

Justice Improvement Act, introduced by my colleague and friend, the junior Senator from the State of New York. I have worked with her and have been privileged to help craft this very important legislative measure, not because sexual assault is a uniquely military problem—in fact, just the contrary. Sexual assault afflicts our campuses and our workplaces. The battle against sexual assault is hardly limited to the military. But we have the opportunity to take a step that will set a model and send a message to other places where sexual assault is a problem and where underreporting, because of lack of trust and confidence in the prosecutorial system or the administrative apparatus, is a major reason that sexual assault continues. Without confidence, trust, effective results, and protection of privacy and physical safety, survivors will simply not come forward. If they do not come forward, there will be no discipline or prosecution. That is the fundamental reason why I believe the amendment we will address tomorrow is so important.

I have held roundtables on campus sexual assault all around the State of Connecticut—more than 12 or 13 of them—and have worked with a bipartisan group of Senators, including not only Senator GILLIBRAND, who is the major sponsor of this amendment, but also Senator McCASKILL, who has been an extraordinary leader in this area having been a prosecutor herself, and Senator HELLER as well as others on both sides of the aisle, to devise a solution to campus sexual assault—not just a single panacea but a set of measures that addresses one of the major obstacles to effective action against campus sexual assault, which is the underreporting of this heinous, horrific crime. It is a crime wherever it occurs, whether in the military or on campus. That is why we have to combat and conquer it, just as we do an enemy who preys on our men or women in uniform or on campuses or elsewhere.

We went through this debate last year. We reached a solution last year, which we hoped would, in fact, be a solution. But the simple, plain fact is that this insidious, pernicious epidemic of sexual assault in the military continues unabated or at least unreduced by the amount that we should regard as minimum for judging this supposed solution a success.

The fact is that the Department of Defense's own research shows that 52 unwanted sexual contacts occur every day on average across the military. That is the same rate it was 5 years ago in 2010. The fact is that in fiscal year 2014, the Department of Defense estimates 62 percent of servicewomen experienced retaliation for coming forward, the same percentage as 2012. Servicemembers who report assault are 12 times more likely to experience retaliation for reporting their cases than seeing the assailant convicted of a crime. Retaliation is more likely than effective discipline or punishment against the perpetrator.

The amendment we have offered, the Military Justice Improvement Act, seeks to address this issue through explicit codification of punishment for any person—any person—deciding to retaliate against anyone who reports this crime of sexual assault. Explicit punishment for retaliation will not only send a message, but it will deter what is in civilian terms one of the most severe crimes, known as obstruction of justice.

The reason why retaliation or obstruction of justice is so insidious is it prevents the justice system from reaching a just result. It not only deters victims and survivors from coming forward regardless of the crime, it also permits perpetrators and criminals to go free and feel they can again commit the crime of sexual assault or other crimes. But in the case of sexual assault, it is particularly pernicious because we know also from statistics that this crime is recommitted. There is recidivism at a higher rate than many others. A large proportion of sexual assaults is committed by a very tiny fraction of members of the military.

What happens, in effect, on campuses or in the military is there are serial rapists, serial perpetrators of sexual assault. If they feel they can do it without consequences, they will continue to commit this crime.

We have learned from many survivors that the anxiety to come forward stems not only from the fear of retaliation but from the bias and inherent conflict of interest entrenched in the chain of command. The fact is that the Department of Defense estimates that 60 percent of cases involve a supervisor or a unit leader. Think of that number—60 percent of cases involving alleged sexual assault are committed by the supervisor or the unit leader in the U.S. military.

The MJIA—the Military Justice Improvement Act—the amendment we will offer tomorrow and will vote on, will address this obstacle by amending the Uniform Code of Military Justice to assign the decisionmaking power regarding sexual assault to an independent, trained prosecutor or, actually, a team of professional military prosecutors, while leaving decisions to the chain of command regarding purely military crime.

I recognize there is an argument that good order and discipline require the chain of command to work as a source of discipline and punishment and justice. But where retaliation, bias, and conflicts of interest are so prevalent and so inherent in the process, where the chain of command is making decisions about the perpetrator, who so commonly is in that chain of command, these decisions should be made by independent, trained, military prosecutors.

The type of crime involved here, sexual assault, is one that is very difficult, excruciatingly daunting to prosecute simply because of the nature of

this crime, the nature of the evidence, and the nature of the testimony. So trained, professional military lawyers are in a better position to make these decisions about whether to go forward—not just decisions about what evidence to introduce but whether the evidence justifies the prosecution, whether proof can be presented that will do justice, not just reach a conviction.

Our amendment will entrust military lawyers with specialized training in prosecuting complex cases to make those prosecutorial decisions.

Removing the commanders from the prosecutorial process will also protect the privacy of victims when reporting these crimes. Typically, they involve some of the most intimate of details.

A trained, independent, military prosecutor and removing the commander from those decisions will protect privacy and encourage reporting. I believe this step is a critical next step in this effort to improve the military justice system.

I have immense respect for colleagues who disagree with me. Some of them are seasoned prosecutors, extraordinarily talented and dedicated lawyers, and we may differ on these issues.

Many of our allies, including the United Kingdom, Canada, Israel, Germany, Norway, and Australia, have already taken steps to remove sexual assault reporting and prosecution from the regular chain of command. Military leaders there report no particular change in their ability to maintain good order or discipline. The facts are there to justify removing these decisions from the chain of command.

But I hope colleagues who disagree with me will continue this effort—I know they will—to improve our military justice system. We can agree to disagree on this step. We should agree to move forward on other steps where we can reach consensus because we have in common much more than we have in conflict—that the greatest, strongest military in the history of the world should be rid of this heinous crime. That is our military. We owe it to the men and women who serve in uniform to have a system of justice that matches their courage, strength, and skill.

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

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

#### BURUNDI

Mr. CARDIN. Mr. President, I wish to speak about the political crisis in Burundi, and to urge continued action by the administration and the international community to prevent violence and mass atrocities.

As my colleagues may be aware, the country has a troubled history of violence and instability. A 12-year civil war resulted in 300,000 deaths. Though the past 10 years have been relatively stable, there have been troubling reports of murders, harassment, and intimidation in rural areas carried out by the Imbonerakure, an armed youth group believed to be associated with the ruling party. According to the United Nations, U.N., over 90,000 refugees have fled Burundi since April, concerned about potential violence in the runup to the July 15 Presidential election. Some of the refugees claim they fear being targeted by government-allied militia. More than 27,000 refugees have fled to Rwanda, a country with its own troubled history of ethnic conflict.

President Pierre Nkurunziza's announcement on April 25 that he was running for a third term—a move which appears to violate the Burundian constitution—has caused over 1 month of protests in the Burundian capital, Bujumbura. The Burundian Red Cross has stated that at least 21 people have died during the protests, most reportedly killed by police who have fired live ammunition at protesters. Others have been killed by a series of grenade attacks by unknown parties and more than 500 have been injured. On May 23, opposition leader Zedi Feruzi was killed by unidentified gunmen, and private radio and television stations have been raided, burned, and shut down. Social media websites used to organize protests have been blocked and prominent journalists and activists have been arrested. While some of these individuals have since been released, the crackdown on dissenting voices is disturbing. There are also reports of smaller protests outside of the capital, which signals the potential for the violence to spread, should the police respond in a similarly heavyhanded way. The situation is volatile and analysts are increasingly concerned that the situation could suddenly erupt into wide-scale killings resulting in hundreds of deaths.

The Obama administration has been actively engaged in an effort to avert mass atrocities in Burundi for more than a year. Various senior-level administration officials—including former U.S. Special Envoy for the African Great Lakes Russ Feingold, Ambassador Samantha Power, Assistant Secretary Linda Thomas-Greenfield, Under Secretary Wendy Sherman, Under Secretary Sarah Sewall, and even Secretary of State John Kerry—have spoken with Burundian officials, regional leaders, and other international donors in an effort to dissuade President Nkurunziza from running for office again.

In the wake of the protests, regional leaders are playing an active role in trying to calm the situation. The countries of the East African Community, EAC, have sent Foreign Ministers to Bujumbura to discuss the crisis with a range of stakeholders. The organiza-

tion held two emergency meetings in May, one of which Assistant Secretary of State Thomas-Greenfield attended. The African Union and the International Conference of the Great Lakes have also convened to discuss the crisis.

I applaud ongoing administration and regional efforts. I am concerned, however, that they may not be sufficient. The U.N. Special Envoy for the Great Lakes, Said Djinnit, was dispatched to bring the parties together to find a negotiated solution, but he has stepped down after being accused by opposition groups of being biased toward the government's position. Despite the delay in the polls from June to July, conditions for a democratic contest do not exist. There is no space for the opposition to campaign and the media cannot operate freely. And even in the face of the international community's repeated visits, calls, and messaging on the importance of putting the good of the country before personal political ambitions, President Nkurunziza still has refused to do the right thing and step aside as his party's candidate.

I recommend that we take three additional steps. No. 1, urge U.N. Secretary General Ban Ki-moon and African Union, AU, Chairperson Nkosazana Dlamini-Zuma to work with regional leaders to achieve a common approach to a political settlement for Burundi that includes Pierre Nkurunziza stepping aside as his party's candidate. It should also include a postponement of elections until a way forward is agreed to by the ruling party and the opposition that lays the groundwork for a legitimate contest. The current delay in the polling date gets us nowhere if conditions for credible elections still are not in place. A show of solidarity on these issues will powerfully signal the international community's commitment to a transparent, fair democratic process, and could serve to alleviate tension on the ground. President Nkurunziza should be urged to hold police responsible for killing protesters, ensure that media can operate freely, and allow for some means of verification that he is disarming the Imbonerakure and other armed militia as called for by the EAC and referenced by the African Union.

No. 2, I urge President Obama to appoint a Great Lakes Special Envoy to replace Russ Feingold as soon as possible. Having a senior-level State Department official working fulltime toward a negotiated settlement at this volatile time will greatly enhance the efforts that administration officials are making to ensure peace.

Finally, I call upon the administration to refrain from beginning new training of, or making additional plans to provide military equipment to, the Burundian military at this juncture. While the military has not been accused of violence against civilians or abuses related to the protests, I see no advantage in moving forward with additional programs given the volatile

situation on the ground. We can resume assistance once we are confident that the security situation is stable.

The situation in Burundi is troubling, but I do not believe it is hopeless. I stand ready to support the administration's efforts to prevent another tragedy from unfolding in the Great Lakes region of Africa.

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#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on June 12, 2015, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. THORNBERRY) has signed the following enrolled bill:

S. 1568. An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes.

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#### MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2685. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1295) to amend the Internal Revenue Code of 1986 to improve the process for making determinations with respect to whether such organizations are exempt from taxation under section 501(c)(4) of such code, with an amendment, in which it requests the concurrence of the Senate, and that the House has agreed to the amendment of the Senate to the title of the bill.

##### ENROLLED BILL SIGNED

The President pro tempore (Mr. HATCH) announced that on today, June 15, 2015, he has signed the following bill, which was previously signed by the Speaker pro tempore (Mr. THORNBERRY):

S. 1568. An act to extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, to authorize transfers of amounts to carry out the replacement of such medical center, and for other purposes.

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#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2685. An act making appropriations for the Department of Defense for the fiscal