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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 19, 2018, at 12 noon.

Senate

MONDAY, JUNE 18, 2018

The Senate met at 3 p.m. and was called to order by the Honorable TODD YOUNG, a Senator from the State of Indiana.

PRAYER

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

Let us pray.

Loving God, whose ways are clearly seen as the Heavens declare Your glory, we celebrate Your faithfulness. Lord, we see around us change and decay, but You are changeless. We pray for our lawmakers, for our Nation and its leaders, and for all the nations of this Earth. Through the power of Your Spirit, use our Senators to cause justice to roll down like waters and righteousness like a mighty stream. As children are being separated from their parents, remind us to love our neighbors as ourselves and to protect the most vulnerable in our world. May we claim afresh Your forgiving and transforming power, becoming instruments of Your love in our world.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 18, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TODD YOUNG, a Senator from the State of Indiana, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. YOUNG thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5515, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5515) to authorize appropriations for fiscal year 2019 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.

RECOGNITION OF THE MINORITY LEADER

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

FORCED FAMILY SEPARATION

Mr. SCHUMER. Mr. President, Americans are deeply troubled by the images and news of parents being separated from their children at the southern border. The Trump administration's policy of zero tolerance at the border has already resulted in 2,300 cases of forced family separation, according to Homeland Security statistics obtained by the Associated Press. The pace of separations has increased from nearly 50 to nearly 70 a day.

Any parent could imagine how difficult this is, how heartbreaking it is to be forcibly separated from your young son or your young daughter, looking at their faces as they wonder: What is going on here? Why are they taking my parents away from me? It is just as heartbreaking to imagine the separation and the anxiety it produces in everybody.

Let's be clear. Separating children from their parents and denying relief to victims of brutal domestic violence will not make our country a better or safer place. These policies are cruel, inhumane, and so unlike the America we have known for 229 years.

No one who doesn't meet the legal requirements should be allowed into this country; we cannot have open borders, but we have an adjudication process for those cases. In the past, there has been

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



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no need to separate parents from children while that adjudication was occurring. The Trump administration has actively decided to take a different, crueler, more callous approach.

Yet what does President Trump do? He has spent the last few days trying to deflect blame. The President has said repeatedly that the separation of parents and children is the result of a law “the Democrats forced . . . upon our nation.” That is not true.

Allow me to quote from the Associated Press’s nonpartisan, fact-check of the President’s claims. Here is what they say:

There is no law mandating the separation of children and parents at the border. The separations are a consequence of a Trump administration policy to maximize criminal prosecutions of people caught trying to enter the U.S. illegally. Trump’s repeated, but nonspecific references to a Democratic law passed to involve one enacted in 2008. It passed unanimously in Congress—

That meant Democrats and Republicans supported it—

and was signed by Republican President George W. Bush.

He was hardly a Democrat.

It was focused on freeing and otherwise helping children who come to the border without a parent or guardian. It does not call for family separation.

I know what Donald Trump will say as he tries to undo our American institutions: That is fake news. It is from the Associated Press, which has had a reputation of being down the middle for scores of years.

Let me quote the New York Post editorial, one of the most conservative newspapers in America—hard right. Here is what they say:

The immediate cause of the crisis is Team Trump’s decision to start prosecuting illegal border-crossers, rather than simply deporting them.

In the editorial, they ought to go on and say to President Trump: Fix this problem. Stop blaming Democrats. They are not to blame.

President Trump and Attorney General Sessions announced this zero tolerance policy in April, and it went into effect in May. If there were a law requiring it, why hasn’t it been going on since Trump became President? They just started it. Chief of Staff Kelly called the policy a “tough deterrent.” This has nothing to do with our current immigration laws. It has nothing to do with any Democratic law. This is entirely a decision made by the Trump administration to start separating families.

Let me say this to President Trump: President Trump, you can undo the policy tomorrow, if you want to, with a snap of your fingers. President Trump, if you don’t want to change the policy, own up to it and defend it, instead of blaming somebody falsely. Either reverse it, which you can do, Mr. President, or own up to it. But this idea that “Oh, well, Democrats are to blame” is false and untrue and not showing much strength or courage of conviction.

HEALTHCARE

Mr. President, over the past few months, insurers in several States—Maryland, Virginia, New York, Pennsylvania, and Oregon—have requested significant rate increases for next year, the result of Republican healthcare policies that have undermined our healthcare system. On Friday, the State of Minnesota sought a decrease in their rates.

Why? What has made Minnesota so different from these other States? Why were the people of Minnesota allowed to breathe a sigh of relief that their insurance costs weren’t going up, whether it be the monthly payments or the deductible or the copay?

Why? I will tell you why. Minnesota implemented a State-funded reinsurance program that is helping to backstop their healthcare market. This is what can happen when States support patients and fight back against what President Trump and congressional Republicans are doing. This is what happens when you try to strengthen our healthcare system instead of sabotaging it.

Imagine if every State were like Minnesota. Imagine if every State, for the first time in decades, were dropping premiums and out-of-pocket costs for consumers next year. Think about what a difference that would make in the lives of tens of millions of Americans who pay too much for healthcare and worry that their healthcare bills are going to go up and the quality of their healthcare and availability of their healthcare will go down.

It wouldn’t have been that difficult to achieve the goals of Minnesota. We spent months negotiating a bipartisan healthcare stabilization package that included ideas like the reinsurance policy that has been implemented in Minnesota. Senator NELSON from Florida talked about this and wanted to do it; our Republican friends wouldn’t.

Senators MURRAY and ALEXANDER came to an agreement. It would have done a load of good. But rather than pass that bill to strengthen our healthcare system, even after the Republicans tried and failed to repeal the ACA, the Republicans doubled down on sabotage. They just hate the system—the idea that people should get so much help from their government—and they make it worse. As a part of the tax bill, Republicans repealed the coverage requirement and put nothing in its place. Then they added poison pills to the bipartisan bill to make sure it wouldn’t pass.

When President Trump canceled the program that helps offset costs for low-income Americans and proposed expanding junk insurance plans that cost a lot and cover very little, our Republican colleagues hardly made a peep.

Recently, the administration has said that it will refuse to defend in court the protections for Americans with preexisting conditions. This is a new one. Our Republican friends now say: We don’t want to make sure a fam-

ily who has a preexisting condition gets health insurance. That is even worse than before.

Last week, the Republican leader said that his whole caucus supports protections for Americans with preexisting conditions. While this is a complete reversal from the various healthcare bills our Republican leadership supported last year, which would have decimated protections for people with preexisting conditions, I applaud him for saying it and hope it represents turning over a new leaf.

Now Senate Republicans have to put their money where their mouth is. When President Trump does things that are so bad for the American people, so bad for his very supporters who depend on healthcare, our Republican colleagues fold. They are afraid of him. I hope that is not the case with preexisting conditions because millions of Americans’ lives and health and sanity, at least fiscal sanity, depend on it.

If Republicans were serious about maintaining protections for people with preexisting conditions, they would join us in urging the Trump administration to reverse their shameful decision not to defend the preexisting healthcare law in court. They would join us in urging the administration not to finalize their plan to sell junk insurance policies.

I say to my Republican friends and my dear friend Leader MCCONNELL: Actions speak louder than words. Your simply saying that your whole caucus supports protecting Americans with preexisting conditions doesn’t make it so, as the very administration you support tries to undo it.

Republicans should work with Democrats, right now and throughout the summer, to focus on lowering costs for the American people. That starts with telling the Trump administration to defend the vital protections for Americans with preexisting conditions.

I wish to say one more thing on the immigration issue.

FORCED FAMILY SEPARATION

First, Mr. President, I ask unanimous consent to have printed in the RECORD the New York Post editorial, which I referenced, titled: “Stop breaking up families at the border.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From NY Post]

STOP BREAKING UP FAMILIES AT THE BORDER (By Post Editorial Board)

House Speaker Paul Ryan says he wants to stop the mass separation of children from their families along the border, but his bid to fix it is pathetic. And President Trump’s claim that Democrats need to change the relevant law is no better.

The immediate cause of the crisis is Team Trump’s decision to start prosecuting illegal border-crossers, rather than simply deporting them. Because the law severely limits how long the feds can detain the children, immigration officials on the ground then have no choice but to break up the families.

Ryan’s answer is to stick a change of the law into the two big immigration bills he has

the House voting on this week. But there's no way the Senate will pass either one—indeed, not much chance the House will.

Anyway, making it so Immigration and Customs Enforcement can detain the kids along with their parents is only a minor improvement—since ICE is already running out of space to hold people, and looking at “tent cities” as a supposedly temporary expedient.

You can bet that critics will start calling these “Trump’s concentration camps,” and the term will catch on if they’re full of kids.

The polls were starting to suggest that Republicans might not lose big in this November’s midterm elections, but they’ll turn back the other way if this keeps up—and rightly so.

It’s not just that this looks terrible in the eyes of the world. It is terrible: at least 2,000 children ripped from their parents’ arms, sometimes literally, in just the first six weeks.

Maybe the White House figures families will stop coming once word gets out, but they won’t all stop: Some are fleeing truly horrific situations back home.

We recognize that returning to the policy of two months back creates some perverse incentives: Bring kids along, and you’ll just be deported if you’re caught. But at least switching back avoids having the U.S. government earning comparisons to the Nazis.

If the president doesn’t want to admit defeat, he can just add this to the long list of things he blames on Attorney General Jeff Sessions. Trying to tough this one out is guaranteed disaster.

Mr. SCHUMER. Mr. President, second, I wish to mention this. The House is toying with a bill, supported by some of the less extreme Republicans, and they are trying to deal with this issue of family separation.

First, we haven’t seen the copy, but from all reports, it doesn’t really deal with this. Second, it is loaded up with so many other poison pills that it is never going to see the light of day.

If our Republican colleagues in the House, who endeavored to pass the discharge petition and failed by a few votes—so they could help the Dreamers—want to do something real about this, about the Dreamers, and about family reunification, the support of the bill that is dead on arrival in the Senate will not assuage their constituents, assuage their conscience, or, most important, fix the problem.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to speak about the humanitarian crisis happening right now in our country at the border—something I implore my colleagues to fight to stop. The Department of Homeland Security is tearing young children from the arms of their parents. They are traumatizing infants and children, and Congress needs urgently to act.

I know we have disagreements about immigration policy in this Chamber, and I know we have disagreements about how we should fix our immigration system, which we have desperately needed to fix for decades. Surely, we must be able to agree that Federal agents should not be tearing young children from the arms of their parents. We must be able to agree that

families with infants should not be forcibly separated.

Where is the outrage? Where is the urgency?

I hear my colleagues speak all the time about Federal Government overreach. If this isn’t Federal Government overreach, what is? This is the moment that they have gone too far. One mother was breastfeeding her infant. A Federal agent took that baby out of her mother’s arms, handcuffed her, and arrested her.

Where is that baby now? How is that baby doing? Where is the baby’s mother?

From mid-April through the end of last month, almost 2,000 children were separated from adults at the border. Nearly 50 times a day on American soil, our government has separated a child from their parents, creating fear and terror in their lives. Just today, it was reported that the Department of Homeland Security is now holding 11,785 minors—11,785 minors. This is a disgrace.

One worker at a detention center for children just resigned as a conscientious objector, and he described the children being held there as a “traumatized population that has no clue what’s going on.” He said the staff was not prepared at all to look after 4- and 5-year-olds who were coming into these detention centers. He said the kids were screaming and crying for their moms and dads. Pediatricians who met these children were calling it “government-sanctioned child abuse.”

One of our colleagues in the House was able to meet with mothers whose children were taken from them at the border. She said that in some cases, the mothers were “literally sitting in a room next to where the children were being held and could hear their children screaming.”

Have we not studied our own history? This is the kind of thing we read about in history books and to which we shake our heads in disgust. We ask ourselves: How did we let this happen? We ask ourselves: Why didn’t Congress stop this? Why didn’t anyone do anything? Don’t we remember what happened during World War II with the Japanese internment camps? Children were traumatized, and families were damaged—in some cases permanently. The memorial to remind us of this is a stone’s throw from the U.S. Capitol. It is just for the purpose of reminding us to never do it again. We cannot let our country go down this dark road again.

If Congress does not stop the out-of-control Department of Homeland Security—if Congress does not stop families from being torn apart—even though it is happening right in front of our eyes, then this Congress will go down in history as a weak Congress that did nothing to stop one of the worst, horrific chapters of American history.

This has to be the moment when we do our jobs—when we stand up, speak truth to power, and do the right thing. We don’t know how many kids are

going to be traumatized for the rest of their lives because of our actions. These young children will never forget that when they first came to America, they were separated from their mothers and their fathers.

The President of the United States is not telling the truth to the American people about this policy. It is not true that this immoral and repulsive practice of separating children from their parents is a mandatory result of existing law. It is just not true. This is the stated practice and policy of zero tolerance by this administration. It is abhorrent and immoral. The administration could stop this all by itself today if it wanted to, but since it will not, Congress will need to act. If this Congress cannot or will not push back against this administration when it is actually harming children, when will it act?

I urge my colleagues to come together right now to stop this stain on our Nation. We have a bill that was introduced by Senator FEINSTEIN. We already have 49 cosponsors. We should vote on this bill. It would protect the welfare of children. It would make sure that children would not be separated from their parents. The only time they would be separated from their parents or the adults they are with is if they are being trafficked or abused. Otherwise, families should be allowed to stay together.

We should do the right thing. This is a moral issue. This is a humanitarian issue. This is an issue of right versus wrong. As a mother and as a legislator, I can’t imagine the terror these parents face in not knowing what is going to happen to their children. It is wrong for us to stand by silently. It is wrong for us to do nothing. This is what the darkness looks like. We have to stand up against it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, in a few minutes—maybe in about an hour and a half—we will be voting on the National Defense Authorization Act, which Congress has passed faithfully for 57 consecutive years. That indicates the sense of importance we all have toward funding and providing the authorities and equipment and training that are necessary for our military to do the job we have asked it to do.

I particularly commend Senators INHOFE and REED for their leadership in guiding us through the passage of this bill.

There are 1.8 million people in the world who are on Active Duty in the U.S. military—1.8 million people. The United States has 737 military installations, and the Department of Defense is

the world's largest employer. Supporting all of these people in these facilities is no easy task, and the Defense authorization bill is one very significant way in which we do exactly that. It is how we make sure that all of the men and women in uniform are paid, that our alliances are strengthened, and that military facilities are properly modernized and maintained.

The bill we are voting on will support an appropriation of up to \$716 billion for those tasks. I might add that that is a huge number, but this is the Federal Government's No. 1 responsibility. In my opinion, everything else the Federal Government does comes after providing for the common defense because nobody else—no local government, no State government, no private sector—could possibly provide for the common defense.

America's leadership role in the world remains essential because we know that while there are other countries that will work with us—for example, our NATO allies—they require and the world really demands American leadership, and that is what provides for the safety and security and the peace all across the planet.

In Texas, there are roughly 200,000 men and women who wear the uniform of the U.S. military in places like Fort Hood, Joint Base San Antonio, Naval Air Station Corpus Christi, and Dyess Air Force Base in Abilene. Those are the people I think of each year as we take up the Defense authorization bill. We rely on them to provide our security, and they rely on us to deliver what they need in order to be successful.

One thing this year's bill will do is to give our troops a 2.6-percent pay raise, which will be the largest in 10 years. It doesn't sound like a lot, but I am sure they will appreciate it nonetheless.

Given the state of today's world, maintaining our military readiness has never been more important or more difficult. The array of security threats that face the United States is more complex and diverse than it has been at any time since World War II. Our military leaders say that the strategic environment has not been this competitive since the Cold War. Our adversaries are investing in their capabilities and, in some areas, are surpassing us. Simply put, America no longer enjoys the comparative advantage it once had over our competitors and adversaries.

As I said earlier, the Defense authorization bill is important for reasons that hit much closer to home. I am thinking about Texas military families and military facilities. This year's Defense authorization bill will authorize \$158 million for military construction projects in Texas, including a new basic military training dormitory at Joint Base San Antonio and a new warehouse at the Red River Army Depot in East Texas.

It will prioritize access to high-quality education for military children, es-

tablish a Federal grant program for infrastructure near military communities, as well as to protect our airports and airfields from radar interference, which builds on previous efforts at Sheppard Air Force Base and Naval Air Station Corpus Christi.

One additional part of the Defense authorization bill I will highlight promotes justice for victims of sexual assault on military bases. This stems from a piece of legislation that I co-sponsored with the Senator from Maine, Mr. KING, which has been included in the final bill that we are voting on, called the Children of Military Protection Act. It is based on actual case studies at Fort Hood and Fort Bliss that were brought to my attention by military lawyers.

Finally, the Defense authorization bill will invest in a medical program at Fort Bliss, cyber institutes at places like Texas A&M, and our workhorse legacy fighter aircraft, like the F-16s at Joint Base Fort Worth.

Texas priorities are far from the only ones addressed in the NDAA, but they are important, and I am glad we are taking care of servicemembers in my State and keeping our commitment to them. So let's get the NDAA across the finish line this evening.

FAMILY SEPARATION POLICY

Madam President, the other issue I want to talk about is the ongoing situation at the U.S.-Mexico border. This is the border from my State to Mexico—1,200 miles of common border.

Just like under the Obama administration in 2014, we have seen a surge of unaccompanied children and families coming across our southern border during the spring and summer months. Overwhelmingly, these families and these children are coming from Central America—in other words, from countries that are not adjacent to or contiguous to the United States. Some have presented themselves lawfully at ports of entry, but others have tried to enter illegally.

For example, if you are attempting to claim asylum, you can show up at one of our bridges or ports of entry and claim asylum without breaking the law. Yet, if you enter the country between the ports of entry—through the wild, wild west, I will call it, of the Texas frontier and border region—you will be entering the country illegally. You can then claim asylum, but you will still have entered the country illegally, so your asylum claim will have to be considered in that context.

The Trump administration has made the decision to enforce all of our laws by prosecuting adults in criminal court when they are apprehended after having crossed our borders illegally. I support that approach—a zero tolerance approach—for adults who violate our immigration laws. This law has been on the books for many decades but has not always been adequately enforced.

Because of numerous Federal court decisions, settlements, and statutes, an adult can be separated from a child as

part of the legal process as it plays out. That way, children are placed in separate, safer settings. I doubt many of us would want a child to go to a jail cell in which somebody is being held for having illegally entered the country. That is why children are put in separate, safer settings. They aren't left unattended to fend for themselves amongst potentially violent criminals who are being detained in regular ICE or Bureau of Prison facilities.

Those legal decisions, settlements, and statutes are important to acknowledge because, as the New York Times stated this week, "There is no [express] Trump administration policy stating that illegal border crossers must be separated from their children." So the New York Times—hardly a big Trump cheerleader—has said, "There is no [express] Trump administration policy stating that illegal border crossers must be separated from their children." In other words, this is as a result of other consent decrees and laws which are within the power of Congress to change. In fact, I think every Member of this Chamber will agree that we should never be placing children in prison cells or jails with hardened criminals when their parents are being prosecuted. By the same token, I don't want family members to be separated from one another as a result of DHS and administration officials enforcing the laws they are sworn to uphold. We have to keep family members together and prevent unnecessary hardship, stress, and outrage.

The good news is, we have it within our power to find a better way because parents who are awaiting court proceedings shouldn't have to do so separated from their children and children shouldn't be taken from their parents and left frightened and confused about where they are and what is transpiring around them.

In 2014, I introduced a bipartisan bill called the HUMANE Act with my colleague Representative HENRY CUELLAR of Laredo, TX. I plan to soon reintroduce an updated version of that legislation. It will include provisions that mitigate the problem of family separation while improving the immigration court process for unaccompanied children and families apprehended at the border.

To the greatest extent possible, families presenting at ports of entry or apprehended crossing the border illegally will be kept together while waiting for their court hearings, which will be expedited. Additionally, this legislation will help eliminate the incentive for unaccompanied minors and family units with children to come to the U.S. illegally by expediting their court hearings. We found that catch and release is merely an inducement for further illegal immigration. By detaining these families together to make sure they appear before an immigration judge and receive any immigration benefits they are entitled to under Federal law, this will serve as a further deterrent for others who do not qualify

for those immigration benefits. These minors should be afforded all required due process and have access to representation in court when making their claims. Through this expedited immigration court process, we would help ensure that children and family units with claims for immigration relief in the United States are able to receive their day in court rather than waiting in a multiyear backlog.

This legislation is not a solution for all of our problems at the border—far be it—but it would make real improvements to deter illegal immigration while ensuring the humane treatment of children and family members who entered the country in violation of our laws. I ask colleagues on both sides of the aisle to take a hard look at this bill and work together to find a reasonable solution for this component of the crisis at our border.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, before I go to the substance of my remarks, let me just say what I think is on the minds of millions of Americans today, whether they are progressives or conservatives, Democrats or Republicans or Independents. The United States of America is not and must never be about locking up little children in cages on the southern border. Right now, we have the opportunity, and must take advantage of that opportunity, to pass legislation to end that horrific practice.

Madam President, I want to take this moment to thank my colleagues for their very hard work on the Department of Defense authorization bill. Unfortunately, for a number of reasons which I will articulate right now, I intend to vote against it, and certainly one of those reasons is that when you have legislation that expends \$716 billion—let me repeat it—\$716 billion, it is totally unacceptable that we do not have a serious debate on the floor of the Senate that amendments are not accepted to improve this legislation.

I have submitted a number of amendments, and other colleagues, I know, have done the same. I want to express my strong feelings about our Nation's bloated military budget, particularly in light of the many unmet needs we face as a nation.

A \$716 billion military budget is over half of the discretionary budget in this country. The size of that budget tells me we need vigorous debate on it. We need to find where there is waste, where there is fraud, where there are cost overruns, and to simply pass that gigantic budget without scrutiny is simply not acceptable.

I have heard over and over my Republican colleagues and some of my Democratic colleagues come down to the floor to complain about a \$21 trillion national debt—and they are right. That is a huge debt we are leaving to our children and our grandchildren, but I do find it interesting that I do not

hear any objections to the size of this military budget, to the fact that it has been expanded by \$165 billion over the next 2 years.

So what I do find is that when we talk about providing healthcare to all of our people—and doing what every other major nation on Earth that guarantees healthcare as a right and not a privilege does—suddenly people are standing up and saying: We can't afford it. It is too expensive. But when it comes to a \$716 billion military budget, which is more than the 10 next countries combined spend on defense, I do not hear a word about the size of the budget and about our deficit.

We have been told over and over that we cannot make public colleges and universities tuition-free; that we cannot lower the student debt levels that millions of people in this country carry decade after decade; that we cannot make public colleges and universities tuition-free, but somehow we can spend \$716 billion on a military budget. Even though over half of older Americans have no retirement savings, we have been told we need to cut Social Security, not expand Social Security.

I think it is time to get our priorities right, and what our priorities are about is addressing the fact that we have the highest rate of childhood poverty of almost any major country; that we have millions of seniors in Vermont and around this country trying to get by on \$11,000, \$12,000, \$13,000 a year in Social Security; that our infrastructure is collapsing. Maybe we ought to start addressing the issues and the needs of the working people of this country rather than just pour more and more money into the defense budget.

The time is long overdue for us to take a hard look at the enormous—and I underline the word "enormous"—amount of waste, the cost overruns, the fraud and the financial mismanagement that has plagued the Department of Defense for decades. That is why I have offered a bipartisan amendment, along with Senators GRASSLEY and LEE, to end the absurdity of the Department of Defense being the only Federal agency to have not undergone an audit. I don't think it is too much to ask, when we are spending \$716 billion, to have the Department of Defense give us an audit to tell the American people how that money is being spent. Tell us about the fraud. Tell us about the cost overruns.

According to a Gallup poll a few months ago, 65 percent of the American people oppose spending more money on the Department of Defense, but that is precisely what we are doing right now—not only spending more money but spending a lot more money.

As a point of comparison—and it is important we do this—the increase in military spending that is in this bill is larger than the entire budget of China. I am just talking about the increase in military spending. China spends about \$150 billion a year on defense. We are going to be increasing military spend-

ing by \$165 billion over a 2-year period. Russia spends about \$61 billion a year on defense. This budget, again, is \$716 billion.

Now, I am sure our friends in the defense contractor industry are very excited about this—they are going to be making zillions of dollars—but I am not so sure working people are excited about a budget at the same time as my Republican friends tell us we cannot afford nutrition programs for children or to expand Social Security for the elderly.

I think we all believe in a strong national defense, but we cannot continue to give the Pentagon and defense contractors like Lockheed Martin a blank check while we ignore the needs of working families.

About half of the Pentagon's \$716 billion budget goes directly into the hands of private contractors, not our troops. There are troops out there who are living on food stamps. We want to address that problem, but at the same time we do not have to make the military industrial complex even wealthier than they are today.

Let us also be clear. Over the past two decades, virtually every major defense contractor in the United States has paid millions of dollars in fines and settlements for misconduct and fraud, all while making huge profits on these government contracts. Since 1995, Boeing, Lockheed Martin, and United Technologies have paid nearly \$3 billion in fines or related settlements for fraud or misconduct. That is \$3 billion in payments to the government for fraud or misconduct. Yet those three companies alone received about \$800 billion in defense contracts over the past 18 years.

Does anybody care that the major defense contractors in this country, time after time after time, are found guilty of fraud and various types of misconduct?

One of the amendments I have filed would simply require the Pentagon to establish a website on defense contractor fraud with a list of companies convicted of defrauding the Federal Government. I don't think that is a radical idea. The American people might want to know what companies have been found guilty of defrauding the Federal Government.

Further, I find it interesting that the very same defense contractors that have been found guilty or reached settlements for fraud are also paying their CEOs and their executives excessive and obscene compensation packages. Last year, the CEOs of Lockheed Martin and Raytheon, two of the top four U.S. defense contractors, were each paid over \$20 million in total compensation. Moreover, more than 90 percent of the revenue of those companies came from defense spending. In other words, we have a situation where companies that get almost all of their revenue from defense contracting are paying their CEOs 100 times more than the Secretary of Defense gets, whose salary

is capped at \$205,000 a year. That, to me, makes no sense at all. That is why I have filed an amendment to prohibit defense contractor CEOs from making more money than the Secretary of Defense.

Moreover, as the GAO has told us, there are massive cost overruns in the Defense Department's acquisition budget that must be addressed. According to the GAO, the Pentagon's \$1.66 trillion acquisition portfolio currently suffers from more than \$537 billion in cost overruns, with much of the cost growth taking place after production. In other words, defense contractors say: We are going to build a weapons system for x amount of dollars, and then they simply change their mind and ask for a lot more. That is not the way you protect the taxpayers' dollars or the way you run a government. In my view, that has to change.

A major reason why there is so much waste, fraud, and abuse at the Pentagon is the fact that the Defense Department remains the only Federal agency in America that has not been able to pass an independent audit 28 years after Congress required it to do so. Very interestingly, on September 10, 2001, 1 day before 9/11, former Secretary of Defense for George Bush, Donald Rumsfeld, said:

Our financial systems are decades old. According to some estimates, we cannot track \$2.3 trillion in transactions. We cannot share information from floor to floor in the building because it's stored on dozens of technological systems that are inaccessible or incompatible.

Yet 17 years after Secretary of Defense Rumsfeld's statements, DOD still has not passed a clean audit, despite the fact that the Pentagon controls assets in excess of \$2.2 trillion, or roughly 70 percent of what the entire Federal Government owns.

The Commission on Wartime Contracting in Iraq and Afghanistan concluded in 2001 that \$31 billion to \$60 billion spent in Iraq and Afghanistan had been lost to fraud and waste. Children in America go hungry. Veterans sleep out on the street. Elderly people can't make it on \$12,000 a year of Social Security, but, apparently, there is not a lot of concern that \$31 billion to \$60 billion spent in Iraq and Afghanistan have been lost to fraud and waste.

Separately, in 2015 the Special Inspector General for Afghanistan Reconstruction reported that the Pentagon could not account for \$45 billion in funding for reconstruction projects. More recently, an audit conducted by Ernst & Young for the Defense Logistics Agency found that it could not properly account for some \$800 million in construction projects. It is time to hold the Defense Department to the same level of accountability as the rest of the government.

I would also like to spend a minute talking about an amendment that makes a great deal of sense to me. In this bill, we are spending \$716 billion in defense spending in order to protect

the American people. This bill does that through the production of planes, bombs, guns, missiles, tanks, nuclear weapons, submarines, and other weapons of destruction. It is being funded in this bill.

The amendment I am proposing would reduce the Defense Department by one-tenth of 1 percent. It would use that money to make us safer by reaching out to people throughout the world in ways that bring us together through educational and cultural exchange programs. At the end of the day, we are a safer country and a safer planet when we do our best to rid the ignorance and hatred that exists all over the world. One way you do that is by finding and discovering that we have a common humanity. When children from other countries come into our classrooms and our kids sit in the classrooms of other countries, it turns out that we have a lot more in common than we have in opposition. We can reduce hatred and bigotry in that way. Dialogue cannot only take place between foreign ministers or diplomats at the United Nations. It should be taking place between people throughout the world at the grassroots level.

On a separate note, let me mention that since March 2015, the U.S. Armed Forces have been involved in hostilities between a Saudi-led coalition and the Houthis in Yemen. I believe that the time is long overdue for us to put an end to that unconstitutional and unauthorized participation in this war.

The truth about Yemen is that U.S. forces have been actively engaged in support of the Saudi coalition in this war, providing intelligence and aerial refueling of planes whose bombs have killed thousands of people and made the humanitarian crisis there even worse.

Even now, as I speak, there are reports of an attack on the Yemeni port city of Hodeidah by the Saudi-led coalition. Hodeidah is a key entry point for humanitarian aid into Yemen. The U.N. humanitarian coordinator in the country, Lisa Grande, said last week:

A military attack or siege on Hodeidah will impact hundreds of thousands of innocent civilians. . . . In a prolonged worst case, we fear that as many as 250,000 people may lose everything—even their lives.

The Trump administration has tried to justify our involvement in the Yemen war as necessary to push back on Iran. You will all recall that another administration told us that invading Iraq was necessary to confront al-Qaida, and another administration way back told us that the Vietnam war was necessary to contain communism. It turned out that in every instance, none of that was true.

We should have asked tougher questions then. We should be asking tougher questions now, and we should be taking our constitutional role more seriously.

The issue of going to war is not a Presidential prerogative. It is the pre-

rogative of the U.S. Congress. We have now been in Afghanistan for nearly 17 years and in Iraq for 15 years. Our troops are now in Syria under what I believe are questionable authorities, and the administration has indicated that it may broaden that mission even more.

The time is now for Congress to reassert its constitutional role in determining when and where our country goes to war. That is why I have filed a bipartisan amendment, along with Senators LEE, MURPHY, WARREN, and several others, that would put an end to the U.S. refueling of Saudi-led coalition planes. This amendment will send a strong message that the United States will no longer participate in this humanitarian catastrophe.

Directly related to the conflict in Yemen is the issue of Iran. The Trump administration has repeatedly justified its support for the Saudi-Emirati war in terms of pushing back on Iran's activities.

The Trump administration has signaled in many ways that it intends to confront Iran. If anyone has any doubt, I remind them that President Trump's new National Security Advisor, John Bolton, wrote an article a few years ago that was entitled "To Stop Iran's Bomb, Bomb Iran." I have very serious concerns that this administration could lead the United States into another major war in the Middle East, which is the last thing that the American people want.

Let me conclude by saying this. I think everybody in the Congress believes and understands that we need a strong defense, but we do not need a defense budget that is bloated, that is wasteful, and that has in it many areas of fraud. I would hope that all of my colleagues remember what a former Republican President, Dwight David Eisenhower, said as he left office in 1961. This is what President Eisenhower said as he was leaving office:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

In an earlier speech, Eisenhower, a four-star general who led American forces in World War II—not exactly a pacifist—said:

Every gun that is made, every warship launched, every rocket signified, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. . . . This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

I would ask all of my colleagues, Democrats and Republicans, to remember what President Eisenhower said.

Madam President, I ask unanimous consent that the following amendments be considered and agreed to en bloc: Sanders amendment No. 2905, regarding the DOD audit; amendment No.

2657, regarding a citizen exchange program; amendment No. 2660, regarding Saudi refueling; and amendment No. 2506, regarding defense-contractor compensation.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me just mention that we have a list of about 40 amendments that have gone through the process and have been cleared on both sides. These four were not among those.

I am still holding out hope to be able to get not just those but also a managers' amendment. However, that had to be something that has gone through the process, and these have not. So I do respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANDERS. Thank you.

Madam President, I raise a point of order that the pending measure violates section 4106 of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018.

The PRESIDING OFFICER. Under the previous order, the motion to waive the point of order is considered made.

Mr. SANDERS. With that, I yield the floor.

Mr. INHOFE. Madam President, I ask unanimous consent that the vote on the motion to waive the budget act with respect to the Sanders' point of order occur at 5:30 p.m. today.

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

The Senator from Utah.

Mr. HATCH. Madam President, as President pro tempore of the U.S. Senate and as the senior Senator from the great State of Utah, I wish to speak today about the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

I join my colleagues in congratulating my good friend Senator JOHN MCCAIN on the soon-to-be-successful passage of the 58th straight Defense bill. I would also like to offer my sincere appreciation for Senators INHOFE and REED and their staffs, along with Senator MCCAIN's staff, who gracefully navigated the committee and the floor processes. This is a monumental bill that will truly modernize our Armed Forces.

I have long appreciated the bipartisan nature of each year's NDAA. Some would say that this process could be seen as a microcosm of how things should work here in Congress—putting the good of the country ahead of politics. It is certainly how I have sought to do things here during my Senate service. I also appreciated the efforts from most Members of this body to get to yes on such an important proposal.

The yearly Defense bill is not something we do out of tradition or habit; we do it out of necessity. Yes, it is a constitutional requirement, but per-

haps more importantly, it is an honor to give our men and women in uniform the tools they need to keep America safe. The policies and authorizations we have debated on the floor over the last week represent people. They represent soldiers, sailors, marines, airmen, and the civilian workforce, all of whom are family, friends, neighbors, and fellow citizens.

Since first coming to the Senate in 1977, I have witnessed the use of military force for good across the globe. I was personally involved in helping use our military tools to counter Soviet expansionism in Central Asia. It was around that time that I helped establish the National Endowment for Democracy—an initiative in which Senator MCCAIN was intimately involved. The National Endowment for Democracy embodies our commitment to promoting the virtues of freedom and liberty across the globe.

Anyone who knows me knows that I like to see the good in people, but even with my optimism, one unfortunate truth exists: There are people and groups in this world who seek to do harm to the United States, and our men and women in uniform face these threats every day. I am eternally grateful for the sacrifice and dedication of our servicemembers. I am grateful for their strength, their intelligence, and their commitment to preserving the values we hold dear.

As we see today with the heinous violations of human rights around the world, freedom, prosperity, and security are under constant threat. The abusive actions of the Governments of Iran and North Korea are just two examples among many.

Given the constant threats our country and our allies face, we must always work to maintain a strategic advantage over our adversaries. We must be able to win wars without fighting them, and if we need to fight, we need to begin wars having already won them. How do we do this? By investing in our military and the civilians who support them, giving them more of what they need, not less; by modernizing our weapons systems; by taking care of our bases and facilities; and by never losing sight that people come first and that our obligation to them extends beyond their service to the Nation. That is what we have accomplished with this year's NDAA, which covers an unprecedented \$716 billion in support of the Department of Defense and the national security program of the Department of Energy.

With this historic bill, members of our Armed Forces will enjoy a 2.6-percent pay increase. With this legislation, we also increase personnel for all branches of the military.

This bill represents a significant step forward in the modernization of our Armed Forces. The future fighting force of high-tech warfare is quickly becoming a reality. But we cannot rest on our laurels. Just as our adversaries modernize their forces, we have to do

the same. I think we can all agree that maintaining our strategic advantage against now near-peer adversaries must always be our objective.

So how do we prepare our future fighting force? We continue to modernize through recapitalization efforts, such as the F-35, KC-46, and the future ground-based strategic deterrent. We have to maintain our competitive edge. We must also focus on attracting talent and shoring up the supply chain.

In serving Utah, I have been honored to represent the hard-working men and women of our major military installations—Hill Air Force Base, Dugway Proving Ground, Tooele Army Depot, Camp Williams, and the Utah Test and Training Range, which cannot be duplicated. Contained within this bill are necessary increases to keep those installations manned and operational. Utah is a wonderful place that provides extensive support to the warfighter through advance manufacturing, training, and operational capabilities.

I have faithfully worked on behalf of the people of Utah and the people of this great country for the last 42 years. As a symbol of my respect for the men and women in uniform, I wish to express my sincere reverence and gratitude for all who have given the ultimate sacrifice in serving our country, including the over 330 Utahns who have died while on Active Duty service since 1976. I likewise wish to honor their families, whose sacrifices are just as great.

That we were able to accomplish so much with this Defense bill is credit to the leadership of Senator JOHN MCCAIN—and others but certainly Senator MCCAIN—who has been a key part of this legislation over the course of his Senate service. Senator MCCAIN is so much more than the chairman of the Armed Services Committee; he is an American hero who represents the best this Nation has to offer. I know I speak for all of my colleagues in thanking him for his service and sacrifice.

With that, I yield the floor.

Mr. DURBIN. Madam President, I rise to highlight a number of important issues related to this year's defense authorization act.

Let me begin with a few words about the chairman of the Armed Services Committee. It is fitting that the bill is named after the senior Senator from Arizona, as the John S. McCain National Defense Authorization Act. His imprint is clear and direct, all throughout this bill. The bill makes clear America's strong commitment to our allies—from Europe to Asia. It also demonstrates our clear commitment to defend those allies from our enemies whenever and wherever the need arises.

Those are principles held by every Member of this Senate. But there are few who can defend those principles more vigorously than friend or foe than the senior Senator from Arizona. As he noted in a speech last fall, "The international order we helped build from the ashes of world war, and that we defend

to this day, has liberated more people from tyranny and poverty than ever before in history. This wondrous land has shared its treasures and ideals and shed the blood of its finest patriots to help make another, better world. And as we did so, we made our own civilization more just, freer, more accomplished and prosperous. . . .”

Even though he cannot be here, he is here with us, and we are there with him. I would also like to thank the ranking member and the senior Senator from Oklahoma for their work to protect our national defense and provide for our servicemembers.

One area that I wish to highlight—and the defense authorization highlights this year—is the U.S. investment in maintaining our technological edge. We recently held a classified hearing in the Defense Appropriations Subcommittee on this subject. The short of it is that America cannot take its advantages for granted.

It is not clear to me that the Federal Government has its head in the game. In the 1960s, Federal investment in R&D reached as high as 2.23 percent of GDP. In 2016, that had plummeted to 0.77 percent. In 1995, the U.S. ranked fourth globally for R&D expenditures as a share of GDP. By 2015, it ranked tenth. Recent history is no better. Last year, the President proposed a 17-percent cut to Federal R&D, a greater annual cut than any in the postwar era, including a 5 percent cut to defense R&D.

I appreciate how strongly this year’s defense authorization highlights the importance of this issue, including increased emphasis on high priority emerging technologies like hypersonics, artificial intelligence, space, and cyber. Chairman SHELBY and I will do our part as appropriators to maintain a strong emphasis on innovation and technology, and I appreciate hearing a similarly clear message from the Armed Services Committee.

One area I am concerned about is the state of our defense personnel. Last year, Congress approved a 2.4-percent increase in pay for our military personnel and our Defense civilians. This year’s budget requests a 2.6 percent increase, but only for our military personnel.

Our men and women in uniform deserve this pay raise, and I am glad that this increase will continue to ensure that America maintains the best all-volunteer military in the world, but denying three-quarters of a million Defense civilian employees a similar pay raise makes no sense.

Oddly enough, the Pentagon recently issued a Defense Business Operations Plan in April, which highlighted the importance of these civilian employees. It argues, “Recruiting, developing, and retaining a high-quality military and civilian workforce is essential for warfighting success.” The report also notes that the Pentagon plans to increase defense civilians in the next several years.

If we have any hope of recruiting, sustaining, and growing our Defense workforce, we have to be willing to provide appropriate compensation. Congress must act this year to ensure that the Department remains competitive in this area.

I am also concerned about the provisions in the bill related to nuclear weapons. During markup, the Armed Services Committee adopted an amendment on party lines an amendment to remove Congress’s right to have a say in the creation of new nuclear weapons.

Under current law, the President must come to Congress for permission in order to create a new nuclear weapon. It was a compromise brokered more than 10 years ago by the senior Senator from Rhode Island and the then-senior Senator from Virginia, John Warner.

It was a very good provision. Nuclear weapons are unlike any other weapon in the US arsenal, with the power to literally end life on Earth. They are unique and deserve extraordinary scrutiny. It is shocking that Congress would cede its oversight responsibility in this critical area. I support the amendment by the ranking member to reverse this foolish provision, and I hope that we can address the issue in conference.

We were unable to address several of these issues during floor consideration of the defense authorization bill. I hope that the conferees will address them during the next phase of the bill. In the meantime, I reiterate my thanks to Chairman MCCAIN, Ranking Member REED, and Senator INHOFE for their work on this bill.

Madam President. I am disappointed an amendment authored by Senator INHOFE waiving the Immigration and Nationality Act’s terrorism bars is included in the National Defense Authorization Act. This amendment would create a special immigration carveout for two groups from the African country of Rwanda that committed serious war crimes.

Under our immigration laws, any foreigner who is a member of a terrorist organization or provides material support to a terrorist organization cannot be admitted to our country. The Inhofe amendment would give the Trump administration the unreviewable authority to waive these terrorism bars for two Rwandan groups—the Rwandan Patriotic Front, RPF, and the Rwandan Patriotic Army, RPA—for activities prior to August 1994, a period when these groups reportedly engaged in crimes against humanity.

This is the precise time when members of the Hutu tribe, which makes up the majority of the population in Rwanda, were perpetrating a horrific genocide against the Tutsis, the second largest group in Rwanda. What is not as well known is that Tutsi armed groups—the RPF and the RPA—also committed gross human rights violations during this period. Listen to what Human Rights Watch says: “In their drive for military victory and a halt to

the genocide, the RPF killed thousands, including noncombatants as well as government troops and members of militia. As RPF soldiers sought to establish their control over the local population, they also killed civilians in numerous summary executions and in massacres. They may have slaughtered tens of thousands during the four months of combat from April to July [1994].”

Providing a blanket immigration waiver to two groups whose members committed these atrocities is a serious concern. If this provision becomes law, individuals responsible for war crimes and other human rights violations could find safe haven in our country.

To be clear, these immigration provisions, known as the terrorism-related inadmissibility grounds or TRIG bars, are too sweeping and can prevent innocent people from coming to our country. The TRIG bars are so broadly drafted that they apply not just to groups who have clearly engaged in serious human rights violations, like the RPF and RPA, but also innocent people who may have provided a meal or a few dollars to a member of a foreign rebel group, even a group supported by the United States.

In 2007, I held a hearing on the TRIG bars that featured testimony from a nurse from Colombia who was kidnapped by the Revolutionary Armed Forces of Colombia—also known as FARC—and forced at gunpoint to provide medical care to FARC guerrillas. She escaped and fled to the United States in fear for her life. However, she was denied asylum in our country because, under the TRIG bars, she was considered to have provided material support to terrorists.

In response to absurd cases like this one, Congress passed bipartisan legislation granting the executive branch authority to exempt deserving groups or individuals from the TRIG bars. In 2014, the Obama administration used this authority to issue exemptions to the TRIG bars for insignificant support that was not intended to support terrorist activities. These exemptions were designed to protect refugees who innocently interacted with a member of an armed rebel group. For example, a refugee who gave a bowl of rice or cigarette to a member of the Free Syrian Army or paid an opposition group to ensure safe passage out of Syria could be exempted from the TRIG bars.

If individuals associated with the RPF or RPA have been unjustly swept up in the TRIG bars, they should be eligible for the existing exemptions. Unfortunately, the Trump administration has signaled it plans to rescind these waivers. Rather than creating a blanket statutory waiver that could benefit individuals that have committed serious human rights violations, as the Inhofe amendment would do, Congress should come together on a bipartisan basis to oppose the Trump administration’s efforts to undo the existing exemptions that protect innocent refugees.

It is also troubling that Congress could provide this kind of special immigration benefit to war criminals at a time when the Trump administration is deporting immigrants who have lived in this country for years and have committed no crimes.

For all of these reasons, I urge my colleagues on the Senate and House Armed Services Committees to remove this problematic provision from the final conference report.

Mr. LEAHY. Madam President, today the Senate will approve its version of the John S. McCain National Defense Authorization Act. It is right and fitting to name this bill after the chairman of the Senate Armed Services Committee, who has for years been a stalwart advocate for our military and our national defense.

Unlike the defense authorization bills of recent years, this bill is streamlined and straightforward. It is focused on improving strategic Department of Defense thinking and aligning resources to meet that strategy. It also conforms to the bipartisan budget agreement reached earlier this year.

I am pleased that this bill renews a commitment to securing America's leading edge of technological innovation. This is great news for States large and small, including Vermont. The bill includes provisions to improve the long-term strategic development and purchasing of microelectronics for the defense industry. It includes a partial solution to the delays of Federal recognition for members of the Guard receiving their State commissions. It fixes the TRICARE dental plan management and options that have frustrated Vermonters. It includes numerous provisions to support small businesses in the industrial base, including to improve cyber security. Building on last year's language, the bill adds to the accounting of usage of the long-chain molecules that have been found to have dangerous health effects, particularly its use in Air Force fire-fighting foam. These are all appropriate issues to be dealt with through the defense authorization bill.

Like any product of compromise, however, this bill is not perfect. I am frustrated that, despite a bipartisan majority of Senators voting in support of further debating the bill's treatment of low-yield nuclear weapons, we are advancing to a vote on final passage without that debate. Low-yield nuclear weapons are dangerous and add nothing to our nuclear deterrence. Any administration should at least have to specifically ask to build them.

Similarly, a bipartisan majority of Senators rejected the tabling of an amendment to prohibit the indefinite detention of American citizens; yet the bill includes no such provision. The underlying bill also continues the mistake of the Guantanamo Bay detention mission.

On balance, the final bill on which the Senate votes today is truly bipartisan. I will support this National Defense Authorization Act.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)

• Mr. BOOZMAN. Madam President, I wish to speak about the importance of and my strong support for the final passage of the fiscal year 2019 National Defense Authorization Act, NDAA, and the reason for my absence.

As we all know, the NDAA addresses many issues including the modernization of major weapons systems, security assistance to our allies, and significant changes to personnel policy. Our Nation's military relies on Congress to fulfill our obligation with the timely passage of this legislation. I am proud to support our men and women in uniform yet again in the John S. McCain National Defense Authorization Act for Fiscal Year 2019, legislation appropriately named for our dear friend and colleague Senator JOHN MCCAIN.

I deeply regret the need for my absence today. While my record reflects the rare nature in which I miss a vote, I did not come to this decision lightly. An unfortunate incident at the Fayetteville VA Medical Center in Fayetteville, AR, required my presence and advocacy on behalf of our Nation's veterans. While untimely, I strongly believe it is my congressional duty to ensure that our government fulfills its promise to the men and women who have worn the cloth of our Nation. Such a requirement demanded my immediate attention today in Arkansas. I would like to thank Senators INHOFE, REED, and MCCAIN, along with their staffs, for all their hard work and support. •

The PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Madam President, I rise in advance of the discussion that will be taking place in a very few minutes on the National Defense Authorization Act. I want to compliment and acknowledge the leadership of Senator REED of Rhode Island and Senator INHOFE and, of course, Senator MCCAIN, for whom this bill is named. They have provided amazing leadership, as the Presiding Officer knows from her membership on the committee, by bringing this bill to the floor. I look forward to supporting it later this afternoon.

FAMILY SEPARATION POLICY

Madam President, I do want to take a few moments to discuss a different subject, which is what is going on at our southern border.

Secure borders and limits on immigration are necessary and justified in any country, and that is why there were major border security provisions in the comprehensive immigration reform act that passed this body by two-thirds—67 votes—in 2013. If that bill had even been taken up in the House, I believe it would have passed, it would have been signed, and a lot of the problems we are having today around the issue of immigration would already be solved.

I believe in border security. I believe in necessary limits. This is a difficult

issue—I understand that. It is difficult in part because of the proximity of our country to some of the most violent countries in the world, with the highest murder rates, countries from which people are literally fleeing for their lives. But difficult issues are amenable to humane and decent solutions—solutions that take into account our values, that take into account the underlying principles upon which this country is based. And this is one that could be resolved without this drastic policy of separating children from their parents.

I was asked on the way in whether we will do legislation to solve this problem. This problem could be resolved by a phone call from the President of the United States to the Attorney General. This is not the law; this is a policy of enforcement which was adopted by this administration in April, implemented in May, and which has brought us to the place where 2,000 children have been forcibly separated from their parents.

There are just a few points I want to make.

No. 1—and I think this is important; this is lost in the discussion—asylum seekers are not illegal immigrants. They are coming to this country under the law. They are allowed to come to the country and then prove their case, and they should have an opportunity to prove their case. They are not illegal immigrants. They are being lumped in with illegal immigrants. These are almost entirely people who are seeking asylum here because they are fleeing violence in their own country.

This country was based on asylum seekers. The Pilgrims were asylum seekers. The Catholics who came to Maryland were asylum seekers. The Irish who came here as a result of a famine were asylum seekers. The Jews who came here in the thirties and forties, during the period of the Holocaust, were asylum seekers. I should say that one of the darkest periods of this country's history was the turning away of the USS *St. Louis* in the late thirties, where a third of its population of Jewish people went back to Europe and died in the Holocaust.

This country is based upon some basic principles, some of which are stated very unequivocally on the base of the Statue of Liberty:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,

The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost, to me.

I lift my lamp beside the golden door!

That has been the promise of America from the very beginning. We are not a country like most other countries in the world—based upon one race, one ethnicity, one population that has lived in the same place for 1,000 years, one language. In fact, our secret is the people who have come here from other places, with their ideas and their energy.

I sit in the U.S. Senate seat following four of my illustrious predecessors, all of whom are children of immigrants, every single one: Edmund Muskie, the son of an immigrant Polish tailor, one of the great Senators of the 21st century; George Mitchell, majority leader, the son of immigrants; and Olympia Snowe, the daughter of a Greek immigrant. This is who we are as a country, and we are talking about arresting people and locking up their children in cages.

I have heard various justifications for this:

We are just following the law.

No, the law does not require separating children from their parents. This is a policy that was adopted by this administration in April and implemented in May. This is not required by the law. This is a policy decision, and it can be rescinded by a phone call from the President. It can be solved this afternoon by a phone call from the President.

Crossing the border illegally is a misdemeanor.

So is jaywalking. Are we going to have a policy that says we are going to separate children from their parents because of jaywalking? It doesn't have to be this way.

Children and their parents can be kept together while we go through the legal process of determining whether their asylum claim is valid. That is a process that we have, and, yes, it takes too long. That is on us because we haven't adequately funded the judicial system to have enough judges to hear those claims.

The next justification I have heard is that it is a deterrent, that it will be a deterrent.

It is only a deterrent if the people who are coming from these countries—by the way, very few of them are coming from Central American countries, some of which, as I have mentioned, have the highest murder rates in the world. And we are going to say: Well, we are going to rip your children away. That word will get back, and then you will not come.

We could do a lot worse. Can you justify anything as a deterrent? Can you justify any inhumane treatment? We will torture you if you come across the border—that would be a deterrent, but that doesn't make it right.

The next one that I heard is that it is a bargaining chip for negotiations. We will bring the Democrats to the table, and that is when we will talk about immigration. But we are not going to change this policy until then because it is a bargaining chip.

We do not take children hostage in legislative negotiations, and that is what this is. Let's call it what it is. It is literally taking children hostage to be a bargaining chip in a legislative negotiation on the broad panoply of issues involved in immigration. That is wrong. It is a basic principle of everything we hold dear that we don't nego-

tiate with hostage-takers. Yet that has been explicitly stated as a motivation for this policy.

The final justification I heard, and frankly the reason I am here today because it just tore it for me, is the Bible; that somehow this is justified by the Christian Bible, by Romans 13, which says you should obey the law. Yes, that is what it says, but it also says the law should be based upon love.

I would add that very provision, Romans 13, was used 150 years ago to justify slavery. Would that provision apply in Germany in 1938, where the law was exclusively directed at punishing the Jewish people? It was legal under the German law. Would that provision say this is OK; we don't have to object to it because it is part of what is in the Bible? No; of course, not.

To say that this is somehow justified by Scripture is just ignoring the whole message of the Bible and certainly the message of the New Testament.

For me, as a Christian, it all comes down to Matthew 25. The King said:

Come, you who are blessed . . . take your inheritance. . . . For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.

Then, the righteous said:

Lord, when did we see you hungry and feed you, or thirsty and give you something to drink?

They went through the whole list and said: We never did any of those things. And Jesus said:

Depart from me, you who are cursed, into the eternal fire. . . . For I was hungry and you gave me nothing to eat, I was thirsty and you gave me nothing to drink. . . . Whatever you did not do for one of the least of these, my brothers, you did not do for me.

I was a stranger, and you took me in. That is what the Gospel talks about. That is what we are talking about here, is talking about strangers and trying to take them in.

Of course, it goes without saying that Jesus and Mary escaped from the Promised Land because of the threat of violence from King Herod into Egypt. What if Egypt had said: No, we are not going to take you in. We will send you back to Herod. That is the law. Herod's law is the law; we are going to send you back.

They were asylum seekers, and Egypt took them in, and our Lord and Savior was born.

So don't come to me and tell me this is somehow justified by Scripture; it just isn't, under any stretch of the imagination, and it can be remedied by a phone call.

We don't have to negotiate a complicated bill here. We don't have to work on something for 3 weeks. A phone call this afternoon from the President of the United States to the Attorney General can end this obscene practice. Then we can talk about asylum seekers and what the rules should be and what the standards should be

and how long the policy should be and how many judges we need and how long you should be able to wait until you get your case adjudicated and all of the other complicated issues involved in immigration, but we should not be talking about it in the context of children being held hostage.

So I hope the President will make that phone call, solve this problem this afternoon, and then we can get about solving some of the larger problems that he and I and everyone else in this body are concerned about, but let's not do it with children in cages anywhere in America.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Rhode Island.

Mr. REED. Mr. President, as we approach the vote on final passage of the fiscal year 2019 national defense authorization bill, I would like to make a few closing remarks.

At the completion of floor debate on the NDAA last year, I remarked in my closing statement that I was disappointed in the lack of cooperation in the Senate. Senator McCAIN and I both hoped that last year we would be able to return to regular order, but in the end, we were disappointed.

Unfortunately, this year, I and I know many of my colleagues are frustrated in the inability to bring up, debate, and vote on worthy amendments. For comparison, during consideration of the National Defense Authorization Act for Fiscal Year 1994, there were 16 rollcall votes on amendments. In 1995, during consideration of the fiscal year 1996 NDAA, there were 20 rollcall votes and amendments. In the following year, the fiscal year 1997 NDAA, there were 19 rollcall votes and amendments. On this bill, there was a single up-or-down vote on an amendment.

I was one of the few Senators who was able to debate an amendment. It was on the congressional oversight of nuclear weapons, which I believe is one of the most important and seminal issues not only of this bill but of our defense policy today, but the only vote I was able to have on this critical issue was a motion to table.

Despite the deep differences among us, it is my hope that this Chamber can return to the collegial ways of the past—and I think that is a belief and a hope shared by my colleague Senator INHOFE from Oklahoma—and that we can hold an open amendment process that guarantees every Senator a right to a full and wholesome debate on amendments and those issues that matter most to those Senators. There are critical issues that pertain to our national security and the welfare of our servicemembers, and they must be addressed through bipartisan dialogue and compromise. It is my hope that moving forward we can return this Chamber to regular order and hold an open amendment process.

Despite my frustrations with this process, I am pleased with the overall

result of this bill. We successfully incorporated 46 amendments from both Republicans and Democrats into the bill. These amendments further strengthen the bill and provide additional resources to the Department of Defense which allows them to carry out their important mission.

Looking ahead, the budget agreement that covered the fiscal year 2018 and fiscal year 2019 NDAs will expire next year, meaning a return to sequestration and budget caps, unless a new agreement is reached. At this time when our military is facing readiness shortfalls and numerous global threats, we cannot afford a budgetary retrenchment. We must continue to work together to address these issues, and I am confident and hopeful we will find a way forward.

I would like to particularly thank Senator INHOFE for his leadership throughout the committee markup and throughout this floor process. He has ably shepherded this bill and provided invaluable leadership by emphasizing a return to regular order, the same note I am sounding today. The achievement of this bill would not have been possible without him, and I thank him.

I would also like to thank my staff and the staff of the ranking member for their terrific work. They worked tirelessly. They made a commitment both of time and intellectual energy that was extraordinary. The majority staff, and Senator INHOFE's staff in particular, was diligent, bipartisan, thoughtful, and cooperative. They were everything you could ask for collegial activity in the Senate.

Of course, I would like to thank my staff for their invaluable expertise and dedication to creating the best bill possible. I would like to specifically thank Jody Bennett, Carolyn Chuhta, Jon Clark, Jonathan Epstein, Jorie Feldman, Jon Green, Creighton Greene, Ozge Guzelsu, Gary Leeling, Kirk McConnell, Maggie McNamara, Bill Monahan, Mike Noblet, John Quirk, Arun Seraphin, and Elizabeth King—and also wish her a happy birthday.

I would like to thank the floor staff. They have been exceptionally helpful to us. I thank them all on both sides for their insights and for their calmness in the face of difficulties and tensions. Without them, nothing would be possible.

Finally, I would like to particularly recognize Chairman JOHN MCCAIN, after whom this bill is so aptly named. Senator MCCAIN has provided this committee with leadership during difficult times and served as a moral compass when considering challenging issues. He has been a bulwark for the defense of our country and the men and women of the military, and I know he is proud of the passage of this bill.

JOHN MCCAIN is probably the most demanding person I have ever met, but the key to his greatness is, he demands more of himself than anyone else, and he gives more of himself than anyone else. That has made him not only one

of our great Senators, not of this moment but of our history, but one of our great American heroes. He is an extraordinary gentleman, and today this legislation bearing his name represents, once again, his extraordinary contributions to the Nation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me just agree with the comments that were made by Senator REED. He has been great to work with. I am glad he mentioned all the help of his staff. People don't realize how, on a bill this size—this is the largest bill we will consider probably this year—how much staff is involved. It is both Republican and Democratic staff. It is one of the few things we do around here that really isn't partisan. I think the Senator from Rhode Island and I were only apart from each other on maybe 10 or 11 amendments. By the way, on amendments, I do want to comment how many amendments we took care of during the committee hearing. So we have had a lot of activity on the John S. McCain National Defense Authorization Act for 2019.

Throughout the last 2 weeks, we have debated this legislation on the Senate floor in an open process. We have said over and over, we want to have open amendments, and we want to have people bring amendments down. We have a system that is probably not going to be changed, but there is going to be some activity this next year by several of us, if we are going to be involved in next year's authorization bill for the year 2020, to see if we can't address a major problem; that is, we have allowed a system to take place where 1 person can stop 99 people from having an amendment. That is wrong.

In January, President Trump and Secretary Mattis announced the new national defense strategy that rightfully identified that we are returning to a world of great power and competition when dominated by the capabilities relative to China and Russia. We talked about that, the power they have. We have talked about an article that was written just recently that said that if we got into a fight of Russia versus NATO, most likely NATO would lose to Russia. We have watched China in the South China Sea putting together islands where it is almost as if they are preparing for World War III. I was there in the South China Sea, and our people made it very clear—and I am talking about allies of ours—that they are not sure which would win. We have China out there illegally building islands and putting us in a position where we don't really know what their intentions are. All we know is, everything on those islands—we are talking about over 3,000 now—that they are put in a position where they are preparing for a world war.

It is not like it used to be. Now we are in a situation where a country can have a rocket that can hit an American

city. So times have changed. We need to be prepared to respond to threats of terrorism from rogue states, like Iran and North Korea. The National Defense Strategy is clear. We need to make strategic investments now in the areas where we are falling behind—and we are behind.

Since the release of the National Defense Strategy, I have traveled to visit our allies in both Eastern Europe and Asia. They all understand the threat of growing aggression from China and Russia. I have spoken with our commanders in the field, our military leaders, and our troops in the mess halls in Afghanistan and all around the world. Perhaps most importantly, you can really get more from them than you can from a hearing here in Washington.

The Senate Armed Services Committee was tasked with implementing the national defense strategy. The result is the John S. McCain National Defense Authorization Act. We made tough choices about where and how to invest our resources, but I am pleased with the work we have done to restore America as the leader of the free world.

We are making the needed investments in training, maintenance, and modernization. Any time you are starving the military, those are the three areas you see first—maintenance and modernization and, of course, that also means training. We are in the process of doing this, and that is what this bill is all about. We are changing this. We have addressed that by catching up where we were falling behind—artillery, hypersonics, the nuclear triad.

Most people in the real world assume that America has the best system of anybody else. Their systems—plural—are better.

Artillery, for example, is measured by rapid fire and range. In terms of rapid fire and range, both Russia and China are better than we are. Hypersonics is a new system, a weapon five times the speed of sound. It is still under development. We are working on it. However, we are behind both China and Russia. They are ahead of us in this training. In the nuclear triad, we haven't done anything in the last 10 years, while both China and Russia are actually ahead of us. It is not like it used to be, where we did have the very best of everything.

So we are standing up to China by strengthening our position across the Pacific region. This bill provides support to our allies who stand up against China's military and economic coercion and procures deployable airbase systems to enhance credible combat power.

The NDAA also calls out China for illegally creating fortified islands in the South China Sea for military purposes. That is what they are for. Nothing is on there, except preparing for some military activity. The NDAA modernizes the Committee on Foreign Investment to address national security concerns and to stop China from trying to

steal sensitive technology from the United States companies.

The NDAA counters Russia's growing aggression and influence across Eastern Europe by directing a study on permanently stationing U.S. forces in Poland and conducting a study on Russia's maligned influence around the world. It continues limitations on U.S.-Russia military cooperation, provides defensive lethal aid to Ukraine, and allows the U.S. Cyber Command to respond to Russia's continued cyber attacks.

It keeps faith with our troops by providing a 2.6-percent military pay raise, the highest in nearly 10 years, modernizing the officer personnel system, and supporting our troops and military families.

There is no doubt in my mind that this bill will make American families safer and will stand up for our democratic values around the world.

I thank my partner in this, the Democratic leader of the committee. He talked about the staff that we have been working with and complimented them—JOHN MCCAIN's committee staff: Chris Brose, Samantha Clark, Rachel Hoff, Mark Montgomery, Erik Swabb, James Hickey, Diem Salmon, Greg Lilly, Adam Barker, Augusta Binns-Berkey, Lauren Davis, Allen Edwards, Jackie Kerber, Matt Lampert, Allison Lazarus, John Lehman, Daniel Lerner, Sean O'Keefe, Brad Patout, Jason Potter, Will Quinn, Dustin Walker, Gwyneth Woolwine, Leah Brewer, Gabriel Noronha, Nick Hatcher, Katie Magnus, Lindsay Markle, Cara Mumford, Madison Sparber, and Arthur Tellis; from our staff: Luke Holland, Tony Pankuch, Leacy Burke, Adrienne Jackson, Chris Ryan, and Laurie Fitch; and the floor staff: Laura Dove, Robert Duncan, Chris Tuck, Tony Hanagan, Chloe Barz, Mike Smith, and Katherine Kilroy. They have actually worked long, long hours. On a bill like this, they are out there all night long.

But let me say, as I started, that there is something wrong with a system that will allow one Member of the Senate to preclude 99 Members from getting their amendments through. This is not right. I am not sure how to resolve it, but I would just say—and I think that my good friend from Rhode Island would agree—that we can work out something to keep that from happening or to minimize it.

It is not quite as bad as it sounds, when we say we didn't have any amendments on the floor. We had countless amendments in committee. We had many amendments on the floor. There were 47 amendments that were folded into the bill, and that is after it came to the floor. So we did consider those, but we didn't vote on any amendments, and that is what we should be doing. We stand here and plead with people to bring their amendments down so we can have an open amendment process, and then one person objects. There is something wrong with that system.

So I thank the chairman and the ranking member of the Senate Armed Services Committee for their continued leadership. I thank my friend from Rhode Island, Senator REED, for his leadership and commitment to bipartisan collaboration throughout the process. We shared a commitment to open debate and amendments.

Secondly, and most significant, I recognize the chairman of the Senate Armed Services Committee, Senator MCCAIN, for his leadership. Most of the stuff in this bill has come through the deliberation and leadership of Senator MCCAIN. We can clearly see that this bill reflects his priorities and policy initiatives he has fought for as our chairman. His commitment to government oversight and accountability and American leadership around the world is evident on every page. We miss his voice in the Chamber today, but today's vote is a true tribute to his lasting legacy to our Nation, and I urge our colleagues to join me.

We are going to cast two votes. At some point in this process, I am going to make another effort. We have a list of 47 amendments that have been cleared on both sides, and Democrats and Republicans are all for this. We want to have an opportunity to have these passed in a package. I am hopeful that there will not be a Member of this body who will object and object to 47 people having their amendments, which have been cleared, actually pass.

We are getting close to the time when we will be voting. I think there ought to be one last shot—maybe not. This is a very significant vote coming up.

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

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

VOTE ON MOTION TO WAIVE

Under the previous order, the question occurs on agreeing to the motion to waive the point of order made under section 4106 of H. Con. Res. 71.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Louisiana (Mr. CASSIDY), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH),

and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

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

The yeas and nays resulted—yeas 81, nays 14, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—81

Alexander	Gardner	Murray
Baldwin	Graham	Nelson
Bennet	Grassley	Peters
Blumenthal	Hassan	Portman
Blunt	Hatch	Reed
Booker	Heinrich	Risch
Brown	Heitkamp	Roberts
Burr	Heller	Rounds
Cantwell	Hirono	Rubio
Capito	Hoeven	Sasse
Cardin	Hyde-Smith	Schatz
Carper	Inhofe	Schumer
Casey	Isakson	Scott
Collins	Johnson	Shelby
Coons	Jones	Smith
Cornyn	Kaine	Stabenow
Cortez Masto	King	Sullivan
Cotton	Klobuchar	Tester
Crapo	Lankford	Thune
Cruz	Leahy	Tillis
Daines	Manchin	Toomey
Donnelly	McCaskill	Udall
Durbin	McConnell	Van Hollen
Ernst	Menendez	Warner
Feinstein	Moran	Whitehouse
Fischer	Murkowski	Wicker
Flake	Murphy	Young

NAYS—14

Barrasso	Kennedy	Perdue
Corker	Lee	Sanders
Enzi	Markey	Warren
Gillibrand	Merkley	Wyden
Harris	Paul	

NOT VOTING—5

Boozman	Duckworth	Shaheen
Cassidy	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 14.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have a bipartisan list of amendments that have been cleared from both sides. We have been talking about wanting to have these presented, and there is no objection to any of them. So I ask unanimous consent that notwithstanding the adoption of the substitute amendment, the amendments be called up en bloc. There are 44 amendments. I further ask consent that these amendments be agreed to en bloc and the motions to reconsider be considered made and laid upon the table. I send the list to the desk.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Mr. President, reserving the right to object, I have no objection to voting on the amendments if we allow all of them. We have an amendment, and 68 Members of this body said that no American should be detained without a trial. If you put that amendment, which 68 Senators support, in the package, I will be happy to have consent. If we don't have it in, I will continue to object. I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, all postcloture time has expired.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Louisiana (Mr. CASSIDY), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

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

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—85

Table listing Senators who voted 'yea' for the amendment, including Alexander, Baldwin, Barrasso, Bennet, Blumenthal, Blunt, Booker, Brown, Burr, Cantwell, Capito, Cardin, Carper, Casey, Collins, Coons, Corker, Cornyn, Cortez Masto, Cotton, Crapo, Cruz, Daines, Donnelly, Durbin, Enzi, Ernst, Fischer, and Flake.

NAYS—10

Table listing Senators who voted 'nay' for the amendment, including Feinstein, Gillibrand, Harris, and Lee.

NOT VOTING—5

Table listing Senators who did not vote, including Boozman, Cassidy, Duckworth, and McCain.

The bill (H.R. 5515), as amended, was passed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 449, H.R. 5895, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

Mitch McConnell, Jerry Moran, Mike Rounds, Roy Blunt, Johnny Isakson, John Boozman, John Cornyn, John Barrasso, Marco Rubio, Mike Crapo, James E. Risch, John Hoeven, Thom Tillis, John Thune, Lisa Murkowski, Richard Burr, Roger F. Wicker.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 5895, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Louisiana (Mr. CASSIDY), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting the Senator from Arkansas (Mr. BOOZMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) and the Senator from New Hampshire (Mrs. SHAHEEN), are necessarily absent.

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

The yeas and nays resulted—yeas 92, nays 3, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—92

Table listing Senators who voted 'yea' for the cloture motion, including Alexander, Baldwin, Barrasso, Bennet, Blumenthal, Blunt, Booker, Brown, Burr, Cantwell, Capito, Cardin, Carper, Casey, Collins, Coons, Corker, Cornyn, Cortez Masto, Cotton, Crapo, Cruz, Daines, Donnelly, Durbin, Enzi, Ernst, Feinstein, Fischer, Flake, Gardner, Graham, Grassley, Harris, Hassan, Hatch, Heinrich, Heitkamp, Heller, Hirono, Hoeven, Hyde-Smith, Inhofe, Isakson, Johnson, Jones, Kaine, Kennedy, King, Klobuchar, Lankford, Leahy, Lee, Manchin, McCaskill, McConnell, Menendez, Moran, Murkowski, Murphy, and Murray.

NAYS—3

Table listing Senators who voted 'nay' for the cloture motion, including Gillibrand, Markey, and Warren.

NOT VOTING—5

Table listing Senators who did not vote, including Boozman, Cassidy, Duckworth, and McCain.

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 3.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2019—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 449, H.R. 5895, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I know of no further debate on the motion to proceed.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion.

The motion was agreed to.

ENERGY AND WATER, LEGISLATIVE BRANCH, AND MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2019

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5895) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2910

(Purpose: In the nature of a substitute.)

Mr. SHELBY. Mr. President, I call up the substitute amendment, No. 2910.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 2910.

Mr. SHELBY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 2911 TO AMENDMENT NO. 2910

Mr. ALEXANDER. Mr. President, I call up amendment No. 2911.