

undermined by the Defense authorization. Just yesterday, the House of Representatives passed the Senate's FOIA Improvement Act, reaffirming our commitment to the principle that a government of, by, and for the people cannot be one that is hidden from them. However, just as we are about to bring more sunshine into the halls of power on FOIA's 50th anniversary, this Defense authorization bill threatens to cast a long and dangerous shadow over our efforts.

Without ever consulting the Senate Judiciary Committee, which has exclusive jurisdiction over FOIA, the Armed Services Committee included provisions in this bill that cut at the heart of FOIA. One particularly egregious provision would allow the Department of Defense to withhold from the public anything "related to" military "tactics, techniques, or procedures." The terms "tactic," "technique," and "procedure" are either defined very broadly or not at all. The provision further states that this information can only be withheld if its disclosure would "risk impairment" to the Department of Defense's "effective operation" by "providing an advantage to an adversary or potential adversary." But it is entirely unclear what if any limitation this language would impose, given that none of the operative terms—impairment, effective operation, advantage, or adversary—are anywhere defined. While the Department of Defense might call those "terms of art," it is law and not art that the Congress passes.

Given the breadth of this language, this provision amounts to what could be a wholesale carveout for the Department of Defense from our Nation's transparency and accountability regime. If enacted, this bill would empower the Pentagon to withhold a wealth of information from the American public. For example, the Pentagon could withhold the legal justifications for drone strikes against U.S. citizens, preventing the American people from knowing the legal basis upon which their government can employ lethal force against them. It could withhold from disclosure documents memorializing civilian killings by U.S. forces, depriving the American people of knowledge about the human cost of wars fought in their name. And if enacted, the Pentagon could withhold information about sexual assaults in the military, masking the true extent of sexual violence against servicemembers who risk their lives defending our country.

In short, this bill could effectively drape a shroud of secrecy over all five corners of the Pentagon. It would unravel decades of work we have done to make our government more transparent to the American people and threaten the progress we have just made with the FOIA Improvement Act. This unprecedented disappearing act from our Nation's premier transparency law should have never been

considered without a full consultation of the Senate Judiciary Committee. On the eve of FOIA's 50th anniversary, I urge all Senators to stand on the side of sunshine, not shadows, and oppose these provisions within the Defense authorization.

My concerns are not limited to Guantanamo Bay and FOIA. The bill also includes massive changes to our military's procurement and management systems, rolling back reforms that have been in place since Goldwater-Nichols and putting at risk Federal employees and businesses that sell to the Department. These specific sections include the elimination of the office that coordinates major acquisitions, separating development of new technology and plans for its long-term sustainment. The changes have been promoted under the guise of saving money and reducing bloated command structures, when they in fact only confuse an already complex process and will likely result in needless future waste.

I also remain deeply concerned about the impact of the caps on general officers to the National Guard. While I was grateful to see that adjutants general and assistant adjutants were exempted, there are other joint general officers within the Guard, and I am worried hard caps on the number of general officers will mean that the best man or woman for the job becomes less important than whether the Army or the Air Force has space under its respective cap. I am likewise concerned that decoupling the statutory requirement that the Vice Chief of the National Guard Bureau be a lieutenant general—a decoupling that did not occur for the vice of any other member of the Joint Chiefs of Staff—will force the Army or Air Force to give up a three-star position to someone who statutorily does not report to their service secretary. I am also concerned that by removing the statutory requirement that the commander or deputy commander of U.S. Northern Command be a member of the National Guard, we run the risk of entering a major national disaster without a leader of the principal Federal response force having any experience with how the States deal with disasters individually and together.

The bill includes a provision, section 1204, which would prohibit joint or multilateral exercises and conferences between the Department of Defense and the Government of Cuba, even though the Department and the Cubans have worked together on issues related to the security of Guantanamo for many years. Senator FLAKE and I, along with Senators CARDIN and DURBIN, proposed some exceptions to this provision in order to permit the Department to continue to engage with the Cubans on Guantanamo and to cooperate on other security matters, including search and rescue and counter-narcotics. Unfortunately, Senator CRUZ, the author of section 1204, was unwilling to compromise, and we were

not able to obtain a vote on our amendment.

Perhaps the most predictable flaw of this bill is that it continues the reliance on overseas contingency operations funds to operate the Department. The original intention of this fund has been routinely ignored, and it continues to be used as a free-for-all spending pool. Borrowing to sustain our national defense objectives only increases the already significant burden placed on the working families who are most impacted by this irresponsible practice. We must put in place mechanisms to begin responsibly ridding ourselves of the growing debt, rather than continuing to employ irresponsible practices that only take us farther away from anything resembling a solution.

The National Defense Authorization Act provides the Senate with a yearly opportunity to responsibly address our security priorities and to take care of our men and women in uniform, while bolstering our overall military capabilities. However, this year's bill proposes too many damaging provisions far beyond the scope of the Department of Defense. Despite the agreeable content found within the bill, the damage that will be caused by many of these measures far outweighs the benefits of approving this authorization. For that reason, I cannot give it my support.

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-25, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Iraq for defense articles and services estimated to cost \$181 million. After this letter is delivered to

your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16-25

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Iraq.

(ii) Total Estimated Value:

Major Defense Equipment* \$0 million.

Other \$181 million.

Total \$181 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Non-Major Defense Equipment (MDE): The Iraqi Air Force requests a five-year sustainment package for its AC-208 fleet that includes: operational, intermediate, and depot-level maintenance; spare parts; component repair; publication updates; maintenance training; and logistics. Also included in this sale are Contract Logistics Services (CLS), training services, and Contract Engineering Services. There is no MDE associated with this possible sale. The total overall estimated cost is \$181 million.

(iv) Military Department: Air Force.

(v) Prior Related Cases, if any: IQ-D-QAH-\$20M-13 FEB 09, IQ-D-QAF-\$5M-26 OCT 08.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: June 14, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Government of Iraq—AC-208 Sustainment, Logistics, and Spares Support

The Government of Iraq has requested a possible sale of a five-year sustainment package for its AC/RC-208 fleet that includes: operational, intermediate, and depot-level maintenance; spare parts; component repair; publication updates; maintenance training; and logistics. Also included in this sale are Contract Logistics Services (CLS), training services, and Contract Engineering Services. There is no MDE associated with this possible sale. The total overall estimated value is \$181 million.

The purchase of this sustainment package will allow the Iraqi Air Force (IqAF) to continue to operate its fleet of eight C-208 light attack and intelligence, surveillance, and reconnaissance (ISR) aircraft beyond the June 2016 end of its existing CLS contract. Limited IqAF maintenance capability necessitates continued CLS. Ultimately, the goal is for the IqAF to become self-sufficient in the areas of aircraft maintenance and logistics training. Iraq will have no difficulty absorbing this support.

The proposed sale will contribute to the foreign policy and national security goals of the United States by helping to improve a critical capability of the Iraq Security Forces in defeating the Islamic State of Iraq and the Levant.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Orbital ATK in Falls Church, Virginia, and Flight Safety International in Flushing, New York. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional

U.S. Government or contractor representatives to Iraq.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Iraq.

FLAG DAY

Mr. CARDIN. Mr. President, 100 years ago, President Woodrow Wilson issued a proclamation which established June 14 as Flag Day, the day during which we commemorate the 1777 adoption of our great Nation's flag. In 1949, an act of Congress established National Flag Day. Today I wish to recognize and celebrate Flag Day and remember all those who have fought in defense of our flag and everything it symbolizes.

The Flag Act of 1777 established that the first flag of the United States would have 13 red and white stripes, as well as 13 white stars in a blue field in order to recognize the Thirteen Original Colonies. Since then, our flag has grown to include 50 stars which represent all 50 States in our Union today. The final star, representing the State of Hawaii, was added in 1960. Since then, our flag has flown proudly throughout the United States and in embassies around the world, celebrating our Nation's history of freedom and liberty. The evolution of our flag is representative of our evolution as a nation and how far we have come over the past 239 years.

In Maryland, Flag Day is also a day to remember the important contributions made by our State to our Nation's development in the early days of the Union.

In the midst of the War of 1812, General Samuel Smith asked Baltimore resident Mary Pickersgill to make a flag "so large that the British will have no difficulty seeing it from a distance." That flag, 30 feet tall and 42 feet wide, was raised and flown over Fort McHenry during the famous Battle of Baltimore in 1814. Mary Pickersgill's flag also became the inspiration for the poem written by Francis Scott Key, which would eventually become our country's national anthem.

That night, our flag stood as a symbol of the strength of our union and the bravery and resilience of those willing to fight for it. Today it continues to serve as a reminder of the courage and commitment of those willing to give all in defense of the freedoms granted to every American. On this day, we remember not only the history and growth of this Nation, but also the men and women who gave that ultimate sacrifice in order to uphold the liberties for which our flag stands.

For over two centuries, our flag has meant hope, freedom, and liberty to all those who enter this country, and it will continue to uphold this meaning for many years to come. Since 1777, the flag has been a reminder to every American of the work and sacrifices

made to keep our Nation great. This Flag Day, it is important to remember everything our flag symbolizes. We must reflect on the history of our Nation and the growth of its unity—from our geographic expansion over time to the evolution of our population and the definition of what it means to be an American. We must also commemorate the lives of those who have served our Nation and its people in pursuit of the values for which the flag—and we—proudly stand.

Our banner waves in the name of the freedom of every American, and we join together on this day in order to commemorate every contribution which has kept that freedom alive.

ADDITIONAL STATEMENTS

TRIBUTE TO LIEUTENANT GENERAL JAMES F. JACKSON

● Mr. ISAKSON. Mr. President, today I recognize Lt. Gen. James F. Jackson upon his retirement from the U.S. Air Force after 38 years of military service to our great nation. General Jackson's distinguished military career culminated as Chief of Air Force Reserve and Commander, Air Force Reserve Command.

General Jackson is a 1978 graduate of the U.S. Air Force Academy. He completed 14 years on Active Duty, including flying tours in Europe and the Pacific before joining the Air Force Reserve in 1992. General Jackson has held numerous wing leadership and command positions, as well as staff assignments at Eighth Air Force and Headquarters U.S. Strategic Command, Headquarters Pacific Air Forces, Headquarters U.S. Pacific Command, and Headquarters U.S. Air Force. A career instructor pilot and evaluator, the general is a command pilot with more than 3,600 hours in the F-4 Phantom II, F-16 Fighting Falcon and KC-135R Stratotanker.

In his role as Chief of Air Force Reserve, Headquarters U.S. Air Force, in Washington, DC, General Jackson served as principal adviser on Reserve matters to the Secretary of the Air Force and Chief of Staff of the Air Force. As Commander of the Air Force Reserve Command at Robins Air Force Base, General Jackson was responsible for approximately 70,000 citizen airmen and all Air Force Reserve units worldwide, including 36 wings, 10 standalone groups, and a myriad of mission support units located at 54 joint and Active component bases and nine Reserve bases and stations.

As the Air Force Reserve's chief advocate within the Pentagon and on Capitol Hill, General Jackson defended an annual President's budget request amount for the Air Force Reserve of more than \$5 billion, which enabled the component to remain ready to support combatant commander taskings as an integral component of the Air Force team. General Jackson's articulate