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Senate

The Senate met at 10 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.

O God, You are our hope and strength. We find peace and safety in Your presence.

Provide our lawmakers with a spirit of wisdom so that they will trust You to guide them in their striving to be guardians of freedom. Lord, give them the perseverance to face whatever this day brings. Inspire them with the gladness that comes from Your guidance. Provide them with kind hearts, clear thoughts, and a quiet faith. May they see any falsehood that seeks to banish the truth which sets people free.

We pray in Your great 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 (Mr. CRAMER). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of S. 1790, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 1790) to authorize appropriations for fiscal year 2020 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:

McConnell (for Inhofe) modified amendment No. 764, in the nature of a substitute.

McConnell (for Romney) amendment No. 861 (to amendment No. 764), to provide that funds authorized by the Act are available for the defense of the Armed Forces and United States citizens against attack by foreign hostile forces.

McConnell amendment No. 862 (to amendment No. 861), to change the enactment date.

McConnell amendment No. 863 (to the language proposed to be stricken by amendment No. 764), to change the enactment date.

McConnell amendment No. 864 (to amendment No. 863), of a perfecting nature.

McConnell motion to recommit the bill to the Committee on Armed Services, with instructions, McConnell amendment No. 865, to change the enactment date.

McConnell amendment No. 866 (to the instructions) amendment No. 865), of a perfecting nature.

McConnell amendment No. 867 (to amendment No. 866), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 90 seconds.

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

INTERNS

Mr. GRASSLEY. Mr. President, ever since I was elected to the U.S. Senate, I have welcomed young Iowans to intern in my office. Internships provide students with the opportunity to gain valuable work experience, to apply the things they learn inside the classroom to the real world, and to develop skills they will carry with them into the future.

That is why my office offers year-round internships in both Washington,

DC, and in Iowa. I offer students the opportunity to work alongside my staff to learn more about our Federal Government, and it happens that about two-thirds of my staff were former interns. This is a wonderful educational opportunity, and I encourage all college-age students to apply.

NATIONAL DAIRY MONTH

Mr. President, on another subject, Wells Enterprises, the maker of Blue Bunny ice cream, produces more ice cream in one location than any other place in the United States. That is why Le Mars, IA, is called the Ice Cream Capital of the World.

It produces over 200 million gallons a year, which I appreciate, because I like to eat ice cream. The Wells Ice Cream Parlor is one of the busiest tourist attractions in our entire State, and I have been there multiple times.

With this being National Dairy Month, I am proud to recognize Wells and all of the hard-working farmers and dairy workers who produce the great dairy products that are enjoyed across the country.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

BORDER SECURITY

Mr. MCCONNELL. Mr. President, first and foremost, the American people are continuing to hear elected officials talk a great deal about the humanitarian and security crisis down on the southern border. Both sides of the aisle have talked a lot about this issue for the past 2 months.

Here is the difference. It is the Republicans who have actually supported giving the administration and the Agencies the emergency funding they have been begging for. The Republicans have raised the alarm about the conditions on the border and have actually wanted to do something about it.

Our Democratic colleagues have talked a lot about the issue as well, but for weeks and weeks, talk is all the

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



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House of Representatives has been willing to do. The House Democrats have been consistently uncooperative and uninterested in anything except political posturing. They have talked endlessly about the suffering at the border but have resisted every effort to actually make a law and get help on the way.

For 8 weeks now, the men and women and children on our southern border have learned the hard way that the “resistance” does not pay the bills.

The New York Times’ editorial board, of all places, wrote 7 weeks ago: “Congress, give Trump his border money.” This was the New York Times. Yet, week after week, from the House—nothing.

First, they objected to including the funding in the disaster bill, and now that they finally passed something last night, it is a go-nowhere proposal that is filled with poison pill riders that the President has indicated he would veto. They had to drag their bill way to the left to earn the support of most Democrats. As a result, the House has not made much progress toward actually making a law—just more “resistance theater.”

The Senate has a better and more bipartisan way forward. The bill negotiated by Chairman SHELBY and Senator LEAHY won huge bipartisan support in committee. It is a productive compromise that will go a long way to beginning to address the border crisis. There are no poison pills—just a clean bill to provide the emergency appropriations the White House requested 2 long months ago.

We have waited long enough. We should not wait any longer. We must pass this measure this week.

S. 1790

Mr. President, on another matter, the National Defense Authorization Act is one of the most significant pieces of legislation we tackle each year. It addresses many national and international priorities, but, underneath, there are countless local stories of servicemembers, families, communities, and installations all across our country.

A few weeks ago, I had the opportunity to help cut the ribbon on a new state-of-the-art chemical weapons destruction facility at the Blue Grass Army Depot in Madison County, which is in my State. For decades, this depot has been home to more than a 500-ton stockpile of lethal chemical agents. Now, following years of hard work and advocacy, it will be, instead, the place at which this toxic legacy of war will be finally unwound. Earlier this month, the new facility safely destroyed its first munition, and this is just the beginning. This work will continue until the entire stockpile is eliminated.

The Kentucky accomplishment reminds us of the terrible role that chemical weapons have played throughout history. Mankind has conscripted science onto the battlefield since war-

fare’s earliest days—from contaminating water to poisoning arrows and bullets. Yet this fast-paced industrialization of the early 1900s brought forth a whole new wave of horrors.

The use of weapons like mustard gas caused devastation in the trenches of World War I. President Franklin Roosevelt, in responding to the proliferation of these weapons by our adversaries, mobilized an unprecedented level of chemical production during World War II. While neither side deployed chemical agents on the battlefield, their murderous use in Nazi concentration camps and Japanese experiments rank among the worst atrocities ever.

Then, during the Cold War, these horrific weapons brought new challenges to our Nation’s strategic defense and to communities like Richmond, KY. As the first chemical agents arrived in my home State in the 1940s, they were stored at the Blue Grass Army Depot—only miles away from schools and thousands of families.

When I joined the Senate in 1985, the Army had recently announced plans to begin the destruction of Blue Grass’ stores through a process called incineration—literally, burning the agents. Imagine that for a moment—just throwing a warhead into an oven or a burn pit. Fortunately and understandably, nearby residents were concerned about the release of toxins into the air. Those fears only grew as we learned about numerous nerve gas leaks at the depot that had occurred over the previous decade.

What happened next was a textbook example of representative democracy. The people of Kentucky used their voices in the U.S. Senate, and they changed the policy of the Nation and made the world a safer place.

It has been my privilege for the last three decades to have worked alongside this community for the safe destruction of these deadly chemicals. This effort would not have been possible without having had allies like Craig Williams, an incredible local leader who pored over every detail until he became the leading expert on the depot.

Together, we stopped the Army’s incineration plans and convinced the Department of Defense to adopt the safest and most advanced alternative for the responsible destruction of the stockpile. It wasn’t an easy fight, but it was a fight worth having, not only to protect the Kentuckians who were potentially in harm’s way but also to uphold our national commitment to destroy these terrible weapons.

In 1984, President Reagan asserted America’s leadership in calling for an international prohibition on chemical weapons. Over the next decade, we made international progress toward that same goal by joining the Chemical Weapons Convention. The continued work in Madison County is part of this historic commitment.

Unfortunately, while the United States has been taking these steps,

these horrific weapons have still been posing a threat to international peace. Some of our adversaries are choosing a different path by preserving, modernizing, and using their stockpiles.

Remember that Syrian dictator Bashar Assad’s use of chemical weapons against his own people was the subject of the Obama administration’s failure to enforce its own so-called redline. We also saw Russian operatives deploy advanced nerve agents in the middle of a residential neighborhood in the United Kingdom just last year.

Thankfully, President Trump has taken a different approach to American leadership. On two occasions, this administration ordered strikes on Syrian military targets after the Assad regime crossed the redline. As my colleagues will remember, we also deported Russian agents and put in place new sanctions following the chemical attack on Sergei Skripal.

The Senate has taken action as well. The first piece of legislation we passed this Congress, S. 1, included the Caesar Syria Civilian Protection Act, which holds the Assad regime and its enablers more accountable for recent atrocities.

The use of chemical weapons is a stain on human history. It is time for civilized nations the world over to turn the page once and for all, and the Blue Grass Army Depot is ready to do its part. So this year’s NDAA will authorize the funding that this facility needs and the resources for countless installations across the country. Each plays an important role in their own community.

I hope my Senate colleagues will join me in keeping our commitment to finally finishing this national security mission.

ECONOMY

Mr. President, on another matter, speaking of the local impacts of our work, we are continuing to see evidence that Republican efforts to roll back harmful overregulation and put more tax dollars back in the hands of American families and job creators are working.

I am proud to say that my home State of Kentucky is a strong example of that achievement. With billions of dollars in new investments, a rising economic tide for working families, and promising, new opportunities like industrial hemp, it is no surprise that an economic researcher recently called this moment “Kentucky’s Best Economy Ever.”

Month after month, more Kentuckians are entering the labor force and looking to put their skills to work. We are currently experiencing the lowest unemployment rate ever recorded in our State. Job seekers are filling out applications, polishing their resumes, and preparing to clock in.

Employers are ready too. At last count, Kentucky was home to more job openings than individuals looking for work. The economy in the Bluegrass State is red hot.

These are the results of the pro-growth policies advanced by Republicans in Washington and in State capitols around the country—generational tax reform, major regulatory reform, big bites out of the worst parts of Dodd-Frank, eliminating ObamaCare's individual mandate. All this and more is helping American workers and American small businesses gain more opportunities, higher pay, and the ability to keep more of what they earn.

And the good news keeps coming. Just last week, after nearly a decade of the war on coal, the Trump administration finalized the rollback of an Obama-era regulation that threatened to shift Kentucky jobs overseas and send energy bills through the roof. Instead of harnessing America's abundant resources of reliable and affordable energy, the previous administration tried to coerce every State to drastically restructure its electricity systems to conform to Washington's unfeasible and likely illegal restrictions. It is important to remember that all that self-imposed economic pain would have produced little to no meaningful effect on global emissions.

I spent years leading the fight against Obama's anti-coal policies. And with the help of the Trump administration, we are finally putting a stop to Washington overregulation. Last week's decision replaces the so-called Clean Power Plan with a regulation that actually works with States to encourage energy production while also protecting the environment.

This President's commitment to Middle America is welcome news after years of overreach, overregulation, and policies which seem to have been dreamt up for the benefit of elite coastal areas but which left a lot of the rest of us way behind.

That wasn't even the only positive announcement from just last week. After I reached out to the administration, they confirmed that the Department of Agriculture will continue operating job core centers in several States, including Kentucky. The three centers that were at risk in Kentucky provide important education and job-training services to vulnerable youth in some of my State's most distressed communities. Their work gives a boost to those who need it most. I made an appeal directly to Agriculture Secretary Sonny Perdue and Labor Secretary Alexander Acosta, and I am pleased the decision was reached to ensure these centers remain open and able to offer young people the tools they need to excel.

These very recent wins are just the latest few examples of Republicans' focus on new economic growth and job creation throughout all parts of America, but the list keeps on growing.

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

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

S. 1790

Mr. THUNE. Mr. President, there is no more important congressional responsibility than providing for our Nation's defense. There will always be those who wish our Nation harm, and our Nation must always be prepared to defend itself. More than that, our Nation needs to be ready to defend itself because being prepared for war is a strong deterrent to conflict in the first place.

As I have said before in this Chamber, it is not our strength that tempts our adversaries but our weakness. Maintaining our strength will ensure that bad actors, whether they are terrorist groups or major powers, think twice before attacking our Nation. In the words of Ronald Reagan, "well, to those who think strength provokes conflict, Will Rogers had his own answer." He said of the world heavyweight champion of his day: "I've never seen anyone insult Jack Dempsey."

This week we are considering the National Defense Authorization Act, the annual legislation to authorize funding for our military and our Nation's defense. Like last year's NDAA, this bill focuses on rebuilding our military and ensuring we are prepared to meet 21st century threats.

While many take it for granted that we have the strongest military in the world, the truth is that in recent years our military advantage has eroded. Budgetary impasses combined with increased operational demands left our military undermanned, underequipped, and ill-prepared for the conflicts of the 21st century. Meanwhile, other major powers have made investing in their militaries a priority, set on diminishing U.S. influence.

In November 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power like Russia or China. The Commission noted that we would be especially vulnerable if we were ever called on to fight a war on two fronts. That is not a good position to be in, and restoring our readiness has to be our top priority.

We are once again in an era of great power competition, while at the same time we continue to face threats from terrorists and rogue nations. We have to be able to credibly deter—and, if necessary, counter—any threat.

This year's National Defense Authorization Act continues the reinvestment that we have made in our military. It invests in the planes, the combat vehicles, and ships of the future, including the Joint Strike Fighter and the future B-21 bomber, which will be based at Ellsworth Air Force Base in my home State of North Dakota. It authorizes

funding for research and development and advanced technology. It authorizes funds to modernize our nuclear arsenal to maximize our deterrence capabilities. It also focuses on ensuring that we are equipped to meet new threats on new fronts, including in space and cyber domains.

It is important that we invest in these new areas of the battlefield to ensure that we are prepared to meet and defeat threats. And, of course, this legislation invests in our troops, the men and women who keep our Nation safe and free.

This year's National Defense Authorization Act will provide our troops with a well-deserved 3.1-percent pay increase, which is the largest increase in a decade. It also focuses on addressing the recent significant health and safety issues with private on-base housing. It contains measures to support military spouses seeking employment and increases access to childcare on military installations. It also allows parental leave to be taken in multiple increments, which is often a better fit for our military men and women.

I am pleased that once again the Senate has taken up the National Defense Authorization Act in a timely and bipartisan fashion. There are few bills more important than this one. I look forward to passing the National Defense Authorization Act later this week and ensuring that our military men and women have the tools they need to defend our country.

The PRESIDING OFFICER. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

9/11 VICTIM COMPENSATION FUND

Mr. SCHUMER. Mr. President, I begin this morning with some welcome news. After meeting with a group of 9/11 first responders last night, Leader MCCONNELL gave them his commitment to move legislation to reauthorize the Victim Compensation Fund before the August recess. That is an important commitment.

I thank the leader. We have been struggling for years to get not a quarter, not half but the full Victim Compensation Fund, as well as, of course, the healthcare for those who bravely rushed to the towers right after 9/11 and the awful attack.

Even more importantly than thanking the leader, I want to thank the first responders who came down here to continue their advocacy. I have little doubt that without them, this wouldn't have happened. Many of them are sick. Some of them are dying.

This week, I spoke to New York police detective Luis Alvarez, who is now in hospice and dying of cancer. He would normally have been right next to John Feal and the other advocates meeting with Leader MCCONNELL because his illness never stopped him from advocating for his compatriots. Instead of him being there, John Feal gave Leader MCCONNELL his badge. It is

not easy for a police officer to part with their badge, but Alvarez, in his usual selfless and magnanimous way, knew how important it would be for MCCONNELL to see it.

I remember my dear friend Ray Pfeifer. Before he passed away, he was the same way. He kept coming down, in pain, suffering, and knowing that his cancer, caused by 9/11 and the toxins in the air, was incurable, but Ray knew that if he kept coming down, it would help others who had not yet gotten those cancers but who were sure to get them because they, too, had rushed to the towers. His effort was about making sure that friends and families were cared for. That is what Alvarez stands for; that is what Pfeifer stood for; and that is what all the first responders stand for, particularly those who come down, and there are many of them.

That is the very definition of “selflessness,” the same selflessness that compelled these men and women to rush to the towers without a thought for their own safety, to ensure the safety of others.

Now that Leader MCCONNELL has committed to address this issue before August, we are making real progress. We have gotten to the 5-yard line, but we are not over the goal line yet when it comes to the Victim Compensation Fund. There are still a few ways this Senate could fumble the ball. I will be there to make sure they will not.

As the leader well knows, there is a House and Senate version of the 9/11 bill. The House has already passed its version through the committee. The full House should pass it in early July. The best way to get this done without fuss or muss, without somebody fumbling the ball, as we are on the 5-yard line, would be to have the Senate vote on the House bill. I hope that is what the leader will decide to do.

I would also say to the leader, respectfully, that he need not wait for a must-pass vehicle. Based on the number of cosponsors on the Senate bill, we have 60 votes. I want to thank my colleague from New York, Senator GILLIBRAND, for working so hard to round up votes. We have the votes to move this bill separately on the floor and alone. It would take very little of the Senate’s time to take up and pass the bill whenever the leader decides to do so. On an issue as important as this, we should consider the legislation as stand-alone rather than tucked inside a must-pass bill because we know must-pass bills often don’t pass these days.

Again, I appreciate the leader’s commitment. It means a great deal to the 9/11 first responders.

I spoke to John Feal this morning. He is very optimistic now but also told me: Make sure we get this done. We are not there yet. Feal and I agree. We are at the 5-yard line. We have come a long way, 95 yards down the field, but we are not over the goal line yet, and we cannot let a last-minute fumble, one way or the other, stop the Victim Compensation Fund from being fully funded

permanently or at least for as long as can be, helping those who need the help.

Paraphrasing, I prefer permanent or at least the 71 years that is in the House bill.

IRAN

Mr. President, I also appreciate Leader MCCONNELL’s commitment on another front. Yesterday, Leader MCCONNELL promised that the Senate would vote on the Udall amendment to the Defense authorization bill. Democrats have been urging the leader to allow this crucial vote on our Iran policy. I am pleased that this Chamber may consider it. I am hopeful that the leader and I will be able to come to some agreement on the timing of that vote soon.

This is a debate the Senate should have for the sake of the Constitution, which houses the power to declare war here in this branch, for the sake of the Senate, which has ducked too many debates and too many amendments this year, and for the sake of the American people, many of whom are worried that the President will bumble us into another endless war in the Middle East that nobody wants.

I look forward to working with the leader to schedule a time for this very important debate, a debate mandated by the Constitution.

BORDER SECURITY

Mr. President, finally, on border, over the past several weeks, our Nation has come to grips with the horrendous treatment of unaccompanied migrant children at our southern border. The reports of what is happening at detention centers like the one in Clint, TX, and Homestead, FL, have shaken the conscience of the Nation.

There are hundreds of kids crammed into a facility suited for a few dozen, at most, with no beds to sleep on, no soap or toothbrushes to clean themselves, and not enough diapers for toddlers to wear. There are 8-year-olds taking care of 2-year-olds because they have been separated from their parents. Many have worn the same clothes for several weeks, many have gotten sick, and several have died while in the care of our government.

Yesterday the New York Times released this picture—a Salvadoran father and daughter, Oscar Martinez and 23-month-old Valeria, washed upon the banks of the Rio Grande after trying to cross into the United States. Her tiny head was tucked inside his shirt, her arm draped around his neck. They were holding on to each other.

President Trump, I want you to look at this photo. These are not drug dealers or vagrants or criminals; they are people simply fleeing a horrible situation in their home country for a better life.

How could President Trump look at this picture and not understand that these are human beings fleeing violence and persecution, willing to risk a perilous, sometimes fatal, journey in search of a better life? These people are

not coming here to sell drugs or to commit crimes. They are coming here to escape brutality, starvation, threats of rape, and murder in their home countries. Any normal person would flee.

The sad fact is, we can do something about this if the President would stop playing all the political games of blame, blame, blame.

If Oscar and Valeria had been allowed to petition for asylum in the United States within El Salvador, if they asked for asylum to come here but did it at the El Salvadoran Embassy, as Democrats have proposed, they wouldn’t have had to make this perilous journey. If the administration had followed through on foreign aid to stabilize their home country’s government, they would not have had to make this perilous journey. If our ports of entry were adequately staffed, if we had enough asylum judges and our asylum laws were respected, they might not have perished. That is what is at stake.

There is a rational solution. It has had bipartisan support in the past, but the President only wants not to solve the problem—he jumps from proposed solution to proposed solution and then abandons them, and instead he says: Let’s blame the Democrats. That is a disgrace by now.

Mr. President, you are President of the United States. You are head of the executive branch. You control what is happening at the border. Much of what is happening at the border, President Trump, stems from the chaos and mismanagement in your administration.

Just yesterday, the Acting Commissioner of Customs and Border Protection, John Sanders, abruptly resigned after just a few weeks on the job, throwing an agency already in turmoil into another round of chaos. The man who will replace him, Mark Morgan, was only installed as Acting Director of ICE this month. The Department of Homeland Security still lacks a Senate-confirmed leader.

I saw a report this morning, based on reporting in the New Yorker magazine, that even rank-and-file ICE agents who are not particularly sympathetic to the plight of these migrants are fed up with the chaos in the administration and the erratic nature—one plan one week, another plan the next week, another plan the next week, and none of them implemented. They shouldn’t have been implemented because they wouldn’t do the job.

The President’s actions at the border are a whirlwind of incompetence leading to pictures like this. We have to change our policies.

President Trump, if you want to know the real reason there is chaos at the border, look in the mirror.

The President continues to blame Democrats, but the real problem is the President.

Democrats believe we have a moral responsibility to act. Right now, we are

working to pass a supplemental appropriations bill to help improve the conditions for children at the border. The House passed its version last night. It is a much better bill than the Senate version. We should take up the House bill in the Senate and send something to the President as soon as possible and then make sure the administration uses funds to improve the conditions at the border immediately. The proposal that was done by the Senate Appropriations Committee, a compromise bill between Senator SHELBY and LEAHY, got 30 votes. So there is room for compromise to get something done. There was only one dissenting vote.

Once we pass legislation to help solve the immediate humanitarian crisis at the border, we should talk about what else we can do to alleviate the situation, including allowing folks to apply for asylum in their home countries, including more security assistance to Central American countries to crack down on the drug dealers and the violence and the degradation, including more judges at the border to reduce the backlog in cases and reduce the strain on temporary housing.

We all—Democrats, Republicans, and Americans—have a responsibility to act. The Senate, the House, and especially the President need to act, and the President needs to end the chaos, end the fearmongering, and get a grip on his administration.

I yield the floor.

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

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

S. 1790

Mr. LEE. Mr. President, it is one of Congress's main duties—arguably, its single most important duty—to provide for the common defense of our great country. That sometimes means and necessarily entails providing additional funds for unforeseen costs and emergencies in times of war. Troops might run out of equipment or munitions or might need to be transported through war zones, and it is of the utmost importance that they have what they need and that they can get where they need to go to fight for our country and to protect us against our most pressing and dangerous threats.

In the past, Congress provided emergency supplemental funding to take care of precisely these costs. If it didn't appropriate enough to begin with or if some of these unforeseen costs arose, perhaps in excess of what Congress had already planned for, Congress would fill the gap and would make adjustments to the following year's base budget to account for them. In other words, Congress was doing its job, and it was doing its job in a thoughtful manner—

one that was fiscally responsible and one that acknowledged Congress's constitutional role as a lawmaking body and the body responsible for funding war operations and declaring war.

But after the September 11 attacks, something seemed to change. In 2001, the Bush administration created a fund called the Global War on Terrorism account, sometimes known operatively as GWOT, separate from the base budget. From then on, what was once emergency spending for warfighting gaps became a general fund that Congress has used for military spending and primarily for operations in the Middle East. Year after year, Congress has anticipated this very type of spending, and year after year it has failed to integrate that anticipated spending into the baseline budget.

When the Obama administration took over, it changed the name from GWOT to Overseas Contingency Operations, or OCO. This is an account that was newly created in that administration, but the Obama administration left the fundamental practice of GWOT in place. This was GWOT by a different name.

When the Budget Control Act was passed in 2011, President Obama requested OCO to be exempted from its defense spending limits. That practice has continued to this day, such that these funds are still exempt from those limits.

What has been the result of this trajectory? Well, OCO has morphed into an unaccountable slush fund for the Pentagon, insulated from scrutiny and certainly unchecked by budget spending caps. It is no longer funds that are provided for unforeseen expenses, and no one here really pretends otherwise.

Instead, administrations from both parties have continued to ask for billions of these dollars each year, completely outside the budget process, for what really are predictable, ongoing activities in the Middle East and elsewhere. And Congress has continually enabled them, perpetuating this broken, unaccountable system of budgeting and spending.

Since 2001, Congress has appropriated about \$2 trillion in total for these funds, accounting for 17 percent of defense spending during that time period, with each dollar adding to our rising and, indeed, staggering debt of \$22 trillion. This is not responsible budgeting, oversight, or governance, and it must not continue.

In addition to mending this broken, irresponsible method of financing, it is far past time that we reassess the operations toward which this money is going.

We have now been in Afghanistan for 18 years, and we have now been in Iraq for 16 years. We have deposed Saddam Hussein, and we have killed Osama bin Laden. We have accomplished much of what we set out to do, but we have also been pulled into nation building in countries thousands of miles away, causing serious harm to those coun-

tries and our own credibility in the process. Yet these wars drag on and on, with no end in sight.

Unfortunately, the bill before us, the National Defense Authorization Act for fiscal year 2020, maintains the broken status quo for OCO, authorizing yet another \$75 billion—a \$7 billion increase from last year. It perpetuates the misguided strategy we have been undertaking in the Middle East since the beginning of the wars in Afghanistan and in Iraq.

It continues funding—in dollars and weapons and with people—missions that have no clear end goal for problems that were never ours in the first place. For example, it authorizes almost \$5 billion for the Afghanistan Security Forces Fund, and it calls for a stabilization strategy in Iraq, Syria, Afghanistan, Somalia, Yemen, and Libya. But in addition to these dubious nation-building investments that lack an overall strategy—at least an overall strategy communicated to the American people that tells them how these operations will make them safer—there is still a deeper problem. Congress never authorized military engagement in four out of six of these countries to begin with.

Article I, section 8 of the Constitution unequivocally states that Congress shall have the power to declare war—Congress, not the President, not the Pentagon, and not someone else in the executive branch, but Congress. Regardless of whether engagement in a particular country may or may not be a worthy foreign policy goal, we cannot escape this point.

The Founders could not have been clearer. The executive branch must have authorization from Congress to go to war. This was understood at the time of the founding. It was written into Federalist 69, in which Alexander Hamilton explained that this is one of the distinguishing characteristics between our system and the system from which we broke away—from London-based national government headed by a King, a King who had the authority to start a war on his own without consulting his Parliament. Our system was to be different, so they put the power to declare war in Congress.

Why? Well, because it is the branch of government most accountable to the people at the most regular intervals through elections. They did it this way and designed it this way precisely because they understood what is at stake when we go to war. It is not only our precious financial resources on the line but our most precious human resources—the brave men and women who are willing to lay down their lives when we go to war.

So they intended these decisions to be debated and discussed and considered with utmost deliberation and consideration in front of the American people by their elected, accountable representatives.

For these same reasons, it is as much Congress's duty to take an active role

in prudently overseeing the operations that it has authorized and denying funds to those it has not. Unfortunately, this National Defense Authorization Act largely falls short here too. First, instead of perpetuating these seemingly indefinite wars, it ought to actively prepare a strategy to phase out our engagement in the Middle East, particularly for authorizations of force that have lasted for almost 20 years. Second, for any remaining authorizations, it ought to aim for using our resources and our personnel in a way that is far more efficient than the status quo.

Meanwhile, the world has not been static since we began the war on terror. Our country is facing new threats. The national defense strategy laid out by President Trump and the administration does refocus our efforts on stemming the threats posed by Russia and China, and this NDAA does reflect some of that strategy by addressing some of our most immediate needs to counter them.

For instance, it reaffirms defense commitments in the Indo-Pacific and in the Baltic States, as well as information gathering on technical and nuclear capabilities that can be found in both countries. It also prioritizes the Arctic region, which both Russia and China are seeking to leverage.

But there are other threats this NDAA fails to address; namely, our threats in the Western Hemisphere. In fact, it lacks a comprehensive defense strategy or plan for the Western Hemisphere entirely. It is by no means prudent to ignore our neighbors to the south, especially given the rampant instability throughout the region, including that caused by the Maduro regime in Venezuela. Indeed, if we fail to secure our borders from the immediate threats we face in the Western Hemisphere, it could become impossible to truly provide for our Nation's common defense.

We ought to reject the status quo and reject the failures evident in this bill and the process that brings it to us. What we should be doing is drawing down our OCO account and integrating this spending into the \$642.5 billion baseline defense budget. We should be having a real debate on whether we should continue to be entrenched in the Middle East, and we should be adjusting our defense strategy and the dollars behind that defense strategy to address the most pressing threats we face today.

These matters are some of the most important decisions we will ever be called upon to make in this body as Senators, as officers within the legislative branch of government who are sworn to uphold, protect, and defend the Constitution of the United States. We should take the time to get these things right. They merit debate over the course of months, not simply days or weeks, and they merit not just the participation of the Armed Services Committee members but the active

participation and the utmost care and diligence of all 535 Members of Congress, who themselves have taken an oath to uphold, protect, and defend the Constitution of the United States.

It is about time that Congress exercise its most solemn duty of prudently budgeting and strategizing to protect the American people. Providing for the common defense requires nothing less.

I yield the floor.
The PRESIDING OFFICER. The Senator from Texas.

H.R. 3401

Mr. CORNYN. Mr. President, last night the House of Representatives passed a funding bill that would provide \$4.5 billion in emergency funding to Departments and Agencies working to manage the humanitarian crisis on the southern border. I would note it has been 2 months—2 months since President Trump requested that emergency appropriations bill. In the meantime, there have been many who have talked about the overwhelmed capacity at the border and the unhygienic conditions in which some of the migrants were being held, but frankly they seem to ignore the cause of that problem, pointing mainly to the symptoms—actually, symptoms of their own inaction.

If we had simply acted more promptly, I think many of the problems we have seen along the border, where families and unaccompanied children are being detained and processed according to U.S. law—we could have avoided that. But, instead, the politics seemed to overcome good sense here in Washington once again, and rather than appropriate the money, as the President requested 2 months ago, to provide the resources they need in order to deal with this crisis, it just got worse and worse.

Of course these terrible pictures of people that we have seen, which are really hard to look at, showed the hardships being borne by some of these migrants. Indeed, some have lost their lives. People seem to have forgotten why people make the dangerous trip across Central America, across Mexico, and into the United States, and that is simply because they are taking advantage of congressional inaction when it comes to fixing loopholes in our asylum laws, which, if corrected, would provide an opportunity for people to claim asylum in a safer, more orderly way. It would also make sure they would not have to die in the process of making that terrible trip from Central America, across Mexico, and into the United States.

The House bill number matches our bill here in the Senate, but the contents of the bills are quite different. The Speaker of the House has been working furiously this week to get Members on board, taking the bill further and further to the left with each revision.

House Democrats have now rammed through a bill that withholds desperately needed funds from detention

centers that are nearly bursting at the seams and creates overly burdensome and prohibitive regulations.

The House bill excludes funding for the Department of Defense as requested by the President, underfunds the Immigration and Customs Enforcement Agency, and doesn't provide funding for new immigration judge teams to address the significant court backlog.

Just as an example of how far the bill goes, there is a section that requires a specific type of exercise for unaccompanied children in custody. That is the kind of micromanaging that the House of Representatives has included in their bill. It is inadequate by any measure. It ignores the most pressing funding needs and instead opts for federally mandated exercise. You literally can't make this stuff up.

This isn't an effort to solve the problem or the result of conversations that folks are having with the Agencies that are crumbling under the weight of this humanitarian crisis. It is simply a partisan messaging document worth no more than the paper that it is written on.

I would add that it stands in stark contrast to the bipartisan bill we are considering here in the Senate. It enjoys broad support. Indeed, it came out of the Senate Appropriations Committee 30 to 1. It represents a compromise and a good-faith effort to bring relief to those working to manage the crisis. Even the Speaker herself described the bill to her caucus as a good bill. So the House has wasted valuable time passing a bill that stands no chance of passing in the Senate and the President has already made clear that he would veto it if it did.

I hope we will be able to move quickly to pass the bipartisan Senate bill. I urge our House Members to come to the negotiating table with reasonable goals in mind.

Mr. President, I might add in closing some remarks about the Defense authorization bill, which we will be voting on today or tomorrow.

This is one of the most important functions that Congress has to support our men and women in uniform. If you look at the list of Federal priorities, certainly national security and defense ought to be at the very top. That is why, for the last 58 years running, Congress has passed a Defense authorization bill.

Yet our colleague from New Mexico has now introduced an extraneous matter that involves a recent aggressive contact by Iran and is insisting on a vote on that. Actually, they want to delay the vote until Friday when the Presidential candidates who are running and debating in Miami tonight and tomorrow night can get back to vote. I see no reason for us to delay the vote on the Defense authorization bill for those folks who have chosen instead not to do their job here but rather to run for President.

We have an important job to do here. I see no reason for the delay. The majority leader has made it clear that he is happy to give the Senator from New Mexico a vote on this authorization for use of military force, that, frankly, I don't believe is necessary, but nevertheless, the majority leader has generously offered a vote on that. We ought to be voting on that today or tomorrow and not unnecessarily delay our work until Friday just to accommodate the Presidential candidates.

I would say that the Senator from New Mexico's amendment would attempt to put handcuffs on this President unlike any previous President, and, indeed, I believe it is probably unconstitutional. It would impair our ability to respond to further attacks by Tehran and in a way that would make them think that we were weak or irresolute in responding to their aggression. The most important thing we can do is to make clear to the Iranian regime that their aggression will not be unilateral but that we will meet it with proportional and devastating response.

No one wants to go to war in Iran, including the President of the United States. I don't believe Iran actually wants to go to war, but they are continuing their 30-year conflict with the United States, which has cost American lives and American treasury and now threatens to block the Strait of Hormuz, which would cause a huge disruption to the world economy.

I hope we can vote on the National Defense Authorization Act. I am happy to vote on the amendment of the Senator from New Mexico. I do not believe it will pass, and I do believe it is unconstitutional if it did. But in order to get our work done, we need to continue to vote and vote on the Defense authorization bill and the border supplemental without further delay.

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

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

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to the consideration of H.R. 3401, which was received from the House. I further ask that the time until 2 p.m. be equally divided between the two leaders for debate only; that at 2 p.m., the Senate vote on the bill, with 60 affirmative votes required for passage; that if the bill is not passed, it remain pending and open to amendment, with the only amendments in order being the following: Shelby substitute amendment No. 901; the text of S. 1900, as reported; a Paul amendment, No. 902, to pay for spending by cutting foreign aid; further, that the Senate vote in relation

to the Paul amendment and, following its disposition, vote on adoption of the Shelby amendment, with a 60-vote affirmative threshold for adoption; finally, that following disposition of the Shelby amendment, the Senate vote on passage of the bill, as amended, if amended, with 60 affirmative votes required for passage and that the only debate in order be 2 minutes, equally divided, prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, following the disposition of H.R. 3401, there be 10 minutes of debate, equally divided between the managers, remaining on the cloture motions filed during Monday's session of the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR HUMANITARIAN ASSISTANCE AND SECURITY AT THE SOUTHERN BORDER ACT, 2019

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3401, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3401) making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia.

S. 1790

Mrs. CAPITO. Mr. President, I rise to address two very important bills that are before the Senate this week—the National Defense Authorization Act and the border supplemental appropriations bill.

First, on the NDAA, I am pleased that this bill meets the needs of our all-volunteer force by providing the brave men and women with one of the largest raises in a decade, that of 3.1 percent. With the rising threat of countries such as China, Russia, and Iran, this NDAA authorizes funding for crucial defense efforts to make certain that our military is well prepared and equipped to defend this Nation from the threats and challenges we face.

The NDAA substitute actually includes an amendment I offered, joined by my Senate Environment and Public Works chairman, JOHN BARRASSO, of Wyoming, by Ranking Member CARPER, and by several other bipartisan cosponsors. This amendment will formally address the PFAS contamination about which I have spoken on the floor. It directly mirrors my legislation, the PFAS Release Disclosure and Protection Act, which the committee approved last week.

PFAS pollution is a nationwide problem, but its effects are concentrated locally, often in rural and disadvantaged

communities, especially those near military installations where large volumes of certain firefighting foams have been deployed. Significant exposure to the legacy compounds of PFOA and PFOS have been linked to rare cancers and developmental issues.

I got involved with this issue because it is important but also because two communities in West Virginia were all too familiar with the PFAS contamination and its effects—Parkersburg, WV, which has endured a history of industrial PFAS contamination, and Martinsburg, which has been impacted by the use of firefighting foams.

My amendment will provide certainty to our citizens that the water coming out of their taps is safe—in my opinion, that is really not much to ask—by requiring that the EPA set a safe drinking water standard for PFOS and PFOA within 2 years and that it look at regulating other types of PFAS chemicals as the science would merit.

It also provides funding and technical assistance to ensure that small and rural water systems can monitor and address this contamination. That is a big issue for our rural State. We have a lot of small water systems, and we want them to have the same access to the science but also to the remediation that large systems have.

My legislation will also improve transparency by requiring emitters to report to the EPA the release of any of one of hundreds of PFAS compounds into the environment. Sure, we want to know that. Sure, we do. This information is essential for citizens, their local governments, and Federal agencies to be able to quickly and adequately respond to this pollution before it pervades the water or the soil. I think this increased accountability will contribute to there being fewer PFAS emissions in the first place.

Several other bipartisan provisions will accelerate research into PFAS and their effects on human health and the environment. It will ensure collaboration between Federal agencies and municipalities in addressing the challenges posed by contamination, and it will support the research and development into cleaning up these persistent compounds.

Crucially, this approach is rooted in science and a formal rulemaking process. We have put the Federal Government on a shot clock to act to end agencies' endless delays in addressing these challenges without short-circuiting the regulatory procedures.

Make no mistake—PFAS are essential to commerce, but some have been shown to carry substantial risks. This balanced regulatory strategy should provide the confidence to Americans that we are serious about protecting them from this pollution while also not upending the economy.

Another important environmental provision that is included in the NDAA substitute is the USE IT Act, which I introduced with Senator WHITEHOUSE, Ranking Member CARPER, and its lead