

we have sacrificed so much blood and treasure to defend.

It is the knowledge of torture's dubious efficacy and the strong moral objections to the abuse of prisoners that have forged broad bipartisan agreement on this issue. Last year, the Senate passed in an overwhelming vote of 91 to 3 the National Defense Authorization Act for fiscal year 2016, legislation that took a historic step forward to ban torture once and for all by limiting U.S. Government interrogation techniques to those in the Army Field Manual. That vote was 91 to 3. There was debate and discussion about it in the Armed Services Committee and on the floor of this Senate. The vote was 91 to 3.

Now candidates are saying they will disregard the law. I thought that was our complaint—Republicans' complaint—with the present President of the United States.

The U.S. military has successfully interrogated more foreign terrorist detainees than any other agency of our government. The Army Field Manual, in its current form, has worked for the U.S. military—including on high-value terrorist detainees in Iraq, Afghanistan, and elsewhere—and it reflects current best thinking and practices on interrogation.

Moreover, the Army Field Manual embodies the values Americans have embraced for generations, preserving the ability of our interrogators to extract critical intelligence from our adversaries while recognizing that torture and cruel treatment are ineffective interrogation methods.

Some of the Nation's most respected leaders from the U.S. military, CIA, and FBI supported this legislation, as well as numerous human rights organizations and faith groups, including the National Association of Evangelicals and the U.S. Conference of Catholic Bishops.

GEN David Petraeus, a military leader whom I admire more than literally any living military leader, said he supported the use of the Army Field Manual because "our Nation has paid a high price in recent decades for the information gained by the use of techniques beyond those in the field manual—and, in my view, that price far outweighed the value of the information gained through the use of techniques beyond those in the manual." Obviously, that includes waterboarding.

Why don't we listen to people like GEN David Petraeus, who has had vast experience in Iraq and Afghanistan with detainees, the information we have gotten from them, and our practices. If General Petraeus were here, he would tell you the most effective method of gaining information is establishing a friendly relationship with the detainee.

Obviously, we need intelligence to defeat our enemies, but we need reliable intelligence. Torture produces more misleading information than ac-

tionable intelligence. What the advocates of harsh and cruel interrogation methods have never established is that we couldn't have gathered as good or more reliable intelligence from using humane methods. The most important lead we got in the search for bin Laden came from using conventional interrogation methods. I think it is an insult to many of the intelligence officers who have acquired good intelligence without hurting or degrading prisoners to assert that we cannot win this war on terrorism without such methods. Yes, we can and we will.

In the end, torture's failure to serve its intended purpose isn't the main reason to oppose its use. I have often said and will always maintain that this question isn't about our enemies, it is about us. It is about who we were, who we are, and whom we aspire to be. It is about how we represent ourselves to the world.

We have made our way in this often dangerous and cruel world, not by just strictly pursuing our geopolitical interests but by exemplifying our political values and influencing other nations to embrace them. When we fight to defend our security, we fight also for an idea that all men are endowed by their Creator with inalienable rights; that is, all men and women. How much safer the world would be if all nations believed the same. How much more dangerous it can become when we forget it ourselves, even momentarily, as we learned from Abu Ghraib. Our enemies act without conscience. We must not. It isn't necessary, and it isn't even helpful in winning this strange and long war we are fighting.

Our Nation needs a Commander in Chief who understands and affirms this basic truth. Our Nation needs a Commander in Chief who will make clear to those who fight on our behalf that they are defending this sacred ideal and that sacrificing our national honor and our respect for human dignity will make it harder, not easier, to prevail in this war. Our Nation needs a Commander in Chief who reminds us that in the worst of times, through the chaos and terror of war, when facing cruelty, suffering, and loss, that we are always Americans—different, stronger, and better than those who would destroy us.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Scot Alan Marciel, of California, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I ask unanimous consent to speak for up to 2 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Maryland

Mr. CARDIN. Mr. President, I ask unanimous consent to speak for 2 minutes also.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. COTTON. I do modify my request.

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

Mr. COTTON. Mr. President, I rise today in support not only of the nomination of Scot Marciel to be our Ambassador to Burma but to celebrate the remarkable change Burma is undergoing.

I recently traveled to Burma, leading a congressional delegation hosted by our Embassy there, Ambassador Derek Mitchell, and Deputy Chief of Mission Kristen Bauer.

Burma has undergone a remarkable transition. After 50 years of a brutal military dictatorship, Nobel Laureate Aung San Suu Kyi and her party won a landslide election in November. The military is still entrenched in power, but gradual change is occurring, in part thanks to U.S. policies. It is change we should continue to support.

Sitting at the intersection of China and India, Burma is a geostrategically critical country. Sitting, as it does, between the crossroads of Southeast Asia and the Middle East, it is critical to the War on Terror. Burma can be a potent trading partner because of its largely untapped natural resources and is a shining example of the strategic impact of U.S. moral leadership in the world.

Those elections were not the end of the work, though; they are only the beginning of the work. The military still has a deep role in the Constitution. The National League for Democracy needs to transition from an opposition party to a governing party. Burma must address its internal ethnic conflicts, and, like most countries, it needs to address corruption and economic reforms as well. Our mission team in Rangoon is working on all these matters and more. I know that

Ambassador Marciel looks forward to leading that team and continuing to strengthen the U.S.-Burma relationship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise to join Senator COTTON in urging our colleagues to vote for the confirmation of Scot Marciel to be Ambassador to Burma for the reasons Senator COTTON pointed out.

There are exciting things happening in Burma. It is a country in transition. We have seen some promise. There are still major challenges in that country. We clearly need a confirmed ambassador. It is important that the Senate act, and I am glad to see we will be acting in a few moments.

We couldn't have a more qualified person to take on the ambassadorship of Burma than Scot Marciel. He currently serves as the Principal Deputy Assistant Secretary of State for East Asia and Pacific Affairs. I got to know him very well in that capacity in the last Congress when I chaired the subcommittee of the Senate Foreign Relations on East Asia and the Pacific. He is a career diplomat who has taken on some of the most challenging positions in Foreign Service, including being the Chief of Mission in Indonesia. He has devoted his life to these challenges. I know he will do an excellent job representing U.S. interests in Burma.

I urge our colleagues to support the nomination.

Mr. President, I yield back the time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Marciel nomination?

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. SASSE), the Senator from Pennsylvania (Mr. TOOMEY), and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI), the Senator from Vermont (Mr. SANDERS), and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

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

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 19 Ex.]

YEAS—90

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

NOT VOTING—10

Cruz	Rubio	Toomey
Graham	Sanders	Vitter
Mikulski	Sasse	
Risch	Shaheen	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

Under the previous order, the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from South Dakota.

#### MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate be in 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.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak in morning business.

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

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 2519

are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

#### COMPREHENSIVE ADDICTION AND RECOVERY ACT

Mr. PORTMAN. Mr. President, I rise today to simply say to Chairman GRASSLEY and the Judiciary Committee: Thank you for being willing this week to have a markup and to legislate and report out a bill with regard to the prescription drug and heroin epidemic we now face around our country. The legislation is called the Comprehensive Addiction and Recovery Act, or CARA. It focuses on several areas. One is prevention and education to try to keep people from making the wrong decision and going down the road to addiction, but another is to encourage States and provide incentives to local governments and nonprofits to use evidence-based treatment and recovery that has been proven to work to try to deal with this epidemic.

Today we have unfortunately higher levels of death from drug overdoses than we do any other accidental cause of death—more than car accidents, for instance. In my own home State of Ohio, this has been true for the last couple of years. We lost over 2,400 Ohioans last year to drug overdoses. Part of the legislation also addresses this issue directly by providing our law enforcement and other first responders—firefighters, EMS—with Narcan, also known as naloxone, which is a miracle drug to bring people back if they overdose.

Finally, the legislation helps to get prescription drugs out of the hands of the wrong people. There has been overprescribing over the years, and so our legislation encourages getting these drugs off the bathroom shelves so they can't be used and having a drug-monitoring program to tell if someone has been prescribing these drugs. It would be national in scope, so if someone can't get prescription drugs in one location, they don't go across the State line to get them somewhere else. Sadly, these narcotic painkillers have caused a lot of the concern out there because sometimes they are given appropriately—maybe for pain—but they are overprescribed, and then someone uses them to the point that they become addicted and later turn to heroin because heroin is so much less expensive.

This is an issue that affects the whole country. In my own State, it