

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

CHEMICAL WEAPONS

Mr. MCCONNELL. Madam President, over 25 years ago, America made a noble and necessary commitment—never again to deploy or produce chemical weapons and to destroy our remaining stockpiles.

The Blue Grass Army Depot in my home State of Kentucky has been home to the bulk of our Nation's legacy chemical weapons for decades. On Friday, the depot safely destroyed the last nerve-agent rocket in the U.S. arsenal.

Last week marks a major milestone in an effort that dates back to President Reagan's call for a global prohibition on chemical weaponry altogether. After a decade of bilateral negotiations, the United States made an international commitment to ban their use, production, and stockpile for good.

At that time, Blue Grass Army Depot stored over 500 tons of lethal chemical agents. The Army's initial plan for eliminating the depot's stockpile was incineration—literally burning the rockets. Understandably, local residents were concerned about the potential for poisonous leaks into the community, with schools and family homes literally in spitting distance.

When I joined the Senate in 1985, our first victory was putting a stop to new munitions entering the Commonwealth. The second came when I passed legislation forcing the Army to explore more advanced disposal options that ensured the safety of local residents. Over the years, I have been proud to call greater national attention to this important local issue. I fought to bring home nearly \$7 billion in Federal funding to support the responsible destruction of these munitions, and I will continue to fight for Kentuckians until the mission is complete.

It has been the honor of a lifetime to lead this charge in the Senate and to push for the safety of Madison County families each step of the way. We wouldn't be here today without the singular focus and determination of community leaders like Craig Williams, an extremely effective local advocate who devoted much of his career to seeing this project through. And, of course, we owe a debt of gratitude to the operators, technicians, construction workers, and other staff for their work on the ground.

Today is as much a story of local success as it is a reminder of worldwide

significance. The United States is firmly planted in a wide international coalition that recognizes the moral imperative to reject chemical weapons, and unfortunately, that coalition is more important today than ever.

The authoritarian regime in Moscow that escalated a brutal war in Europe last year is the same one that repeatedly and brazenly ignores the Chemical Weapons Convention that governs our efforts. Vladimir Putin has repeatedly used deadly nerve agents on foreign soil and supported the Assad regime's use of devastating sarin and chlorine against Syrian civilians.

As we condemn this horror, the American people can be proud that our Nation stands squarely on the right side of history. Families in my home State of Kentucky can rest a little easier.

Thanks to the dedication of so many, the United States has shown the world that our commitment to the global prohibition on chemical weapons is ironclad as ever.

U.S. SUPREME COURT

Mr. MCCONNELL. Now on another matter, last month, the Supreme Court wrapped up its productive term by deciding some especially consequential decisions in favor of equal protection and Executive restraint. In response, Washington Democrats offered a fresh example of just how profoundly they misunderstand the Court and its role in our government.

The President, who has flirted with calls for Court packing, warned ominously that a coequal branch was "not a normal court." The Democratic leader who threatened Justices by name from the steps of the Court branded it as "MAGA." And this month, the Judiciary Committee will attempt to force the Court to restructure itself in the name of "ethics."

But for all the Democrats' breathless fearmongering, the record of the Supreme Court's latest term tells a very different story. By the numbers, the Court remains as ideologically diverse and unpredictable as even passing students of our Constitution know it was designed to be.

Nearly half the cases the Court heard this term produced a unanimous outcome. It ruled overwhelmingly in both directions—striking down union thugery and declining to stop the Biden administration's open border policy.

By contrast, just 9 percent of cases were decided 6 to 3, with each of the Republican-appointed Justices in the majority. The exact margin liberal commentators use to claim that the Supreme Court is irredeemably polarized actually decided fewer than 1 in 10 cases this term. This is the institution our colleague from New York likes to call a MAGA Court. Really.

Here is the reality: In case after case, the exceptionally qualified Justices Washington Democrats have spent years vilifying continue to prove their

strength and independent jurisprudence.

Justice Barrett was just as likely this term to vote with Justice Kagan as with Justice Thomas. Let me say that again. Justice Barrett was just as likely this term to vote with Justice Kagan as with Justice Thomas. Justice Kavanaugh was more likely to vote with Justice Kagan. And the Court's two most conservative Justices, Thomas and Alito, voted together less frequently than liberal Justices Sotomayor and Jackson.

The Supreme Court is not in crisis when it refuses to reliably and predictably advance Democrats' priorities. The Court is not in crisis when it puts the text of our law above politics. The Supreme Court is a coequal branch of government, and it should continue to do its job.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Xochitl Torres Small, of New Mexico, to be Deputy Secretary of Agriculture.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REED. Madam President, today I rise to speak on general and flag officer confirmations, specifically, the urgent need to confirm the next Commandant of the U.S. Marine Corps.

The Senator from Alabama strongly objects to an entirely legal and appropriate travel regulation implemented under a long-established Department of Defense authority which ensures all servicemembers and their families have equal access to medical care.

To show his disagreement with the legal civilian-crafted regulation, the Senator from Alabama has held up the apolitical nominations of 251 senior military officers for over 4 months. My colleague from Alabama has made it clear that he will continue his hold on these military officers unless and until he gets his way. He does so despite

precedent and, again, with a less than meritorious legal case—in fact, no legal case at all, I would argue—and the fact that Members of his own party have objected to this blockade, including the Republican leader.

This blockade weakens our national security. Every day it goes on, it has a more significant impact on operations within our military, all branches of the military. While our military will always do whatever is necessary to get the job done, they will always be ready—as they will tell you—and they will give their all.

This hold is unnecessary, unprecedented, and, at a critical time in national security, it is driving the U.S. military to a potential breaking point. It is also an affront to the military and their families, who so many of us just lauded for their sacrifices during the Fourth of July festivities. My colleagues thanked them profusely, but do not recognize that they are professional officers who deserve consideration, not as political chips but as men and women of our services.

Those of my colleagues who support this unprecedented delay are themselves politicizing the military by the very nature of their actions. These promotions have always been confirmed by unanimous consent very soon after being reported to the floor or, on the rare occasion, a single overwhelming vote without cloture. But now, in refusing to confirm these promotions, the uniformed military, previously and appropriately shielded from partisan politics, is being thrust into the midst of politics. This behavior was once reserved only for individual political appointees, civilian political appointees on specific matters of dispute, usually with some reasonable or negotiable outcome. No more. It seems it is “my way” or no way at all. And that is a sad demonstration of individual hubris.

The Senator from Alabama often says if we really wanted these generals and admirals, we would just vote, but I would like to explain that. The Senator is not allowing a simple vote; he is demanding cloture first on every nomination. So we asked the Congressional Research Service what it would take to process 251 nominations with cloture. They estimate to file cloture on all the nominations being held, it would take approximately 5 hours. Then 2 days later, the Senate could start voting.

It will take approximately 668 hours to confirm all these military nominations. That is 27 days if the Senate works around the clock, 24 hours a day. If the Senate just did military nominations for 8 hours a day, it would take 84 days. So “just vote” is not an answer. This is not a feasible solution to this issue.

Now, let me be clear. We have offered the Senator from Alabama opportunities to voice his opinion on the policy matter which he opposes. For example, before recess, we marked up the Fiscal Year 2024 National Defense Authorization Act. During that markup, we had

a separate debate and vote on Senator ERNST's bill, S. 822, entitled Modification to Department of Defense Travel Authorities for Abortion-Related Expenses Act. We then had the debate and vote a second time when the Ernst bill was offered to the chairman's markup of the NDAA. And I expect we will likely be debating this issue on the NDAA when it comes to the floor. This is yet another opportunity to vote on the policy my colleagues find objectionable.

And as long as I have been here, the essence of this body is, when you have a difficult issue, you debate it, you discuss it, and then you take a vote. We have already taken several votes, and still this unprecedented hold goes on. I don't think we can continue to allow 251 men and women who have served and sacrificed—and their families, which makes this impact thousands, not just 251—I don't think we can let them fester any longer, wondering if they are going to get their promotion or not.

But, today, let me speak about one specific person whom, I do not think, we can ignore, and that is the position of the Commandant of the U.S. Marine Corps. By law, the present Commandant of the Marine Corps, Gen. David Berger, must end his service tomorrow, the 11th of July. His replacement, Gen. Eric Smith, who had a hearing before the Armed Services Committee on June 13 and then was voted out unanimously on June 21, awaits our action.

General Berger does not require further congressional action to retire, but General Smith needs the Senate to act to become the next Commandant. I can guarantee you that General Berger takes no comfort in ending his career with his successor unsettled.

I went this morning to a “relinquishment of office” ceremony for General Berger. Now, anyone with any experience with the military knows that the typical ceremony is a change of command, but that could not be accomplished today because the next commander has not been confirmed, the new Commandant. To the military in particular, ceremony matters. The visual of the outgoing leader passing the guidon, or battle colors, to the incoming leader shows the continuous, unbroken leadership of an organization—in this case, the whole of the Marine Corps.

In 2019, General Berger received the battle colors from Gen. Robert Neller. This morning, the colors were not passed from one Commandant to another. They were relinquished—relinquished—a word that is seldom associated with the military. They were relinquished from a retiring Commandant to an Acting Commandant, and that is embarrassing—not for the U.S. Marine Corps, but for the U.S. Senate. To hear a retiring Commandant publicly ask the Senate to do its job is an indication of how misguided this approach has been. We need to act, but because of the Senator from

Alabama and those who support him, we are unable to do so.

General Berger has faithfully served our Nation—voluntarily—for 42 years. He has fought our Nation's wars. He has selflessly served, and he has done so exactly how we expect our military leaders to serve. For the past 4 years, he has led the Marine Corps through a difficult transition on the way marines fight so that they are ready for the challenge of the Indo-Pacific. But, tomorrow, he leaves the Marines without a confirmed leader because of the inability of this body to do its job.

General Berger's successor, Gen. Eric Smith, is cut from the same cloth. General Smith was born in Kansas City, MO, and raised in Plano, TX. He earned his commission in 1987 through the Naval Reserve Officers Training Corps at Texas A&M University. Like every other servicemember, he has served our Nation wherever it has sent him. He has served in peace, and he has served in multiple wars.

So for those who say this current hold only impacts the generals and the admirals, tell that to the marines General Smith commanded included in Weapons Company, 2nd Battalion, 2nd Marine Regiment during Operation Assured Response in Monrovia, Liberia. Tell that to the marines of the 1st Battalion, 5th Marine Regiment who General Smith led during Operation Iraqi Freedom. Tell that to the marines of Regimental Combat Team 8 he led during Operation Enduring Freedom.

In General Smith we have a Purple Heart recipient. This man has literally shed his blood for his country. And with 36 years of service, he has achieved the rank of four stars. He stands ready to continue his service to our Nation and the marines he will lead for 4 more years. He simply awaits our action.

Our action and inaction matter. More than just our generals and admirals are watching. Some argue that this delay impacts only the nominees. They are wrong. These holds ripple through the ranks, and—trust me—young officers and noncommissioned officers are watching. How we treat their leaders will influence the decisions of future generations about whether the military is worth the sacrifice asked of them and their families.

Right now, a number of military officers who were planning to retire are on an indefinite hold because they have no one confirmed to take their jobs. Others want to go to new commands but cannot for the same reason. Their families cannot move to their new homes. Their children cannot get ready for a new school. Their spouses cannot take new jobs.

This is not a game. These are real lives that have been upended. Due to the pure obstinacy of the Senator from Alabama, the Senate is, in effect, holding thousands of loyal members of the U.S. military and their families in limbo. I believe we owe them more than that.

We are 1 day away from an Acting Commandant of the U.S. Marine Corps. According to the Marine Corps History Division, there have been four Acting Commandants in the history of the Marine Corps, which was established in 1775, for those who are counting. The last Acting Commandant served over a century ago, in 1910, and three of the four Acting Commandants are the result of the previous Commandant dying in the position of Commandant.

Could General Smith, the current Assistant Commandant, serve as the Acting Commandant? Yes, of course, he can. But we must ask ourselves why we would allow it. Why would the Senate allow that to happen with not only our near-peer competitors watching but the eyes of all who serve watching? We have the ability and the responsibility to act. We should do so.

“Semper Fidelis”—always faithful—is the Marine Corps motto. Let this Congress show a modicum of that faith today and confirm Gen. Eric Smith as the next Commandant.

With that, Madam President, I would ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 249, Gen. Eric M. Smith to be Commandant of the Marine Corps; that the Senate vote on the nomination without intervening action or debate; that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Alabama.

Mr. TUBERVILLE. Madam President, reserving the right to object, the Senate has a lot of very important work to do. We have been out a couple of weeks, and it is time to get back to work. Senator SCHUMER, yesterday—or this past week—sent the Democratic caucus a long to-do list that includes keeping the government open, which is very important; our annual Defense bill, which is very important; addressing prescription drugs, which we are all very concerned about; the farm bill. There are a lot of other things that we have got to address in this caucus, in this room. Missing from that list was military nominations.

This is my 11th time standing up here and continuing to harp on the fact that we need to do something about this new policy that the Secretary of Defense has passed down and passed to the military. So far this year, dozens of lower level military nominations have passed through unanimous consent, but a number of important nominations are pending or will soon be pending.

General Smith's, as the Senator just brought up, is one of the most important. I have got a great deal of admiration for General Smith.

Earlier today, General Smith became the acting head of the Marine Corps. He is doing the same exact job which he has been doing for several years. The only difference is that today he is

an acting official. This has minimal effect on his ability to lead.

There may be a delay in his planning guidance, and he cannot yet move into the Commandant's residence. But there is little doubt about General Smith's ability to lead effectively, even now. There is little doubt that soon he will be confirmed.

I have met with General Smith. I have got great respect and admiration for what he has done. General Smith has dedicated nearly four decades to the Marine Corps. He has got a record to be very proud of. During our meeting, General Smith assured me that he was committed to keeping politics out of the military. And for me to vote for somebody, that is exactly what I am looking for: keep politics out of the military.

The Marine Corps has done an excellent job of staying mission-focused. One result is, because of that, the marines are the only branch that is meeting its recruiting goals. I believe that the Marine Corps is in good hands now with General Smith.

But if Chairman REED and the Democrats are so concerned, let's vote. That is all I keep asking for. Let's vote on these nominees.

This week, the Senate will consider a DOJ nomination for an office that has around 20 employees—20 employees. I agree that this is an important nomination, but surely the Commandant of the Marine Corps is more important. So if the Democrats are so worried about General Smith being an acting official, then let's vote. I keep asking for that. Let's vote and clear this up.

With that, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Rhode Island.

Mr. REED. Madam President, reclaiming my time, first of all, the Senator from Alabama made a compelling case about the demands upon this Senate. They range from cyber security issues to a host of other important issues that we have to deal with. Yet he insists we have a vote.

Now, he has very subtly made a distinction between four or five senior officers, and forgotten the 245 other officers who play very critical roles in the military. And if one respects the Marine Corps and one respects the proposed Commandant, the first thing I believe you should do is allow a vote very quickly so that there is no period of time that he is an Acting Commandant.

And an Acting Commandant is different than a Commandant. Their policies cannot be firmly established because they are just “acting.” He is capable, but he is just “acting.” If we want leadership that is confirmed, that has not only the trappings of authority but every bit of influence generated by such authority, then we have to vote. That is why the Congress is required to confirm military officers.

We are in a situation where just pure obstinacy is inhibiting our service-

members. And I am amazed that someone would stand up and say: The quality I look for is a military officer who is not political, but what I do is make these officers political pawns in a game I am playing with national leadership. It is civilian leadership who proclaim these policies, which are legal and consistent with the history of the Armed Forces.

This is a very unsatisfactory answer. We will continue to come back and urge that our colleagues. I particularly hope my colleagues on the other side, many of whom do appreciate the fact that these officers must be confirmed for the good of our Nation and the safety of the world, come around.

I have just one example that comes to mind. The President of the Naval War College, Admiral Chatfield—a remarkable woman—changed command a few weeks ago. She is nominated to be a three-star admiral and be our representative in Brussels at NATO. This, at a time when NATO and the United States are engaged in supporting the Ukrainian people in trying to survive, save their people, and, indeed, probably save their country. But Admiral Chatfield cannot go to Brussels. She remains in Newport waiting—helping out a bit, I am sure, with her replacement, but just waiting. And meanwhile, the general officer in Brussels has other plans, obviously, because he knew, or hoped, that Admiral Chatfield would be arriving soon.

That is the kind of disorder, disorganization, and, I would say, disrespect that is being generated by these holds.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

BUSINESS BEFORE THE SENATE

Mr. CORNYN. Madam President, it is actually good to be back in the Senate this week after 2 weeks back home, and we certainly have a busy schedule ahead of us. The fact is that, unfortunately, this was a product of the inattention or lack of urgency that the majority leader has had to deal with the Senate's necessary work so far. We are a quarter of the way through the 118th Congress, and we, frankly, don't have a lot to show for it.

Under our colleagues' leadership, this Chamber developed an embarrassingly short list of accomplishments. Despite the chaos at the southern border, we haven't had the opportunity to vote on legislation to address this humanitarian and security crisis, either in the Senate Judiciary Committee or here on the floor. They simply just ignore it: 5 million border encounters since President Biden took office. Last year alone, 108,000 Americans died of drug overdoses. Seventy-one thousand of those were from synthetic opioids, virtually all of which come from Mexico, the precursors having been imported from China.

Would that be enough to get the attention of the President and the majority leader to actually do something in that area? Well, apparently not.