

The motion is agreed to.  
The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Mr. President, I rise to ask that the Senate be given the chance to consider and vote on the Military Justice Improvement and Increasing Prevention Act.

Before I discuss the bill, I would like to first acknowledge that we have just returned from Memorial Day recess and to recognize the men and women who made the ultimate sacrifice to protect our country and to protect our freedom. They got on a plane or they got on a ship; they went to countries they may never have been to before; they fought for our country; and they didn't come home.

We ask so much of our servicemembers and their families, and we owe it to them to take action when they are in danger. That is why I want to talk about this bill right now.

Sexual assault in the military is an epidemic. Year after year, reports of sexual assault have gone up, but conviction rates and prosecution rates have actually come down. This stems from a fundamental problem which has to be addressed: There is bias in our military justice system.

Right now, if you are a victim of sexual assault or another serious crime, the decision to prosecute goes to a commander, not to a trained military prosecutor. And while our commanders are exceptional leaders and exceptional warfighters, they are not legal experts, nor should they be asked to be. Nor can commanders be truly independent when considering charges against a subordinate or charges made by a subordinate.

This bill removes the decision of whether to prosecute sexual assaults or any other serious crime out of the chain of command and gives it to trained military prosecutors, where it belongs. This would establish something fundamental to our justice system: blind justice. It is a simple change. It is a change that is supported by legal experts, by JAGs, by commanders, by generals, by admirals, by veterans.

Opponents of this bill—and their numbers are dwindling—claim that this one change would somehow undermine good order and discipline. Well, I will tell you, I have heard that one before. It is the same weak argument they have made time and time again.

Many people stood on this floor and said that we could not repeal don't ask, don't tell because it undermined good order and discipline. When we wanted to integrate the military and have Black servicemembers serve, we were told we couldn't possibly do that; it would undermine good order and discipline. We made the case that LGBTQ members should be able to serve openly, that trans members should be able to serve openly. We were told: You can't possibly do that; it would undermine good order and discipline. When we asked for women to be able to serve

in combat, something they had been doing for a very long time but not necessarily getting credit for it, we were told: You can't possibly do that; it will undermine good order and discipline.

But each of those times Congress rose to the occasion and did the right thing and did the thing that was necessary to make our military stronger, and each time our military became stronger.

Further undermining this argument is the fact that this system, or versions very similar to it, are being used today by our allies that we fight side by side, allies like the UK or Israel or Germany or Netherlands or Australia or Canada. They did not see a degradation of good order and discipline. They told us so.

Finally, in addition to the opposition to this bill being a weak argument, the support for this bill is strong, and that support continues to grow. How many bills have you heard of in this Congress, or the last, or the last, or the last that have 66 cosponsors? Widely bipartisan. How many bills have LIZ WARREN and TED CRUZ on them or MITCH MCCONNELL and CHUCK SCHUMER in support of? It doesn't happen very often.

But this is something that I and many Senators in this Chamber have been working on for 8 years, holding hearings on for 8 years, making amendments in the NDAA for 8 years, making the case that this change is needed for 8 years. And through all that work and through all that advocacy, we now have 66 cosponsors—a majority of the Senate, a majority of the Armed Services Committee. This bill deserves a vote. This bill deserves to have the Senate vote on it now. It is time to pass this law, and it is time to do our jobs.

Mr. President, as if in legislative session, I ask unanimous consent that, at a time to be determined by the majority leader in consultation with the Republican leader, the Senate Armed Services Committee be discharged from further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours for debate, equally divided, in the usual form and that upon the use or yielding back of that time, the Senate vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, reserving the right to object, first of all, let me commend Senator GILLIBRAND. No one has been as relentless in terms of trying to improve the Uniform Code of Military Justice, particularly with respect to sexual assault. And I agree: These crimes involving sexual assault can be properly moved out, done so in a way that does not impede good order and discipline in the U.S. military.

The issue that is emerging is an issue of the scope. The Senator's bill includes felonies like burglary and larceny that do not involve sexual assault. The Senator has pointed out, and

I think correctly, that Congress has risen to the occasion. In fact, I was with people who wanted to repeal "don't ask, don't tell." I was fighting for those things, along with other provisions that she cited.

But Congress has done the right thing only after careful consideration, and we have that opportunity in the committee. That is the way we have done every piece of major legislation since I have been here over a couple decades. There will be an opportunity to vote on all these issues in the committee with men and women who have great insight and knowledge—combat veterans, others who have served for a very long time. And they have invested, as I know the Senator has invested, time and effort and can perhaps improve the bill and perhaps point out areas of the bill that have not been thoroughly analyzed.

So I think it is incumbent upon us to move forward to consider this bill in committee and then to bring it to the floor of the Senate. There will be opportunities for amendments, and at the end of the day, we will have, I think, one, a better bill, perhaps. But, two, we will have a bill that people can embrace because it has been thoroughly vetted by the committee of jurisdiction.

So for those reasons, I would object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, while the chairman does agree that the serious crime of sexual assault should be taken out of the chain of command, our bill requests and requires that all serious crimes be taken out of the chain of command because of the existence of bias. And we have two data points that prove that bias. One is the poor results we have seen for survivors of sexual assaults over the last 10 years that data has been collected, and the second data point we have, which has been developed over the last 3 years, is the existence of racial bias.

Protect Our Defenders did a serious report in 2017, and it determined that across all services, looking at all punishments, Black and Brown servicemembers were punished approximately two times more often than White servicemembers, looking at both non-judicial and court-martials. And that show of bias means that the military justice system isn't working for many people. It is not working for plaintiffs, and it is not working for defendants.

And, in fact, when our allies looked at this same issue, particularly defendants' rights over the last 40 years, they determined that bias in the system was incompatible with their views of justice, and they decided that for defendants' rights, specifically, all serious crimes should be decided by trained military prosecutors.

So this solution is one we have been debating in the committee for 8 years, and, in fact, we have used compromises

and smaller steps and small-ball measures over the last 8 years to address this problem. Unfortunately, despite putting in place approximately 250 new measures over the last 8 years, the rate of conviction and the rate of prosecution is still going down, but the rate of sexual assault has stayed persistent at approximately 20,000 incidents a year.

So while I appreciate that my colleague is coming to the conclusion that one serious crime should be taken out of the chain of command, military experts disagree that a line should be drawn around only one crime because they believe that that will result in unfair systems of justice—two systems of justice and one that does not meet the needs of bias that we see in the current system.

Second, we have many combat veterans on this legislation. JONI ERNST is one of our lead sponsors, who is the only female Republican combat veteran and who has also experienced sexual assault. MARK KELLY is on our bill. TAMMY DUCKWORTH is on our bill. GARY PETERS is on our bill. JOSH HAWLEY is on our bill. And we also have many of our attorneys general on this bill, people who have looked at the law from a perspective of civil rights and civil liberties, such as RICHARD BLUMENTHAL.

This matters, and I believe that we have given the committee 8 years to solve this problem.

Third, when we have given the opportunity to the committee to solve this problem and pass meaningful—meaningful—reforms, if the DOD disagreed with those reforms, despite passing in the House and in the Senate, they have seen fit to make sure those reforms have been taken out in conference. One such example was legislation we passed in 2019 creating a “safe to report” provision, which would have allowed survivors of sexual assault to come forward to report the crime but not be prosecuted for related smaller crimes, such as drinking or being off base.

That language passed the Senate. It passed the House. And, miraculously, because the DOD didn’t approve, it was taken out in conference. In 2020, the Senators who worked on that provision, Senator ERNST and I, made very clear that we did not appreciate staff members taking out work and provisions that had been considered and voted on by Senators as part of their responsibility. And we were able to pass it the second time.

So, unfortunately, Mr. President, I don’t have faith that if we allow the committee to look at this bill and pass it in the Senate and the House, that it will not be watered down or taken out in conference without the consent of all the Senators who voted for it.

Therefore, I urge this body to allow for an up-or-down vote on this Senate floor. That is a privilege that was given “don’t ask, don’t tell” repeal because of similar filibusters by members of the Armed Services Committee. When we voted on “don’t ask, don’t tell,” it was an up-or-down Senate vote. This deserves the same opportunity.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SMITH). Without objection, it is so ordered.

#### 77TH ANNIVERSARY OF D-DAY

Mr. PORTMAN. Madam President, I am here on the floor of the Senate this evening to commemorate the 77th anniversary of D-day. This was a huge turning point in World War II, of course. The invasion of Normandy occurred 77 years ago yesterday.

Historian Douglas Brinkley wrote that D-day was the single most important moment in the 20th century and one of the most tragic, too, in terms of loss of life. I think he was right. There were 160,000 soldiers who crossed the Channel that day to begin the campaign to recapture Europe from Hitler’s rule. On their backs were rucksacks with 80 pounds of gear, but so too was the fate of all of us—our allies in Europe and, really, the fate of the free world.

Many of our best and brightest young Americans did fall that day. We lost more than 10,000 men in 1 day. The Nazis had spent 2 years fortifying the coast to prepare for this moment. It was Hitler’s so-called Atlantic Wall. The beautiful coastline of Northern France was covered in barbed wire, land mines, and bunkers, but at the end of the largest amphibious invasion in history, we stood victorious, battered but not broken. On we marched through France, through Belgium, and, finally, into Germany itself.

But even today, amid the flowers and fields of Normandy—I have been there, and many of you have been there who are listening tonight—you can feel, even today, the lingering presence of those who died that day in the service of liberating Europe, and you can see it in the stark, orderly U.S. military cemeteries, where row after row of white crosses and Stars of David commemorate those brave souls who were lost—representing lives lost in a noble cause. Though much has happened in the following 77 years, we can never lose sight of the valor and the sacrifice by our Armed Forces on that 1 day.

On Memorial Day, about a week ago, I spoke at the National Veterans Memorial and Museum in Columbus, OH. It was a hopeful day for me not just to have so many people together as we emerged from COVID-19—really the first big public event they have had—but also to see the generations of veterans and family members there to honor the fallen: World War II veterans, Gulf war veterans, Korean war veterans, Vietnam veterans, and veterans, of course, from Afghanistan and Iraq. They represented the living embodiment of the stories we ought to be

remembering from a war that recedes further into the past with every passing year.

They are the stories of valor like that displayed by Jim “Pee Wee” Martin from Dayton, OH. On that day, he and the rest of the 506th Parachute Infantry Regiment parachuted behind German lines in the dark of pre-dawn. Jim was wounded but fought bravely, earning both the Purple Heart and the Bronze Star for his efforts.

They are the stories of sacrifice like that of the Napier brothers of Warren County in southwest Ohio, the county my mom is from. All five of the brothers served in the war, and two of the five brothers landed at D-day. One died there on the beaches, never to return to his Ohio home.

These are stories to be preserved for generations to come. The memory of D-day and, indeed, of all of World War II must never be lost.

Since I have been here in the U.S. Senate, I have often come to the floor on D-day to recite the special prayer that was given that day by Franklin Delano Roosevelt. It was expected, of course, that FDR would give a speech when the invasion took place—one of his fireside chats from the White House—but for some reason, FDR was moved to prayer. The famous prayer that he gave that day has become known as the D-day Prayer. It is a powerful statement, my favorite Presidential statement and one that deserves to be remembered for generations to come.

In 2013, I introduced legislation, called the World War II Memorial Prayer Act, which directs the Secretary of the Interior to install a plaque to be placed at the World War II Memorial, on the National Mall, with the words of the D-day Prayer. It is a beautiful memorial, but, frankly, some more interpretation wouldn’t be a bad thing, and having that prayer there, as you will see in a moment when we recite it, would be an appropriate way to pay tribute to those who lost their lives that day.

It was the Ohio Christian Alliance President, Chris Long, who first came to me with the idea of a plaque to display this historic prayer. That legislation was actually signed into law with the help of Senator Joe Lieberman. On a bipartisan basis, we got it passed in 2014.

The friends of the National World War II Memorial and the National Park Service, since that time, have worked with us to develop and refine the final permanent plaque design. Most recently, they received design approvals from the Commission of Fine Arts and the National Capital Planning Commission.

It takes a while to get things done on the National Mall, I found. There is quite a process. It has now been 7 years, longer than World War II itself. Despite the hurdles, we have yet to see the final plaque installed, but it will be done, by the way, not at any cost to

the taxpayers, meaning private fundraising, not taxpayer dollars, will be used. We had hoped to have the final plaque in place for the 75th anniversary. In the meantime, in 2019, we were able to have a temporary plaque in place with the words of the prayer at the permanent location for the permanent plaque, which is at the Circle of Remembrance, next to the World War II Memorial.

If you are on The Mall and you are coming from the Capitol, it will be on your right. It is north of the World War II Memorial but right next to it. In this very beautiful place, the Circle of Remembrance—a good place to sit and reflect—you will see, right now, the plaque is there, and you can read the prayer. The permanent plaque will be even bigger and will allow even more people to have access to it. I encourage people to go see that plaque. By the way, I think it is the only prayer on display on our National Mall.

The temporary plaque, by the way, was generously donated by the Friends of the National World War II Memorial. We are very hopeful that the permanent plaque will be placed at the circle next year. I want to thank the Lilly Endowment for its generous support of this project, by the way. Last October, it provided a \$2 million grant for the construction and installation of the permanent plaque. This committed financial support will be critical to finally bringing the project across the line.

The fact that a prayer was offered that day by our Commander in Chief is historic in and of itself, but it is the content of the prayer that makes it so worthy of remembrance. I would now like to read this World War II D-day Prayer, if I may.

My fellow Americans [FDR began]: Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard, for the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will [prevail].

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violence of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and good will among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas—whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us Faith. Give us Faith in Thee; Faith in our sons; Faith in each other; Faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister Nations into a world unity that will spell a sure peace a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

A powerful prayer. I love the part about they come not to conquer; they come to liberate. The same can be said for our Armed Forces throughout the ages.

I look forward to seeing these words of prayer permanently displayed on the National Mall to help us memorialize such a noble day we must never forget.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

## LEGISLATIVE SESSION

### MORNING BUSINESS

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

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

### CONFIRMATION OF ERIC S. LANDER

Mr. LEE. Madam President, per an agreement that was reached with my colleagues, Dr. Eric Lander, the President's nominee for the Director of the Office of Science and Technology Policy was not subject to a rollcall vote on the Senate floor, but was instead considered under a voice vote.

I would like to be on the record that I am opposed to the nomination of Dr. Lander. As OSTP Director, Dr. Lander will advise the President and the administration on all the scientific, technological, and engineering aspects of Federal policy, including Federal research. Dr. Lander should receive even further scrutiny for this position after President Biden has chosen to elevate the Director of the OSTP to a Cabinet-level position.

This nomination comes at a critical time as the Senate seeks to pass the Endless Frontier Act, which would increase Federal scientific research and development funding—imprudently in my opinion—by over \$100 billion. As I have weighed the nomination of Dr. Lander both in the Senate Commerce Committee and in the weeks leading up to his consideration by the full Senate, Dr. Lander has failed to provide the guarantees that he supports appropriate guardrails around federally funded research, including protections for unborn life through the prohibition of experimenting with aborted fetal tissue, embryonic stem cells, or live embryos.

With the consideration of the Endless Frontier Act and the greater role that OSTP will take in directing the direction of our Federal research and development, I am very concerned that Dr. Lander has not assured me that he will put in place protections for the unborn or institute appropriate ethical guardrails to protect such life.

For these reasons, I opposed the nomination of Dr. Lander.

### TRIBUTE TO BRIGADIER GENERAL NEIL R. RICHARDSON

Mr. INHOFE. Madam President, today I honor a servant leader, liaison, and combat warrior. After 2 years of service as Director of the Air Force Senate Liaison Office, Brig. Gen. Neil Richardson is deservedly moving on and assuming the responsibilities of Deputy Director of Operations of Air Mobility Command at Scott Air Force Base, IL. On this occasion, I believe it is fitting to recognize General Richardson's distinguished service and dedication to fostering the relationship between the U.S. Air Force and this Chamber.

A C-130 weapons officer and navigator by designation, General Richardson has led our Nation's men and women in combat, overseas, and at home. He has led at every level with highlights as an instructor navigator at the C-130 Weapons Instructor Course, the commander of the 447th Expeditionary Operations Support Squadron, leading joint and coalition airfield operations at Baghdad International Airport, Iraq, and the 87th Air Base Wing commander at Joint Base McGuire-Dix-Lakehurst in New Jersey, the Defense Department's only triservice joint base. The Air Force has consistently relied upon General Richardson's exceptional leadership and unparalleled work ethic.