

readiness to build the President's medieval wall.

We all remember Donald Trump's idea that we need a 2,000-mile concrete wall from sea to shining sea and his claim that Mexico would pay for it. He said it some 200 times on the campaign trail and in the Oval Office.

When Mexico said no, the President told the military they would have to pay for it. On February 15, President Trump announced that he would go around Congress and build the wall with \$6.1 billion that Congress gave to our military. After the announcement, the President was asked if he had consulted his military advisers first. He said that they told him some of the tradeoffs, but, "It didn't sound too important to me."

In March, Acting Secretary Shanahan took the first step: taking \$1 billion appropriated by Congress for military pay and pensions to use for the wall. DOD told us that they had more money than they needed because the Army missed their recruiting goals.

At a hearing that same week, Secretary of the Army Mark Esper admitted that the Army hadn't budgeted for paying the salaries of the troops on the border, and they were short \$350 million. Why didn't Acting Secretary of Defense Shanahan take this \$1 billion of extra funds and give some to the Army? His notification to Congress laid it out in disappointing detail. He labeled the wall a "higher priority."

It is incredible that these are the priorities of the President and Acting Secretary Shanahan: wall first, military last.

Then on May 10, Acting Secretary Shanahan did it again, but he took \$1.5 billion from the military this time. The Washington Post headline the next day said it all: "Pentagon will pull money from ballistic missile and surveillance plane programs to fund border wall."

Once again, the Pentagon claimed that the funds were extra, that the Pentagon couldn't spend this missile defense money and surveillance money this year for various reasons. Once again, the "higher priority" was the wall.

But the Army isn't the only one in need. Each military service is blinking red. Last month, in a leaked memo, the head of the Marine Corps, General Neller, said that the President's decision was contributing to "unacceptable risk to Marine Corps combat readiness and solvency."

General Neller noted that the marines had already pulled out of three military exercises and were cutting back on combat equipment maintenance because there wasn't enough money to go around. He noted that Hurricanes Florence and Michael last year had done \$3.6 billion in damage to Camp Lejeune and other Marine Corps property. He said that marines were living in "compromised housing," with another hurricane season starting up

this June. He also warned that he might also have to cancel more than a dozen additional exercises if the marines didn't get budget help. Once again, we are seeing the wall is first, and the military is last.

In an unusual move late last month, Secretary of the Air Force Heather Wilson published an op-ed highlighting the impact of several natural disasters on Air Force bases. In October 2018, Hurricane Michael inflicted \$4.7 billion of damage on Tyndall Air Force Base in Florida. In March 2019, a historic flood inundated Offutt Air Force base in Nebraska, submerging dozens of buildings. The Senate continues to work on an emergency supplemental to make a down payment on repairs at these bases, as well as at Camp Lejeune, but in the meantime, this \$1.5 billion could have jump started repairs months ago. Once again, the wall came first, and the military came last.

In each case, the Pentagon didn't ask me to approve these transfers as it normally does. As vice chair of the Defense Appropriations Subcommittee, I have different priorities, the ones I have mentioned, and so they went around me and the rest of Congress.

Also still to come is the \$3.6 billion from cancelling important military construction projects. The damage continues to pile up. These harmful decisions will continue until my Republican colleagues side with our military over a campaign pledge. I hope they think long and hard about which one of those is more important.

NOMINATIONS

Mr. DURBIN. Mr. President, once again, our Republican colleagues are spending another week rubberstamping President Trump's extreme nominees.

Daniel Collins, nominated to a California Ninth Circuit seat, received a vote over the objection of both of California's Senators.

Before this year, a judicial nominee had never been confirmed over the objection of both home State Senators. Mr. Collins's confirmation marked the sixth time it has happened this year.

This Republican Senate has effectively killed the blue slip for circuit court nominations. This is a precedent that could come back to haunt each of our States. My Republican colleagues who are voting repeatedly to override home State Senators' objections may come to regret those votes someday.

I opposed the Collins nomination. I agree with Senators Feinstein and Harris that Collins has "a history of taking strong litigation positions for no reason other than attempting to overturn precedent and push legal boundaries."

I am particularly troubled by his extensive representation of the tobacco industry and his inadequate recusal commitment when it comes to matters involving his former tobacco industry clients.

The district court nominees scheduled for votes this week also have a

long history of advancing extreme ideological views.

When it comes to abortion, North Carolina district court nominee Kenneth Bell once wrote in an op-ed, "There is no middle ground." Missouri district court nominee Stephen Clark has spent much of his legal career litigating against reproductive rights and access to contraceptives.

Utah district court nominee Howard Nielson wrote a memo for the Justice Department's Office of Legal Counsel, arguing that the Geneva Conventions, which prohibit torture, do not apply to civilians captured abroad.

DC district nominee Carl Nichols has advanced extreme views of Executive power, including arguing that Presidents and Presidential aides have absolute immunity from congressional process.

I opposed these extreme nominees, and I regret that the Senate's advice and consent process has become an exercise in Republican rubberstamping. This institution can and should do better.

ALBERTO CURAMIL

Mr. LEAHY. Mr. President I want to bring to the Senate's attention the story and the example of Alberto Curamil, an environmental activist who is a member of the indigenous Mapuche people in Chile's Araucania region. The Mapuche are Chile's largest indigenous group, and since the 1800s they have struggled to protect their culture, territory, rivers, forests, and natural resources against encroachment and destruction by settlers and energy companies that have often acted with impunity and the backing of the government. Mr. Curamil has dedicated his life to this cause. It is the existential struggle of indigenous people in scores of countries as the insatiable global demand for energy, arable land, water, timber, oil, gas, and minerals threatens their ancestral lands and way of life.

Several years ago, during a prolonged drought in Chile, the Ministry of Energy announced a plan for two large hydroelectric projects in Araucania, without consulting the Mapuche people who live there. The projects would reportedly divert more than 500 million gallons of water for power generation, severely limiting water flow and damaging the ecosystem of the Cautin River on which many of the Mapuche people depend for survival.

Mr. Curamil, who has three children, lives on the outskirts of the town of Curacautin. He is a farmer who raises animals. His wife teaches the Mapuche language. Fearing what the harm to the river would mean for his people, he organized Mapuche and non-Mapuche, environmental organizations, lawyers, and academics to try to stop the projects. In public protests and in court, they argued that the government had ignored Chilean law which

requires free, prior, and informed consent of affected communities before approving such projects. Despite harassment, threats, and violent attacks, Mr. Curamil succeeded in uniting the opposition, and in 2016 the projects were canceled.

But that was not the end of it.

On August 14, 2018, Mr. Curamil was arrested by Chile's national police and imprisoned. He has been charged with assault during a bank robbery in which a guard was injured and hostages taken. An anonymous witness reportedly said that one of the robbers looked like a Mapuche, and they arrested Mr. Curamil. There have been no judicial proceedings, and Mr. Curamil remains in pretrial detention.

Mr. Curamil and his family say that he is a victim of retaliation for his environmental activism, that he was attending a meeting in a different town at the time of the robbery, and that multiple people can attest to his presence there. At the time of his arrest, his house was ransacked by police and left in a shambles.

In November 2018, another Mapuche, Camilo Catrillanca, age 24, died after being shot in the back by police. He was a member of the Mapuche Territorial Alliance, a grassroots organization that seeks to reintegrate the Mapuche people through reclaiming their language, territory, and rights that were fractured and repeatedly violated during the past two centuries.

I mention these events to put in context the recent announcement that Alberto Curamil was selected as one of the 2019 winners of the Goldman Environmental Prize. The prize honors grassroots environmental activists from around the world, singling out individuals for their extraordinary and sustained efforts to protect the natural environment, often at great personal risk.

Not only did Mr. Curamil lead a successful challenge to the unlawful decision by the Chilean Ministry of Energy, he is being subjected to what many suspect is a flagrant and vindictive abuse of the judicial process of the type that we have come to expect in countries with authoritarian governments like Russia but not democracies like Chile.

If the Chilean authorities have credible evidence to support the charge against Mr. Curamil, they should produce it in a public trial and provide him with the opportunity to defend himself. Instead, nearly 10 months since his arrest, he languishes in jail while his wife and children are alone fending for themselves.

The attempts to intimidate and silence Mr. Curamil and the threats to his people and the natural environment are not unique. This is happening to indigenous people all over the world, and each year the prestigious Goldman Environmental Prize helps to call attention to those like Mr. Curamil who have risked their lives on behalf of their communities, wildlife species,

rivers, lakes, forests, and oceans that are being threatened or destroyed.

Mr. Curamil is an activist for environmental and social justice that Chileans should take pride in. Like the many hundreds in attendance in San Francisco and Washington who cheered when his daughter, Belen Curamil, received the prize on his behalf, the Chilean people should recognize Mr. Curamil for his courageous defense of Chile's natural environment and diverse cultural heritage.

We should also be concerned that Mr. Curamil's arrest takes place against a backdrop of escalating violence between the national police and Mapuche activists. At the heart of the dispute is land ownership and lack of consultation on legislation or investment projects that directly affect the Mapuche. Timber is Chile's second-largest export commodity, worth billions of dollars annually, and the political elite is deeply invested in the industry. Mapuche activists are engaged in a campaign against the timber industry and its defenders in the government. In response, prosecutors are using an anti-terrorism law originally introduced by the military dictatorship of Augusto Pinochet to stifle political dissent. The law allows for indefinite pretrial detention, investigations being kept secret for up to 6 months, and evidence admitted in oral hearings from anonymous witnesses, as in Mr. Curamil's case.

This situation is aptly described by Global Witness in its 2017 report, *Defenders of the Earth*:

It is increasingly clear that, globally, governments and business are failing in their duty to protect activists at risk . . . Ironically, it is the activists themselves who are painted as criminals, facing trumped-up criminal charges and aggressive civil cases brought by governments and companies seeking to silence them. This criminalization is used to intimidate defenders, tarnish their reputations and lock them into costly legal battles.

Chile's police have intervened violently on the side of private companies, intimidating Mapuche communities. The UN Special Rapporteur on the Rights of Indigenous Peoples warned that the government and police are increasingly targeting activists who are campaigning to protect their land from mining, logging, and dams. The Inter-American Court of Human Rights has condemned the Chilean Government for applying anti-terrorism laws against Mapuche leaders.

According to Amnesty International, "Although violence against defenders is a constant in the region, little is known about what is happening in Chile, especially in relation to the historical context of criminalization and stigmatization of the Mapuche and their leaders. The Chilean authorities have an obligation to guarantee conditions that enable human rights defenders to carry out their work and to establish protection mechanisms for environmental defenders and Indigenous leaders who face constant criminalization and stigmatization."

Again, these circumstances are not unique to Chile. Similar confrontations are occurring in many countries. But Mr. Curamil's receipt of the Goldman Environmental Prize should cause everyone to pay attention, and to ask, Should not these issues be handled better? Is it acceptable for the Chilean Government to label these largely defenseless, mostly impoverished people as "terrorists," for trying to protect their territory and way of life? Should not the Chilean Government act as a convener of a dialogue that recognizes the legitimate rights of its indigenous population, that ensures they are consulted in a timely and meaningful way, as the law requires, about decisions that affect them, and that their views are properly reflected in those decisions? Is that not the government's responsibility? To listen to its citizens who have traditionally been ignored and whose way of life is threatened and to find creative, sustainable solutions?

I join others in congratulating Alberto Curamil for setting an example at a time when the natural environment is under siege due to human development; recklessness, and greed. We see the consequences on every continent—tropical forests cut down for oil palm plantations, coral reefs destroyed, rivers polluted, dammed and diverted, fish populations depleted, and other wildlife species facing extinction.

Earlier this month, a UN assessment of the world's biodiversity compiled by 145 experts from 50 countries over 3 years, reported that "the health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever. We are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide."

This is true in Chile as it is in virtually every country. Complacency is not an answer, and I hope the Chilean Government will recognize that people like Alberto Curamil should be listened to and supported, not threatened and jailed.

VOTE EXPLANATION

Ms. HARRIS. Mr. President, I was necessarily absent but, had I been present on May 16, 2019, would have voted no on rollcall vote No. 116, the confirmation of Jeffrey A. Rosen, to be Deputy Attorney General.

Mr. President, I was necessarily absent but, had I been present, would have voted no on rollcall vote No. 123, the confirmation of Howard C. Nielson, Jr., of Utah, to be United States District Judge for the District of Utah.

Mr. President, I was necessarily absent but, had I been present, would have voted no on rollcall vote No. 124, the confirmation of Stephen R. Clark, Sr., of Missouri, to be United States District Judge for the Eastern District of Missouri.

Mr. President, I was necessarily absent but, had I been present, would have voted no on rollcall vote No. 125,