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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ruler of history, giver of peace, guide our lawmakers. Remind them that no Earthly power can cancel Your promises. May they claim Your promise to supply their needs and to infuse them with Your spirit of peace. Lord, save them from the temptations of earthly security.

When their spirits shrivel, overtake our Senators with Your grace, mercy, and love. Break through estrangements and shatter the structures that lead us away from You.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. BLACKBURN). Under the previous order, the leadership time is reserved.

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 pro-

ceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Matthew J. Kacsmayk, of Texas, to be United States District Judge for the Northern District of Texas.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask to speak as in morning business for 1 minute.

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

MILITARY JUSTICE IMPROVEMENT ACT

Mr. GRASSLEY. According to the Pentagon's estimation, a young woman in the military has a one-in-eight chance of being sexually assaulted. Unfortunately, many cases are never prosecuted.

This is completely unacceptable. We must do more to prevent assaults and ensure that survivors get justice. The men and women who have volunteered to place their lives on the line deserve better.

The Military Justice Improvement Act would help ensure impartial justice and send the message that sexual assault in the military will not be tolerated.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MARK ESPER

Mr. MCCONNELL. Madam President, first this morning, I want to express my gratitude for Acting Secretary Pat Shanahan, whom we learned yesterday will soon be leaving the Department of

Defense. The Acting Secretary has served in a crucial post during challenging times and difficult circumstances. His deliberate leadership and steady focus on implementing the national defense strategy served the Nation, the Pentagon, and the men and women of the Armed Forces very well.

I respect his decision to withdraw his candidacy, and I hope it will bring to an end the media's scrutiny of his family.

It is unfortunate that this news means we are no closer to having a Senate-confirmed Secretary of Defense. As the Senate considers the NDAA this week, the many challenges facing our Nation are top of mind.

We need to modernize our military to meet the challenges posed by Russia and China. We need to stay assertive against local terrorism organizations like ISIS and al-Qaida until they are decisively defeated. We need to continue to reform and enhance critical partnerships from NATO to the Middle East, to the Indo-Pacific. Of course, we face an urgent need to deter and defend against Iranian aggression.

These challenges and opportunities demand strong leadership. While the Senate still looks forward to considering a nominee to formally serve as the Secretary of Defense, we should take heart in President Trump's choice for the next Acting Secretary, Mark Esper, our current Secretary of the Army.

Mark Esper is no stranger to the Senate. Among the many impressive stops on his résumé, he served with the Foreign Relations Committee and later as national security advisor to then-Majority Leader Bill Frist. Many of us remember his calming demeanor and his professionalism.

He served in several capacities at the Pentagon as well, including as Deputy Assistant Secretary of Defense. Immediately prior to becoming Secretary of the Army, he had also built a successful career in the private sector. All of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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this came after Mr. Esper's own decorated military service. His graduation from West Point was followed by Army Ranger training, which then led to serving in the Gulf war with the storied 101st Airborne.

Given the precarious international situation and challenges facing our Nation, I am encouraged that an experienced, tested, and capable leader such as Secretary Esper will be at the helm in the Pentagon. I look forward to working closely with him to defend America and advance our interests.

NATIONAL DEFENSE AUTHORIZATION ACT

Madam President, later today, the Senate will officially turn to this year's National Defense Authorization Act. Every year, this legislation focuses this Chamber on one of our most fundamental constitutional duties—providing for the common defense. Every year, the Senate approves authorizing legislation to address the needs of America's men and women in uniform.

Over the past 2 years, our working closely with the Trump administration on the NDAA has yielded big results. We have authorized major investments in everything from new, cutting-edge systems, to improved services for military families, to massive strides toward restoring the readiness of our all-volunteer force. Yet, as the headlines are reminding us every day, this is no time to let up. In fact, it is just the opposite.

Russia's designs on Eastern Europe and the Middle East have certainly not abated nor has Putin's investment in long-range strike capabilities, from advanced hypersonic weapons to new missiles to stealthy submarines, nor has China's increasingly aggressive Pacific strategy nor has Iran's hell-bent commitment to underwriting terrorism and proxy conflicts throughout the Middle East.

So this year's NDAA is built with a heavy emphasis on strengthening our partnerships in the most troubled regions around the world. Of course, it also ensures that the U.S. military will sustain its place as the most-prepared, best-equipped, and most lethal fighting force in the world.

The legislation authorizes tens of billions of dollars for new battle force ships and an expansion of the Joint Strike Fighter Program. It lays the groundwork for expanding missile defense batteries, and it delivers a \$1.4 billion increase in funding for cutting-edge research and development.

From bases across America to posts overseas, the NDAA accounts for the needs of servicemembers and their families. It also prioritizes military construction and addresses problems with military family housing. It streamlines the delivery of benefits through the defense health program, and it unlocks a 3.1-percent pay raise for uniformed personnel.

Of course, our work on the floor in the coming days is just the last chapter. Our colleagues on the Armed Serv-

ices Committee and their staffs have been working overtime on this impressive legislation for many weeks. So, as we take the next step today, we should thank Chairman INHOFE and our colleagues for their leadership thus far.

CLEAN POWER PLAN

Madam President, on another matter, the previous administration left a sprawling mess of regulation tangled throughout the Federal Government and the U.S. economy.

Sweeping leftwing visions were dreamt up here in Washington and forced on farm families, domestic manufacturers, and small businesses throughout the country with there being very little regard for the consequences. The reach of regulators grew longer and longer, and the burden on American prosperity became heavier and heavier. So, naturally, rolling back much of this mess and putting Washington back in its place has been a major priority for the Republicans in Congress as well as for the Trump administration.

Yet some actions were so egregious and so likely illegal that the courts put a halt to them before we could even reform or repeal them. As my colleagues recall, the implementation of the so-called Clean Power Plan was frozen by a Supreme Court stay more than 3 years ago, back in 2016.

The Obama administration's War on Coal has already done plenty of damage in places like my home State of Kentucky, but at least this additional hammer blow on so many Americans' livelihoods was held off. It would have weaponized a Federal agency to bury energy producers and all of those who depend on them under one-size-fits-all regulations with duplicative mandates and unrealistic timelines. Also, as the production of the most affordable and reliable energy available to American families would have dried up, it would have left higher electricity costs in its wake.

Higher domestic power prices would have meant fewer American jobs here at home with there having been no meaningful effect on global emissions. Any rational observer would have concluded that this regulation would have been all pain for no gain—just good American jobs having been shipped overseas.

This was a bad idea that many of us here in the Senate fought tooth and nail. Back in 2013 and 2014, after President Obama's EPA Administrator refused my request to come meet with Kentuckians, I held hearings in Kentucky about the negative impacts the plan would have actually had. I worked with Governors to hold off on its implementation. I helped to spearhead an amicus brief in the legal proceedings and led on legislation to overturn the rule.

So unwinding this proposed economic self-sabotage and sticking up for working families has been a top priority of mine and of many of my colleagues for years. Fortunately, it has also been a

major priority for the Trump administration. Last year, it announced a proposed rule to do away with it, and, later today, the EPA will be finalizing it and making it official. I look forward to the administration's rolling out a new policy that upholds the rule of law, keeps the EPA within its statutory role, and encourages American energy reliability and affordability.

This is just one more win for all Americans who live and work in communities where affordable, homegrown American energy sources like coal still matter a great deal. It is another win for States like Kentucky. It is nice to have an administration that isn't narrowly focused on just big, blue, urban areas but that looks out for all of our country.

BORDER SECURITY

Madam President, on one final matter, as I have noted before, my colleagues on the Appropriations Committee will today begin marking up a stand-alone funding measure to address the humanitarian crisis on our southern border.

By now, it can hardly be more obvious that the border crisis is unacceptable and unsustainable. I think all of us know perfectly well that immigration is a politically charged subject. Yet, surely, at a minimum, Congress ought to at least be able to provide these emergency funds. This is what my Republican colleagues and I have been saying over and over again for weeks.

Remember, we are talking about money for noncontroversial purposes, mostly for humanitarian efforts. These are resources so that authorities can better accommodate the men, women, and children who have been turning up in record numbers on our southern border—resources to alleviate the overcrowding in facilities and to lighten the untenable burden that our overstretched agencies are having to bear. Whatever the Senate's other disagreements—and there are, certainly, plenty of them—this funding, for these purposes and in the midst of this crisis, should be a slam dunk.

I will not repeat here all of the facts and statistics to show why the status quo is so unsustainable. By now, we all know that the agencies along our border are running on fumes.

The Acting Commissioner of Customs and Border Protection has said:

We are at a full-blown emergency . . . The system is broken.

The Acting Director of Immigration and Customs Enforcement put it this way:

We are begging. We are asking Congress to please help us.

As I have noted several times, even the New York Times' editorial board has seen fit to side with the Trump administration on this issue. One of its two editorials on this subject was headlined: "Congress, Give Trump His Border Money."

It has now been 50 days since President Trump submitted a request for