as Senate rules and procedures, the repeal of don't ask, don't tell, and in one case gasoline prices. So to argue today that the only reason we should vote for this bill is because it is procedurally not appropriate to discuss this, well, was it procedurally appropriate to use the Defense bill to essentially register anguish about gasoline prices?

This goes to the heart not just of this bill but every bill. Therefore, I don't think it is something we have to shy away from. In fact, I think we have to take it on. If we cannot fix this Budget Control Act straightjacket we are in, it will harm our national security. If we don't have the FBI agents out there trying to disrupt smuggling of uranium and other fissile materials, that hurts us. It hurts our national security. If we don't have the Department of Energy laboratories that are capable of doing research, helping us and working with foreign governments about detection of radioactive material, that hurts our national security. This is about national security, and I think we have to consider it in that light.

So we are here today, and we are dealing with an issue of the authorization act in the context of the continuing resolution because we have not resolved the Budget Control Act. These are all roads coming together: the conference report, the continuing resolution, all of them in the context of trying to respond to the Budget Control Act. I think we should step up and deal with the Budget Control Act.

We have had many months to try to find the answer. We haven't. When we considered this legislation previously in the Senate, it was summer time, and it appeared that there might be a coming together on a bipartisan basis and a thoughtful basis, trying to provide the relief so we wouldn't have to rely on OCO when the conference report arrived, but we are here today and OCO is still staring us right in the face.

I think we have to ensure that we stand and say that is not the way we want to go forward for the defense of our country in the broadest context and for the support of our military personnel.

There is one other issue I do wish to raise, too, because it has been brought up; that is, the suggestion that if this bill does not pass today, then our military will not receive their pay raises and bonuses. The provisions in this bill go into effect January 1, 2016. We still have time. I would hope we would use that time not only to make some changes—technical here and there—but also to deal with the central issue which I hope we all agree is driving everything; that is, fixing the Budget Control Act in a way that we can provide across-the-board support for our Federal agencies, particularly our national security agencies which go beyond simply the Department of Defense.

I think the time is now. This is a moment to deal with the issue, not defer it and hope something happens in the future. We have to resolve the Budget Control Act.

I urge, for that reason as much as anything, that my colleagues would vote against this conference report as an important step in the process and a necessary step, in my view, in the process of resolving the great budget crisis we face in terms of the Budget Control Act.

In fact, one of my concerns is that if we do in fact pass this conference report and it subsequently becomes law or just the simple fact that we pass it, it gives some people the excuse of saying: Well, we have fixed the only problem that we think is of some significant concern, the Department of Defense, so we don't have to do anything else.

Again, we have to fund the FBI, we have to fund Homeland Security, and we have to fund a vigorous State Department. All of those agencies, if we do nothing on BCA, will see sequestration arise, diminish their capacity, and in some way diminish our national security.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). 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.

Mr. MCCAIN. Mr. President, today, in about half an hour, the Senate will vote on the National Defense Authorization Act for Fiscal Year 2016, and I hope that an overwhelming majority of my colleagues will understand the importance of this legislation in these very turbulent and difficult times.

The Constitution gives the Congress the power and the responsibility to provide for the common defense, raise and support armies, provide and maintain a navy, and make rules for the government and regulation of the land and naval forces. For 53 years, Congress has fulfilled its most important constitutional duties by passing the National Defense Authorization Act.

It is precisely because of this legislation's critical importance to our national security that it is still one of the few bills in Congress that enjoys bipartisan support year after year.

Indeed, this year's NDAA has been supported by Senators on both sides of the aisle. The Senate Committee on Armed Services overwhelmingly approved the NDAA in a 22-to-4 vote back in May. The full Senate followed by passing the NDAA in a partisan vote of 71 to 25.

In recent weeks, some of my Democratic colleagues and the President have threatened to block this legislation because of disagreements about broader spending issues that are totally unrelated to defense and totally unrelated to authorizing. Everything to do with their problems has to do with appropriations spending, not authorization.

The President made it clear that he will ''not fix defense without fixing nondefense spending.'' In this day of multiple crises around the world—as these crises and wars and conflicts and refugees unfold—the President's priority seems to be the funding mechanism, which has nothing to do with the defense authorization.

Henry Kissinger, as well as many of our most respected national security leaders, has called it the most diverse and complex array of crises around the world since the end of World War II, and there are more refugees in the world than at any time since World War II.

The President is threatening to veto this legislation, which contains vital authorities—not just authorities but the ability of our men and women who are serving in uniform to defend this Nation—so he can prove a political point. The President is threatening to veto this bill to defend the Nation in order to prove a political point.

As I mentioned, the threats we confront today are far more serious than they were a year ago and significantly more so than when the Congress passed the Budget Control Act in 2011. That legislation arbitrarily capped defense spending and established the mindless mechanism of sequestration. As a result, with worldwide threats rising, we as a nation are on a course to cut nearly $1 trillion of defense spending over 10 years with no strategic or military rationale whatsoever for doing so.

Every single military and national security leader who has testified before the Committee on Armed Services this year has denounced sequestration and urged its repeal as soon as possible. Indeed, each of our military service chiefs testified that continued defense spending at sequestration levels would put American lives at risk—I repeat: would put American lives at risk.

Unfortunately, the Defense bill does not end sequestration. Believe me, if the Defense bill were capable of that, I would have done all in my power to make it happen. But the simple reality is that this legislation cannot end sequestration and it cannot fix the Budget Control Act.

This legislation does not spend a dollar. It is not an appropriations bill; it is a policy bill. It provides the Department of Defense and our men and women in uniform with the authorities and support they need to defend the Nation.

This legislation fully supports Presidents Obama's request of $612 billion for national defense. Let me repeat that. The legislation gives the President every dollar of budget authority he requested. Yet the President and my colleagues on the other side of the aisle are threatening to oppose this bill because it authorizes—not spends—$38 billion in funding for readiness and training of our troops in the overseas contingency operations, known as the OCO account.

Democrats believe that by placing these funds in the OCO account, the legislation would minimize the harm sequestration would do to our military but fail to do the same for domestic spending programs. This complaint fails to understand a basic fact: The only legislation that can stop sequestration, whether for defense or nondefense, is an appropriations bill. In fact, Republicans and Democrats are engaged right now in negotiations to find a bipartisan budget deal that would provide sequestration relief. I hope they succeed. But the idea that the precise location in the NDAA of certain funds for our troops will have any impact on the substance or outcome of these negotiations is ludicrous.

The choice we faced was between OCO money and no money. When I have asked senior military leaders before the Armed Services Committee which of those options they would choose, they have said they would take the OCO. So do I.

With global threats rising, it simply makes no sense to oppose a defense policy bill—legislation that spends no money but is full of vital authorities that our troops need and need badly—for a reason that has nothing to do with national defense spending, and it certainly makes no sense when the negotiations that matter to fixing sequestration are happening right now. That is where the President and Senate Democrats should be focusing their energy, not on blocking the Defense bill and denying our men and women in uniform the authorities and support they need to defend the Nation. Unfortunately, that has not been the case. In fact, the White House has doubled down and vowed that the President will veto this legislation.

So let's be clear. The President isn't threatening to veto because of the existence of an overseas contingency account, which the Pentagon has been using for years—for years—to fund everything from readiness and training for our troops to Israeli missile defense, all without a word of protest from my colleagues on the other side of the aisle or a veto threat from the President. This veto threat is about one thing and one thing only, and that is one word: politics.

The President wants to take a stand for greater domestic spending, and he wants to use the vital authorities and support the men and women in uniform need to defend the Nation as leverage. At a time of increasing threats to our Nation, this is foolish, misguided, cynical, and dangerous. Vetoing this legislation will not solve the spending debate happening right now in Washington. That is something which can only be done through the appropriations process—not a defense authorization bill, not a defense policy bill. Vetoing the NDAA will not solve sequestration. Vetoing the NDAA will not solve the Budget Control Act. Rather than fixing the Budget Control Act, vetoing the NDAA would repeat its original sin by continuing the disturbing trend of holding our military men and women hostage to the whims of our dysfunctional politics.

So let's be absolutely clear on what a vote against or a veto of this legislation really means. This is what it really means, my friends. If you say no, you will be saying no to urgent steps to address critical shortfalls in fighter aircraft across our military. You will block 12 F–18 Super Hornets for the Navy and 6 F–35Bs for the Marine Corps.

If you say no, you will be saying no to $1 billion in accelerated Navy shipbuilding, including an additional Arleigh Burke-class destroyer.

If you say no, you will be saying no to upgrades to Army combat vehicles deploying to Europe to deter Russian aggression against our allies.

If you say no to this legislation, you will be saying no to $200 million to strengthen our cyber defenses as China, Russia, Iran, and North Korea attack our government and our companies relentlessly and with impunity.

If you say no to the NDAA, you will be saying no to significant steps to improve the quality of life of the men and women serving in the All-Volunteer Force and the needs of our wounded, ill, and injured servicemembers.

If you say no to the NDAA, you will be saying no to over 30 special pays and bonuses that are vital to recruiting and retaining military doctors, nurses, nuclear engineers, and language experts.

If you say no to the NDAA, you will be saying no to greater access to urgent care facilities for military families and steps taken in the bill to make military health care plans more portable.

If you say no to the NDAA, you will be saying no to making it easier for our veterans to get the medicines they need. You will be saying no to the provision in this legislation that would ensure that servicemembers are able to get the same medicines for pain and other conditions when they transition from the Department of Defense to the Veterans' Administration.

If you say no to the NDAA, you will be saying no to new steps to improve sexual assault prevention and response. You will be saying no to additional tools to enhance support of victims of sexual assault, including needed protections to end retaliation against those who report sex-related offenses or who intervene to support victims. You will be saying no to provisions that strengthen and protect the authority and independence of the special victims' counsel for sexual abuse.

If you say no to the NDAA, you will be saying no to some of the most significant reforms to the Department of Defense in a generation. You will be saying no to the modernization of an outdated, 70-year-old military retirement system—a system that excludes 83 percent of all those who serve in the military from receiving any retirement assets whatsoever, including veterans of the war in Iraq and Afghanistan, some of whom have served two, three, four tours of duty but left the military with nothing because they retired before reaching 20 years of service.

If you say no to the NDAA, you will be saying no to a modern military retirement system that would extend better, more flexible retirement benefits to more than 80 percent of servicemembers; a system that would give servicemembers the choice to use a portion of their retirement benefits when they leave the military to help them transition to a new career, start a business, buy a home, or send their kids to college; a new system that not only improves life for our servicemembers and future retirees but does so while also saving the taxpayers $12 billion once it is fully implemented.

If you say no to the NDAA, you will also be saying no to the most sweeping reforms to our defense acquisition system in 30 years. You will be saying no to reforms that are essential to preserving our military technological superiority as our adversaries develop and field more advanced weapons. You will be saying no to reforms that would hold Pentagon leaders more accountable for the decisions they make. You will be saying no to reforms that would improve the relationship between the Pentagon and our Nation's innovators, helping to ensure that our military can gain access to the most cutting-edge technologies.

If you say no to the NDAA, you will be saying no to significant reforms to defense management. A ''no'' vote is a vote to stand in the way of important steps to reduce the amount of money the Department of Defense spends on bureaucracy and overhead, even as it cuts Army soldiers, Air Force fighter aircraft, and Navy ships. A ''no'' vote is also a vote to continue a backwards personnel system that judges our Pentagon's civilians not based on their talent but their time served.

If you say no to the NDAA, you will squander a historic opportunity to ban torture once and for all, to achieve a reform that many of my colleagues on both sides of the aisle—especially the Senator from California, Mrs. FEINSTEIN—have sought for a decade or more: making the Army Field Manual the uniform interrogation standard for the entire U.S. Government. Voting no will squander an opportunity to stand up for the values that Americans have embraced for generations, while still enabling our interrogators to extract critical intelligence from our enemies. By vetoing legislation that bans torture forever, the President would be vetoing his own legacy. Worst of all, if you say no to the NDAA, you are saying no to vital authorities in support that our Armed Forces need to defend our Nation as we confront the most diverse and complex array of crises in over 70 years.

As we speak, there are nearly 10,000 American troops in Afghanistan helping a new Afghan Government to secure the country and defeat our common terrorist enemies. But since President Obama hailed the end of combat operations in Afghanistan last year, ISIL has arrived on the battlefield and Taliban fighters have launched a major offensive to take territory across the country.

So what message would it send if the President and some of my colleagues say no to $3.8 billion for the Afghan Security Forces to fight back against terrorists that wish to destroy the progress achieved at so costly a sacrifice?

In the Asia-Pacific region, China's military buildup continues with a focus on countering and thwarting U.S. power projection. At the same time, China is asserting vast territorial claims in the East and South China Seas. Most recently, China has reclaimed nearly 3,000 acres of land in the South China Sea and is rapidly militarizing these features, building at least three airstrips to support military aircraft. With the addition of surface-to-air missiles and radars, these new land features could enable China to declare and enforce an air defense identification zone in the South China Sea and to hold that vital region at greater risk. Our allies and partners throughout the region are alarmed by China's behavior and are looking to the United States for leadership.

So what message would it send if the President and some of my colleagues say no to $50 million to assist and train our allies in the region to increase maritime security in the maritime domain awareness in the South China Sea?

Last year, Vladimir Putin's invasion of Ukraine and annexation of Crimea forced us to recognize that we are confronting a challenge that many had assumed was resigned to the history books—a strong, militarily-capable Russia that is hostile to our interests and our values and seeks to challenge the international order that American leaders of both parties have sought to maintain since the end of World War II. Russia continues to destabilize Ukraine and menace our NATO allies in Europe with aggressive military behavior. And now, in a profound echo of the Cold War, Mr. Putin has deployed troops and tanks and combat aircraft to Syria, and they are conducting operations as we speak to shore up the Assad regime—the Assad regime—which has slaughtered 240,000 of its citizens and driven millions into refugee status. And who are Mr. Putin's forces bombing most of all? ISIL? No. Moderate opposition groups backed, trained, and equipped by the United States of America.

So what message would it send if the President and some of my colleagues say no to $300 million in security assistance for Ukraine to defend its sovereign territory, say no to $400 million in lethality upgrades to U.S. Army combat vehicles deploying to Europe to deter Russian aggression, and say no to $800 million for the President's own European Reassurance Initiative, which seeks to reassure allies of America's commitment to their security and the integrity of the NATO Alliance?

In the Middle East, a terrorist army with tens of thousands of fighters has taken over a vast swath of territory and declared an Islamic State in the heart of one of the most strategically important parts of the world. Yet more than a year after the President declared that we would degrade and destroy ISIL, it appears that nothing we are currently doing is proving sufficient to achieve that strategic objective. The United States and our partners do not have the initiative. ISIL does, and it is capitalizing on our inadequate policy to maintain and enhance our initiative, as they have for the past 4 years. Indeed, the situation on the ground is now taking yet another dramatic turn for the worse, as several recent events have made clear.

So what message would it send if the President and some of my colleagues say no to $1.1 billion of security assistance and cooperation for our allies in the region to help us fight ISIL? What message would it send to our ally Israel to say no to hundreds of millions of dollars of vital support for our common efforts in missile defense and countering terrorist tunnels? These capabilities are more important than ever for Israel and the United States in the wake of the President's nuclear agreement with Iran, and this legislation fully authorizes those programs. Saying no to the NDAA means saying no to this vital security cooperation with Israel.

For 4 years, Bashar al-Assad has waged war on the Syrian people. The United States has stood idly by as well over 230,000 have been killed, 1 million injured, 8 million displaced, and 4 million forced to seek refuge abroad. The Syrian conflict has now created the largest refugee crisis in Europe since World War II. Now Russia has stepped in to prop up the murderous regime and kill more Syrians. With Syria descending deeper into chaos, and the world more unstable than ever, what message would it send if the Commander in Chief and some of my colleagues see this as a good time to say no to the National Defense Authorization Act?

This is the same conclusion that some of the major military service organizations have also reached, and they have written open letters to the President urging him not to veto the NDAA. Their message should be heeded by all of my colleagues as we prepare to cast our votes. The Military Officers Association of America wrote:

> [T]he fact is that we are still a nation at war, and this legislation is vital to fulfilling wartime requirements. With multiple contentious issues remaining for Congress to tackle this year, and very little legislative time to complete those crucial actions, this is not the time to add the already extremely daunting burden of legislative challenges by vetoing the defense authorization bill.

The Reserve Officers Association wrote:

> [The NDAA] contains crucial provisions for the military, nation's security, and the welfare of those who serve. [The Reserve Officers Association] has a membership of 50,000 former and currently serving officers and noncommissioned officers [and] represents all the uniformed services of the United States who would be favorably affected by your signing this bill into law.

I also want to read from a recent Washington Post editorial:

> American Presidents rarely veto national defense authorization bills, since they are, well, vital to national security. . . . Refusing to sign this bill would make history, but not in a good way. Mr. Obama should let it become law and seek other sources of leverage in pursuing his legitimate goals for domestic sequestration relief.

Time and again, President Obama has failed to do the right thing when it

could matter most—in Afghanistan, in the Pacific, in Ukraine, in Iraq, and in Syria. Vetoing the NDAA would be yet another of these failures, and it would be reminiscent of a bygone day, when the fecklessness of those days were so accurately described by Winston Churchill. On the floor of the House of Commons, he said:

When the situation was manageable it was neglected, and now that it is thoroughly out of hand we apply too late the remedies which then might have effected a cure. There is nothing new in the story. It is as old as the sibylline books. It falls into that long, dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind. Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.

My colleagues, for 53 years Congress has passed a National Defense Authorization Act, and at perhaps no time in the past half century has this legislation been more important. Everywhere we look around the world there are reminders of exactly why we need this National Defense Authorization Act. I understand the deeply held beliefs of many of my colleagues about the spending issues that have divided the Congress for the last 4 years. But this is not a spending bill. It is a policy bill. It is a reform bill. It is a bill that accomplishes what the Constitution demands of us and what the American people expect of us. It is a bill that gives our men and women in uniform, many of whom are still in harm's way around the world today, the vital authorities and support they need to defend our Nation. And it is a bill that deserves the support of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the bill before us is not fiscally responsible. Our troops deserve real funding, not budget gimmickry. This bill does not do the job. My Republican friends like to talk about the deficit and the debt and the need to get our fiscal house in order, but their actions speak louder than their words. Now they are supporting legislation that increases deficit spending and increases the burden on our children and grandchildren. As a result, this bill violates the budget law.

Mr. President, I raise a point of order that the pending measure violates section 3101 of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of the conference report to accompany H.R. 1735, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is on agreeing to the motion to waive.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. ROBERTS), and the Senator from Florida (Mr. RUBIO).

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

The yeas and nays resulted—yeas 71, nays 26, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—71

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

NAYS—26

Baldwin	Gillibrand	Reed
Booker	Hirono	Reid
Boxer	Leahy	Sanders
Brown	Manchin	Schatz
Cardin	Markey	Schumer
Carper	Merkley	Warren
Coons	Mikulski	Whitehouse
Durbin	Nelson	Wyden
Franken	Paul	

NOT VOTING—3

Graham	Roberts	Rubio

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 26.

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

The question occurs on adoption of the conference report to accompany H.R. 1735.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Kansas (Mr. ROBERTS), and the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—70

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

NAYS—27

Baldwin	Franken	Paul
Booker	Gillibrand	Reed
Boxer	Hirono	Reid
Brown	Leahy	Sanders
Cardin	Manchin	Schatz
Carper	Markey	Schumer
Coons	Merkley	Warren
Cruz	Mikulski	Whitehouse
Durbin	Nelson	Wyden

NOT VOTING—3

Graham	Roberts	Rubio

The conference report was agreed to.

The PRESIDING OFFICER. The majority leader.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 96, H.R. 2028.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 96, H.R. 2028, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The Senator from Utah.

TRANS-PACIFIC PARTNERSHIP

Mr. HATCH. Mr. President, I rise to talk about the recent developments in U.S. trade policy and their implications for the future. Over this past weekend, officials from the Obama administration, along with 11 other countries, reached what they believed will be the final agreement on the terms of the Trans-Pacific Partnership or TPP.