and tolerance should immediately do the same and say: not in my name. Republican Senators should say: not in my name. Republicans must do what they haven't had the courage to do—stand up to Trump and say: No more, stop it. He is not a leader. He is unfit to be our President and unfit to stand for the values on which this great country was founded.

As for the Republican leader in the Senate, Senator MCCONNELL should be the first to condemn Trump's hateful rhetoric and reject his Presidential candidacy. Let's hope the senior Senator from Kentucky can bring himself to do just that and do it soon.

Madam President, what is the business of the day?

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2943, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 2943) to authorize appropriations for fiscal year 2017 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.

Pending:

McCain amendment No. 4607, to amend the provision on share-in-savings contracts.

Reed (for Reid) amendment No. 4603 (to amendment No. 4607), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided between the two managers or their designees.

The Senator from Rhode Island.

AMENDMENT NO. 4603 WITHDRAWN

Mr. REED. Madam President, I withdraw amendment No. 4603.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

The Senator from Florida.

AMENDMENT NO. 4670 TO AMENDMENT NO. 4607

Mr. NELSON. Madam President, I call up amendment No. 4670.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 4670 to amendment No. 4607.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the amendment)

On page 1, between lines 3 and 4, insert the following:

SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) INEFFECTIVENESS OF SUPERSEDED REQUIREMENTS.—Sections 1036 and 1037 shall have no force or effect, and the amendments proposed to be made by section 1037 shall not be made.

(b) IN GENERAL.—Any competition for a contract for the provision of launch services for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(c) AWARD OF CONTRACTS.—In awarding a contract under subsection (b), the Secretary of Defense—

(1) subject to paragraph (2) and subsection (d), and notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle; and

(2) may only award contracts utilizing an engine designed or manufactured in the Russian Federation for phase 1(a) and phase 2 evolved expendable launch vehicle procurements.

(d) LIMITATION.—The total number of rocket engines designed or manufactured in the Russian Federation and used on launch vehicles for the evolved expendable launch vehicle program shall not exceed 18.

Mr. NELSON. Madam President, I want to thank the leaders of our Armed Services Committee for working out what had been a difficult situation going forward with regard to assured access to space over a 6-year period starting in fiscal year 2017 and going through fiscal year 2022. We have been able to work this out, and that is the subject of the amendment I have just called up.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, does that complete the work on the amendment?

The ACTING PRESIDENT pro tempore. The amendment is the pending business.

Mr. MCCAIN. Madam President, I just want to say to the Senator from Florida that I thank him for his intermediary work and his effort to reach this compromise. He brings unique credentials to this issue, given his experience up in space. Although some have argued that he has never returned, I don't agree with that assessment. But seriously, I thank the Senator from Florida for his intermediary work, without whom this compromise would not have been achieved.

I know the Senator from Florida shares my commitment to freeing this Nation from dependency on the use of Russian rocket engines which then provide an economic boost—in some cases billions of dollars—to Vladimir Putin and his cronies. So I just want to make a special note of appreciation to the Senator from Florida.

Mr. NELSON. If the Senator will yield, I just wish to thank him for his comments. Indeed, some folks wish that I were still in orbit, and I understand that.

I want the Senator to know that I have great affection and great respect for the chairman of our committee and for him and for the Senator from Alabama to be reasonable in finding an accommodation about this so that this country would have assured access to space. Certainly, the Senator from Illinois, as the ranking member of that Defense Appropriations Subcommittee, likewise, has also been in the mix. I am very grateful that this issue is behind us and we can move on.

I might note that there is one technical change we will have to make in the conference committee. It is technical in nature, but it is necessary to get the language right.

I thank the chairman of our committee.

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

Mr. NELSON. The Senator from Arizona has the floor.

Mr. DURBIN. If I could ask for the floor for 2 minutes, I thank the Senator from Florida for his leadership on this issue. It has been a contentious, hotly debated, and in some ways divisive issue between appropriations and authorization committees in the Senate. When Senator NELSON told me he was willing to step up and try to be that bridge over troubled waters, I welcomed his entry into that conversation.

I thank him, Senator GARDNER, Senator BENNET, Senator COCHRAN, Senator SHELBY, Senator MCCAIN, and all who have engaged in this. We have come to the right place, where we are going to be promoting competition, which is good for taxpayers, and we are also going to do it in a way that protects our national security interests.

I thank the Senator from Florida for his leadership on this issue.

Mr. MCCAIN. Madam President, the vote is scheduled for 11 o'clock this morning, and we will be voting on the Defense authorization bill. Unfortunately, we have a situation on the objections of a Senator or Senators that their amendment is not allowed because of the objections of another Senator. In other words, we now have a situation where there are Senators in the Senate for whom it is either their way or the highway, and if they are not having an amendment that is agreed to, then they will object to other Senators' amendments no matter whether those amendments have any validity or any support.

There are a number of them, but there is one that particularly bothers me, which will probably cost the lives of some brave men—mostly men but maybe some women—who assisted us as interpreters in Afghanistan. They are on the list. The Senator from South Carolina pointed out the night letters that go to the interpreters that they are going to be killed—they and their families—for cooperating with

our military and our civilians who are over there, whose work does save lives.

The Senator from South Carolina has been there many, many, many times and has worked with these interpreters. So I will let him speak on this issue. But really, by not allowing this amendment—where the vote would probably be 99 to 1 because we reached an agreement with the chairman of the Judiciary Committee and also with Senator SESSIONS—we are unable. We are unable to provide for the ability of these interpreters to come to the United States because of an unrelated amendment.

I say to my colleagues, that is not the way the Senate should operate. Each amendment should be judged on its own merits or demerits and debated and voted on. So this practice—and we are about to see it on a managers' package now from the other side because their amendment is being objected to—is that we don't move forward with legislation that literally is going to cause the loss of innocent people's lives, whose only crime is that they cooperated and assisted the United States of America and our military in carrying out their duties in Afghanistan. That to me—that to me—is a shameful chapter. It is a shameful comment on the United States of America and honoring our commitments to the brave people who helped us and literally saved American lives.

I ask my colleague from South Carolina, who actually has dealt with these people on many, many occasions, what his view is on this particular issue.

Mr. GRAHAM. I thank the Senator from Arizona.

I want to put this issue and what we are trying to do in the context of what has happened in the last couple of days and what I think is going to happen in the future.

No. 1, there is strong bipartisan support to increase the number of visas available to Afghans who have actively helped us in the war against the Taliban and Al Qaeda in Afghanistan. The reason this is so important is that it is impossible for America to defend herself without partners.

To those who suggest you can win the war against radical Islam without partners, you have no idea what you are talking about. To those who suggest we can't let people come to our country after they risk their lives protecting our soldiers and civilians in Afghanistan and who are protecting us, then you don't understand the war at all. This is radical Islam against the world, not just the Islamic faith. The world should be at war with radical Islam.

As to what happened in Florida, there is no doubt in my mind that these young people were killed by a radical Islamic sympathizer because they were gay. In a radical Islam world, gay people are sentenced to death just simply for being gay. They are thrown off the roofs of homes by ISIL inside of Syria and Iraq. So don't make any mistake about it, the reason these people were killed is because radical Islam judges them to be unworthy of life.

Please make no mistake about it, radical Islamists would kill everybody in this Chamber because we will not bend to their will in terms of religion. Please make no mistake about it, most people in the faith are not buying what these nut jobs are selling.

I have been to Iraq and Afghanistan 37 times, and I can tell you thousands have died fighting radical Islam in Iraq, in Syria, and in Afghanistan because they don't want to live under the thumb of religious Nazis. So the thousands who have helped us as interpreters and who have gone outside the wire with us to make us a more effective fighting force, they have literally risked their lives and their families' lives, and if we don't give them an out, an exit, they are going to get killed, and it is going to be hard to have anybody help us in the future.

I have told Senator LEE, whom I have a strong disagreement with about his approach to the war—basically saying an American citizen has to be treated as a common criminal, not an enemy combatant, for collaborating with the enemy—we have our differences, but I have removed my objection to his amendment with the understanding that I get a vote on my amendment—the Heitkamp amendment—about the Ex-Im Bank, where thousands of jobs are being lost. I want to put on the record that I am ready to let Senator REED move forward if we can get a vote on Ex-Im Bank, where thousands of jobs are at stake.

But we are not voting on any of this. The managers' package is not being voted on. So this is a low point right now. There is very serious business that is being conducted in the Senate that can't move forward because individuals have decided: If I can't have everything I want, nobody is going to get anything.

The bottom line is, the managers' package should move forward. There are a lot of good things in that package. There is a sense-of-the-Senate resolution in that package, coauthored by Senator JACK REED and me, urging President Obama to keep the 9,800 American troops in Afghanistan until conditions warrant their withdrawal; that if he decides to keep the force in place, we support him; if we go to 5,500, Afghanistan is going to fall apart. That is a really big statement in a bipartisan fashion.

As to what happened in Orlando and why it is so important, I have been trying to fight a war, not a crime. For years now, I have been suggesting that the difference between a war and a crime is important. The FBI closed the file on this man because they didn't have enough evidence to charge him with a crime. My goal is to prevent terrorist attacks, not respond to them.

Here is the world I would like to construct; that if by your actions—not by being a Muslim or being this or being that—if by the way you behave and the way you act and the way you talk and the way you engage, you should be treated differently. If you are expressing sympathy to ISIL and other radical Islamic groups, if you threaten your coworkers, telling them that your family is a member of Al Qaeda, if you are associated with a known terrorist and you attend a mosque that is trying to radicalize people, the FBI should never close the file until they are sure you are not a threat, in terms of attacking our homeland. That is the difference between fighting a war and fighting a crime. I am trying to prevent the next attack, not respond to it.

This is not a gun control issue, folks. If gun control could protect the country from attacks by radical Islamists, there would be no Paris. The French have the strongest gun laws on the planet and over 100 French citizens died at the hands of Islamists using weapons: bombs, planes, guns. It is not the instrumentality, it is the attitude. So this is not a gun control problem. We are at war and we are treating it like a crime.

On the Republican side, this is not about banning all Muslims. This man was an American citizen born in Queens. This idea of shutting America off to everybody in the Muslim faith makes it harder to win the war, not easier. We need partners in the faith to destroy radical Islam. It is through that partnership that we will make America safe. So when people call for gun control, you don't understand what is going on here. This is not a gun control issue. If it were, there would be no attacks in Europe. This is a radical Islamic effort—sometimes individually, sometimes collectively—to break our will, destroy our way of life, and we are not dealing with it sufficiently. We should have an approach to this problem as though we are at war. We should follow people who are sympathetic to the enemy, monitor their behavior to prevent what happened in Florida, gather intelligence. We should never close a file against a suspected sympathizer to ISIL because we can't prove a crime. We should keep the file open as long as they are a threat.

I appreciate all Senator MCCAIN has done to strengthen the military. To those who voted against increasing military spending by $18 billion at a time that the military is being gutted, you made a huge mistake. If you want to deal with radical Islam, destroy it over there before it continues to come here, and to do that we need a stronger military. Our Navy and Army are going to be the size of 1940 and 1950, respectively. We are cutting the Marine Corps. We are cutting our ability to defend ourselves, and this $18 billion amendment would restore money to help the military more effectively deal with radical Islam over there so we don't have to fight it here.

To those who look at this as a gun control issue, you are missing the

point. To those who think we should not restore spending, you are not listening to our commanders. Our commanders are begging for more money to more effectively support the force in a struggle we can't afford to lose. To those who think we should declare war on the Islamic faith itself, you have no idea how dangerous that model is. To those who want to close a file because we can't prove a crime when we know the person we are looking at has weird, strange beliefs and is actually acting on these beliefs, then you are making a huge mistake.

Until America gets our attitude adjusted, until we change our policies, until we restore our ability to defend ourselves, this is going to continue.

The President continues to marginalize this, downplaying the threats. This was directed. I don't have any idea that al-Baghdadi called this guy up and said: Go to a night club and shoot on this day, but I know al-Baghdadi has called on everybody sympathetic to his cause to attack during the holy month of Ramadan; attack in place, don't come to Syria. So that is a direction.

It was clear to me, this man had been interviewed on three separate occasions by the FBI, that he was expressing sympathy and allegiance to radical Islam, and that he was associated with a man who went from Florida to Syria, back to Florida, back to Syria, who became a suicide bomber for al-Nusra. There is no way in hell this file should have ever been closed because of political correctness. It should have stayed open until we were sure he was not a threat to us. The goal is to prevent these things, not react to them.

I want to tell you right now that the things we are not talking about in this bill and we can't vote on in this bill are making us less safe. Not allowing these Afghan interpreters—who have risked their lives to protect us by helping us over there—to come to America in larger numbers is going to make it harder to have partners. By insisting that these budget cuts stay in place and not increasing military spending at a time of desperate need is a huge mistake. To my friends on the left and the Libertarians who want to turn the war into crime, it is the biggest mistake of all.

So this is very sad that the U.S. Senate seems to not be able to adjust to the reality that exists and that we all have our petty grievances and we can't move forward as one to strengthen the military, to give our intelligence community the tools they need to protect us, and to have a game plan to win a war we can't afford to lose. In my opinion, we are not having votes that are very important, for no good reason, and this will come back to haunt us.

Last week—and I will end with this—Senator MCCAIN and I were talking about the threats we face. I have been trying the best I can to articulate the difference between fighting a crime and fighting a war. I know what the enemy wants. They want to destroy our way of life and everything we hold near and dear. They want to kill anything that is different. They want everything that America refuses to give them. We are never going to give them what they want, which is the ability to be yourself, the ability to worship God the way you choose, if at all, the ability to be different, the ability to speak your mind and to elect your leaders. That is what they want. We can't afford to give it to them, and we don't have the right attitude or the policies to end a war. It will end one day. People are not buying what radical Islam is selling within the faith. But the longer it goes on, the more endangered we are, and our policies are not working. I am trying my best to change them in a responsible way, consistent with our Constitution, consistent with our values.

I find myself on the floor of the Senate 48 hours after the largest attack since 9/11 unable to move forward on things that matter.

Mr. ALEXANDER. Madam President, section 578 of this year's National Defense Authorization Act, NDAA, is an inappropriate place from which to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

Legislative language is included in the NDAA this year that dictates disruptive policies on public schools that would create a complicated and confusing system where one school system follows established background checks under State or local law, while a neighboring county must now comply with a new unfunded Federal mandate. This language should not be included in the final version of this bill.

The U.S. Senate takes seriously the goal of ensuring the safety of the more than 50 million children in our 100,000 public schools, including federally connected children. These issues have been and should be discussed, debated, and legislated within the appropriate committees of jurisdiction. Measures related to education are within the jurisdiction of the Senate Health, Education, Labor and Pensions Committee under Rule XXV of the Standing Rules of the Senate, as well as within the jurisdiction of the House Committee on Education and the Workforce under Rule X of the Rules of the House of Representatives for the 114th Congress.

So while it may be appropriate for the Armed Services Committee to dictate background check policies for the 172 schools operated by the Department of Defense, it is not appropriate to use the authorization bill for the Department of Defense to impose mandates on nearly 20,000 public elementary and secondary schools in 1,225 public school districts across the country.

These 20,000 public schools, out of 100,000 total, are being singled out because they receive ''Impact Aid'' funds from the Federal Government under title VII of the Elementary and Secondary Education Act, ESEA, of 1965. The purpose of the program is to ''fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement.''

According to the Government Accountability Office, 46 States already require background checks of some kind for all public school employees, and 42 States have established professional standards or codes of conduct for school personnel. Section 578 of the NDAA would create confusion for all those States and localities, as they are forced to navigate two sets of potentially conflicting background checks policies.

Mr. KAINE. Madam President, today I wish to speak about the fiscal year 2017 National Defense Authorization Act, NDAA. I want to thank Senator MCCAIN and Senator REED for all their work on this Defense bill. This year's floor process has been challenging to say the least, but with their leadership and that of their staff directors, Chris Brose and Liz King, I am confident we can find a meaningful path forward.

I supported this bill out of committee in hopes of having a vigorous debate on some of the proposals I had expressed concern over regarding Defense reform. It was my belief that the public release of this bill would invite greater scrutiny by officials in the Department of Defense to inform floor debate. In anticipation of their concern, I again submitted an amendment that I had offered in committee to initiate a commission on Defense reform to assist Congress in considering future legislation. I have been surprised at the absence of comments about many of the reform proposals. This has contributed to a sense that the concepts were welcome and being embraced by the Department. It wasn't until the administration's response was released, in the midst of the bill being on the Senate floor, that concern was finally noted.

Despite my belief that some of our proposals lack sufficient analysis and have gone too far, I do share the chairman's concern over whether the Department has the ability to adapt and remain successful in today's security environment. I am also concerned that the Department may in fact be mired in duplicative process and complicated organizational designs. Many of the witnesses in front of the Armed Services Committee testified to these facts, but several went on to recommend caution.

On November 10, 2015 in front of a hearing by this committee, Jim Thomas from the Center for Strategic and Budgetary Analysis said, ''all of these ideas would require detailed analysis to fully understand their strengths and avoid outcomes that might inadvertently leave us worse off.'' At that same hearing, we heard from James Locher, a former staff member of the Senate Armed Services Committee during the Goldwater-Nichols reform, who stated

''pinpointing problems was the committee's sole focus for eighteen months. As part of this thorough process, the committee staff produced a 645-page staff study with detailed analyses of each problem area. . . . a hasty reform without a deep appreciation for the origins of the behaviors that currently limit Pentagon effectiveness would be a mistake.'' Additional comments by witnesses like the Honorable David Walker, ''there needs to be a fundamental review and reassessment of the current organizational structure and personnel practices,'' or former Under Secretary of Defense Michele Flournoy, ''it is imperative that we think through the second and third order effects of any changes proposed. . . . great care should be taken to hear the full range of views and consider the unintended consequences,'' should have provided the necessary direction and caution to this committee to pursue a deliberative, well-researched, and open approach.

Many of the reform provisions were drafted by the committee's very skilled professional staff. While I have the full confidence that they crafted proposals to address various challenges in the Department, it is ultimately the responsibility of the members to fully understand them. Despite the numerous hearings and countless witnesses, the only theme that emerged was that reform was needed interspersed with a few conceptual suggestions. To date, no study has proposed the legislation contained within this bill. No officials offered their views for consideration until the bill was on the Senate floor.

In the absence of a debate on the merits of an independent study, investigative work, or official Department views, I suspect many of my colleagues do not have confidence that the proposals address the Department's challenges. Should we require the chairman of the Joint Chiefs to consult with and seek the advice of others? Should the headquarters be reduced in addition to previous reductions? Is an additional 15 percent of staff adequate in a time of war or crisis? Will the new Under Secretary for Research and Engineering make the Department's acquisition process run more efficiently? Last year we removed a pay increase for general officers; this year, we reduced their number by 25 percent. The combination of these two provisions makes me wonder whether we are doing all we can to cultivate the next Eisenhower, Halsey, Abrams, or Dunford.

We made significant reforms in previous years empowering acquisition professionals to have flexibility and offer service chiefs greater ownership of their acquisition programs. We have also charged the Department with necessary authorities to ''hire top talent'' in an attempt to drive innovation. Many of us in the Senate have demanded a more comprehensive military strategy in countering the myriad of threats around the globe. In addition, this bill encourages numerous outreach and coordination programs with our allies and partners. These requests are not hollow or zero-sum. People are required to assist our service chiefs with acquisition programs. People develop more comprehensive doctrines and offset strategies. Hiring and retaining top-talent means just that.

What impact will the reorganization of the Department and significant changes in personnel policies have on our operations in the midst of a two-front cold war and expanding conflict in the Middle East? Do we challenge the advice our Chairman of the Joint Chiefs is providing? How do we get ''top talent'' if each spring we reorganize and cut our Department of Defense workforce? How will a reduction in general and flag officers impact current and future senior officers? What are the secondary effects to changes in combatant command responsibilities? How will our allies and adversaries interpret the reduction or disappearance of general officers in overseas billets? I submit that most of my colleagues do not know the answers to these questions, but I would encourage them to consider them prior to taking similar drastic action in the future.

I share the chairman's desire to improve the organization and capability of the Department of Defense. I know he has reached a comfort level with the reform proposals contained within, that in time I may better understand their impacts. However, I am mindful of the cautions relayed by many of our witnesses. We should take our independent oversight responsibility very seriously. I remain committed to working with my colleagues in a bipartisan fashion and seek a more measured and informed approach to any legislation that has the potential to negatively impact the very Department we seek to improve. It is in this spirit that I offered my amendment on establishing a commission to study Defense reform.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Madam President, if we can get consent, and individual Senators will relinquish their objections, the Senate is ready to vote on the Shaheen amendment on special immigrant visas for Afghan interpreters, which will save lives, the Moran amendment on Guantanamo, the Gillibrand amendment on the Uniform Code of Military Justice, the Murray amendment on cryopreservation of eggs and sperm, the Corker amendment to authorize the activities of the State Department. We are ready to debate and vote on all of those.

So I hope that if there is objection, the Senators involved will relinquish their objections so we can move forward with those amendments and have final passage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that it be in order to offer amendment No. 4310, notwithstanding rule XXII, and the Senate vote in relation to the amendment; and that the amendment be subject to a 60-affirmative-vote threshold, with no second-degree amendments in order prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCAIN. Madam President, with the greatest reluctance, I object on behalf of one Member on this side. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. McCAIN. Madam President, could I also say, as I object—reserving the right to object—the Gillibrand amendment, I do not support, but the Gillibrand amendment deserves debate and a vote in this body. It is a serious issue of the utmost seriousness in the military. The Chair certainly understands that. It has to do with sexual assaults in the military, and it deserves the attention of the entire U.S. Senate—debate and vote. Unfortunately, there is objection.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise to speak about the amendment.

Under our current military justice system, when a servicemember is accused of sexual assault, the decision to prosecute isn't actually made by a trained prosecutor or a lawyer of any kind. In fact, it is made by a colonel or a brigadier general or another high-ranking military officer.

Our commanders are the best in the world when it comes to tactics and strategy, but most of them have little to no experience in legal or criminal matters. And why should they have that experience? Our commanders are not prosecutors. They are not lawyers. They are warfighters, and their job is to keep our country safe, not make legal judgments about whether to prosecute a rape.

The current military justice system has failed our sexual assault survivors for too long.

This amendment very simply takes the decision about whether to prosecute these crimes and gives it to trained, experienced, independent military prosecutors.

We have all the evidence we need that this problem has not gotten better in the last year. We have more data. We have looked at more case files. We have heard from more survivors. It is clear little has changed, despite the Department's persistent claims that things are getting better, that they are making progress.

When the Department of Defense estimates that there are 20,000 servicemembers who are sexually assaulted in a year, that is not progress. When 8 out of every 10 military sexual assault survivors don't report the crime, that is not progress. When 62 percent of survivors are being retaliated against, that is not progress. When more than half of those retaliation cases—58 percent of them—are perpetrated by someone in the chain of command, that is

not progress. When the percentage of survivors willing to report openly has declined for the past 5 years, that is not progress. When it was confirmed by the Associated Press that the Pentagon blatantly misled the Senate in order to skew our debate, that is perhaps the ultimate sign that there has been no progress.

Our military justice system is broken. It is failing our members. And no matter how many marginal reforms we make, as long as commanders with no legal experience are continuing to make important legal decisions on whether to prosecute violent sex crimes, we are not going to solve the problem. Once and for all, let's take the decision to prosecute these crimes and give it to trained, independent military prosecutors. Let's give our military servicemembers a justice system that is worthy of their service.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, we have cleared the following amendments to go by voice vote on this side. I understand there are objections on the other side to this list. I want the record to reflect what is on the table from this side. I dislike getting into this back-and-forth because it really serves no purpose, but I ask unanimous consent that the managers' package as portrayed here be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection to the printing?

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

4604, Shaheen; 4141, Corker; 4070, Moran; 4444, Murray; 4090, Burr; 4123, Blumenthal, as modified; 4362, Brown; 4142, Nelson; 4216, Booker; 4392, Cantwell; 4421, Warner; 4461, Manchin; 4426, Boxer; 4596, Wyden; 4297, Donnelly; 4321, Schatz; 4416, Kaine; 4389, Udall; 4431, Schumer; 4527, Casey; 4210, Tester; 4591, Reed; 4678, Reid; 4675, Bennet; 4564, Carper; 4232, Heller; 4376, McCain; 4094, Inhofe; 4195, Rubio; 4243, Portman.

4263, Gardner; 4316, Rounds; 4449, Barrasso; 4136, Hoeven; 4265, Cochran; 4478, Hoeven; 4096, McCain; 4418, Perdue; 4424, Moran; 4500, Johnson; 4399, Daines; 4622, Flake; 4400, McCain; 4377, Hatch; 4155, Boozman; 4242, Peters; 4348, Baldwin; 4372, Nelson; 4427, Boxer; 4428, Boxer; 4443, Murray; 4453, Heinrich; 4471, Peters; 4528, McCaskill; 4577, Schatz.

4583, Warner; 4584, Tester; 4589, Heinrich; 4602, Udall; 4630, Brown; 4631, Peters; 4635, Brown; 4642, Booker; 4073, Paul; 4128, McCain; 4214, Kirk; 4419, Wicker; 4465, Johnson; 4552, Perdue; 4555, Lankford; 4587, Collins; 4601, Rubio; 4617, Portman; 4619, Inhofe; 4620, Ernst; 4638, Kirk; 4666, Murkowski.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

MASS SHOOTING IN ORLANDO

Mrs. MURRAY. Madam President, I want to start by offering my condolences to the families and loved ones of the victims of Sunday's heinous attack in the city of Orlando and to everyone who was affected by this terrible tragedy and act of terror.

While our hearts are with the families and the communities right now, in the coming days we should have a robust debate about how we can all come together to do everything possible to prevent tragedies like that from happening again.

Madam President, I want to turn to the bill we are considering today, the National Defense Authorization Act, which has been described as one that will modernize the military health system and give the men and women of our military better quality care, better access, and a better experience. It has been described as upholding commitments to our servicemembers. I wish I could stand here and say that I agree with that 100 percent, but there is a glaring problem in this bill. It is a problem that really cuts against the idea that our country should be there for the men and women of our military, who risk so much on our behalf, no matter what.

Go to page 1,455 of this massive bill. Buried in a funding chart, there is one line that would zero out a new program intended to help men and women in our military who suffer catastrophic injuries while fighting on our behalf. I don't know how this line got in there. I don't know who thought it was a good idea. I don't know why, but I do know what this is: It is absolutely wrong, and we ought to fix it. That is why I have come to the Senate floor repeatedly over the past week to urge my colleagues to correct this shameful change, and with the clock running down on this bill, now is the time to act.

Let me give this some context. Six months ago the Pentagon announced a pilot program to offer our servicemembers who are getting ready to deploy an opportunity at cryopreservation; in other words, freezing their eggs or sperm. It gave deploying servicemembers not just the ability to have reproductive options in the event they are grievously injured but some deserved peace of mind. It meant they don't have to worry about choosing between defending their country or a chance at having a family someday. This new program was met with widespread praise and relief. It reflected a basic level of respect for servicemembers who are willing to risk suffering catastrophic injuries on our behalf.

I was hoping this new program was a step we could build on, a move in the right direction, an important part of our larger work to help our warriors who have sustained grievous injuries achieve their dream of starting a family. That is why I was so disturbed when I learned this bill would move us in the other way.

Despite what some of my colleagues have been saying, my amendment very deliberately states that it will not divert money from any other important health programs.

I am here again today to ask unanimous consent to have a vote on my amendment that would restore this pilot program. It is hard to imagine any of my colleagues standing up to say that men and women who are willing to make the ultimate sacrifice for their country and for all of us should be denied a shot at their dream of a family. I am hopeful we can have a vote on this, and I encourage my colleagues to support it and step away from what would be a truly shameful mistake.

Madam President, I ask unanimous consent that it be in order to offer amendment No. 4490, relating to fertility treatments, and that the Senate vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Madam President, with reluctance—and I apologize to the Senator from Washington. This is another amendment that deserves debate and a vote.

Another amendment that has not been brought up that deserves debate and a vote is the issue of women being registered for Selective Service. I want to make it very clear that I have wanted and this body wanted a vote on whether women should be registered for Selective Service, and it was not allowed—not by this individual but only one.

I ask unanimous consent that the Senator from Indiana be recognized, in addition to my time, for 3 minutes——

The ACTING PRESIDENT pro tempore. Is there objection to the pending request?

Mr. MCCAIN. And that the 3 minutes be taken out of Senator REED's time, to the Senator from Indiana.

Mrs. MURRAY. Is there objection to my request?

The ACTING PRESIDENT pro tempore. Is there objection to the pending request?

Mr. MCCAIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Is there objection to the request from the Senator from Arizona?

Without objection, it is so ordered.

AMENDMENT NO. 4670, AS MODIFIED

Mr. MCCAIN. Madam President, I ask unanimous consent to modify the Nelson amendment No. 4670 with the changes at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment is modified.

The amendment, as modified, is as follows:

On page 1, between lines 3 and 4, insert the following:

SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) INEFFECTIVENESS OF SUPERSEDED REQUIREMENTS.—Sections 1036 and 1037 shall have no force or effect, and the amendments proposed to be made by section 1037 shall not be made.

(b) IN GENERAL.—Any competition for a contract for the provision of launch services

for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(c) AWARD OF CONTRACTS.—In awarding a contract under subsection (b), the Secretary of Defense—

(1) subject to paragraphs (2) and (3), and notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle; and

(2) may award contracts utilizing an engine designed or manufactured in the Russian Federation for only phase 1(a) and phase 2 evolved expendable launch vehicle procurements.

(3) LIMITATION.—The total number of rocket engines designed or manufactured in the Russian Federation and used on launch vehicles for the evolved expendable launch vehicle program shall not exceed 18.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. Madam President, I will try to be very brief. I know time is constricted.

When I first came to the Senate, we had Members on both sides who had principled positions on any number of issues, but we rarely, if ever, because of our principled stand, denied the opportunity for debate and vote. The Senate is here for the purpose of debating and voting. Sometimes we win, and sometimes we lose. The consequences are recorded, and the bill goes forward—as this one would—to be combined with the House, to go to conference, and finally issue a resolution.

We are not talking about just any piece of legislation here; we are talking about the national security and national defense for our Nation. There are important issues that need to be debated and need to be voted on. Yet we are denied that opportunity. Someone on our side was denied that opportunity. The other side has every right to say: Well, if you are going to play that game, we are going to play that game. That is not how the Senate should operate.

The Senator from New York and the Senator from Washington on the Democratic side have principled amendments. I don't support the amendment from the Senator from New York, but it ought to be debated and it ought to be voted on and it ought to be worked through. That is why we are sent here. No wonder the public across the Nation is so frustrated with us—because we are in total stalemate.

Senator MCCAIN and Senator REED have made every possible effort to move this process forward. Yet here we are. As we know, under the procedures, one person has the right to stop anything from going forward if they use those procedures, and that has happened. It is very unfortunate.

In comparison to my time here earlier when we functioned as the U.S. Senate, we are in total dysfunction because people are not willing to go forward and debate and accept the fact that they win or they lose but the process goes forward.

I thank my colleague from Arizona and colleague from Rhode Island for the opportunity to speak, and I yield back.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent to use 1 minute of debate time from the Democratic side.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. I would like to say that my friend from Indiana, who has been a Member of this body for many years and has served in a variety of functions for this Nation, is exactly right. We are now in a situation where, because someone doesn't get a vote on their amendment, everybody else's amendment is not agreed to. That is not the way the Senate was intended to function. That is not the way the Senate should function.

We just heard of two amendments that I strongly object to—both of them—but I want debate and votes on them. Unfortunately, we now have a situation, frankly, on both sides where unless people get their amendment, nobody gets their amendment.

We are now, among other things, putting the lives of the interpreters who have served this Nation and saved American lives in danger by refusing to take up the Shaheen amendment, which allows some of these people to come to the United States of America. When some of them start dying, my friends—and they will, because they get the night letters that they are going to be assassinated, they and their families—I hope they understand what is at stake here, and I certainly wouldn't want that on my conscience.

In addition to my friend LINDSEY GRAHAM's comments about Paris—and we will have plenty of time to talk about it—my favorite quote of all that epitomizes the failure of this President is from January 2014: ''The analogy we use around here sometimes, and I think it is accurate, is if a JV team puts on Lakers uniforms, that doesn't make them Kobe Bryant.'' My friends, that statement will live in infamy. That will go down with ''peace in our time.'' ''If a JV team puts on Lakers uniforms, that doesn't make them Kobe Bryant.'' ISIS is the same as a JV team putting on a Lakers uniform. There has been nothing that I know of more revealing of the attitude and policies of this administration, which is directly responsible, in my view, for the ultimate conclusion of what happened in Orlando.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. MORAN. Madam President, I am once again on the Senate floor in a series of conversations we have had with my colleagues about the importance of my amendment I would like pending to this national defense authorization bill.

I am discouraged and disappointed that over the weekend no resolution on a variety of issues has been reached, and therefore there would be objection once again if I offered this amendment.

What I am attempting to do and what we have talked about so many times here on the floor and in the hallways of Congress is that Kansans generally are opposed to the closing of Guantanamo Bay as a detention facility and particularly opposed to bringing these detainees to the United States and especially opposed to bringing the detainees to Fort Leavenworth, KS. Unfortunately, this bill includes an amendment offered in committee that allows for the design and planning and construction of a facility, and my amendment is the simple removal of those provisions from this legislation.

It is clear to me that throughout the entire time of the administration of this President, this administration has been unable to provide any cohesive, comprehensive, legally justifiable closure and relocation plan. Yet this plan authorizes the planning and design.

So I rise to once again express my dissatisfaction and anger with the Senate for its inability to do its job. Whether or not my amendment would prevail at the moment is not the issue; it is whether or not there can even be a vote on what I consider to be a very important issue to Kansas and to the country.

I appreciate the efforts by the chairman of the committee, who has assured me that he supports this amendment, and through no fault of his own, we are unable to take a vote to demonstrate that support in the Senate.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I say to the Senator from Kansas, we had an agreement to have this taken by voice vote, just as we had an agreement to take up the Shaheen amendment as well, with overwhelming support in the Senate to save the lives of these interpreters. Unfortunately, one or two individual Senators blocked any progress on that.

I want to assure the Senator from Kansas that we will do what is necessary to ensure that this amendment is enacted into law.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent for 1 additional minute.

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

Mr. REED. Madam President, I wish to underscore what the chairman has said. We worked very closely with Senator MORAN, Senator SHAHEEN, and many others, including Senator GILLIBRAND and Senator MURRAY, to come up with a package.

As the chairman announced previously, if this package had moved, it

would have also unlocked numerous other amendments that we had cleared on both sides. But, unfortunately, because of the objection of an individual whom the chairman has cited, we are now coming to final passage.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, all postcloture time on S. 2943 has expired.

VOTE ON AMENDMENT NO. 4670, AS MODIFIED

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 4670, as modified, offered by the Senator from Florida, Mr. NELSON.

Is there any further debate on the amendment?

The Senator from Rhode Island.

Mr. REED. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. FLAKE). Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the Nelson amendment No. 4670, as modified.

The amendment (No. 4670), as modified, was agreed to.

VOTE ON AMENDMENT NO. 4607, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4607, as amended, offered by the Senator from Arizona, Mr. MCCAIN.

Is there any further debate?

The amendment (No. 4607), as amended, was agreed to.

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

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

Mr. COATS. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—85

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

NAYS—13

Crapo	Markey	Sasse
Cruz	Merkley	Warren
Gillibrand	Paul	Wyden
Leahy	Reid	
Lee	Risch	

NOT VOTING—2

Boxer	Sanders

The bill (S. 2943), as amended, was passed.

(The bill, as amended, will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Missouri.

ORDER OF PROCEDURE

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each until 12:30 p.m. today; further, that at 12:30 p.m. the Senate stand in recess subject to the call of the Chair; and that notwithstanding rule XXII, the vote on the motion to invoke cloture on the motion to proceed to H.R. 2578 occur when the Senate reconvenes from this recess.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BLUNT. Mr. President, for the information of Senators, the cloture vote on the motion to proceed to the Commerce-Justice-Science appropriations bill will occur immediately following the official photo at 2:15 p.m. today.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MCCAIN. Mr. President, I want to thank the 85 members who voted for the bill, and I would like to criticize the 13 who voted against it.

I think this is a good bill. I want to thank Senator REED for his cooperation and the effort that has been made in our committee on a bipartisan basis. If it were not for his cooperation and assistance and partnership—equal partnership—we would not have been able to have a bill of these significant numbers.

I want to thank the Members for their votes. But I would also like to point out that, as happy as I am about the size of the vote, we left out some very important amendments. Particularly, we left out one that has to do with interpreters who are being slaughtered as we speak because they are the No. 1 targets for the Taliban and for ISIS.

As I take pleasure in the size of the vote, I would also urge my colleagues that when we take up a bill of this significance, not every Senator can have his or her way. Not every Senator can have their amendment, particularly when it is not agreed to on the other side. So I have to say, I blame a few Senators who believe it is their way or the highway. I hope that when we move forward with other legislation, we can have amendments, debate, and vote. That is what the Senate is supposed to be about.

Finally, I again thank Senator REED and his staff for all of their cooperation and assistance. We intend to go to conference and get a bill to the President's desk.

I would point out to my colleagues that this legislation is probably the biggest reform enacted by the Senate Armed Services Committee and the Senate since Goldwater-Nichols some 30 years ago. There are fundamental reforms in the military and how they do business, and that is very badly needed.

We had a hearing a couple of weeks ago about an F–35. The first time the F–35 began production was 15 years ago. I change one of these every 18 months. Our acquisition system is broken; it needs to be fixed. There are billions and billions of dollars of cost overruns that we need to fix if we are going to have the confidence of the American people in their tax dollars being spent wisely.

Again, I thank my friend and colleague from Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me commend and thank the chairman on his leadership. He began this process with great deliberation months ago by bringing together experts on defense organization—experts on military and strategic policy. Through a series of many hearings, we were able to craft significant legislation reforming the operations of the Department of Defense. We will now go to conference and begin to work to improve that legislation. I think improvements can be made with respect to the changes in the context of Goldwater-Nichols reorganization. But I think the chairman's leadership was absolutely essential and incredibly productive in this process.

We have had debate on a number of issues on the floor. I think we are now