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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

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

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

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAMER). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020—Resumed

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

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

The senior assistant legislative clerk read as follows:

A bill (S. 1790) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Iowa.

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

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

INTERNS

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

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

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

NATIONAL DAIRY MONTH

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

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

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

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

BORDER SECURITY

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

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

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

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



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

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

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

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

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

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

S. 1790

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ECONOMY

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

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

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

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

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

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

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

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

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

S. 1790

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

9/11 VICTIM COMPENSATION FUND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IRAN

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

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

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

BORDER SECURITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

S. 1790

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H.R. 3401

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

The bill clerk read as follows:

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

The PRESIDING OFFICER. The Senator from West Virginia.

S. 1790

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

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

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

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

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

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

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

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

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

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

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

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

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

sponsor, Chairman BARRASSO. The USE IT Act follows up on the bipartisan expansion of the 45Q tax credit for carbon capture, utilization, and storage, which was passed last Congress.

CCUS is key to eliminating CO₂ emissions while protecting West Virginia's coal and natural gas jobs. Trying to weave that balance is difficult sometimes, but the USE IT Act would provide CCUS project sponsors with a regulatory playbook so that they would know what Federal agencies' expectations are at the start of the process. This is essential for capital-intensive projects in their drawing private investment without having the fear of getting trapped in a regulatory purgatory.

Our decades-old environmental statutes never predicted a situation in which emissions would be captured and then actually used for an economic benefit. Carbon provides that opportunity, but regulatory standards that do not reflect this new reality, like New Source Review, sometimes get in the way. The USE IT Act addresses these issues, and it will also fund studies into the pollution reduction benefits of these technologies.

This is the sort of bipartisan and consensus-driven approach that will have a meaningful impact on emissions while it will protect jobs and drive innovation in the American economy, and I am glad that we are taking a significant step toward enacting this bill.

I thank Chairman INHOFE and the Armed Services Committee for their excellent work on the NDAA. It is important that we pass this bill this week.

H.R. 3401

Mr. President, I am also pleased that the Senate will soon vote to pass bipartisan legislation to provide resources that will address the humanitarian crisis at our southern border. I am the chairman of the Homeland Security Subcommittee on Appropriations, and I have spoken many times about the need to pass a supplemental funding bill.

Last night, the House of Representatives passed its version of the emergency border supplemental.

Actually, to be more accurate, I would say the Democrats in the House passed their partisan version of a Homeland Security bill. I think the top-line numbers in the House bill may be similar, but the policy implications of that bill are vast.

Time is of the essence here. I spoke about this last week on the floor. Time is moving quickly to meet this crisis that everyone agrees is occurring at our southern border.

The partisan House bill would be vetoed by President Trump. What is needed is not more partisanship; what is needed is a bill that will become law so that we can get those resources to the southern border. That is why I am encouraged and proud that a bipartisan compromise was reached in the Senate Appropriations Committee. We passed

it out of that committee 30 to 1 last week.

We may not agree on how we got here or how best to move forward, but we agree that there is a crisis—a major crisis—and that these resources are needed now. The metrics, the images, and the stories we all see and hear point to the urgency of this dire situation, so our committee worked in a serious and bipartisan way, under the leadership of Chairman SHELBY and Vice Chairman LEAHY, to address the pressing issues as they are right now.

We can and we must work toward a long-term solution to address the immigration system, but right now, today, we all agree that a problem exists, and our committee has provided a bipartisan solution, which the leader just said we will be voting on later this afternoon. Let us move forward in that spirit on behalf of the families and the men and women in law enforcement who need our support. It is tough down there. I visited; it is tough.

It is crucial that the Senate pass the bipartisan border supplemental funding bill that we passed in the Appropriations Committee last week, and I hope all of my colleagues will join me in supporting it today. We have waited long enough. We can't afford to wait any longer.

The PRESIDING OFFICER. The Senator from Missouri.

S. 1790

Mr. BLUNT. Mr. President, I want to talk a little bit about a bill we should pass this week—I believe we will pass this week—for the 59th straight year.

There are very few things we authorize every year—frankly, there are very few things we need to authorize every year—but the authorizing bill in defense is the opportunity for the country and the Congress to look at what we need to do now that is more appropriate than what we needed to do a year ago to defend the country.

Certainly the men and women who serve in the military do that job in a selfless way, and they deserve the best we can do to be sure they are never involved in an unfair fight. We want to be sure they are always involved in a fight in which they have every possible advantage. They put their lives on the line to keep us safe, and it is up to us to be sure they have the equipment, the training, and the authorization they need and the authorities they need to carry out their work.

Every year about this time, we move toward the authorizing of what the Congress thinks the military needs. That is followed later by an appropriations bill that is directed in substantial ways by what this bill says should happen. In fact, the only thing the appropriations bill normally does is determine whether it can all be funded and in what segments it is to be funded.

We are debating this bill. I hope both Chambers—the House and the Senate—can pass this authorization bill as we move on to our next step in this process of defending the country.

I think you can argue about almost anything else the Federal Government does, but the No. 1 priority of the Federal Government is to defend the country—the No. 1 thing that we clearly cannot do by ourselves; the No. 1 thing that State and local government can be a partner in on some occasions, but it is not their responsibility, and they do not have the capacity to do what we need to do to defend the country. So we are here to take this important step in that.

This version, the Senate's version for this year, authorizes \$750 billion to support the Department of Defense and the nuclear and other defense responsibilities of the Department of Energy. Our adversaries are clearly increasing their military capabilities and their military commitments, and we need to be prepared to do just the same.

The burden of defending the country is an important one, and, frankly, it falls on a very small percentage of our population. About one-half of 1 percent of the American people serve in the military. We owe an obligation to that one-half of 1 percent to do our best for them.

This bill supports an across-the-board pay increase of 3.1 percent—a little more than inflation. It is the largest increase in nearly a decade at a time when the people who serve see challenges in more areas than we have seen in a while and coming from different directions than we have seen in a while.

This bill reforms military housing. Leader after leader in the military will tell us and make the point that the strength of the military is military families. So in military housing, particularly the family housing, there was thought to be a great idea a couple of decades ago to privatize family housing. For a couple of years, it looked like a great idea, but I think it is time we look again at our housing obligations and how they are being met.

We need to look at what we can do to be sure that the spouses of those serving have an opportunity, when they are transferred to a new location, to be able to get to work as quickly as possible in the field they are prepared to work in. In Missouri, in January of this year, the first spouse of someone who had been transferred to our State was sworn in immediately to the bar so she could immediately begin practicing law. Like any attorney, there are probably some future legal training requirements during the course of the following months. But to be able to go to work—whether as a medical technician or a doctor or a lawyer or an electrician or a welder—should be a priority of the country.

I asked Secretary of the Air Force Heather Wilson, when she testified before the committee: What is the best thing we can do for military families? I sponsored some legislation a few years ago so that military families can move earlier or stay longer for a job, for work, or for school. That makes a

difference to their families. If you need to go 2 months earlier than your serving spouse to get started in the school year at the right time or if you need to stay 2 months later or need up to 6 months of transition time, that is available now. Of course, that is beginning to have an impact on people's decision to stay in the military, if their family is considered as a priority and flexibility is part of that priority.

I asked Secretary Wilson for two things that we still need improvement on. One was to be sure to have the best schools possible near those military bases, and two was to be sure that spouses can go to work and that they can go to work, if they want to go to work, in the area they are trained for. So this allows for more effort to be made, to be sure that we are working with the Council of State Governments on a certification program where you could move to a State and quickly be doing that. Reciprocal opportunities for that quick transition is important.

There are changes in this bill that support families with special needs and support how you deal with a childcare provider on a military base, and there are things here to enhance suicide prevention and family advocacy programs. These are all critical, not only for people serving but for people wanting to continue to serve.

As I said before, the military family is one of our Nation's greatest assets, and the serving spouse is not the only one serving. The serving spouse is not the only one transferred to a new military location. The serving spouse is not the only one who has to be happy with the commitment to decide that you are going to go ahead and reenlist, and we need to be aware of that.

This legislation supports military construction projects, including the Army National Guard Readiness Center in Springfield, MO, where I live; the vehicle maintenance facility at Whiteman Air Force Base in our State; and the C-130 flight simulator facility at Rosecrans in St. Joe. They are all included in this authorization project. Projects like these are necessary to ensure that our military is ready to fight and also to support their needs when they are at home.

America's defense posture includes what is known as the nuclear triad. This means that we have three ways we can deliver a nuclear warhead. We hope to never have to have that happen. But if our adversaries have this capacity, our capacity has to exceed theirs, and this bill ensures that that continues to be the case.

The 509th and the 131st Bomb Wings at Whiteman Air Force Base host one of the legs of that triad. Earlier this year, the Air Force announced that Missouri will host the B-2's replacement. The principal B-2 location at Whiteman Air Force Base will host the B-21 Raider as it becomes available to replace that plane that has served the country for so long. I am proud to support what we need to do to make that transition.

There are other aircraft that we need to be sure have a viable part in the country's future. The NDAA bill we are talking about provides an additional 24 F-18 Super Hornets to the Navy and begins the purchase of 8 F-15s for the Air Force. All those planes are made in St. Louis.

The bill also includes critical mission support for the A-10 Warthog, a plane that our colleague Senator MCSALLY is pleased to have flown and flown well. By the way, I had a chance to introduce her the other day, and I almost ran out of firsts. She was the first woman to fly in combat and the first woman to command a combat unit in combat. She has 356 combat hours that she herself flew. She is the first person, of 260 senior military officers, to graduate No. 1 in that advanced training class.

The Missouri National Guard also flies the A-10. I have been with them when they were flying in Eastern Europe. That A-10 capacity continues to be critical.

The NDAA authorizes missile programs between the United States and Israel, where we have actually learned that you can target an incoming missile. Things like the Iron Dome, Arrow 3, David's Sling, have all—fortunately for Israel, fortunately for our military capacity—been proven to work against incoming missiles. These programs help Israel defend itself. They also increase our capability to do what they need to do.

Finally, Senator HAWLEY from Missouri, Senator MANCHIN from West Virginia, and I have proposed an amendment to the NDAA to make May 1 Silver Star Service Banner Day. Along with Senator McCaskill, my colleague who just left, I have been doing this annually for some time. We think this would be a great year to make this a permanent recognition of the Silver Star families.

I would particularly like to recognize Diana Lynn Newton, the cofounder of Silver Star Families of America, who passed away earlier this year. She and her husband Steve were the driving force behind the organization, and they helped thousands of veterans who were otherwise getting very little recognition for their Silver Star service. We are saddened by that loss. Hopefully, one of the things we will do in this bill to recognize her great commitment is to make the Silver Star recognition day an annual event.

There are bipartisan priorities here in this bill that deal with the needs of the military and their families. The pay raise is a significant part of this bill. But being sure that the No. 1 job of the Federal Government—defending the country—continues to be recognized as the No. 1 job makes this unique annual reauthorization of the Defense bill so important. I look forward to seeing this Congress pass this bill this week in the Senate and, hopefully, soon after that, in both the Senate and the House.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Mississippi.

S. 1790

Mr. WICKER. Mr. President, I hope we will vote later on today to advance the NDAA, the National Defense Authorization Act. Members who have been around here a long time realize what a bipartisan tradition this has been for the Senate. Those listening to us should appreciate that and I think take note of basically a half-a-century tradition of passing this national defense bill on a bipartisan—overwhelmingly bipartisan—basis each year. We don't let a year pass. We have been able to successfully do that for approximately half a century. We will see later on today whether that tradition will continue, and I believe it will.

I think we will be able to work something out with the House of Representatives. There are some differences that have emerged over there that we did not have in the Armed Services Committee when we reported overwhelmingly just a few weeks ago.

I am very hopeful that we will continue this tradition. I hope we will do so particularly this year to build on the great progress we have made the last couple of years. I think we should admit on both sides of the aisle that we had perhaps let our national security slip a little in terms of a priority over the last several years. We rectified that a couple of years ago. What we have done not only at the authorization level but also at the appropriations level is send a strong signal to our allies around the world that we are back to emphasizing strength and back to emphasizing protection of Americans and American interests but also a signal to those who would wish us ill.

We know how dangerous the world is now. I think if any of the 100 of us or those within the sound of my voice were asked the question "Is the world safer today than it was 2 years ago when we started on this quest to rebuild our defense?" I think the answer would be no. The world still needs the strength of the United States of America to keep those trade lines open and to maintain the peace to which we have become so accustomed.

We will pass this bill, and then we will have the task—and I want everybody to understand this—we will have the task of getting the bills done to actually pay for what we authorize. That is where, quite frankly, I am worried—with some of the talk I hear around town about perhaps negotiations going on between Democrats and Republicans over here, between House and Senate Members, and even in the executive branch—about just not quite getting to a comprehensive appropriations bill this year.

Perhaps some people say that we can save a little money on the margin simply by having what we call a continuing resolution—what they call, at the Pentagon, a CR—to just fund the

government without directives in the appropriations bill for another year at the same level that we have, both domestically and militarily. We know that of that discretionary budget, 50 percent is national security. Everything else in the Federal Government is called domestic spending, and that is another 50 percent, approximately.

I am here to tell you that if you ask the experts who are charged with defending this great United States of America, they will tell you that a continuing resolution is not only a mistake for the United States of America, it is a disaster for national defense. We need to raise this issue and to point out what the people are saying that we rely on.

The Pentagon has made progress the last couple of years. We have committed to a 355-ship Navy. We are rebuilding the Army, Navy, Air Force, Marines, and the Coast Guard. I can tell you that a continuing resolution, according to the experts—the uniformed people we put in office to make us safe—would reverse this progress. It would stop new programs, it would curtail production ramp-ups, and it would inhibit the flexibility necessary to make good resource allocations.

A weeklong CR would be a mistake. A yearlong CR would be a catastrophe for the defense of the United States of America.

With regard to the Navy and Marine Corps, it would delay heavy maintenance for the *Harry S. Truman* aircraft carrier. It would prevent the new guided missile frigate program from even starting. We have authorized this. We have already spent money getting ready for it. It would prevent the new guided missile program from beginning. It would cut the planned operations and maintenance budget by nearly \$6 billion. It would cut O&M funds that are critical for readiness. It would prevent 18 critical research and development efforts from starting, including large, unmanned surface vessel maritime drones and artificial intelligence development. This would be part of the result of a 1-year continuing resolution. It would prohibit funding for 33 critical military construction projects. A 1-year CR or even a shorter CR would prevent, during its existence, procurement of one Virginia class submarine, one fleet ocean tug, and two landing craft utility vessels to support our marines during this time when the world is more dangerous than it has been in quite a while.

With regard to the Air Force, a 1-year CR would constrain Air Force spending at fiscal year 2019 levels, decreasing buying power by \$11.8 billion. It would halt 88 new investment programs. It would delay awarding 40 MILCON projects across 18 States and limit the planned 4,400 total force end-strength growth. These are things we already voted for, but a 1-year CR would stop them. You can't do the extra 4,400 end-strength personnel we need.

With regard to the Army, it would negatively impact recent readiness gains and hamper modernization.

But don't take my word for it. Every chance I have gotten at committee level, we have asked the people in charge how a CR would affect our ability to defend the United States of America.

Here is what Gen. Joe Dunford, the Chairman of the Joint Chiefs of Staff, said earlier this year. And he wasn't on some soapbox; he was just answering questions from a Member of the U.S. Senate. He said: "[Past CRs have] delayed new starts and it's been incredibly inefficient in how we prioritize and allocate resources."

Former Secretary of Defense Pat Shanahan said: "A Continuing Resolution would hamstring the Department . . . we cannot start new initiatives . . . our funding would be in the wrong accounts . . . and we would lose buying power."

Is that what we want, rather than do our jobs, rather than do hard negotiations between Democrats and Republicans and the administration and agree on a figure for domestic and national security that we don't love but that gets us where we need to be in terms of defending the country?

Gen. David Goldfein, the top Air Force four star in the land, said: "[A] CR would have a significantly negative impact." Is that what we want to have for the Air Force, a significantly negative impact? He said: "[I]t would put our end strength growth at risk because we would not be able to bring on the additional Airmen we need."

GEN James McConville, Vice Chief of Staff of the Army, said: "A continuing resolution would be devastating to the United States Army."

This is not a politician; this is somebody who has given his career—given his professional adult life to being an officer in the U.S. Army. He said that a continuing resolution "would be devastating to the United States Army."

Surely the elected representatives in the House and Senate can heed the words of these patriots and come to an agreement.

According to Lt. Gen. David Berger, Deputy Commandant of the Marine Corps for Combat Development, "Procurements are going to be delayed. New starts you cannot do." These are new starts that we voted for and are expecting that the Department wants to do. If we pass a CR, they will not be able to do a new start.

The worst part about it for us is the unpredictability.

Jim Geurts, Assistant Secretary of the Navy for Research, said: "Budget uncertainty associated with the continuing resolution adds instability, inefficiency, delays contracting, and delays fielding of critical capabilities."

We need to stifle any talk either in this building or the Pentagon or down the street at the other end of Pennsylvania about a 1-year continuing resolution as being beneficial to the United

States of America. It would have an impact on every single State that does military manufacturing.

Those are just a few of the answers that have been given to us by the professionals we put in charge. Let's give our team what they need. Let's pass this bill this week, send it to the House, negotiate the differences that we have at the NDAA level, and patriotically do what we have done now for 58 straight years, but then, when we get back from this Independence Day break with our patriotic citizens and our families, let's get serious about arriving at a compromise number that gets us where we need to be in terms of continuing to make sure we have the resources to protect the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

BORDER SECURITY

Mr. CARDIN. Mr. President, this administration is in crisis when it comes to border security. John Sanders, the acting head of U.S. Customs and Border Protection, resigned yesterday as a result of the growing scandal and mistreatment of migrants, including children.

According to the Associated Press and NBC News reports, almost 300 migrant children have been removed from a Border Patrol facility in Texas after media reports of lawyers describing "appalling" and potentially dangerous conditions, DHS officials told NBC News. Lawyers who recently visited two Texas facilities holding migrant children described seeing young children and teenagers not being able to take showers for days or even weeks, inadequate food, flu outbreaks, and prolonged periods of detention. The facility in question has a capacity of about 100 people. Yet 300 migrant children were there.

The children who were removed were being held at a border station in Clint, TX. Some were wearing dirty clothes covered with mucous and even urine, said one advocacy organization. Teenage mothers wore clothing stained with breast milk. None of the children had access to soap or toothpaste, according to officials at the Immigrants' Rights Clinic at Columbia Law School. Some migrants were sleeping on concrete benches or even outside at Border Patrol stations. This happened in the United States of America, not some Third World nation.

One lawyer representing the immigrant children said:

Almost every child I spoke with had not showered or bathed since they crossed the border—some of them more than three weeks ago. There is a stench that emanates from some of the children because they haven't had the opportunity to put on clean clothes or to take a shower. . . . I have never seen conditions as appalling as what we witnessed last week. The children are hungry, dirty and sick and being detained for long periods of time. . . . Children who are young themselves are being told by guards they must take care of even younger children. . . .

They don't know where their loved ones are who they crossed the border with.

According to news reports, the children have now been taken to a detention camp also in El Paso, TX, where they will remain under the custody of Border Patrol until they can be placed with the Department of Health and Human Services.

This is outrageous and unacceptable in the United States of America or in any other country. We can and we must do better. What is occurring in Texas may very well be a violation of our laws.

Federal law generally requires unaccompanied or separated migrant children be transferred to HHS within 72 hours, but according to news reports, some children at the Clint facility had been in Border Patrol custody for weeks. That is in violation of Federal law. Now news reports are saying these conditions have been replicated in other border facilities, such as the Central Processing Center in McAllen, TX.

Federal law also requires that children and families be held in "safe and sanitary" facilities under the Flores settlement. The public should be shocked that administration lawyers seem to argue that these horrific conditions do not violate the Flores agreement or Federal law. One government attorney recently argued that specific amenities, such as soap, toothbrushes, and even half a night's sleep, should not be required under the terms of the original settlement. The argument drew criticism from the panel of judges at the Ninth Circuit U.S. Court of Appeals.

One panel judge replied during the argument:

To me it's more like it's within everybody's common understanding: If you don't have a toothbrush, if you don't have soap, if you don't have a blanket, it's not safe and sanitary. Wouldn't everybody agree to that? Would you agree to that?

I certainly hope every Senator agrees with that, and I hope every American does as well.

We have received conflicting media reports about children being moved back and forth between different facilities that can only be described as filthy and not fit for human habitation, particularly for children. This is not what America should stand for.

President Trump's erratic actions on immigration and border security have directly contributed to the crisis. Recall that President Trump had literally shut down the entire U.S. Government in the failed effort to fund an ineffective border wall. He has threatened to close down borders entirely. He has cut off security assistance to the very Central American countries that are trying to address the root causes of migration, which is contributing to the migrant crisis at our southern border.

This is an administration that instituted a policy of separating children from their parents at the border. This is an administration that proposed a Muslim travel ban. This is an adminis-

tration that is deliberately stoking fear by now threatening to tear apart families in the United States with longstanding ties to the community.

Instead, President Trump should work with Democrats and Republicans on comprehensive immigration reform. He could start by supporting legislation I cosponsored entitled the Central America Reform and Enforcement Act. This legislation would address many of the root causes of migration and alleviate, not exacerbate, the suffering at our southern border. This legislation would provide conditional security assistance to Central American countries to combat the scourge of drug cartels, violent gangs, and lawlessness that has pushed migrants to journey north. It would enhance monitoring of unaccompanied children after they are processed at the border and would ensure fair, orderly, and efficient processing of those who reach our border seeking protection.

I am pleased that at 2 o'clock today we will have the opportunity to act.

Last week, the Senate Appropriations Committee approved \$4.6 billion in emergency relief on an overwhelmingly, bipartisan vote—30 to 1.

I am pleased that this legislation will help better protect vulnerable children in the custody of the Department of Health and Human Services. The bill seeks to improve inhumane conditions for migrants in the custody of the Department of Homeland Security. The legislation improves due process protection for migrants.

The largest portion of this funding measure, \$2.88 billion, goes to the HHS Office of Refugee Resettlement, which is in charge of housing unaccompanied children who are the most vulnerable group of migrants. This office has advised Congress that it will run out of funds in July and has already stopped making payments for education, legal, and refugee support services.

The appropriations measure provides additional funds to assure the safety and well-being of these children through social services and case management to place children in appropriate homes, ideally with family members who are already here in the United States.

The bill requires ORR facilities that house children to comply with State-based licensure requirements, including minimum standards of humane care, oversight and transparency, with an exception made for influx facilities in emergencies.

The bill provides \$1.3 billion to address increasingly inhumane conditions for migrants apprehended and detained at DHS facilities. The DHS inspector general found dangerous overcrowding at these facilities, leading to sickness and even death in custody. The measure provides additional funds for migrant food, clothing, medical, and baby supplies, as well as funding to non-profits and local jurisdictions providing critical social services and shelter to migrants ultimately released from DHS custody.

The legislation improves due process for migrants and reduces the court backlog by nearly doubling the Legal Orientation Program, which will significantly expand the number of migrants who have access to their services. The bill provides additional funds to hire more immigration judge teams to reduce backlog of pending immigration cases.

Now let me point out what this legislation does not permit in terms of reining in some of the worst excesses of President Trump's disastrous immigration policies. The legislation prohibits funding from going to the President's border wall or new detention beds and prohibits DHS from transferring funds for any other purpose. It prohibits information obtained from potential sponsors of unaccompanied children from being used in immigration enforcement actions.

I am pleased that last night the House of Representatives passed their version of the emergency supplemental appropriations bill by a vote of 230 to 195. The Senate will have an opportunity to vote on this legislation at 2 o'clock, and I will support it. The House legislation goes even further than the Senate legislation in enhancing protection for migrant children in government custody.

I urge the Senate to pass the emergency supplemental appropriations legislation later today, which provides desperately needed assistance to the most vulnerable migrants, the children. Let us take steps to end this humanitarian crisis on our own soil.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

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

HEALTHCARE

Mr. MURPHY. Mr. President, on July 9, the Trump administration will be in court defending the Texas v. United States lawsuit. Let me rephrase that. They will not be defending the lawsuit. They will be arguing on the side of the plaintiff in that lawsuit.

This is a virtually unprecedented move. Administrations traditionally defend the statutes of the United States, no matter what they feel about the politics of the underlying statute. But the Trump administration has made the decision to join with 22 Republican attorneys general to argue that the entirety of the Affordable Care Act should be dismantled, with nothing to replace it.

There are those of us who believe that it would not be wise policy to kick 20 million people off of insurance and get rid of all of the insurance protections in the Affordable Care Act, with no idea as to what comes next. We have begged our Republican colleagues to join us in telling the Trump administration—demanding that the Trump

administration argue against the attorneys general in this case.

I have listened to my Republican friends, and I have listened to the President himself over and over again say that they don't like the Affordable Care Act. They want to replace it with something else, something that insures more people, and something that continues to protect people with pre-existing conditions. If that is your position, it stands to reason that you would oppose a lawsuit that seeks to invalidate the entirety of the Affordable Care Act with nothing to replace it.

The bewitching hour is upon us. The oral arguments are the week after next. This lawsuit was successful at the district court level, so there is no reason not to believe there is a substantial possibility that it could be successful at the appellate court level as well.

I wanted to come to the floor, as we head into this week while we will be back in our districts, just to make sure that everybody understands what the stakes are on July 9 when the Trump administration will argue in court to get rid of insurance for 20 to 30 million Americans and what the stakes are for this Senate—in particular, Senate Republicans refusing to stand up to the President in his perpetuation of this lawsuit.

If the Affordable Care Act is struck down, there are 130 million Americans with preexisting conditions who could see insurance rates increase by up to 50 to 60 percent. Others will have their insurance withdrawn when they go through open enrollment next because no insurer will cover someone with serious, very expensive preexisting conditions. That was the way things worked before the Affordable Care Act was passed.

Gone is Medicaid expansion, which today covers 17 million people across the country—and I have been happy to see more and more States with Republican Governors or Republican State legislators adopt the Medicaid expansions and become a source of bipartisan agreement that more people should have access to Medicaid—but those 17 million people will lose their coverage.

There are 12 million seniors who will immediately pay more for prescription drugs because the Affordable Care Act gets rid of, over time, essentially the entirety of the Medicare part D doughnut hole.

There are 2.3 million adult children who are on their parents' insurance until they become 26, who would potentially lose access to that insurance. The Affordable Care Act requires insurance companies to cover those kids. Many insurers, without that requirement, would no longer cover those children.

Then many of the other protections in the marketplace, like bans on lifetime caps or annual caps, can be lost. Insurers would once again be back in the practice of saying to a very sick

child, a patient with cancer: You only get x amount of insurance coverage from us, and once you go beyond that number, then it is on your dime.

Again, remember, before the Affordable Care Act was passed, there were 1.5 million families every single year in this country who declared bankruptcy. Today, there are half as many families who declare bankruptcy in this country. It is not coincidence that studies have shown us that of those 1.5 million, half of them were declaring bankruptcy because of medical costs. When you don't go bankrupt any longer because of medical costs because you have access to affordable insurance and your insurance company can't kick you off because you get sick, you don't face the kind of destitution that families faced before.

So I think it does make sense to run through the lineup of who has weighed in in favor of this court case to invalidate the entirety of the Affordable Care Act and knock 20 to 30 million people off of insurance to jack up rates for millions more and who has weighed in against it.

Well, the President wants this lawsuit to succeed. Attorneys general want this lawsuit to succeed. And by the silence of my Republican colleagues, you would infer that many Republicans may want this lawsuit to succeed.

But here is who hates this lawsuit. I am not going to run through the whole list here, but this is essentially anybody who knows anything about healthcare. This is essentially every organization that represents people who have serious diseases, every association that represents doctors, and every association that represents hospitals. You don't really find all of those groups aligned on much at all because when you are moving around pieces in the healthcare system, often you will do something that benefits patients that insurers will not like or you benefit something at hospitals that single-practice offices will not like. This is pretty much everybody who says: If you kick 20 million people off insurance like that and you have no plan to replace it, that is a humanitarian catastrophe.

Here is what the AARP says in their filing opposing this lawsuit:

If this Court finds that the ACA is invalid, millions of older adults will lose the healthcare coverage and consumer protections they have relied on for years. They will also throw the Medicare and Medicaid programs into fiscal and administrative chaos, which will disrupt the nation's healthcare system and economy. It will plunge the more than 100 million people with preexisting conditions into an abyss of uncertainty about whether they can obtain coverage.

That is the AARP.

Here is what the American Medical Association says: "The decision below, if affirmed, would have devastating effects on the quality, cost, and availability of such care."

Families USA says: "Among those whose coverage rates increased due to

Medicaid expansion are young adults, people with HIV, veterans, rural residents, and racial and ethnic minorities."

For many of our most vulnerable citizens who are covered by Medicaid, eliminating the expansion would leave them without healthcare.

I mentioned the insurance companies are against this lawsuit. They say this: "Invalidation of the ACA—irrespective of the continued operation of the so-called individual mandate—would wreak havoc on the healthcare system."

Finally, Americans with disabilities say:

The result is a cruel irony: the population that needs healthcare the most has the hardest time obtaining it. For the last nine years, the ACA has helped change that. Stripping away its protections now will reverse the positive gains that people with disabilities have realized and will return this community to the same grim reality as before the ACA, if not place people with disabilities in an even worse position.

So let's not forget where we were before the Affordable Care Act was passed. I am not saying that it is perfect. I am not saying that we shouldn't work together to try to improve it. We just finished a debate in the Health Committee in which we passed a whole bunch of reforms to our healthcare system that Republicans and Democrats agree on.

But the American Cancer Society, in their filing, reminds the court: "A 2009 Harvard Medical School study found approximately 45,000 deaths annually could be attributed to lack of health insurance among working-age Americans."

The Heart Association said this: "Even during a heart attack, uninsured patients were more likely to delay seeking medical care because of the financial implications."

I could go on and on, reading from these filings or reading from the testimony that all of these groups have submitted. Again, that is not to say that these groups don't want changes in our healthcare system. Nobody on this list, as far as I know, is arguing for the status quo, just as no one in this body is arguing for the status quo. But to rip away Medicaid expansion, to rip out from the roots of the healthcare system the exchanges and the tax credits, to get rid of all of the insurance protections, to reverse the gains we have made on lowering prescription drug costs for seniors—to do all of that with nothing to replace it is to invite misery, destitution, and chaos.

Let's just be honest. We are not ready to ride to the rescue. I offered an amendment in the Health Committee today just asking for the Department of Health and Human Services to provide us with a report about what the landscape would look like in the healthcare system if Texas v. United States were successful. I didn't get a single Republican vote for that one. All I was asking was that we just get a report on how bad it is going to be so

that we can start doing a little bit of advance planning, and not a single Republican was willing to vote for that in committee today.

So we are deliberately boxing our eyes and ears about what the effects on our constituents could be if this lawsuit is successful. We are not in a position to ride to the rescue. There is no chance that this Congress is going to pass a new healthcare reform proposal that will restore healthcare to everybody who lost it. That is not happening, and I know that is not a surprise to anyone here.

You also shouldn't delude yourself into thinking this lawsuit will not be successful. There are lots of very smart legal scholars who suggest that this argument that the plaintiffs are making, which the Trump administration has endorsed, is nonsense. I tend to agree with them. The argument is that because you got rid of one section of the Affordable Care Act, then the court needs to invalidate the rest.

Well, Congress made its intent pretty clear. Republicans decided to get rid of the individual mandate for the penalty that is assessed if you don't have insurance and deliberately did not choose to get rid of the rest of it. I think that is not a smart decision, but the intent of Congress is pretty clear.

It is my belief that this argument doesn't hold water, and that is the belief of many smart legal scholars, but the district court ruled in favor of the plaintiffs. So you already have a Federal judge who invalidated the entire Affordable Care Act.

Since then, the Trump administration has upped the ante. The district court finding in favor of the plaintiffs, which invalidates the entire Affordable Care Act, didn't convince the President to say: Let's pull back the reins a little bit here. Let's maybe change our position. This feels too real. Let's hedge our bets. No; after the district court ruled in favor of the plaintiffs, the administration changed their position to go all in on the plaintiffs' side. Their initial lawsuit only backed up some of the plaintiffs' claims.

So the district court ruled that the Affordable Care Act has to disappear overnight. The Trump administration has changed their position to weigh in and to support the entirety of the lawsuit, and we are not having a serious conversation about what happens if the fate that all of these groups are deeply fearful of comes to pass.

Finally, this is not about numbers. This isn't about statistics. This is about real people. Michael from New Fairfield, CT, says:

This is . . . personal to me, the ACA literally saved my life in 2016. I have pre-existing, recurrent skull base disease for most of my adult life. I underwent an 11-hour skull base neurosurgery to remove a benign tumor that involved my brain arteries, nasal passages, jaw and a total reconstruction of my middle and outer ear canals. My surgeon said I was a month away from a much more debilitating surgical outcome. As it is, my recovery and rehabilitation period has been a

full two years with resulting partial physical impairment.

My spouse and I both run our own businesses and the ACA is still our family's only option for healthcare. Without the operations and the ACA coverage, the disease would have continued to progress—I would have eventually died and my family would have had to sell the house and/or go bankrupt to manage the medical expenses.

David from Southport said:

In July of 2011 I was diagnosed with Colon Cancer. At the time, I was covered under an individual policy with Blue Cross Blue Shield. It was a very comprehensive policy and, after my deductible was satisfied, it covered all my doctor and hospital expenses, surgeries, chemotherapy, medications, etc.

However, a couple of years later I was advised that due to my preexisting condition I would not be able to renew my policy. . . .

At that time I enrolled in [the Affordable Care Act] Access Health CT and without this policy . . . [through Access Health CT] I would not be able to be insured and would face prohibitive costs for even basic care.

David's story can be told thousands of times over: a diagnosis followed by denial of coverage from an insurance company because of a preexisting condition.

There is no free market response when it comes to very sick people who want insurance. The free market tells the insurance company: Do not insure somebody who is going to cost you a lot of money. The free market would tell the insurance company to keep that person on the outside of insurance. So there has to be a public sector response. We provided that response with the Affordable Care Act and now, in a matter of weeks or months, it could all be gone.

So I come down to the floor this afternoon to once again engage my colleagues and ask them to work together. Let's try to find a common ground here, at least behind the premise that you shouldn't rip out the foundation of the modern healthcare system without a plan for what comes next.

I assume we will continue to offer unanimous consent requests to try to withhold funding for the Trump administration's perpetuation of this lawsuit. I would hope we can get Republican support for that motion, not because Republicans support the Affordable Care Act—I get it; I am not going to get Republicans to support the Affordable Care Act—but because my Republican friends need to make good on what they have said for years; that they want the Affordable Care Act to go, but they really want something else to replace it that will insure the same number of people and protect folks who are sick. That cannot happen if this lawsuit succeeds.

As we head back to our districts for this recess period, I wanted to make sure everybody knows how many groups that know something or anything about healthcare are standing against *Texas v. The United States*.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I am here to address the specific topic about energy laws, but hearing my friend and colleague from Connecticut talk about the healthcare law, I would just point out that as 20 Democratic candidates for President assemble tonight and tomorrow night in Miami, they are going to be there calling for a repeal and replacement of the Obama healthcare law.

The leading candidate, the Senator from Vermont, is going to say, under this healthcare law that we have now in this country, this healthcare system is the most bureaucratic, inefficient system in the world, and he is going to propose a one-size-fits-all healthcare system that repeals and replaces the ObamaCare healthcare law with a system where people will pay more to wait longer for worse care. As a result, 180 million people who get their insurance through their jobs will lose their insurance. Also, as a result, the 20 million Americans who are on Medicare Advantage will lose that coverage as well.

ENERGY POLICY

Mr. President, I come to the floor today to discuss my continued efforts to modernize our Nation's energy laws.

Since my arrival in 2007 in the Senate, I have worked in the Senate on pro-growth energy policies. My goal has always been to protect workers, to promote American energy, and to provide for innovation.

The Presiding Officer is from an energy State. He knows that today the United States is the world's top energy producer. We are the global leaders in oil as well as natural gas. Still, the energy sector is evolving at a fast clip. We need to stay ahead of the curve to stay on top, so our laws should reflect this changing reality.

The key, of course, is innovation. That is why I am constantly talking with folks in the industry, people back home in Wyoming, and taking the pulse. I listen to the workers in coal mines and oilfields of Campbell County, to the researchers at the labs at the University of Wyoming. What we discuss are best practices and issues such as: How can we streamline energy permitting? How can we speed research? How can we ensure safety and protect the environment?

My point is, we need to know the situation on the ground. I know the Presiding Officer hears that in North Dakota on a regular basis. That is how we need to make sure energy laws make sense—knowing what is happening on the ground.

I proposed practical reforms that reflect that reality. I recently offered legislation to modernize the Federal electricity law. It is called the UPDATE PURPA Act. PURPA refers to the 1978 Public Utility Regulatory Policy Act. Senators Risch, Cramer, and Daines are original cosponsors of this UPDATE PURPA law. Principally, we want to protect families from inflated electric bills.

People in Wyoming and North Dakota and other States are overpaying.

That is because PURPA requires State utilities to purchase renewable power and then pay above-market rates to do it. They have to buy it even when their customers do not need it, and that is the problem.

Forty years after that law was passed in 1978—fast forward, here we are 41 years later, and clearly it has outlived its purpose. The law's original intent was to diversify power sources, and it certainly succeeded. Wind and solar power now provide about 9 percent of the electricity in this country—9 percent wind and solar.

The fact is, renewable power technology has improved rapidly so we no longer need to micromanage these purchases. Consumers should not continue to overpay for electricity due to outdated rules, regulations, and laws. UPDATE PURPA would solve this problem. It protects utility customers from added costs; it frees State utilities from unnecessary mandates to buy power; and it helps develop all energy sources, including renewable energy.

I am also working to pass a bill called the USE IT Act. It stands for Utilizing Significant Emissions with Innovative Technologies. This bipartisan bill would help researchers find uses for captured carbon dioxide emissions.

The research is already happening in Wyoming. It is taking place outside Gillette in the Integrated Test Center. The USE IT Act will further this effort. It will apply our Nation's brightest minds to take carbon from the air, to capture it from the air, to trap it, and to transform it into valuable products.

Captured carbon can be used to extract oil from wells that otherwise would not be profitable. It can also be used to make building materials and carbon fiber. It can be used for medical purposes.

In addition, I am working to promote nuclear energy. Nuclear power is safe, reliable, and carbon-free. Today it provides 60 percent of America's carbon-free electricity. It is by far our largest carbon-free source, and it is doubling the wind and solar in terms of the total that we get from wind and solar. We have already made progress on advanced nuclear technology because earlier this year we passed a bipartisan nuclear bill called the Nuclear Energy Innovation and Modernization Act, and that became law—signed into law.

This bill, now law, will ensure that we remain a leader in nuclear innovation. It will simplify the process for licensing and developing advanced reactors. This progress will help increase our use of carbon-free energy. We need all the energy. We need the renewable energy. We need the nuclear energy. We need the oil, gas, and coal. We need all of it, and we must address our nuclear waste problem.

That is why I fought to complete the licensing of the storage facility at Yucca Mountain. I recently chaired a committee hearing on this draft proposal.

As I wrote in the Wall Street Journal, "The lack of progress on Yucca Mountain has become a roadblock for nuclear power in America."

Both parties want Americans to use more carbon-free energy, so both parties should embrace sensible, scientific solutions.

Another energy issue I am addressing is reform in the process that we use to get permits to get permission to explore for energy, to use our resources. Earlier this year, I introduced a bill called the ONSHORE Act. It stands for Opportunities for the Nation and States to Harness Onshore Resources for Energy.

We have a very talented staff that comes up with these creative names. It is onshore energy—Opportunities for Nations and States to Harness Resources for Energy. The ONSHORE Act will simplify the Federal onshore oil and gas permitting process. So whether we are talking about oil and gas permitting or utilities or carbon capture or nuclear power, we must engineer our way to American energy solutions.

Commonsense reforms will help the United States stay on top and stay safe at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, last week, Democrats and Republicans on the Senate Appropriations Committee came together and we approved by a vote of 30 to 1 an emergency supplemental to address the most urgent humanitarian needs at our southern border. Some would say that the way the Senate has been led lately, you couldn't get a 30-to-1 vote to say the Sun rises in the east.

The bill reflects weeks of good-faith negotiations between Republicans and Democrats to forge a bipartisan agreement to mitigate what has been an escalating humanitarian crisis—one where infants and toddlers are sleeping on cold cement floors in wire cages and under bridges. Inaction is simply not an option for those who care about alleviating the suffering of desperate children and families seeking refuge in the United States.

Action in the Senate requires compromise. That is the reality in a body where 60 votes are required to move a bill forward. No one, Republican or Democrat, is going to get everything they want—including me, and I am the vice chairman of the Appropriations Committee—but that is the nature of compromise. One thing I am not willing to compromise on is our American values, and this bill reflects that.

The Senate supplemental protects unaccompanied children, some of our most vulnerable migrants, by securing funds for their safety and their well-being in HHS custody. It includes \$109 million to ensure the safety and well-being of those children through post-release wraparound services, legal services, and case management to get children out of cages and put them in lov-

ing homes. It puts restrictions on the use of influx facilities. It establishes standards of care to ensure that children are kept in safe, sanitary facilities where they are properly cared for—not cages.

Our bill will mitigate inhumane conditions faced by migrant families in DHS custody by providing funds to improve conditions in grossly overcrowded facilities and buy food, clothing, and medical services for the people in our care. It provides money to ensure that we have diapers, formula, baby wipes, and other essential supplies for infants and toddlers.

Like the rest of the country, I read in horror the reports from a border facility in Clint, TX, where the children were unbathed, where sickness was spreading, and where infants were being cared for by other young children in custody barely old enough to care for themselves. No child, no matter where they are from, deserves to live in such conditions.

Our bill improves due process for migrants by expanding access to legal services and our immigration courts. It provides grants to nonprofit organizations and local jurisdictions that provide critical services in shelters to migrants released from DHS custody. Bolstering border security and treating migrants with humanity are not mutually exclusive goals. Indeed, accomplishing both together is the American way. We are America. We can do two things at once.

Apparently, President Trump never got the memo about our American values. Since the day he took office, he has demonized and vilified immigrants, asylum seekers, and refugees at every opportunity. Through false and inflammatory tweets and cruel policies, he has worked to instill widespread fear among immigrant communities, targeting asylum seekers as if they were hardened violent criminals.

In just this past week, he threatened widespread arrests of thousands of immigrant families, seemingly without concern for the many families that would be torn apart and the separated children who happen to be American citizens who would be left behind. Now he has backed away from that threat temporarily, but he has promised to revisit it.

Just last week, the Trump administration went to Federal court to argue that it should not be required to give detained migrant children toothbrushes and toothpaste, soap, towels, showers, or proper sleeping conditions when in U.S. custody—that such amenities are not part of the definition of "safe and sanitary" conditions.

What would we say if another country were holding Americans like that?

It has become painfully obvious: President Trump views immigrant families, asylum seekers, and refugees not as human beings but as political ammunition intended solely to rile his base. When asked about the horrendous conditions at DHS and ORR facilities

and the separation of families, he said it is not true and he repeated his threat of mass deportations—even though many of us here in the Congress in both parties have seen it. He is either willfully ignorant about what has been widely documented or he has no qualms about lying about it.

Not a single one of the President's anti-immigrant, fearmongering tactics would address the very real humanitarian crisis overwhelming our southern border. This is exactly why the bipartisan Senate supplemental does not provide a single dollar for President Trump's request for hundreds of millions in additional dollars for the incarceration of immigrants in ICE facilities.

It is why we did not provide any of his requested funds to pursue misguided policies like "Remain in Mexico," which law enforcement officials have stated actually encourages, not discourages, illegal crossings. It is why, in a bipartisan way, we included a strict prohibition on the transfer of supplemental funds for any purposes other than addressing the humanitarian crisis at the border. And finally, it is why we refused to include any of the deeply harmful, unprecedented changes to our immigration and asylum laws that the President has advocated for.

I am under no illusion that this supplemental bill will address all of the problems with our immigration system—far from it. It is a temporary solution to address some of the most urgent issues. We need to have a broader debate about comprehensively addressing those problems, just as we did years ago.

Years ago, a bipartisan group of Senators put forward a thoughtful, bipartisan immigration bill. As chairman of the Senate Judiciary Committee, I held three hearings on the bill. We had five days of markups. We considered 212 amendments, 141 of which were adopted, including nearly 50 from Republicans. And then 68 Senators supported the legislation on the floor.

Unfortunately, the Republican Speaker of the House would not bring up the bill, even though it would have passed overwhelmingly, because he thought it might violate the Dennis Hastert rule. I think, if we were to have that same process here again today, I would bet we would also have 68 Senators—Republicans and Democrats—vote for it.

Yet this is a conversation and a debate we will have to have on another day. I will be happy to work with those Republican and Democratic Senators who worked together to get an immigration bill before, but we are not going to do it in the context of an emergency supplemental, which is meant to address the most urgent humanitarian needs at the border. It is why Senator SHELBY and I and others—Republicans and Democrats—have worked for weeks, quietly behind the scenes, in order to put this together

and get our 31 votes. It is because we know we have to first act to provide safe, humane care for the migrant children and families who seek mercy and safety.

It was yesterday that the House passed its own version of an emergency supplemental for the southern border. It is also a very good bill, and it goes further in offering protections to immigrants in our care than we are able to do in this Chamber, because there have been objections from the Republican side of the aisle. It provides important additional protections for children who are under the care of the Office of Refugee Resettlement and for those being held at CBP processing facilities, and I support that. We should be taking care of the children in our custody as if they were our own. Taking care of children is not a partisan issue. We should all agree on that.

I am also pleased that the House bill includes a provision to protect the funding that Republicans and Democrats have already appropriated to address the causes of migration in Central America. I am upset the President has threatened to take that money and reprogram it elsewhere.

We were not able to reach agreement on that issue in the Senate, but in a few moments, we will have an opportunity to vote on the House bill. I hope Members on both sides of the aisle will be able to support it.

Neither the House nor the Senate bill has any funding for additional ICE detention beds. This is no mistake. The President's predisposition to turn to mass detention above all else is cruel, irresponsible, and also a horrible waste of taxpayers' money. There are alternatives to detention that exist that are safe and less expensive.

The administration needs to use the resources it has for ICE detention services to house those people who truly present a danger to our communities and not lock up every man, woman, and child simply for being here. Lock up those who really do present a danger. Most 5-year-old children do not. It makes no sense to lump them all in together. We carefully negotiated ICE's bed levels in the fiscal year 2019 Homeland Security Appropriations bill just a few months ago, which was passed by both Republicans and Democrats, and there is no reason to revisit it now.

We have heard that the administration plans to set up a request to fund more ICE detention beds through reprogramming the money that we need. I urge my Republican colleagues to join me in opposing any such request. The administration should not do administratively what both Republicans and Democrats have rejected.

Unfortunately, this is a pattern with this administration. It just wants to ignore bipartisan majorities in the House and Senate. It ignores the will of Congress. It uses loopholes and ignores traditional norms in the appropriations process. It uses suspect readings of the law to accomplish its agenda. When

Congress rejected the administration's request, it acted as though it was above the law, above the Constitution. Nobody is above the law in this country. None of us in the Senate are, and neither is the President of the United States.

Let's not forget the President's declaration of a national emergency to fund his wall when Congress debated it and refused to provide him the money he had requested. We have to stand up for ourselves as an institution. I urge my colleagues on the other side of the aisle to join me—not as Democrats or Republicans but as U.S. Senators—in saying no to this President when he blatantly ignores the will of the Congress.

I thank Chairman SHELBY for working with me on this bipartisan humanitarian assistance bill.

We need to work quickly to resolve the differences between the House and the Senate bills so we can get a bill to the President's desk. I hope President Trump will have the good sense to sign the supplemental bill into law. Then let's turn to the much needed debate on comprehensive immigration reform. We showed we could do it when I was the chairman of the Judiciary. We showed we could get a 2-to-1 vote in this body. Let's do it again.

Of course, I urge Members to oppose the Paul amendment.

Four months ago, Republicans and Democrats came together and appropriated funds in the State and Foreign Operations Act that would help counter terrorism and human trafficking, promote democracy, combat poverty, provide humanitarian aid, and support global health programs. A bipartisan majority of Congress supported this funding and the President signed it into law. The Paul amendment proposes to rescind \$4.6 billion, clawing back programs with a wide range of consequences.

Counterterrorism programs would be cut. These funds support programs that target vulnerable youth to prevent radicalization. These programs provide governments with the tools to counter the influence of violent extremist organizations, including by countering terrorism financing.

Programs to combat human trafficking would be cut by the Paul amendment. These programs support nongovernmental organizations that promote stronger government policies and programs to combat human slavery and trafficking. They help hold perpetrators accountable and support governments that are combatting human trafficking, and they help to protect victims of trafficking.

Programs that strengthen civil society, independent media, and promote democracy in Venezuela, Iran, Cuba, Hungary, Egypt, and many other countries would be cut. These funds support efforts to hold governments accountable for repression, promote freedom of expression and religious freedom, and provide services to victims of persecution.

The Paul amendment would claw back humanitarian aid. There are more people forcibly displaced in the world today than at any time since World War II. It is a global humanitarian crisis that is contributing to instability and insecurity, including in our own hemisphere. The amendment would rescind funding for U.S. refugee aid and aid to victims of famine, earthquakes, and other natural disasters.

And funding for PEPFAR, programs to combat malaria and TB, and other global health programs would be cut by the Paul Amendment. This includes programs to respond to deadly pandemics like Ebola.

There are countless other examples, since the Paul amendment uses a meat cleaver approach to demolish most of our international development and humanitarian programs that reduce poverty, respond to crises, build free markets, and strengthen democratic institutions.

Why are there unobligated balances in these programs? These funds were appropriated only 4 months ago and are available for obligation through the next fiscal year for multiyear projects. That is how foreign assistance works.

In the last two foreign aid appropriations laws, Senator GRAHAM and I included targeted rescissions of funds that could no longer be spent effectively, or that were about to expire. That is the responsible approach, and one that preserves the integrity of the appropriations process. That is not the approach in this amendment.

I urge members to vote no on this amendment and pass the bipartisan bill reported by the committee 30 to 1 so that we can sit down with the House tonight to work out the differences with the House bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, today we will consider funding to address the humanitarian crisis on the border. The spending bill will be \$4 billion. While there is a humanitarian crisis at the border, we also have in our country a debt crisis. We are adding debt at about \$1 trillion every year. The overall debt is \$22 trillion, and the interest on the debt that we have to pay every year is exploding such that it is crowding out other spending.

While I do agree that there is a humanitarian crisis at the border, we must not ignore the debt crisis that faces our country. We should not borrow the money and pull out the credit card, yet again, every time a crisis occurs. Congress has an obligation to find lower priorities to cut to pay for higher priorities. I thought that is what legislating was about. You are supposed to say that right now we have a crisis at the border. So maybe we are not going to send welfare to foreign countries. Every American family has to make these decisions. Why doesn't Congress? What Congress does is simply add it to the bill your kids and your grandkids will be paying.

I am proposing to actually pay for this by taking the money from a part of the budget that is being wasted and put it into the humanitarian crisis on the border. Should we provide care and shelter to immigrants at the border or should we be paying for clown shows and a traveling circus? Should we provide food for the children that remain at the border or should we pay to support the businesses of deported immigrants?

Listen carefully. When we catch people coming across the border illegally, we send them back to the country and say: Don't worry. We will send you money to help you start a business.

They break our law, and we give them money to start a business back in their home country. If you ask politicians here, the answer is: Fund it all. Just put it on the credit card. We will just keep borrowing. Your kids and grandkids will pay for it.

I mentioned some of these examples that I would cut, but let's hear about some more. Where is your money going? Where is the money coming from so that we could actually pay for this crisis at the border? My amendment rescinds the remainder of this year's funds for the Inter-American Foundation. You may not have heard of this, but last time this bill was authorized was in 1985. For over 24 years, we haven't done anything. We haven't even looked at the program. We just keep feeding it money.

What do they fund in the Inter-American Foundation? Let's see. They spend money to support small businesses of deported immigrants. One time we asked them: Do you at least exclude criminal deportees? They had a blank look on their face, and they didn't have an answer. They aren't excluding people we deport because they have committed a crime in our country from receiving American welfare.

This group spent \$1.2 million helping people in Mexico, Guatemala, and El Salvador to improve their "spending strategies." Does that sound like a good use of money? If we need money at the border, let's quit sending it south of the border to improve the spending habits of those in Mexico, Guatemala, and El Salvador.

These funds also subsidized guinea pig farmers in Peru, a llama fair in Bolivia, and advertisements to buy carbon credits in Mexico. If we have a crisis at the border—both sides of the aisle have now finally woken up to there being a crisis—let's spend it on the crisis and not be supporting a llama fair in Bolivia or a guinea pig farm in Peru.

This same group that I would like to take the money from to spend it on the border spent half a million dollars to "jump start" the Haitian film industry. Does that sound like a national priority to anybody? If we want to treat people in a more humanitarian fashion on the border and we need to spend some money down there, maybe we could not be supporting the Haitian film community.

This group spent \$300,000 to help Brazilians get off Brazilian welfare. That might be better spent talking to Americans about American welfare. Yet we had no business in sending that money to Brazil.

Is any of this a higher priority than what we are doing at the border? I would say not.

Is it more important to pay for the cost of the situation on the border or should we also be sending foreign welfare abroad?

The United States spent \$223 million to fund a highway in Afghanistan. We found out afterward that the security that our government hired to protect the people while they were building the road at \$1 million a year were actually funneling the money to a terrorist group, called the Haqqani network, our sworn enemy. The Haqqani network is known for killing our soldiers, but we were paying those in the Haqqani network for being security guards while we wasted millions of dollars in building a highway in Afghanistan. I would say let's spend that money at home. The road we have now built for the Afghans is in such disrepair after only a few years that they can't afford to maintain it, so we are asking you to cough up a little more money. They need \$22 million to keep the highway in good repair.

We spent \$273 million on a development grant program that didn't actually do anything. It taught foreign people how to fill out grants to get more money from us. It is not enough that they are fleecing you and sending your money to all of these boondoggle projects around the world; we have a program to teach foreigners how to get more welfare from us.

This amendment takes \$4 billion that they want to spend on the border and says: That is fine. Let's do it. Yet let's take it from foreign aid. Let's take it from foreign welfare. Let's take it from llama fairs and guinea pig shows in Peru. It is utterly ridiculous. This program has not been looked at since 1985. If we eliminate the program, we can pay for the money they want to spend at the border.

That is what it would mean to be responsible legislators—to make priorities, decide where to spend the money, and not just simply run up the tab and say: Your kids and grandkids can pay for it.

I recommend a "yea" vote on offsetting the spending for this supplemental spending bill, and I hope Americans will watch to see who votes to offset this by cutting wasteful foreign welfare.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I believe there is no longer any question that the situation along our southern border has become a full-blown humanitarian and security crisis. I think that is a given. Leader MCCONNELL has firmly established that fact right here on the Senate floor, and charges from the

other side of a manufactured crisis have fallen silent. At this juncture, there is little need to recapitulate the case for action.

We know what our professionals on the frontlines need in order to get a handle on the situation. The only question is, Will the Congress come together and act or fall prey to partisanship while the crisis escalates further?

I am pleased to say, last week, the Appropriations Committee charted a course for strong bipartisan action. By a vote of 30 to 1, the committee approved an emergency appropriations bill to address the crisis at the border—30 to 1. Such an overwhelming bipartisan vote would not have been possible without the cooperation of my colleague and good friend, Vice Chairman LEAHY. I thank Senator LEAHY for working with us to find a path forward.

This bipartisan committee product, which it is and which I will soon offer as a substitute amendment to the House bill, provides \$4.59 billion in emergency supplemental appropriations to address the humanitarian and security crisis at the border.

It does not contain everything that Senator LEAHY wanted, and it does not contain everything that I wanted. More importantly, it does not contain any poison pills from either side, which is remarkable. That is why it passed the Appropriations Committee by a vote of 30 to 1, and that is what gives us the best chance today, in the U.S. Senate—without further delay—of passing a bill that is badly needed.

I will take just a few minutes to briefly outline for my colleagues the particulars of the package reported by the Appropriations Committee.

Of the total funding provided, the lion's share—\$2.88 billion—will help the Department of Health and Human Services to provide safe and appropriate shelter and care for children in its custody.

An additional \$1.1 billion is included for Customs and Border Protection to establish migrant care and processing facilities; to provide medical care and consumables; and to pay travel and overtime costs for personnel.

There is \$209 million provided for Immigration and Customs Enforcement to fund the transportation costs and medical care for detainees; to conduct human trafficking operations; and, again, to pay travel and overtime costs for our personnel there.

There is \$30 million for FEMA in order to reimburse States and localities for expenses that they have incurred related to the massive influx of migrants in their communities.

There is \$220 million included for the Department of Justice to help process immigration cases and provide badly needed resources to the U.S. Marshals Service for the care and detention of Federal prisoners.

Finally, \$145 million is provided for the various branches of the U.S. military that have incurred operating expenses in support of multiple missions along the border.

I believe, overall, this is a solid bill. It provides the resources that are needed to address the crisis that we face at the border. As I say again, it contains no poison pills, and it is poised to pass the Senate with strong bipartisan support, unlike the version that came out of the House last night.

So I say to my colleagues in the House, now that there is a bipartisan acknowledgment that the crisis on our southern border is real, do not derail the one bipartisan vehicle with a real chance of becoming law soon.

Those who want to alleviate the suffering—and I think it is most of us—on the southern border will soon have a bipartisan path forward in the Senate bill that we have here.

Those who choose to obstruct over partisan demands will soon have a lot of questions, I think, to answer when the crisis escalates further, and it will.

I believe there is no excuse for leaving town at the end of this week without getting this job done. I hope we will be coming together soon and do our job.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Shall the bill pass?

Mr. GRASSLEY. 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 bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 37, nays 55, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—37

Baldwin	Heinrich	Schumer
Blumenthal	Hirono	Shaheen
Brown	Jones	Sinema
Cantwell	Kaine	Smith
Cardin	King	Stabenow
Carper	Leahy	Tester
Casey	Menendez	Udall
Coons	Murphy	Van Hollen
Cortez Masto	Murray	Warner
Duckworth	Peters	Whitehouse
Durbin	Reed	Wyden
Feinstein	Rosen	
Hassan	Schatz	

NAYS—55

Alexander	Braun	Cornyn
Barrasso	Burr	Cotton
Blackburn	Capito	Cramer
Blunt	Cassidy	Crapo
Boozman	Collins	Cruz

Daines	Lankford	Romney
Enzi	Lee	Rubio
Ernst	Manchin	Sasse
Fischer	Markey	Scott (FL)
Gardner	McConnell	Scott (SC)
Graham	McSally	Shelby
Grassley	Merkley	Sullivan
Hawley	Moran	Thune
Hoeven	Murkowski	Tillis
Hyde-Smith	Paul	Toomey
Inhofe	Perdue	Wicker
Isakson	Portman	Young
Johnson	Risch	
Kennedy	Roberts	

NOT VOTING—8

Bennet	Harris	Sanders
Booker	Klobuchar	Warren
Gillibrand	Rounds	

The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 55.

Under the previous order, the 60-vote threshold having not been achieved, the bill was rejected.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent to address the Senate briefly on leader time.

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

Mr. SCHUMER. Mr. President, the bill that was before us has failed. Most of us on this side of the aisle would have much preferred that bill, but it has failed.

The bill that Senators SHELBY and LEAHY have worked on diligently is now before us. I am going to vote for it. I think most of us on this side are going to vote for it so that we can quickly move to conference.

Speaker PELOSI has called the President and suggested a few changes. I think there are four changes to this bill. We could quickly have a conference, talk about those four changes, try to get them in the bill, and finish this quickly. I hope that is what will happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 901

(Purpose: In the nature of a substitute.)

Mr. SHELBY. Mr. President, I call up my amendment No. 901.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 901.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 902 TO AMENDMENT NO. 901

Mr. PAUL. Mr. President, I call up my amendment No. 902.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 902 to amendment No. 901.

Mr. PAUL. I ask unanimous consent that the reading be dispensed with.

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

The amendment is as follows:

(Purpose: To rescind \$4,586,000,000 from foreign assistance and exchange programs)

At the appropriate place, insert the following:

SEC. ____. Of the unobligated balances for fiscal year 2019, there are hereby rescinded—

(1) all of the amounts for the East-West Center;

(2) all of the amounts for the Inter-American Foundation; and

(3) from the amounts appropriated under title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116-6), an amount equal to the difference between \$4,586,000,000 and the sum of the amounts rescinded under paragraphs (1) and (2).

Mr. PAUL. Mr. President, we are going to spend over \$4 billion today, and I just propose that we pay for it. There is a humanitarian crisis at the border, but there is also a debt crisis.

We spend hundreds of millions, if not billions, on wasteful projects. Let's take it from foreign aid welfare and spend it on our southern border. We spend hundreds of thousands of dollars subsidizing guinea pig farmers in Peru, a llama fair in Bolivia, and advertisements to buy carbon credits in Mexico. There was \$273 million spent trying to teach foreigners how to fill out grant applications to get more welfare from the United States, \$300,000 to help Brazilians get off of Brazilian welfare, and half a million dollars spent jump-starting the Haitian film industry. There are billions of dollars that we can spend on the southern border, but we should take it from somewhere and not add it to the debt of our kids and our grandkids.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO TABLE

Mr. GRAHAM. Mr. President, I am going to move to table this amendment. Being the chairman of the Foreign Operations Subcommittee, this is taking one disaster and creating 100 in its place. This \$4.6 billion will destroy all the humanitarian assistance we have passed to deal with an unprecedented wave of refugees. The global health programs are all impacted severely, including PEPFAR and the child survival and maternal health programs. This money comes out of those accounts. Can you imagine how it is going to be to deal with Ebola after cutting the Global Health Program?

Programs to counter the influence of Russia and China will be zeroed out. Counter-human trafficking programs will be dramatically reduced. Counter-terrorism programs are all affected by this amendment.

You are taking one problem at the border, and if you enact the Paul amendment, you will create 100 in its place.

So I move to table the Paul amendment No. 902.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the remaining votes in the series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll on the motion to table.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 77, nays 15, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—77

Alexander	Graham	Reed
Baldwin	Hassan	Risch
Blumenthal	Hawley	Roberts
Blunt	Heinrich	Romney
Boozman	Hirono	Rosen
Brown	Hoeben	Rubio
Burr	Hyde-Smith	Sasse
Cantwell	Inhofe	Schatz
Capito	Isakson	Schumer
Cardin	Johnson	Scott (FL)
Carper	Jones	Shaheen
Casey	Kaine	Shelby
Cassidy	King	Sinema
Collins	Leahy	Smith
Coons	Manchin	Stabenow
Cornyn	Markey	Sullivan
Cortez Masto	McConnell	Tillis
Cotton	McSally	Tester
Cramer	Menendez	Thune
Crapo	Merkley	Udall
Daines	Moran	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wicker
Fischer	Peters	Wyden
Gardner	Portman	Young

NAYS—15

Barrasso	Ernst	Paul
Blackburn	Grassley	Perdue
Braun	Kennedy	Scott (SC)
Cruz	Lankford	Tillis
Enzi	Lee	Toomey

NOT VOTING—8

Bennet	Harris	Sanders
Booker	Klobuchar	Warren
Gillibrand	Rounds	

The PRESIDING OFFICER. On this vote, the yeas are 77, and the nays are 15.

The motion is agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 901.

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 84, nays 8, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—84

Alexander	Ernst	Peters
Baldwin	Feinstein	Portman
Barrasso	Fischer	Reed
Blackburn	Gardner	Risch
Blumenthal	Graham	Roberts
Blunt	Grassley	Romney
Boozman	Hassan	Rosen
Braun	Hawley	Rubio
Brown	Heinrich	Sasse
Burr	Hoeben	Schatz
Cantwell	Hyde-Smith	Schumer
Capito	Inhofe	Scott (FL)
Cardin	Isakson	Scott (SC)
Carper	Johnson	Shaheen
Casey	Jones	Shelby
Cassidy	Kaine	Sinema
Collins	Kennedy	Smith
Coons	King	Stabenow
Cornyn	Lankford	Sullivan
Cortez Masto	Leahy	Tester
Cotton	Manchin	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Cruz	Moran	Udall
Daines	Murkowski	Warner
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wicker
Enzi	Perdue	Wyden
		Young

NAYS—8

Hirono	Menendez	Van Hollen
Lee	Merkley	Wyden
Markey	Paul	

NOT VOTING—8

Bennet	Harris	Sanders
Booker	Klobuchar	Warren
Gillibrand	Rounds	

The PRESIDING OFFICER. On this vote, the yeas are 84, and the nays are 8.

Under the previous order requiring 60 votes for adoption, the amendment (No. 901) is agreed to.

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. LEAHY. 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.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 84, nays 8, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—84

Alexander	Ernst	Peters
Baldwin	Feinstein	Portman
Barrasso	Fischer	Reed
Blackburn	Gardner	Risch
Blumenthal	Graham	Roberts
Blunt	Grassley	Romney
Boozman	Hassan	Rosen
Braun	Hawley	Rubio
Brown	Heinrich	Sasse
Burr	Hoeven	Schatz
Cantwell	Hyde-Smith	Schumer
Capito	Inhofe	Scott (FL)
Cardin	Isakson	Scott (SC)
Carper	Johnson	Shaheen
Casey	Jones	Shelby
Cassidy	Kaine	Sinema
Collins	Kennedy	Smith
Coons	King	Stabenow
Cornyn	Lankford	Sullivan
Cortez Masto	Leahy	Tester
Cotton	Manchin	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Cruz	Moran	Udall
Daines	Murkowski	Warner
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wicker
Enzi	Perdue	Young

NAYS—8

Hirono	Menendez	Van Hollen
Lee	Merkley	Wyden
Markley	Paul	

NOT VOTING—8

Bennet	Harris	Sanders
Booker	Klobuchar	Warren
Gillibrand	Rounds	

The bill (H.R. 3401), as amended, was passed.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture motions filed on Senate amendment No. 764 and S. 1790 occur at a time to be determined by the majority leader in consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

H.R. 3401

Mr. MCCONNELL. Mr. President, I am glad that the bipartisan Senate border supplemental has passed with an overwhelming vote. I commend Chairman SHELBY, Senator LEAHY, and the members of the Appropriations Committee for breaking the logjam.

S. 1790

Mr. President, on the NDAA, the Democratic leader and I have had extensive discussions on the path forward on the Defense bill. For the information of all of our colleagues, we intend

to stay in session this week to finish the NDAA bill and allow for a vote in relation to the Udall amendment. Senators should plan to vote on Friday on the Udall amendment. Yet the vote—here is the good news—will start first thing in the morning and be held open into the afternoon to accommodate as many Senators as possible.

To be clear, obviously, I believe that the Udall amendment can and should be defeated—I hope with a resounding vote in the Senate—and that we should put this issue to rest before we break for the Fourth of July recess. Holding up the Defense authorization bill is not an acceptable outcome.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, first, I thank the majority leader for understanding how strongly we feel on the Democratic side and how many Americans feel that the constitutional right of Congress to examine foreign conflict and potential war should be upheld. The fact that we will get a vote on the Udall amendment, which is something we have asked for, is only fair and only right. There may be differences of viewpoint on both sides, but the fact that it will be on the floor and be debated is exactly the right thing to do. It is something we want and have asked for, and I thank the majority leader for understanding that and allowing it to happen.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. BLACKBURN). Without objection, it is so ordered.

IRAN

Ms. HIRONO. Madam President, Donald Trump and the hawks in his administration are fueling a dangerous escalation with Iran, and instead of taking responsibility for this escalation, the President is once again blaming others for a crisis of his own making.

Adding to the confusion and concern is the President's penchant for using his Twitter account or an outburst from the Oval Office to jump between calling for restraint and embracing a potential war.

Instead of listening to the President's latest outbursts or dissecting his latest tweet, let's take a hard look at what he has done to bring us to this dangerous moment.

In May 2018, Trump followed the lead of the hawks in his administration and unilaterally—unilaterally—pulled out of the Joint Comprehensive Plan of Action, the JCPOA, breaking the agreement and leaving its other signatories, especially our allies in Europe, holding the bag.

Only a few weeks earlier, Jim Mattis, the President's own Secretary of De-

fense, told the Senate Armed Services Committee, on which I sit, that the agreement was working as intended and had been written with an assumption that Iran would try to cheat. He went on to note that while the deal was imperfect, it established a strong verification and inspection regime that Iran was complying with the agreement.

I continue to agree with Secretary Mattis's conclusions. The purpose of the JCPOA was to prevent Iran from developing a nuclear weapon within a 2- to 3-month timeframe. That is the kind of timeframe we were looking at. The JCPOA was not intended to cover Iran's ballistic missile program or its malign activities throughout the region.

What the JCPOA did accomplish, however, was lengthening Iran's nuclear breakout capacity from 3 months to 1 year. It included strong limitations on enrichment, redesigned and rebuilt the Arak heavy water reactor so it can only be used for peaceful-use research purposes and not for the enrichment of weapons-grade plutonium, and required Iran to ship all spent nuclear fuel out of the country.

The agreement also included a binding commitment from Iran to never pursue a nuclear weapons program. That is in the very beginning part of the JCPOA document. This commitment necessitated a continuous inspection regime by the International Atomic Energy Agency, IAEA.

Further, the agreement included provisions that would see the international community reimpose sanctions automatically—the snapback—if Iran was violating the deal.

Instead of building upon the JCPOA to address Iran's other malign activities, Donald Trump threw out all the benefits of the deal, took on an enormous risk, and isolated the United States in the process.

In early April, the President took the unprecedented step of designating the Islamic Revolutionary Guard Corps, the IRGC, a foreign terrorist organization. He designated the IRGC as a foreign terrorist organization. That was an unprecedented step, overruling the Chairman of the Joint Chiefs of Staff, General Dunford, in the process. General Dunford argued that this first-of-its-kind step would put American troops in the region at risk for retaliation. He was right.

Later that month, Donald Trump rescinded waivers granted to key American allies, such as Japan and India, to purchase Iranian oil, effectively strangling the Iranian economy in the process. Over the past few months, the administration has sent thousands of additional troops and a carrier strike group to the Persian Gulf.

These actions, taken unilaterally, have isolated the United States from our allies, encouraged Iran to stop complying with elements of the nuclear deal and to step up their aggressive actions in the region, and brought us to the dangerous precipice of war.

Although the President made the eleventh-hour decision—actually, 10 minutes before a strike—to call off a military response to Iran's downing of an Air Force drone, the fact that we got so close to a military strike is chilling, given the implications of igniting an open war with Iran.

We have learned to our peril over the past few years that Donald Trump does not keep his word or the word of our country. He says something one day, only to reverse himself at a moment's notice. We cannot rely on his restraint to avoid blundering into a war with Iran. That is why I am continuing to call on my colleagues to join in supporting a vote on Senator UDALL's amendment to the National Defense Authorization Act.

This amendment makes clear that only Congress can authorize the use of military force against Iran and would provide a clear check on Donald Trump, John Bolton, and other hawks in the administration.

We cannot allow this administration and this President a free hand to stack the deck toward military action and away from meaningful diplomacy. Otherwise, we risk committing another generation of American soldiers to a protracted, disastrous war in the Middle East.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

TRIBUTE TO BILL SWEENEY

Ms. STABENOW. Madam President, I rise today to pay tribute to my longtime staff member and friend, Bill Sweeney, who will be moving on to a new challenge in his career after nearly 20 years of service on my team.

Bill actually started working on the campaign November 1, 1999, and we were sharing stories of his being up in a crowded little space changing my "Stabenow for U.S. Congress" signs to "Stabenow for U.S. Senate" signs with little stickers that we used because we didn't have very much money at the time.

Bill has been with me a long, long time, and after so many years, it is tough to know what to say because there is so much to say.

Bill Sweeney has worn more hats on my team than anyone ever has. He started working on my campaign, as I mentioned, for the U.S. Senate as a fundraiser. After the campaign, I hired him as my systems administrator, and he played an integral role in setting up my new Senate office. By the way, we are still today using the systems he set up, and I truly believe they are the best the Senate has.

After a short time, I promoted him to director of information technology. Then, Bill's gift for messaging and writing led to more promotions as my director of outreach, speechwriter, and then senior communications adviser.

Eventually, he took on a broader role on my team as deputy chief of staff, chief of staff, and his position now as staff director of the Democratic Policy

and Communications Committee. But these are just Bill's official titles.

He has been a key strategist, writer, crisis manager, event planner, grammarian, computer programmer, and graphic designer. From directing key communications initiatives to designing floor charts, no job has been too big or too small for Bill, and I will be forever grateful.

He has drafted and edited countless speeches, columns, releases, constituent letters, statements, and talking points over the years.

Born and raised in Michigan, he has always been able to capture the values and the heart of Michigan in his writings. His attention to detail is impeccable. He is an expert on proofreading and has impressively planned and organized our annual caucus retreats and has provided us with extraordinary experiences and speakers.

Bill is also one of the most creative people I know, from designing logos to inventing the Velcro "countdown" floor chart, like the one you see here, which shows how many days Bill has worked for me in the U.S. Senate. It is actually very cool. I have to show you: They come off. That is pretty inventive. Whenever you see these on the floor of the U.S. Senate, you can think of Bill Sweeney. So we had to make sure Bill had his own chart before leaving.

He is someone who has always been able to make something look good and function well at the same time. He has a passion for organization. He designed many of the systems that my office relies on to run efficiently today. As I said earlier, we literally are using integrated systems that Bill has designed over the years.

Bill is also one of the smartest people I know. I will miss his sharp wit and his sense of humor. With all of the hats Bill has worn, he is leaving very big shoes to fill. I will always be incredibly grateful for his loyalty, his work ethic, his friendship, and his passion for service.

Bill will be joining the team at AARP and continuing to work on so many issues we have championed together over the years. I wish him incredible success and happiness in his new chapter in his career. I apologize, but I am so happy he is moving on to a big challenge and yet so sorry to lose him.

Thank you, Bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. MERKLEY pertaining to the introduction of S. 1987 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MERKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

S. 1790

Mr. PORTMAN. Madam President, I would like to speak about the legislation that is before us right now on the floor. It is the annual National Defense Authorization Act, incredibly important legislation that the Senate, pretty much every year, is able to pass on a bipartisan basis.

It is really an exception. There is so much else that we are locked up on here with partisan gridlock. With regard to our troops, we tend to come together, Republicans and Democrats, and make commitments to them that we are going to give our men and women serving in the Armed Forces the resources and support they need to carry out their critical mission.

We have now proceeded to that legislation. I want to talk a little about it. It has a lot of incredibly important things in it. It is really important to Ohio.

In my State of Ohio, we have a lot of defense installations. They are very important to our national security because they do important work. They are also important to our Ohio economy. Ohio's defense spending now accounts for more than 66,000 direct jobs, more than \$4 billion in salaries, and more than a \$14 billion economic impact. Forty-three of our 88 counties in Ohio are impacted by these facilities. So they are critical to our State, to our economy, to our soldiers and their families, and to tens of thousands of civilian employees as well.

Again, because of the good work being done in Ohio, including at Wright-Patterson Air Force Base, which is our largest single employer in Ohio, it is really important to our military readiness and to our national security. This bill has proceeded through the Armed Services Committee in the bipartisan manner in which it usually is done. I love seeing that. It is legislation that every Member of this body, I hope, will be able to support at the end.

It has a lot of important initiatives and some much needed reforms—including, by the way, this year, a 3.1-percent pay raise for our troops. I think that is necessary. They are in harm's way around the world. They are ensuring our safety, and we should ensure that they are fairly compensated for their hard work and their sacrifices.

One of the bill's other important initiatives that has a big impact on my State is authorizing \$1.7 billion to increase the rate of production for both our M1 Abrams tanks and also for upgrades to 165 tanks that are already in service. That is an increase from last year's figure. It also authorizes about \$249 million to upgrade the Stryker armored fighting vehicles.

This is great news for the men and women who are out in the field in our Armed Forces. They love these vehicles, and they need them. The Abrams

and the Stryker are the most advanced and lethal tanks and armored vehicles on the battlefield today. One of our priorities in Congress should be to ensure that we are providing our troops with what they need to be able to do their duty and to protect themselves. We want to be sure they have the highest quality equipment to be able to do that. Only by ensuring that these funds are allocated to such key vehicles like this can we be sure our Armed Forces are able to maintain their advantage—their qualitative advantage on the battlefield.

This isn't just a big win for our military, however. It is also a big win for a plant called the Joint Systems Manufacturing Center, or JSMC, which is the tank plant in Lima, OH. The best tanks and armored vehicles in the world are made at this plant. It has the best workforce in the world to do it. I have seen them in action many times. It is the only facility in the United States that has the capacity to produce tanks like the Abrams tank and the Stryker armored vehicle. It is a really important strategic asset for our country in Lima, OH.

Having been out there a lot, visiting with the workers, watching them work, seeing what they can make, and having talked to the soldiers in the field who use these products, I can tell you how important they are. Most recently, I was at the Lima tank plant in March where I was able to speak directly with the workers there about the long-term health of the Lima plant, which the Obama administration, about 8 years ago, attempted to shutter.

The President sent a budget to Congress—President Obama—saying we would like to close down the tank plant because in the future we won't need these tanks, at least not immediately, and some day we will have a new generation of tanks, and meanwhile, let's just shut down this plant. Some of us stood up, and I fought against that. We were able to convince the U.S. Congress to overturn what the President wanted to do and instead to provide funding for the tank plant to keep it open. Even though production was down at that time, we were able to keep the plant open and not have it be mothballed, as the administration wanted to do. Thank goodness we did that because now we know—particularly with the Russian influence in Europe and what our allies are telling us they need—that we have to have these armored vehicles and these tanks, and we need to continually upgrade them.

If we had shut down that plant, we would have lost this incredible workforce that is there building something that is unique. There is nothing quite like the welding, as an example, and the cutting that goes into our tanks. We also would have lost the supply chain. That would have been detrimental. It would have cost taxpayers so much more to try to take that plant out of mothballs and recreate it again than to keep it open as we did.

Now, frankly, we kept it open mostly through foreign sales. Other countries around the world, including our allies, were still buying Abrams tanks and Stryker vehicles. And Israel was buying the Nemera vehicle, which is an armored vehicle that is much like our Abrams tank without the turret. That kept us going, plus a little bit of upgrade to our tanks.

Now, today, again, and since 8 years ago, when there was a proposal to shutter this plant, we have been able to increase production slowly but surely to the point that today we have the ability to really have that plant humming. We have a lot of people who are working. It is on its way up, and that is really exciting.

The funding allocated under this legislation we talked about today is really important because it will allow this JSMC—the Lima tank plant—to hire, train, and retain more workers dedicated to making the best equipment possible to protect our troops.

I will tell you that the workers at the tank plant are very proud of what they do. A lot of them are veterans. They know that what they are doing every day by providing these armored vehicles has the potential to save the lives of the American men and women in uniform across the world who are relying on these vehicles to keep them safe and to be able to have that qualitative advantage on the battlefield by having the best equipment possible.

Last year, I had the opportunity to be the first Member of Congress to see the latest models of the Stryker Dragoon vehicles, up-armored at Lima. This was a real fight also. The Army came to us and said: We need to have some additional capability with regard to our Stryker vehicles to be able to push back against potential threats on the European continent. At that time we had no tanks in Europe, and we needed to upgrade what the Strykers could do by providing for additional lethality, particularly to provide a turret on top of the Stryker vehicle. We did that.

Now, as I saw with the 2nd Calvary Regiment in Germany, they are using these vehicles, and those drivers of those vehicles, those other troops who are using those vehicles, love them. It feels like, again, it gives them the ability to be effective on the battlefield. They are also training with a coalition of our allies, including Poland, the United Kingdom, and Denmark. The work our men and women in uniform are doing with our allies in Europe is vitally important because it forms a framework of defense to protect our NATO allies from aggression.

The importance of an American military presence in Europe has never been in doubt, but perhaps now, more than at any time since the end of the Cold War, the security of Europe is uncertain. We have seen repeatedly, these past few years, instances of military aggression, electoral interference, and diplomatic provocation by Russia toward its western neighbors.

Nowhere is Russia's continued malign behavior on display more than in the country of Ukraine. For the past 5 years, we have seen Ukraine work to break free of Russia's orbit and seek greater integration with the democratic framework of the West, with the EU, with the United States, and with our NATO allies. Most vividly during the 2014 Maidan protest in Kiev, Russia responded to these appeals for democracy by illegally invading and annexing Crimea, which remains occupied in violation of international law to this day.

In the eastern region of Donbass, more than 4,000 Ukrainian soldiers have been killed fighting Russian-backed separatists. I have been to the frontlines, the so-called line of contact in the Donbass, and let me tell you that it is very much a hot war. Just last November, the Russian Navy attacked three Ukrainian naval vessels and captured two dozen Ukrainian sailors in international waters near the Kerch Strait. These individuals remain unlawfully detained by the Russian Government to this day. I urge my Senate colleagues and the entire international community to join me in calling for the release of those sailors.

I know here, on this side of the Atlantic, what is happening in Ukraine can sometimes seem like it is half a world away, but it is not. It is very relevant. In a sense, it is where the modern battle is taking place between two different ideologies—between whether a country wants to go toward freedom and democracy in the West or whether, again, to stay under the orbit of the Russian influence.

Here, in Ohio, we have a large and vibrant Ukrainian-American community, particularly in Northeast Ohio, who have a vested interest in seeing that their ancestral homeland can defend itself from Russian aggression as it works to align itself more with NATO and the West while promoting a platform of democracy, freedom, transparency, and free markets.

Frankly, we should all be supportive of Ukraine's efforts to reshape itself as a beacon of liberty in the region. As co-chair of the Senate Ukraine Caucus, which I cofounded with my colleague Dick Durbin, I have been an advocate of the Ukraine as it works to break free from Russia's influence. I traveled to Kyiv to meet with their newly elected President, Volodymyr Zelensky. I am encouraged from my meetings that they will stay on the right path toward reform, but to properly do so, they also have to defend themselves from Russian aggression.

For the past 3 years, I have successfully introduced and passed amendments to the legislation before us today, the National Defense Authorization Act, to expand U.S. military aid to the Ukraine. These provisions built and expanded the primary statutory framework for U.S. security assistance to Ukraine, the Ukraine Security Assistance Initiative.

This year, I was pleased to see a further \$300 million authorized in lethal

and nonlethal aid to Ukraine in the NDAA. This security assistance package is good news and sends a strong signal that America stands with the Ukrainian people, and we will make sure their military has the capabilities it needs to defend its sovereign territory on land and in the sea and air.

But our commitment to Ukraine security should extend to other forms of support as well. I have offered an amendment that I hope will be included in the final bill to pressure Russia to release the Ukrainian sailors kidnapped in the Kerch Strait. It would do so by adding the release of the 24 Ukrainian sailors as a condition for any U.S. military cooperation with Russia. We need to take a firm stance against Russia's blatant disregard for international law in this matter, and passing this amendment will help us do so.

I am glad to see that the National Defense Authorization Act will keep the lines of production running, from the factory floors in Lima to the frontlines all around the world. I am glad we will be continuing to help Ukraine defend itself from unlawful Russian aggression. I hope we can also push for the release of the Ukrainian sailors who have been detained illegally in the Kerch Strait.

I look forward to voting on the bill's final passage in the Senate in the next week so the men and women who give so much of themselves to keep us safe have the resources they need to fulfill their important mission.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO CAL WILLIAMS

Mr. SULLIVAN. Mr. President, it is Wednesday. Now, normally it is Thursday when I come down here to talk about somebody who is making a huge difference in my State, somebody we refer to as the Alaskan of the Week, someone who is doing something for the community or the State or the country or maybe all of the above. I know we have a new set of pages, but I think it is commonly known that this is the most anticipated speech of the week by the pages. I see the heads nodding, so that is great.

You guys are learning well, early, so that is wonderful, and I know that the Presiding Officer really enjoys it as well.

I am going to talk today about Calvin Williams, whom everybody in Alaska knows as Cal, who is our Alaskan of the Week, who lives in Anchorage via Louisiana. I am going to talk a lot about Cal here and why he certainly deserves this great honor, but also

when I give these remarks, I like to talk just a little bit about what is going on in Alaska at the time.

We have just celebrated the summer solstice, which in a lot of States isn't a big deal, but in Alaska, it is actually a huge deal. It is the longest day of the year, which was last week, and that really means something. You get the 12 midnight Sun energy, and everybody is out. There are celebrations throughout the State. Friends and neighbors gather at parties and community events well past 12 midnight. I had the opportunity to spend last weekend in Fairbanks, AK, where there was a 12 midnight Sun baseball game and a 12 midnight Sun 10K run. I got to participate in some of that. There was just great energy and a great feeling and a lot of sunlight all night.

Across the country and in Alaska, we also just celebrated Juneteenth, which marks the anniversary of the Emancipation Proclamation. Anchorage celebrated the weekend before last, and Cal Williams, our Alaskan of the Week, was there, as he has been there nearly every year since the first celebration in the 1980s. Cal is a staple at that event and has been at so many other events in Alaska over the decades where people get together, where he has been a community leader and has tried to do good things for our communities throughout the State. So let me tell you a little bit about Cal and how lucky we are to have him in the great State of Alaska.

He was born in 1941 in Monroe, LA. I know we have some Louisianans as pages here. That was the segregated South, and he was born 7 days before the Japanese attacked Pearl Harbor. He is from a very patriotic family. His parents immediately joined the cause of fighting and supporting our Nation during World War II. His mother worked in the factories to help out the war effort, and his father joined the Army and was sent to the Pacific theater to defend America.

Basically, Cal was raised by his grandmother, who happened to live across the street from church and a K-12 Catholic school, built and run by the Franciscans to serve the African-American Catholic community in the area. Nobody in his family was Catholic, but it was the best school in the area, so that was where he went. The lessons he was taught at this school, the Little Flower Academy—to serve the less fortunate, to feed the hungry, to help all in need—have stayed with Cal forever and have really driven his sense of service.

The much beloved Sister Consuela, who was the longtime principal and homeroom teacher, made sure that he learned all this.

Sister Consuela was feared and respected. If you did anything bad, if the Sister didn't see you [do something bad], you knew that God did. I carry that with me today.

After high school, he attended Grambling State University—another all-Black school—where he pursued the-

ater and singing. Anybody who knows Cal knows this is another thing that has stayed with him throughout his life.

Then, like his patriotic mom and dad, he decided to enlist in the Air Force. He was stationed at Vandenberg Air Force Base, where he worked on the Titan II Missile System—an elite position, something that he credits to the schooling he received at Little Flower.

When he got out of the Air Force, he made it back to Louisiana to take care of his father, who had gotten sick. This was during the height of the movement for civil rights—one of the greatest movements, of course, in our Nation's history, a lot of which took place here on this Senate floor. As he often does, Cal jumped in. He jumped in with both feet. He began working with CORE, the Congress of Racial Equality—one of the leading civil rights organizations in the early years of the civil rights movement. He and six other students were the first Black students to proudly integrate what was then called Northeast Louisiana State College.

Eventually, a friend who had moved to Alaska talked him into coming up to our great State. This was in 1965. Cal brought all of his intelligence, his theatrical and musical talents, his abiding deep faith, his fun, and his deep commitment to civil rights and community service to our State in 1965.

In some ways, it was a good time to be an activist in Alaska. Our State certainly isn't perfect. It is a State, though, that is very committed to equal rights and justice for all. Yet, just like everywhere in the country, we had our problems, and we had our challenges. As I mentioned, we certainly were not perfect in that realm, so Cal had work to do.

Initially, he was a dishwasher in the hospital by day and was a community activist by night. He helped to lobby the mayor's office in Anchorage to get paved roads and to bring electricity to predominantly African-American neighborhoods. He also helped bring people into the voting booths, which was so important.

The same friend who brought him to Alaska, Charles LeViege, started a newspaper that focused on the African-American community. He joined with the Alaska Native leadership to lobby for the landmark legislation that, again, took place on the Senate floor, here, in 1971—the Alaska Native Claims Settlement Act. He became the president of the Anchorage chapter of the NAACP, of which he is still a vice president to this very day.

I have only gotten to 1971, and you can see how much he has done.

In the 1970s, he had a little sojourn in Hollywood to fulfill a lifelong dream of being in the movies. He was. He got some gigs—a spot in a film with Angie Dickinson. The pages don't know who she is, but she was a great actress.

But like some people who leave Alaska, he missed it too much, so he decided to come back, and he did.

So over the years since he has been back, he has helped raise funds for an African-American economic development venture. The group built a building in the Fairview community of Anchorage, which is still there today. They had a social club on the top sponsored by the Alaska Black Caucus—a place to meet with executives and bank officers in a nice setting, community leaders.

He worked in television. He worked for the Alaska Housing Finance Corporation, which has been key to helping people get home ownership.

All through these years, he clung to his roots and his faith. He is a member of the Knights of Columbus and a faithful parishioner at St. Anthony's Catholic Church in Anchorage, where he is the director of the church's Filipino gospel choir, which sounds like angels. "When we sing," he said, "we sing for the Lord." And no doubt, when they sing, the Lord is listening.

He visits prisons to read the Bible with inmates, sings every week to the patients at Providence Extended Care and every other week to our senior home, which we call the Pioneer Home in Alaska. The residents there love Cal's Elvis impersonations.

If you are in Alaska and happen to be there for Christmas, you should stop by Bean's Cafe, a place where the hungry go for a meal, and Cal will be there every Christmas wearing a Santa cap, singing for hours for everybody who comes in the door.

This is a gentleman who has done so much for his community and my State, and what is he most proud of? When asked, "My greatest achievement was in 2017 when I received the St. Francis Stewardship Award from the Archdiocese of Anchorage," Cal said.

St. Francis was the patron saint of the Little Flower Academy. "I have come full circle," he said. "Sister Consuela would be proud of me." Then he adds: "But nothing was ever enough for her."

It is enough for all of us, though, Cal. I thank him for all he has done for Anchorage, for so many different communities, for Alaska, and as an example for our country—for his generosity, kindness, enthusiasm, faith, and faith-filled service throughout his life.

Congratulations to Cal for being our Alaskan of the Week.

TRIBUTE TO THOMAS MANSOUR

Mr. President, it is with a heavy heart that my office is saying goodbye to my very first Coast Guard fellow, recently promoted—actually, promoted yesterday—to lieutenant commander, Thomas Mansour.

Thomas happens to be sitting right next to me here on the Senate floor. Tom is from Montgomery County, MD. He graduated from Eckerd College in St. Petersburg, FL. We were lucky to have him join my office as a Coast Guard fellow for the last 2 years, and he has done great work.

I am going to brag about him a little bit here on the floor. I will probably embarrass him.

Among other things, he was instrumental in the 2018 Coast Guard Authorization Act. The subcommittee that I chair on the Commerce, Science, and Transportation Committee is in charge of the Coast Guard. We were the ones drafting that. It had many provisions in it for the whole Coast Guard, certainly many for Alaska and other parts of the country.

He also brought his expertise to the 2017 and 2018 Homeland Security budgets. His efforts helped secure landmark appropriations for the first Polar Security Cutter, an icebreaker for the Coast Guard, the first one in 40 years, and for critical infrastructure projects for the Coast Guard around Alaska and around the rest of the country.

Probably his signature initiative—and very, very hard work—was on a bill that we affectionately know in my office as the Save Our Seas Act, both the first one, which our offices worked closely on with Senator WHITEHOUSE from Rhode Island and was signed by the President last fall to much fanfare in the Oval Office, and our Save Our Seas Act 2.0, which Senator WHITEHOUSE and Senator MENENDEZ and I rolled out in a press conference just this morning.

SOS 2.0, as we call it, is an innovative piece of legislation that really sets us on a promising path as a nation to tackle the serious problem of plastics, ocean debris, and trash that enter our oceans and harm fisheries, marine life, and possibly human life. This litter ends up on the shores of Alaska, all around America, and threatens the livelihoods of coastal communities throughout America.

Tom did yeoman's work to ensure that we introduced in the Senate today a comprehensive, substantive bill that all stakeholders—Democrats, Republicans, the Trump administration, environmental groups, industry—are all working on together. Literally, all of the key stakeholders on this critical issue are pulling on the same oar.

He did incredible work on this bill. He is a great team player, someone I am proud of and we are going to miss.

Tom is getting married this summer to his fiance Meg, and they will be entering a whole new chapter in their lives. It will be an exciting one, I am sure. We wish them all the best.

I can't thank Tom enough for all of the work he has done for my State, for our country, and I ask that all of my colleagues in the Senate recognize the great work that he did. Just here on the spot, I might even make him an honorary Alaskan of the Week for the great job he has done.

Thank you for the opportunity to say a few words about Tom.

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

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

IMMIGRATION

Mr. DURBIN. Mr. President, the issue of immigration is one that is front and center in the minds of most Americans, as it should be.

For the last 2½ years, our country has been roiling with immigration controversy. This new President, now 2½ years into his term, came to office and immediately instituted a travel ban on a majority of Muslim countries. It was controversial.

In the city of Chicago, people showed up spontaneously at the airport, lawyers, to counsel travelers to try to find some volunteer effort that might respond to their worry and concern about the travel ban imposed by President Trump.

The case went to court. The court stayed this decision and, in a later adjudication, allowed it to go forward.

It was the first of many actions taken by President Trump on the issue of immigration—most of them very controversial.

I remember the repeal of DACA in September of 2017. This is a program I had worked on for years. It started with the DREAM Act, which I introduced with my fellow U.S. Senator Barack Obama as cosponsor. We tried to pass it here in the Senate but were stopped time and again by the rules of the Senate and the filibuster.

Regardless of that, time passed and President Obama became President, and I appealed to him, with the assistance of Senator Lugar, a Republican Senator of Indiana, asking if he could find some way as President to provide relief to these young people brought to the United States as children, who wanted a chance to earn their way to legal status in America.

President Obama came up with a program called DACA, and that program said that if you are one of those children, you could come forward, pay a substantial filing fee, go through a criminal background check, and if we established that you are no threat to this country, that you are moving forward with your education and had plans for a job and a career, we would allow you to stay legally in the United States and not be deported for 2 years at a time, renewable—check in and make sure that your status hasn't changed.

In the end, 790,000—790,000—young people across America took advantage of DACA. Their lives were changed overnight. With DACA, there was no longer a fear of a knock on a door. They could become students and, as students, become teachers.

They can learn skills to be nurses, engineers, entrepreneurs, even doctors. It was a liberation for these 790,000 given the chance, finally, to be part of America and its future.

As I have said so many times on the floor, and Senator MENENDEZ was the first to ever say it, and I thought it was such an apt description of these

young people: They had spent their entire lives pledging allegiance to that flag every morning, believing it was their flag. They learned, at some point, they were not legally here in America. President Obama gave them a chance—790,000.

In September of 2017, President Donald Trump ended the DACA Program. He challenged Congress: Pass a law. Don't rely on an Executive order; pass a law. Well, we tried. We tried, on a bipartisan basis in the Senate, and President Trump rejected our effort. It was unfortunate, but it meant that these people—these 790,000 and hundreds of thousands of others who could have been eligible—were stopped in their tracks. Luckily—luckily—the courts came to their rescue and said for these people, despite President Trump's decision, the 790,000 should be protected from deportation. No new ones could apply, but it gave them temporary relief, which could end any day, any week, or any month. That, in my mind, was the second major move by President Trump to roll up this immigration situation in America, to get tough on 790,000 young men and women who simply wanted a chance to live in this country.

He then terminated temporary protected status. That was a category of immigration given to people who were in dire circumstances—victims of terrible extreme weather events or political and human disasters in their country—who were allowed to come here and live in the United States in a protected status, hundreds of thousands of them from all over the world. This President, Donald Trump, said: The end of it. We are going to put an end to it. It is over. That was the third strike as far as I was concerned, but it wasn't the end, by far.

Last June 2018, with a great deal of pride and with biblical quotes, Attorney General Jeff Sessions came forward and announced a zero-tolerance policy: Anyone presenting himself at the border would be considered suspect criminal, and if they had in their custody a young child, they would be separated. In the end, at least—at least—2,880 infants, toddlers, and children were separated from their parents. It was a dramatic move. It was an inhumane move, but it was done to create what they call a deterrence to discourage people from coming to our border. Within days, the public reaction against zero tolerance grew to a point where even this President, who does not have "sorry" in his vocabulary, came forward and said they were going to end that policy of zero tolerance.

What about the children, though, the ones who actually were separated? It took a Federal judge in Southern California to come forward and say there had to be an accounting of the children and their parents and a reuniting. It went on for weeks and months. Still, to this day, there are children adrift in America. Their families can't be found because zero tolerance—this inhumane

policy—was such an abject failure. Even "ending it" didn't end the struggle that many of these young people are still going through to this day. That was the fourth thing this President did by way of getting tough on immigration policy.

Then he announced several weeks ago in one of his infamous tweets that he was going to initiate a policy of mass arrests and mass deportations. There are some 11 million—that is the best estimate—undocumented people in this country, and the President said millions would be deported. We saw it in its earliest stages around the city of Chicago.

Betty Rendon, a grandmother who had been in the United States for more than 10 years, was deported. How dangerous was Betty Rendon to this country? Not at all. In fact, she was a seminary student at a Lutheran seminary near Chicago. She had deep family roots, children and grandchildren in the community who were American citizens, but that was not enough. ICE, the agency of enforcement of Department of Homeland Security, issued deportation orders, and she was forced to leave this country.

I have asked those in charge at the Department of Homeland Security: What threat was this woman to America? After being here 10 years and living a life that showed she was no threat to anyone, why was she a priority to deport from this country? They couldn't answer.

Now we have an unprecedented humanitarian crisis at our border. I thought long and hard about the statement I am about to make and the photo which I am about to display. Even though it has been on the front page of major newspapers like the New York Times, it is such a heartbreaking photo that I at least warn in advance anyone following this speech that if you would be troubled by the images in this photo, please look away or turn away from what I am about to show you, but I believe it has to be shown to the American people. It is a photo of a shocking and horrifying image of Oscar Alberto Martinez Ramirez and his 23-month-old daughter Valeria. They died in their effort to try to cross from Mexico into the United States. This is the photo which was in the newspapers. It is a shocking portrayal of the desperation this family faced.

We are told by his wife that they tried to come through the ordinary port of entry, the usual place to present yourself to seek asylum in the United States—this mother, father, and child—and they were told that the ordinary port of entry was closed to them. So they attempted to cross the Rio Grande River.

From what we were told, this father took his little daughter, less than 2 years old, and swam across the river. He put her on the bank and then went back to help his wife come across. His daughter panicked and jumped in the river behind him. He tried to rescue her. They both drowned.

This is an illustration of the crisis in real terms, a crisis we face at this border that should never be taking place.

Valeria, this 23-month-old girl, according to her mother, loved to dance, play with her stuffed animals, and brush the hair of her madre and padre. Her father Oscar had sold his motorcycle and borrowed money to flee from El Salvador to come to the United States. He and his wife, Tania Vanessa Avalos, were simply looking for safety and opportunity for their family. Vanessa's mother said: "They wanted a better future for their girl." They planned to cross into the United States and seek asylum and try to find a safe place in the future.

That is the reality of what we are discussing on the floor of the Senate this evening and have been for the last several days. Unfortunately, President Trump responded to this tragedy with a political statement. He tweeted: "The Democrats should change the Loopholes and Asylum Laws so lives will be saved at our Southern Border."

I might remind the President that the same laws he now deals with in this border crisis were exactly the laws President Obama was faced with when he was President. Something different has happened. It isn't just the laws of this country; it is the way we are administering the laws that currently exist.

I sincerely believe we are better than this situation depicted in that photograph and what we have heard over and over. I believe America can have a secure border and respect our international obligations to provide safe haven to those fleeing persecution, as we have done as Democrats and Republicans for decades before this administration.

Yesterday I met with Mark Morgan. Last month, President Trump named him as Acting Director of U.S. Immigration Customs Enforcement, ICE. Mr. Morgan, a former marine and former FBI agent, had been asked to carry out the mass arrests that President Trump talked about in his tweet several weeks ago and the mass deportations of millions of immigrants whom the President had threatened.

Shortly before I met with Mr. Morgan, he was named to a different position, Acting Director of U.S. Customs and Border Protection. As of yesterday, he moved from being in charge of interior enforcement within the United States to be in charge of solving the humanitarian crisis we now face at our border.

If that sounds like a rash move and hard to explain, it is not the only one. In the 2½ years that President Trump has been President, we have had four different people leading the Department of Homeland Security—four—in 2½ years, and it is not the fault of the Senate or Congress for holding up nominations. They just change that often. Within the Department of Homeland Security, in every major department, we have had repeated turnovers

and changeovers in the leaders there. Even those today who are nominally in charge are in an acting capacity. They can't bring them through the regular order of vetting and background checks to be given these responsible positions. So as of yesterday, Mr. Morgan is in charge of this crisis at the border.

There is a gaping leadership vacuum in the Trump administration's Department of Homeland Security. To have four different heads of the Department in 2½ years, to have every position of responsibility for immigration or border security held by a temporary appointee is unacceptable, and the White House has not submitted names to Congress for permanent nominations to these positions.

The Trump administration can shuffle the deck chairs, but we know the obvious: President Trump's immigration and border security policies are failing. Their failures are found not only in the detention of children and families in inhumane circumstances but also this tragic photograph of a desperate couple turned away at the border who tried their best to find another way to present themselves in the United States.

We have a responsibility in Congress, Democrats and Republicans, to deal with this crisis that has been created by this administration.

In February, after the President finally agreed to end the longest government shutdown in the history of the United States, Congress passed a bipartisan omnibus appropriations bill that included \$414 million—in February, \$414 million—for humanitarian assistance at the border. I have asked what happened to this money. The explanations are hard to follow. Some said: Well, more than half of this humanitarian assistance has been invested in a building which will be ready for occupancy in about a year and a half.

Here we have kids without diapers at the border, questionable food sources, filthy clothes, separation of children from families, and they are setting out to build a building that might be open in a year and a half. It would seem to me that those who were in medical practice and triage cases would certainly start with the immediate humanitarian challenge before they start the long-term responsibility of building a building. More needs to be done at our border.

In April, I visited El Paso, TX. What I saw in the Border Patrol's overcrowded facilities was heartbreaking. I want to add here, as I do every time I bring this up, that I believe the men and women—the professional men and women at the border, the ones I met and spoke to—are caring people. They are genuinely concerned by the humanitarian crisis they see unfolding before them every single day. Some undoubtedly have done improper things and mistreated these detainees, but the ones I spoke to understood, as human beings, the need for us to do more as a country.

Last month, I led 24 Senators in calling on the International Committee of the Red Cross and the inspector general of the Department of Homeland Security to investigate these Border Patrol facilities, including the ones I visited in El Paso. The circumstances there were unacceptable by any normal American standard. To think that we were packing these people into detention cells far beyond the capacity—"capacity 35" written over the door. I counted 150 standing shoulder to shoulder in that room with one toilet. It is just unacceptable and impossible to explain that this is happening in America.

For me to call on the international Red Cross to look at this circumstance is something I never thought I would do. I have done that before but only in foreign countries, asking that some of the horrible conditions in the detention of prisoners be investigated by the International Red Cross. I never thought I would be asking the same of the Red Cross, to look in America.

Earlier this month, the inspector general of the Department of Homeland Security released a report detailing the inhumane and dangerous overcrowding of migrants at the El Paso port of entry, which I had visited. The office found the overcrowding was "an immediate risk to the health detainees and DHS employees."

Earlier today, the Senate passed legislation with funding to alleviate some overcrowding at the CPB facilities and to provide food supplies and medical care to migrants. This bill we have passed also includes critical funding for the Office of Refugee Resettlement to care for migrant children.

The House of Representatives passed their own version of the bill last night. The House legislation, which I also support, includes critical oversight measures, particularly when it comes to these children. Now it is time for us to reach an agreement—the House and the Senate, Democrats and Republicans—and to do it in a timely fashion.

I am willing to work with my colleagues to find a bipartisan answer, as I did on the first version of this, which passed in the Senate. What is happening at our border is unacceptable. The President has to come to realize that just getting tough is not the answer; it takes more.

We need to commit ourselves to international assistance in these three countries that are the sources of these people: El Salvador, Honduras, and Guatemala. Overwhelmingly, those are the origins of these migrants who come to the United States.

We have to realize, as well, that people are coming here in desperate circumstances, as this photograph I showed on the floor depicts. Many times they are prepared to risk their lives and even lose their lives as they try to make it to the United States in desperation. We have to find a way, an orderly way, to accept those who truly need our protection and need to be

brought to a place of safety. And we have to have a timely process so that the determination of eligibility is not 1 year or 2 years in the future. It is time for us to work together on a bipartisan basis to do that.

Mr. President, I see another Senator, my colleague from Oklahoma, on the floor. I hope he can give me 10 minutes.

Thank you. I appreciate that.

IRAN

Mr. President, although I may not often say it, I want to make it clear. I think President Trump made the right decision the other day in deciding not to start a war with Iran. He must accept responsibility for some of the challenges we now face.

I think the decision to walk away from the agreement that prohibited Iran from developing nuclear weapons was shortsighted. By every report that we have received, this agreement—international agreement—with international inspectors was being followed by the Iranians. Yet the President decided to walk away from it. His attempt to isolate Iran from our allies, to seek regime change, and to declare economic war on Iran, unfortunately, have all led to this moment in history where a confrontation seems imminent.

Many around the President here in Washington and abroad have been anxious for a conflict with Iran. Many of the same people were anxious for a conflict with Iraq. I remember that. I remember it well because I was one of 23 Senators who voted against the invasion of Iraq. They are still there, engaged in a war some 17 years later. Thousands of American lives have been lost, and thousands more have been injured. We are spending trillions of dollars in taxpayers' money in a war without end in Iraq.

One of the great tragedies of the Iraq war, one of the few its architects have ever admitted, is that the Iraq war actually ended up empowering Iran. Today, the Iraqi Government is actually something of an Iranian client state. Yet the same unrepentant voices are again beating the drums for regime change and another war in the Middle East.

Do the American people want a third war in the Middle East at this moment in our history? I don't think so.

Some have even had the audacity to argue the 2001 authorization for use of military force approved by this Congress to respond to those who attacked us on 9/11 somehow gives this President authority and permission to invade Iran. I don't agree with that at all.

I cannot imagine anyone here who took that vote 18 years ago thought they were voting to start a war with Iran that would still be going on 18 years later. I find that impossible to believe.

The Constitution is clear. Article I, section 8 says that the power to declare war is the explicit power of the U.S. Congress, and it should be.

No one should ever send our sons and daughters into war without the consent

of the American people through their elected representatives. Our Founding Fathers were wise in making sure this awesome power did not rest with a King-like or Queen-like figure but with the people's elected representatives.

I have made this same argument in the House and in the Senate during my career, regardless of who sat in the White House, a Republican or a Democrat.

Recently, I was pleased to join with Senator UDALL and others in legislation reaffirming no war with Iran without the consent of Congress. This bill is also now an amendment to the National Defense Authorization Act. I sincerely hope we will have a timely vote to make sure the President understands that he cannot authorize the invasion or military force in Iran without the approval and permission of Congress.

Some of the eerie, familiar statements and distortions used to sell the Iraq war are reappearing now. Vice President Cheney repeatedly warned us in those days that Saddam Hussein was actively pursuing nuclear weapons. He even alleged there was "no doubt" that they were amassing those weapons to use against the United States.

Former Pentagon adviser Richard Perle argued that Iraqis could finance the postwar rebuilding from their own oil wealth, and he had "no doubt that they will."

President George W. Bush, who claimed war was actually his last choice, provocatively tried to link al-Qaida with Saddam Hussein—a dubious claim echoed by his then-Secretary of Defense Donald Rumsfeld, and one some are even trying to brazenly use today.

Secretary Rumsfeld even tried to claim war in Iraq would last "Five days or five weeks or five months, but it certainly isn't going to last any longer than that." That is what our Secretary of Defense said.

Deputy Secretary of Defense Paul Wolfowitz and Vice President Cheney said we would be welcomed in Iraq as liberators. Wolfowitz argued that "hundreds of thousands of American troops is way off the mark."

Five days or 5 weeks, welcomed by the Iraqis? Well, the war started, and it has never ended. There are 150,000 American soldiers deployed in Iraq. The war continues into its second decade. Incidentally, no weapons of mass destruction were ever found, no nuclear weapons, and we certainly weren't greeted as liberators. Iraqi oil did not pay the \$2 trillion that American taxpayers were forced to pay for that war in Iraq.

More than 4,500 Americans have been killed and 32,000 wounded, including my brave and amazing colleague in the Senate, Senator TAMMY DUCKWORTH.

How do some of the current occupants of the White House driving Iran policy feel about that Iraq war disaster? Well, National Security Advisor John Bolton said in 2015: "I still think

the decision to overthrow Saddam was correct." He made that statement 1 month after writing a New York Times op-ed piece entitled: "To Stop Iran's Bomb, Bomb Iran."

Sadly, what I find most stunning about the administration's march to war in Iran is that its actions have, in fact, contributed to the current mess and Iran's threat to restart its nuclear program.

President Trump has been pursuing a policy impossible to follow: calling for a regime change, trying to flatter and meet with the Iranian President Rouhani, trying to negotiate a better deal, threatening Iran militarily, tightening sanctions. Who knows what the policy is going to be from day to day.

The President impulsively withdrew from the nuclear agreement without first designing a credible way to get a better agreement. He went on to designate Iran's military as a terrorist organization, even against the advice of our military. And he tried to starve Iran of the agreed benefits it was to receive from the original deal.

Let me be clear. There is no doubt that Iran is responsible for dangerous destabilizing actions in that region and beyond. Its proxies attack our servicemembers in Iraq and threaten our allies in the region. But why not push back against Iran without withdrawing from the nuclear agreement? Why give them the pretext for belligerence and undermine our credibility with the global powers party to our own nuclear deal?

The tragic end result of this dangerous incoherence is that our allies are united against us, and Iran may we start nuclear activities, which had been frozen for the last 4 years.

This Congress, already a rubberstamp for too many of President Trump's instincts, must not do so in a march to another war in the Middle East as well.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I want to rise today to speak to the Senate and compliment two of my colleagues, Senator JIM INHOFE from my State of Oklahoma, my senior Senator, and Senator JACK REED, for their leadership and bipartisan work on this year's National Defense Authorization Act for fiscal year 2020.

This is a complicated bill. It has had hundreds of amendments, both in committee and in the initial managers' package that came out of committee that has already been debated, and there are a lot more amendments that are still being debated in the process.

It is an incredibly complicated issue to bring the authorization and information for all military for the next year. It is something that Congress has done for a long time. But for JIM INHOFE, this is his first year to chair this committee and to actually be the driver for this, and I think he has done an exceptional job of walking through this piece of legislation.

It is a \$750 billion authorization. There will be additional appropriations that have to be done to be able to designate that, but that is exactly what President Trump had asked for and said is what is needed, and it is what the Department of Defense has said that they would need to keep our country safe and to prepare for the future.

There are a lot of elements in the bill. I want to identify a few of them, beginning with a 3.1-percent pay increase for our troops. That is something that is much needed. The pay for our troops has been very, very behind for a long time, and this starts an initial process of getting them a little bit above inflation to start trying to catch up.

It also deals with an issue that is very important to our military families, and that is their housing. There are many areas and many bases and posts around the country and around the world where the housing has fallen behind: mold issues, plumbing issues, electrical issues, roofing issues, and flooring issues. It is important for the members of our military to have a safe place that they come home to that really feels like home. They are traveling around the world. They are in difficult places, and as much as their families can be kept safe and have a place that they can make home as a family—that is exceptionally important. For those single men and women, it is important that they have a place where they can actually get rest and have connection with each other. This bill deals with additional funding to deal with housing, which is much needed.

This bill also deals with spouses, in their transition from facility to facility, being able to pick up an additional job. For many of the spouses who are traveling with our men and women in the military, when they move to a new base or post, they also want to pick up a new job in that place. It takes months to do that transition now.

There is also an issue with licensing. If they have a professional skill in one State, when they move to another State, there are some additional hurdles for them just to move to that next State. This bill helps deal with that and, again, helps those families know that when they move, as we ask them to move to different locations, it is a little bit easier on their family to also pick up a second job if they choose to do that.

Oklahoma is home to Altus Air Force Base, Tinker Air Force Base, Vance Air Force Base, Fort Sill Army Post, McAlester Army Ammunition Plant, and, of course, the amazing facilities for our Army and Air International Guard. We have a lot of folks in Oklahoma who are veterans who come back to Oklahoma to retire, and a lot of folks who are actively serving there. This bill deals with every one of those facilities in some way.

Let me give a few examples. The KC-46 tanker—a brandnew tanker that will be the refueler for the next generation—has already begun its delivery. It

is coming to Altus, and it is already there at Altus Air Force Base. In fact, I had the privilege, along with Senator INHOFE, to ride in from Seattle on the very first KC-46 tanker coming to Altus Air Force Base in the 97th Air Mobility Wing. That wing does all the training for every pilot who will fly the KC-46 for the decades ahead. Whether they are in the Reserve or in the Guard or Active Duty, they are going to be connected to Altus Air Force Base for the KC-46. It has long been awaited, and it is finally arriving.

This bill does the authorization for an additional 15 tankers, as we are modernizing that force, and we will do a few every single year for quite a while.

The bill includes funding for the procurement of critical Army weapons and combat vehicles, including the Paladin Integrated Management System upgrade, which is assembled in Elgin, OK, right next to Fort Sill. The Fires Center of Excellence at Fort Sill organizes, trains, and equips all the Paladin units in the Army Paladin Integration Management. In fact, the skills that are coming in at Fort Sill Fires Center of Excellence are asked for all over the world. Almost every one of our allies and every single foreign base is asking for the good folks from Fort Sill who are trained to help protect our men and women around the world.

Additionally, Senator INHOFE and Senator REED and all their staff have worked to get in some of the amendments that I brought in on the base text. Those amendments—they heard it out. We got a chance to have dialogue. They have now been included long term.

One of those that I worked with one of my colleagues on—Senator SHAHEEN—we worked on a sense-of-the-Senate on dealing with Turkey. Turkey is a NATO ally. They worked very closely with us in the development of the F-35, but we have a problem. The leadership in Turkey is now reaching out to Russia to buy the S-400 air defense system. The F-35 is incompatible with the S-400 Russian system sitting right next to it. We will never ever allow the F-35 to sit next to the Russian S-400 system.

We tried to make that clear in multiple conversations with Turkey and with Turkey's leaders. We tried to bring this up over and over again. I worked with Senator INHOFE, along with my colleagues, Senator SHAHEEN and Senator JACK REED, to make it clear that we will not allow the F-35 to be sold to Turkey if they are also going to purchase the S-400 from Russia.

I maintain my strong support for the F-35 program and applaud its advanced capability. The military actually will be shaped around the F-35 in the days ahead, based on its capabilities. But we cannot allow Turkey to have the F-35 and also buy a Russian system at the same time.

One of my other amendments that I dealt with when I was dealing with

Turkey and the F-35 and the security of that advanced weapons system also dealt with something that some folks may not have noticed, but I did, and other folks have as well, and that is the retirement of chaplains.

We lose track at times that when people enter into the military, these mandatory retirement ages will sneak up on folks. Well, it is especially so for chaplains because many chaplains actually enter into their service in the military after—as a second career. For many folks in the military, that is their first career, and then they have a second one, but not so for chaplains. Many of them are pastors or missionaries or counselors in hospitals and other locations. They get into their service and then time out.

Chaplains need a little bit of extra time to serve so they can serve a full term with the U.S. military. One of our amendments in this bill allows those chaplains to be able to complete service and be a part of that.

There are many other aspects of this bill that is literally hundreds of pages long that deal with military service. I want to bring up one additional element. It is an element that has been in great debate in conversation here in Congress, and it deals with the country of Iran.

This bill deals with not the military policy specifically with Iran but deals with our defense and our preparation for any enemy, including Iran. There is an amendment coming up for debate and conversation that changes the rules of engagement with Iran, that literally says to this administration that they cannot engage in any hostilities with Iran. They can only defend themselves if attacked but cannot respond until they get a vote from Congress.

I cannot imagine a worse set of rules of engagement for anyone in the U.S. military who is forward-deployed and facing risk from Iran than to say: You can respond when Congress votes for it.

I will certainly vote against that amendment, as it comes up as one of the final amendments, to say to our military leadership: I will not handcuff you in the face of the threat that is Iran.

I have heard folks on this floor and in the media want to lay the issues we have with Iran on President Trump. May I remind this body that we had 444 hostages taken in Iran in 1979. Iran was the mover that bombed Beirut and our Embassy there in the 1980s. Iran is the one that attacked the Khobar Towers in Saudi Arabia and killed many of our folks in the 1990s. The reason Bashar Assad is still in power in Syria right now is because Iran and their forces have brought them up. The reason there is a civil war in Yemen right now is because Iran is providing the weapons there and the insight to be able to instigate that civil war that is happening in Yemen right now. The reason there is constant peril on Israel's borders all the way around is because Iran is funding Hezbollah and Iran is funding Hamas.

Iran is the largest state sponsor of terrorism in the world, and the instability in the region is not something new and is not President Trump's fault. It has been a long-term issue with not only the United States but all of the West and all of the region.

Our issue is not with the Iranian people. They are smart. They are entrepreneurs. They are well educated. But they also live under the thumb of a ruthless regime led by the ayatollahs. That regime squashed the Green Movement several years ago in Iran—the people just wanting more freedom.

The issues we are facing with Iran right now are not President Trump's fault, are not because he is being mean, just as Iran's attack on the Khobar Towers and the murder of many of our people was not because President Clinton had put sanctions on Iran the year before. It wasn't President Clinton's fault that the Khobar Towers were attacked; it is not President Trump's fault in this case. He has pushed back on a terrorist regime and is demanding that they change their ways not only in the nuclear setting but also in conventional terrorism around the region and, quite frankly, around the world. We cannot allow them to continue to terrorize their neighbors.

No one wants a war with Iran. That is why we have used sanctions and diplomatic means to address this. All these accusations that the President is secretly going to try to take us to war with Iran I find absurd, especially for the man who is trying to get us out of a war in Afghanistan, out of a war in Syria, and out of a war in Iraq. Suddenly, secretly, he wants to get into a war with Iran? That is absurd.

All of the region is looking to us to help push back on the biggest bully in the region for decades, and every President since Jimmy Carter has tried to isolate and push back on Iran. I do not want to suddenly limit President Trump from trying to isolate and push back on Iran because some folks don't trust him.

In the days ahead, we as a nation will cautiously, diplomatically, economically isolate Iran to try to bring them into cooperation with the rest of the world, but in the meantime, let's not handcuff our folks who are in harm's way in that region and tell them: If you want to respond, come and get a vote from us first.

In closing, I again thank Senator INHOFE, who has done tireless work on this NDAA, and Senator JACK REED for their great bipartisan leadership on this. They have done yeomen's work on this.

I hope that this bill will not only pass the Senate but that we will put it on the President's desk in the days ahead and give some stability to our military forces around the world and that they will know we understand that 7 days a week, 24 hours a day, and in every time zone in the world, they are standing watch for peace and freedom. They are not a threatening presence. They are a peaceful presence, and

their strength has brought exceptional peace to the world. I am grateful for them and for their families and for the amazing sacrifice they make every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT REQUEST—AMENDMENT
NO. 900

Mr. TOOMEY. Mr. President, I come to the floor this evening to offer an amendment about the opioid addiction crisis that is devastating our Nation.

The origins of this epidemic are no doubt complicated, but there is a simple fact within this complicated problem; that is, the introduction of the synthetic opioid fentanyl has made this the deadliest drug epidemic in American history.

Fentanyl is 30 to 50 times more powerful than heroin, which is obviously lethal. Just 2 milligrams of this substance—that is equivalent to a few grains of salt—is enough to kill most people. This synthetic opioid has contributed to or caused 30,000 of the 50,000 opioid overdose deaths in the United States since 2017, and it is killing Pennsylvanians at an even higher percentage.

As is the case with most illicit drugs, the vast majority of this is not actually coming from within the borders of the United States; the vast majority originates outside our borders. So cooperation with the governments of other countries is essential if we are going to make progress in ending this scourge.

There are some countries that are extremely helpful. Canada and Mexico are, unfortunately, important transit points for drugs into the United States. Their governments work closely with ours and, I think it is fair to say, are doing all they reasonably can and continue to strive to do more to end this devastating influx. But fentanyl is particularly difficult because such tiny quantities are so lethal, and the fact is that not all foreign governments are as cooperative as they could be and they should be.

It is well known that the primary source of the fentanyl that is on the streets in Pennsylvania and across America—the source is ultimately China. China has been cooperating in some important ways. China shares advance electronic data on mail parcels, and that is helpful. As of May 1 of this year—a few weeks ago—China agreed to schedule fentanyl as a class that is prohibited in China, and that forgoes the need to schedule every conceivable variant of the chemical. That is a good development. But we can't be sure that China is going to follow through on its commitment—the one I just mentioned is very recent—and they still don't do all they should on pill presses. They also have a history of breaking agreements with the United States.

Maybe even more importantly, we don't know what other countries might decide to tolerate fentanyl production

within their borders and look the other way when it arrives in the United States.

Simply, there have to be consequences for countries that knowingly allow the production of fentanyl in their own land, to then be exported to the United States, and that do not—I am referring to the governments—cooperate with us as fully as they could and should be.

That brings me to the bill I introduced. It is called the Blocking Deadly Fentanyl Imports Act. It is a bipartisan bill that I introduced with DOUG JONES. I want to offer that as an amendment, to get a vote on this bill we are considering right now.

I should point out that since 1983, Congress has utilized the Foreign Assistance Act as a way to deal with this kind of problem. Specifically, this legislation—the Foreign Assistance Act, the existing law—forbids certain categories of U.S. foreign aid from going to countries that don't assist us sufficiently in our effort to control illicit substances.

There is a finite number of illicit drugs that are on the list. They include heroin, marijuana, cocaine, and methamphetamine and its precursor chemicals. Congress has periodically updated the list and expanded the list as times have changed. In 2005, the House and Senate voted to add methamphetamine and its precursors. Senator JONES and I and a number of our colleagues believe it is past time that we add fentanyl to this list, especially since it is arguably the most lethal drug in the world today.

Our bill would do a couple of things. It would add fentanyl to this list on the Foreign Assistance Act, the illicit substance list. That would then require the State Department to identify those countries—at the moment, China—that are the most significant sources of illicit fentanyl and fentanyl analogues.

Then we would toughen the requirements in determining whether or not another country is, in fact, sufficiently cooperating with the United States. We only toughen the requirements for those countries that are found to be significant sources of fentanyl, not the other drugs already on the list but those countries determined by our State Department to be significant sources of fentanyl. For that small set of countries, if the President finds that one or more of the following three criteria are not being met, then, those countries would face the risk of having these forms of financial aid withheld.

These are the three criteria we want them to meet: No. 1, whether they have in fact scheduled fentanyl and analogues as a controlled substance in their country; No. 2, whether steps are being taken to actually prosecute people who are illegally trafficking in fentanyl; and the final criteria we would add is whether or not they require the registration of pill presses, because we know that unregulated pill presses have been found to be used for

production of counterfeit pills that actually contain fentanyl.

That is the criteria that would get a country crosswise with us as a consequence of this legislation. What would the consequences be? The legislation contemplates that if a country is not doing enough with respect to the existing list of illicit narcotics, then, they would stand to lose various forms of foreign aid from the United States, specifically, economic development grants, development finance aid, health aid, agricultural aid, and military aid.

It is important to note there are other categories of aid that we provide to foreign countries and more precisely to entities within those countries that would not be affected by this. They are not affected under current law, and they would not be affected under our bill—aid such as products-related assistance, disaster relief, food aid, medical aid, and aid to refugees. Existing law doesn't interrupt those forms of aid even with bad-acting governments, and our bill wouldn't either. In addition, even the categories of foreign aid that could be shut off and that would be shut off are subject to a Presidential waiver. If, for whatever reason, the President believes it is more important that we continue even those forms of aid, then, under our amendment, the President could do so.

Again, to just sum up, the simple thing here is that a country that knowingly tolerates the production and export of fentanyl and is not as cooperative with our government as they could be in stopping it shouldn't be getting all kinds of U.S. foreign aid. That is all.

That is what our amendment would do. The majority on the Senate Foreign Relations Committee supports this. The State Department made some suggestions that we accepted. Some of the suggestions included that we drop the reference to precursor chemicals because that might capture too many countries that shouldn't be captured because they are not the precursor chemicals used for the purpose of producing illicit fentanyl. We acknowledged that, and we changed it.

I would again stress that the waivers are available to the President in the event the country ought to get those waivers.

So let me remind my colleagues that this is the worst drug crisis in American history. Fentanyl is at the heart of it. We should hold accountable countries that are not doing enough to stop this poison from leaving their country and coming into ours.

I am not asking for passage here and now, but I am asking for a vote. Let's have an up-or-down vote. I would be happy to set the vote at a 60-vote threshold. Let's send a message to any country in the world that there will be consequences for them if they choose to go down this road.

With that, Mr. President, I ask unanimous consent to set aside amendment No. 862 and call up my amendment No. 900.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, reserving the right to object, I agree with the Senator from Pennsylvania that we need to fight the opioid epidemic from every angle.

The trafficking of this drug fentanyl coming into the United States has to stop. Many lives are at stake. In my State of New Jersey, over 3,100 New Jerseyans died in 2018 alone as a result of prescription pain killers, heroin, and fentanyl.

While I support the Senator from Pennsylvania's desire to use all of the leverage we have at our disposal to pressure China to do a better job at regulating illicit fentanyl, as is exemplified by the amendment I cosponsored with Senator SCHUMER and others that is in the underlying legislation we are considering as of now, the Senator from Pennsylvania's amendment could potentially have far more wide-reaching implications.

I believe every Member of the body should be concerned about the potential collateral damage should this become law.

The Trump administration's State Department, when we asked them for an assessment of the original version of this amendment, concluded that it would lead to the suspension of U.S. foreign assistance to every country on the planet. That is not something I can support.

When we talk about China, our aid to China isn't to China as a nation. China doesn't need our aid. It is giving out aid all over the world. Our aid to China is to individuals, entities, and organizations that actually promote our national interests and our national security by creating opportunities for different parts of Chinese society to be independent from the Chinese state. So it is not China that gets our foreign assistance, but, in large part, that ultimately would be denied, and that is a type of loss that the Chinese would be only too happy to see happen.

My office worked extensively through the weekend with the Senator from Pennsylvania's office. We offered numerous different compromise agreements, but none of them were acceptable. So while I agree with the spirit of this amendment, I cannot support it as it is currently drafted, and therefore I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, very briefly, I hope the Senator from New Jersey will continue to engage with us. There is a possibility that we are not as far apart as it may appear.

Let me be very clear. It is an absolute fact that every country in the world would not be affected by this legislation at all. Whoever at the State Department suggested that chose not to read the language or chose not to understand it. Our legislation would af-

fect a very narrow category of countries that are determined by our State Department to be major sources of fentanyl. At the moment, there is a grand total of one that I am aware of that would qualify for that designation. Nothing else flows from this. There are no consequences unless you first meet that criteria. So that alone makes it obvious that it couldn't possibly apply to every country in the world.

I would also underscore the categories of aid that would be subject to being withheld in the event that a country is, in fact, a source of fentanyl and is not cooperating with us—our economic development grants, development finance aid, health aid, agricultural aid and military aid are all forms of aid that I think are entirely reasonable to withhold. The categories that I think the Senator from New Jersey is concerned about we exclude from the risk of being withheld, because I acknowledged the Senator's point. There are categories of foreign aid that don't go to foreign governments. They go to NGOs. They go to folks on the ground who are actually advancing a cause we believe in. For instance, there is the democracy development fund. We wouldn't affect that even if a country is a major source of illicit fentanyl and not cooperating with us fully. We recognize that this category of funding doesn't help that government. It helps us with the hope that we could change that government. I am not convinced that we are as far apart as it may appear to be.

I would remind everyone that I am only seeking a vote. I am not asking for unanimous consent for the amendment itself. I hope we can get back to the business of actually debating substance and voting in this body. Sometimes the minority leader has suggested that we have become a graveyard of legislation. Well, I am just proposing that we have a debate and have a vote. I hope we can get to that.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, as I said, we worked all weekend long with the Senator from Pennsylvania's office, and we are happy to continue to work with him to see if we can come to a common ground. His original amendment that we were discussing did include the elimination of democracy promotion, and that is something that China would only be too happy to achieve.

I understand that in this amendment—which I have not had the full opportunity, nor my staff, to fully analyze—he may have excluded that. That is another step forward. So we are happy to engage with the Senator and see if we can come to common ground beyond today.

My goal, however, is to join the Senator in punishing countries that are ultimately allowing this to happen, but not to do it in a way that doesn't punish the country but actually denies

those whom we are trying to help inside of those countries in the pursuit of our own interests. So if we come to that point, I hope we can ultimately come to an agreement.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

BORDER SECURITY

Mr. CASEY. Mr. President, I rise this evening to speak about the horrific humanitarian crisis at our southern border—the inhumane and truly despicable conditions under which migrants, including children, are being held by the U.S. Government. Children are being held for prolonged periods of time in facilities that are woefully inadequate, and that is an understatement.

On my left is a chart with some pictures. I want to walk through each of these pictures to talk about these children by name. Since September of 2018, these children have died while in United States Government custody.

I will start at the lower right-hand corner of the chart as you are facing the chart: Carlos Hernandez Vasquez, 16 years old; up here on the left top of the chart, Wilmer Josue Ramirez Vasquez, 2 years old; Darlyn Cristabel Cordova-Valle, age 10; Juan de Leon Gutierrez, right here on the other side of the chart, just 16 years old; Jakelin Caal Maquin—many know her name from the time when she passed away—just 7 years old; and finally, Felipe Gomez Alonzo, just 8 years old.

These six deaths occurred in the span of less than 1 year and are the first deaths in at least a decade. Mourning their deaths is not enough. I think we can at least agree on that. As much as anyone can mourn their deaths, that is not enough. We must act in light of this terrible darkness that these children experienced and that their families are living with and that our country is experiencing as well.

In recent weeks we have heard some of the reporting. There have been reports of children held without adequate medical attention, without food or water or sanitation.

Just by way of one searing example, Warren Binford, a law professor at Willamette University, who spoke with children at the Texas facility, said:

Basically, what we saw are dirty children who are malnourished, who are severely neglected. They are being kept in inhumane conditions. They are essentially being warehoused, as many as 300 children in a cell, with almost no adult supervision.

This is a lawyer who is trained to understand and to explain these kinds of conditions. This isn't some casual observer. This is an expert in her field who is telling us this. She is not a Member of Congress. She is not an employee of the U.S. Government. She is a lawyer who saw this with her own

eyes—children who are malnourished, neglected, living in inhumane conditions, warehoused, with 300 children in a cell with no adult supervision.

This same law professor reported witnessing a 14-year-old—a 14-year-old—caring for a 2-year-old without a diaper, lack of medical care, with flu outbreaks and lice infestation.

Law Professor Binford said:

It's the worst conditions I have ever witnessed in several years of doing these inspections.

That is what a trained professional is telling us about what is happening in these conditions.

A Senate colleague of mine talked about going into a facility where children were housed. This is a Senator with a lot of experience in the Senate. He said, usually when you walk through any kind of facility or any kind of environment in the United States of America where children are, you can hear them laughing and playing and having fun—that beautiful noise of children playing. He said you couldn't hear any of it. He talked about the eerie and disturbing quiet in that place. There was no noise, no laughing, no happiness, I guess, is probably the best way he described it.

Then this one Senator talked about making eye contact with a child. As soon as he or she made eye contact, the child would turn away.

I am sure we have other examples from colleagues here and in the House and within our government, but when a law professor who has been in a lot of these circumstances tells us this, we should listen, and we should act.

Another lawyer reported speaking with young mothers and children—all of whom were claiming asylum at a Texas facility. The mother reported a lack of proper medical care, or clean clothes, or sufficient cups or baby bottles, forcing reuse and sharing of those same cups and bottles, as well as mothers wiping their children's runny noses or vomit with their own clothes because they have nothing else—not even a paper towel—to clean with when they are experiencing these conditions. This particular lawyer was quoted in the Texas Tribune, just in case anyone wants a source.

These reports of overcrowding and lack of medical care, sanitation problems, and lack of food or water are an abomination. This is not America. It is not the America we grew up with. It is not the America we tell the world we are. We have told the world for generations that we care about each other; that we welcome people to our shores and try to treat them fairly. We can't say that when we have these kinds of insults.

Just imagine the fear a child experiences in these circumstances—the fear that comes from being alone, the fear of not having their mother or their father or some loved one nearby, in many circumstances. Some, I guess, might have an older sibling with them, but just imagine how frightened they are.

Then, to compound that, they don't have basic necessities. I can't even imagine the fear.

There is a great hymn in my faith that talks about being a servant. I will not go through all the lyrics. The song is named "The Servant Song." I will take the sacredness out of it for purposes of where we are speaking today. One of the lines of "The Servant Song" says: "I will hold the . . . light for you in the night time of your fear."

I can't imagine any other circumstance that anyone here could describe to better fit that description—in the night time of the fear of children who may have survived, but others, as this chart depicts, lost their lives because of failures of our government. A 2-year-old, a 10-year-old, a 7-year-old, a 16-year-old, an 8-year-old, and another 16-year-old who were in government custody of the United States of America lost their lives. I can't even begin to imagine that fear.

We all have to ask ourselves a lot of questions, but one question we have to ask ourselves in both Houses of Congress and the administration is, Will this government be there in the night time of the fear experienced by these children or not? It is readily apparent, from all the reporting month after month, that we are in no way meeting that test for too many children. Maybe some are in better conditions, but there are a lot of children—I don't even know the number. I hope it is only in the hundreds, but many people believe it is a lot more than that. There may be thousands or more who are in the night time of their fear.

Our government is not only part of creating the fear, we are doing next to nothing to alleviate it. We should ask ourselves, will we be there for them in the night time of their fear?

The administration's response to all of the reporting of this horror has been an insult to the United States of America. It is an insult to the taxpayers who send money to the government and say: Make sure that when a child comes to our borders, we treat them humanely; make sure the system works. It is an insult to our values, of course.

It is an insult to the proclamations we make as Americans to the world that we are a beacon of light for the world in so many ways. Thank goodness we are in some other facets of our government and of course the lives of our people. On this issue, we are bringing darkness not only to the lives of those children, but we are bringing darkness to the world.

We are less safe as a country when this happens. We empower people around the world—very bad actors around the world—who have been perpetuating this narrative for generations that America allows this to happen. When you do that, you empower the bad guys to recruit and to marshal their forces against you. When you treat children this way, who then lose their lives in government custody, we

are less safe. It hurts our national security. It doesn't just undermine our values. It is not just immoral. It makes us less safe. It is a national security threat as much as it is an insult to our values or at least the values we claim to have as a government in the executive and legislative branches.

This administration has sought to increase family detention. They sought to relax the standards under which children are held. The administration recently canceled English classes, recreational programs, and legal aid for unaccompanied minors at shelters across the country.

Recently, an attorney for the Department of Justice argued that the government should not be required to give a detained migrant child—or in this case children—toothbrushes, or soap, or towels, or showers, and probably goes on from there. It is hard to comprehend how insulting that is to our values; how cruel and inhumane that is. If our government can't provide that to a child, how can we call ourselves a government? How can we say we have the values that we claim to have as a government? This person was a lawyer for the U.S. Government from the U.S. Department of Justice. A lawyer said that, not some low-level employee of some department in the Federal Government. A lawyer in a courtroom said our government shouldn't have to provide toothbrushes or soap or towels.

We should not be relaxing standards when, according to the American Academy of Pediatrics, the Department of Homeland Security facilities already don't meet the basic standards for care of children in residential settings. Moreover, the Academy of Pediatrics stated that detention itself, even for short periods of time, can cause psychological trauma and induce long-term mental health risks for children.

I made this point to the administration months ago; that when you are setting up your protocols about how to deal with a child, please consult with the American Academy of Pediatrics—which is probably the leading organization in the whole country—about how best to care for a child and what not to do. I think we should listen to them, and I hope the administration would not only be listening to the American Academy of Pediatrics but would be incorporating their expertise and protocols.

Conditions for migrant adults are also completely unacceptable and an insult to our values. Last month, the Department of Homeland Security Office of the Inspector General issued a report. This isn't just a routine report. I will read the headline: "Management Alert—DHS Needs to Address Dangerous Overcrowding Among Single Adults at El Paso Del Norte Processing Center." This is a management alert sent by one part of the government—not just the executive branch but one department to the other—the inspector

general to the management of the Department of Homeland Security. That is how bad it is.

I will read just one line on page 9 of the report:

Recommendations.

We recommend the Acting Secretary of DHS:

1. Take immediate steps to alleviate the overcrowding at the El Paso Del Norte Bridge Processing Center.

They didn't say work on it for a couple of months and try to get something done. Their own inspector general is saying take immediate steps.

Mr. President, I ask unanimous consent to have at least the body of this report, if not the attachment, printed in the RECORD.

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

MANAGEMENT ALERT—DHS NEEDS TO ADDRESS DANGEROUS OVERCROWDING AMONG SINGLE ADULTS AT EL PASO DEL NORTE PROCESSING CENTER (REDACTED)

MAY 30, 2019

Memorandum for: The Honorable Kevin K. McAleenan, Acting Secretary, Department of Homeland Security.

From: John V. Kelly, Acting Inspector General.

Subject: Management Alert—DHS Needs to Address Dangerous Overcrowding Among Single Adults at El Paso Del Norte Processing Center.

For your action is our final management alert, Management Alert—DHS Needs to Address Dangerous Overcrowding Among Single Adults at El Paso Del Norte Processing Center, the purpose of which is to notify you of urgent issues that require immediate attention and action. Specifically, we are recommending that the Department of Homeland Security (DHS) take immediate steps to alleviate dangerous overcrowding at the El Paso Del Norte Processing Center (PDT). Issuance of this management alert is consistent with our duties under the Inspector General Act of 1978, as amended, to conduct inspections and recommend policies to promote economy, efficiency, and effectiveness in DHS programs and operations.

We have incorporated the formal comments provided by your office on the draft management alert and appended them verbatim. Your office concurred with the recommendation we made to alleviate overcrowding at PDT, but gave a target completion date of November 30, 2020. Because DHS's corrective action is critical to the im-

mediate health and safety needs of detainees, who cannot continue to be held in standing-room-only conditions for weeks until additional tents are constructed, we consider the recommendation open and unresolved. We will continue our spot inspections of the southern border facilities and may revisit El Paso sector sites to monitor overcrowding.

Consistent with our responsibility under the Inspector General Act, we will provide copies of our alert to congressional committees with oversight and appropriation responsibility over DHS. We also will post the alert on our website for public dissemination.

Please call me with any questions, or your staff may contact Diana Shaw, Assistant Inspector General for Special Reviews and Evaluations, at (202) 981-6000.

BACKGROUND

In May 2019, U.S. Customs and Border Protection (CBP) and Border Patrol leadership jointly testified before Congress that they are experiencing an unprecedented border security and humanitarian crisis along the southwest border. According to CBP statistics, the number of southwest border migrant apprehensions during the first seven months of FY 2019 has in general already surpassed that of the total apprehensions for each of the previous four fiscal years. At the sector level, El Paso has experienced the sharpest increase in apprehensions when comparing the first seven months of FY 2019 to the same period in FY 2018. Table 1 shows the total number of apprehensions by category and the percent increase for the El Paso sector.

TABLE 1.—EL PASO SECTOR BORDER PATROL APPREHENSIONS

	Apprehensions October 2017 to April 2018	Apprehensions October 2018 to April 2019	Percent Increase
Unaccompanied Alien Children	2,116	10,027	374%
Family Units	3,865	74,072	1,816
Single Adults	7,665	13,953	82
Total	13,646	98,052	619

Source: Border Patrol southwest border apprehensions by sector

During the week of May 6, 2019, we visited five Border Patrol stations and two ports of entry in the El Paso area, including greater El Paso and eastern New Mexico, as part of our unannounced spot inspections of CBP holding facilities. We reviewed compliance with CBP's Transport, Escort, Detention and Search (TEDS) standards, which govern CBP's interaction with detained individuals, and observed dangerous holding conditions at the El Paso Del Norte Processing Center (PDT) Border Patrol processing facility, located at the Paso Del Norte Bridge, that require immediate attention. Specifically, PDT does not have the capacity to hold the hundreds currently in custody safely, and has held the majority of its detainees longer than the 72 hours generally permitted under the TEDS standards (TEDS 4.1).

OVERCROWDING AND PROLONGED DETENTION AT THE PDT BORDER PATROL FACILITY PUTS DETAINÉES AND DHS PERSONNEL AT RISK

According to PDT Border Patrol processing facility staff, the facility's maximum capacity is 125 detainees. However, on May 7 and 8, 2019, Border Patrol's custody logs indicated that there were approximately 750 and 900 detainees on site, respectively. TEDS standards provide that "under no circumstances should the maximum [cell] occupancy rate, as set by the fire marshal, be exceeded" (TEDS 4.7). However, we observed dangerous overcrowding at the facility with single adults held in cells designed for one-fifth as many detainees. Specifically, we observed:

a cell with a maximum capacity of 12 held 76 detainees;

a cell with a maximum capacity of 8 held 41 detainees; and

a cell with a maximum capacity of 35 held 155 detainees.

PDT's seven general cells and three small isolation cells are unable to accommodate the number of detainees currently being held at the processing facility within TEDS standards. Further limiting available space is the need to separate detainees with infectious diseases, such as chicken pox, scabies, and influenza, from each other and from the general population.

Border Patrol agents told us some of the detainees had been held in standing-room-only conditions for days or weeks. According to Border Patrol's custody logs, there were 756 detainees on site when we visited PDT on May 7, 2019. Of those, 502 detainees (66 percent) had been held at PDT for longer than 72 hours, with 33 detainees (4 percent) held there for more than two weeks. On May 8, 2019, we returned to PDT for another unannounced spot inspection and observed that some family units and adult females had been transferred, but overall numbers were even higher as additional detainees had arrived for processing. According to Border Patrol staff, on May 8, 2019, the total number on site was approximately 900.

During our visits, we observed the triage of hundreds of detainees outside in the PDT parking lot. There were approximately 75 people treated for lice, hundreds of family units waiting in the tented area to be proc-

essed, and hundreds of detainees in line to surrender their valuables, such as money and phones, to DHS staff. Figure 4 depicts some of the outdoor lines we observed on May 7, 2019, and May 8, 2019. We also observed staff discarding all other detainee property, such as backpacks, suitcases, and handbags, in the nearby dumpster. Border Patrol personnel told us that these items might be wet, have bugs, and be muddy, and, therefore, presented a "biohazard."

We are concerned that overcrowding and prolonged detention represent an immediate risk to the health and safety not just of the detainees, but also DHS agents and officers. Border Patrol management on site said there is a high incidence of illness among their staff. Border Patrol management at PDT and other sites also raised concerns about employee morale and that conditions were elevating anxiety and affecting employees' personal lives. They noted that some employees eligible for retirement had accelerated their retirement dates, while others were considering alternative employment opportunities.

In addition, Border Patrol management on site said there is an ongoing concern that rising tensions among detainees could turn violent. We observed that staff must enter crowded cells or move large numbers of detainees for meals, medical care, and cell cleaning. For example, at the time of our visit, 140 adult male detainees were crowding the hallways and common areas of the facility while their cell was being cleaned. We observed staff having difficulty maneuvering around this crowd to perform their duties,

and were told that staff feel they have limited options if detainees decide not to cooperate.

The overcrowded conditions also complicate efforts to ensure compliance with TEDS standards. For example, CBP was struggling to maintain hygienic conditions in the holding cells. With limited access to showers and clean clothing, detainees were wearing soiled clothing for days or weeks. Although TEDS standards do not require a change of clothing for adults, Border Patrol agents said they were nevertheless trying to obtain clean clothing for adult females because the lack of clean clothes was “wearing down on them.” We also observed detainees standing on toilets in the cells to make room and gain breathing space, thus limiting access to the toilets. Border Patrol agents said detainees who were not ill were raising medical complaints to obtain temporary release from the cells, adding to the medical staffs burden.

DHS NEEDS A COORDINATED APPROACH TO MANAGING LONG-TERM DETENTION DURING SHARP INCREASE IN APPREHENSIONS

Although CBP headquarters management has been aware of the situation at PDT for months and detailed staff to assist with custody management, DHS has not identified a process to alleviate issues with overcrowding at PDT. Within DHS, providing long-term detention is the responsibility of U.S. Immigration and Customs Enforcement (ICE), not CBP. El Paso sector Border Patrol management said they are able to complete immigration processing for most detainees within a few days, but have not been able to transfer single adults into ICE custody quickly. Border Patrol managers at the stations we visited said they call ICE daily to request detention space for single adults. They said in some instances ICE officers tell them they cannot take the detainees. In other instances, ICE initially agrees to take some adult detainees, but then reverses the decision.

ICE has the infrastructure to transport and detain aliens nationwide, but its current ability to do both of these tasks is also strained. ICE senior managers stated that ICE does not currently have sufficient detention bed space to take all of Border Patrol’s adult detainees, and explained that Border Patrol has the authority to decide which detainees are the highest priority to transfer to ICE custody. ICE managers also stated that ICE prioritizes requests from CBP over any other requests for bed space and, when possible, uses its national transportation system to fly and transport detainees to available detention beds.

When we discussed the situation at PDT with ICE, ICE officials suggested the El Paso sector could develop a single point of contact to better prioritize requests for adult detention beds. They said with individual Border Patrol stations making requests to ICE, the highest priority detainees may not be transferred to ICE. Prioritization could alleviate the situation at PDT and in the El Paso sector in the short term, but would not contribute to a coordinated DHS approach to managing long-term detention during this sharp increase in border apprehensions.

RECOMMENDATIONS

We recommend the Acting Secretary of DHS:

1. Take immediate steps to alleviate the overcrowding at the El Paso Del Norte Bridge Processing Center (PDT).

DHS MANAGEMENT’S RESPONSE AND OIG ANALYSIS

DHS management provided written comments on a draft of this alert. We included a copy of DHS’ management comments in

their entirety in appendix A. We also incorporated DHS’ technical comments in the final alert, as appropriate.

DHS Response to Recommendation #1

Concur. CBP has constructed a 500-person holding capacity soft-sided structure at El Paso Station, will construct an additional tent by July 31, 2019, and will open a Centralized Processing Center within 18 months. CBP will continue to review the number of migrants in custody at Border Patrol stations to determine available space and transfer subjects accordingly. The Border Patrol, through its single point of contact at El Paso Sector, will continue to communicate with ICE to improve the migrant transfer process.

The estimated completion date is November 30, 2020.

OIG Response

We observed conditions at the El Paso Del Norte Processing Center (PDT) Border Patrol facility that represent an immediate risk to the health and safety of detainees and DHS employees. Specifically, Border Patrol agents told us some single adults had been held in standing-room-only conditions for days or weeks. Border Patrol management on site said there is an ongoing concern that rising tensions among detainees could turn violent. Dangerous overcrowding among single adults in PDT requires immediate action.

While we consider the actions outlined in DHS’ response to be partially responsive to the recommendation, the recommendation will remain unresolved and open until DHS offers an immediate corrective action plan to address the dangerous overcrowding at PDT.

APPENDIX A—DHS’S MANAGEMENT COMMENTS TO THE DRAFT MANAGEMENT ALERT

MAY 28, 2019

Memorandum for: John V. Kelly, Acting Inspector General

From: Jim H. Crumacker, CIA, CFE for Director, Departmental GAO-OIG Liaison Office.

Subject: Management Response to OIG Draft Management Alert: “DHS Needs to Address Dangerous Overcrowding Among Single Adults at El Paso Del Norte Processing Center (PDT)—For Official Use Only” (Project No. 19-039-SRE-CBP).

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

DHS performs an essential role in securing our Nation’s borders at and between ports of entry, and enforces U.S. immigration law within the interior of the country. U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) officers and agents continually uphold the utmost professionalism while performing essential border security operations. DHS is devoted to the care and processing of the individuals in our custody with the utmost dignity and respect.

The current situation on the border represents an acute and worsening crisis. Our immigration system is not equipped to accommodate a migration pattern like the one we are experiencing now. Previous patterns—somewhat predictable in composition and predicated on seasonal variations—are no longer the norm. Through April 2019, CBP enforcement actions along the southwest border are 84 percent higher than the same period last fiscal year; this includes a 117 percent increase in U.S. Border Patrol (USBP) apprehensions. Additionally, the speed with which illegal migrants are

transiting through Mexico to reach our southern border is frustrating our best efforts to respond quickly.

The current migration flow and the resulting humanitarian crisis are rapidly overwhelming the ability of the Federal Government to respond. In March 2019, CBP encountered over 103,000 illegal border crossers and inadmissible aliens. In April 2019, that number exceeded 109,000—the highest monthly levels in more than a decade.

DHS has taken steps to ensure an elevated standard of care in response to the current humanitarian crisis and has directed additional personnel and resources to the border. CBP has constructed a weatherproof and climate-controlled soft-sided structure in the El Paso Sector. The structure will allow Border Patrol agents to expedite, process, and transport migrants to ICE or the U.S. Department of Health and Human Services. The structure provides areas for eating, sleeping, recreation, and personal hygiene for up to 500 people. There are also separate areas for processing, medical evaluations, bathroom facilities, laundry, trailers, sleeping mats, kitchen equipment, personal property storage boxes, office space, television, and lockers.

Additionally, a modular facility that is capable of holding up to 800 people is projected to be in use by July 2019. Construction of a permanent Centralized Processing Center (CPC) in El Paso is planned to further alleviate overcrowding. The CPC is expected to be operational in approximately 18 months, with a holding capacity of approximately 1,800. Congress can also help by working on targeted solutions to restore integrity to our immigration system and remove the incentives for families and children to cross our border illegally.

The draft report contained one recommendation, with which the Department concurs. Attached find our detailed response to the recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

ATTACHMENT: MANAGEMENT RESPONSE TO RECOMMENDATION CONTAINED IN 19-039-SRE-CBP

The OIG recommended that the Acting Secretary of DHS:

Recommendation 1: Take immediate steps to alleviate the overcrowding at El Paso Del Norte Processing Center (PDT).

Response: Concur. In an effort to alleviate the overcrowding at the PDT brought on by the unprecedented increase in the number of families and children arriving at the Southwest Border, CBP has implemented a multi-layered approach.

CBP has constructed a 500 holding capacity soft-sided structure at El Paso Station that has been operational since May 2, 2019. CBP will construct an 800 holding capacity modular facility at El Paso Station to be operational by July 31, 2019. In addition, a permanent CPC with a holding capacity of approximately 1,800 is planned to further alleviate overcrowding in El Paso. It is scheduled to be operational within 18 months.

CBP will continue to review the number of migrants in custody at USBP stations within El Paso Sector to determine available space and transfer subjects accordingly. USBP, through its single point-of-contact at El Paso Sector, will continue to communicate with ICE’s Enforcement and Removal Operations to improve the migrant transfer process.

In an effort to supplement staff, CBP will continue to temporarily detail Border Patrol

Agents and CBP Surge Force personnel to El Paso Sector, as well as utilize personnel from the U.S. Department of Defense.

Due to capacity issues, USBP will continue processing non-criminal family units for immediate release under an order of recognition.

Estimated Completion Date: November 30, 2020.

APPENDIX B—MANAGEMENT ALERT
DISTRIBUTION

DEPARTMENT OF HOMELAND SECURITY

Secretary
Deputy Secretary
Chief of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Under Secretary Office of Strategy, Policy, and Plans
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
Commissioner, CBP
CBP Component Liaison

OFFICE OF MANAGEMENT AND BUDGET

Chief, Homeland Security Branch
DHS OIG Budget Examiner

CONGRESS

Congressional Oversight and Appropriations Committees

Mr. CASEY. This report details dangerous overcrowding for a prolonged basis at this detention center and the dangers it creates. According to the report, a facility with maximum capacity of 125 detainees is holding approximately 900. Some migrants were held in standing-room-only-conditions for days or weeks with limited access to showers or clean clothing. Migrants, many of whom are asylum seekers, were observed standing on toilets themselves to make room and gain breathing space. These conditions not only violate Custom and Border Patrol's transport, escort, detention, and search standards but are an affront to our values as a nation. Asylum seekers who have fled violence and suffered through an arduous journey should not be subjected to unhealthy, unsanitary, unsafe conditions under any circumstances.

Asylum seekers are coming to our shores because of violence in their home countries. Everyone knows this. This isn't a theory; it is fact. Honduras, Guatemala, and El Salvador rank in the top 10 countries in the world for homicide. Why do we think they are coming? Would any one of us journey hundreds or thousands of miles? I don't think so.

According to a report issued from Doctors Without Borders in 2017, Northern Triangle countries—the countries I just mentioned—are experiencing “violent displacement, persecution, sexual violence, and forced repatriation akin to the conditions found in the deadliest armed conflicts in the world today.” That is not some Member of Congress just talking.

For asylum seekers, the decision to move is not a choice; it is a necessity. The journey can further subject them to violence, danger, and other abuses along the way.

Once they arrive at our shores, it is critical that they are treated with compassion and human dignity and receive a fair opportunity to present their claims.

That is the America that we believe in. That is the America we were taught to believe that we are—a nation that respects human life, human values, and gives people a fair chance when they present themselves for asylum.

The only good news that we can report tonight is that the Senate passed a bill to provide nearly \$4.6 billion in humanitarian aid, including \$2.88 billion to the Office of Refugee Resettlement to care for migrant children and to help minimize the time they are held in Federal facilities, in Federal custody. The House also passed a bill, which I support. We must quickly conference these bills to provide the needed resources while we also ensure there are protections for migrants and greater accountability and transparency from DHS to ensure the funds are appropriately spent.

The faster we get this done, the better, and maybe we can reduce the likelihood that six more children will die in the next couple of months in the custody of the U.S. Government.

I end with this note: I talked about what we are as a nation and what we believe that we should be and the standard we are not meeting now. We must be a nation that respects people who come to our shores and treats them with a measure of human dignity and compassion and fairness.

What we must not be is a nation that refuses asylum seekers who flee persecution and violence from the murder capitals of the world. We must not be a nation that separates children from their families. We must not be a nation that gives migrants, including children, who are in squalid and inhumane conditions, no hope of getting out of that circumstance.

We are, indeed, when we are at our best, a nation of opportunity, a nation of immigrants, and, of course, a nation of laws. It is imperative that we fix our broken immigration system more broadly so that it, once again, reflects these American values.

As we work on a broad response to a broken immigration system, let us at least be there for those children in the nighttime of their fear—No. 1, not to create that fear and, No. 2, not to perpetuate it for these children. At a minimum, we should make a pledge in our government to never have six deaths of children who are in the custody of the U.S. Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on Senate amendment No. 764 occur at 12 noon on Thursday, June 27; further, that if cloture is invoked, amendment Nos. 864, 863, and 862 be withdrawn and

the postcloture time be considered expired and the Senate vote on amendment No. 861, with no further amendments in order.

I further ask that the time until 1:45 p.m. be equally divided; that at 1:45 p.m., the Senate vote on the substitute amendment, as amended, if amended; that the cloture motion with respect to S. 1790 then be withdrawn and the Senate vote on the passage of S. 1790, as amended, if amended, with no further intervening action or debate; finally, that at a time to be determined by the majority leader, in consultation with the Democratic leader, on Friday, June 28, the Senate vote on the Udall amendment, No. 883, notwithstanding the passage of S. 1790, and that it require 60 affirmative votes for adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

BUDGETARY ENFORCEMENT
LEVELS

Mr. ENZI. Mr. President, section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, BBEDCA, establishes statutory limits on discretionary spending and allows for various adjustments to those limits. In addition, sections 302 and 314(a) of the Congressional Budget Act of 1974 allow the chairman of the Budget Committee to establish and make revisions to allocations, aggregates, and levels consistent with those adjustments.

The Senate will soon consider S. Amdt. 901 to H.R. 3401, the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019. This measure provides supplemental appropriations to address humanitarian assistance and security at the border. The measure contains spending that qualifies for cap adjustments under current statute.

This measure includes \$4,586 million in budget authority that is designated as being for emergency purposes pursuant to section 251(b)(2)(A)(i) of BBEDCA. Of that amount, \$145 million is for spending in the security category and \$4,441 million is for nonsecurity spending. CBO estimates that this budget authority will result in \$1,048 million in outlays in Fiscal Year 2019.

As a result of the aforementioned designations, I am revising the budget authority and outlay allocations to the Committee on Appropriations by increasing revised security budget authority by \$145 million, revised nonsecurity budget authority by \$4,441 million, and outlays by \$1,048 million

in Fiscal Year 2019. Further, I am increasing the budgetary aggregate for Fiscal Year 2019 by \$4,586 million in budget authority and \$1,048 million in outlays.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

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

REVISION TO BUDGETARY AGGREGATES
(Pursuant to Sections 311 and 314(a) of the Congressional Budget Act of 1974)

	\$ in Millions	2019
Current Spending Aggregates:		
Budget Authority		3,658,445
Outlays		3,555,373
Adjustments:		
Budget Authority		4,586
Outlays		1,048
Revised Spending Aggregates:		
Budget Authority		3,663,031
Outlays		3,556,421

REVISION TO SPENDING ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2019
(Pursuant to Sections 302 and 314(a) of the Congressional Budget Act of 1974)

	\$ in Millions	2019
Current Allocation:		
Revised Security Discretionary Budget Authority		718,693
Revised Nonsecurity Category Discretionary Budget Authority		637,005
General Purpose Outlays		1,361,764
Adjustments:		
Revised Security Discretionary Budget Authority		145
Revised Nonsecurity Category Discretionary Budget Authority		4,441
General Purpose Outlays		1,048
Revised Allocation:		
Revised Security Discretionary Budget Authority		718,838
Revised Nonsecurity Category Discretionary Budget Authority		641,446
General Purpose Outlays		1,362,812
Memorandum: Detail of Adjustments Made Above		
	Regular	OCO
	Program Integrity	Disaster Relief
	Emergency	Total
Revised Security Discretionary Budget Authority	0	0
Revised Nonsecurity Category Discretionary Budget Authority	0	0
General Purpose Outlays	0	0

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish submit to the Senate the budget scorekeeping report for June 2019. The report compares current-law levels of spending and revenues with the amounts the Senate agreed to in the Bipartisan Budget Act of 2018 BBA18. This information is necessary for the Senate Budget Committee to determine whether budgetary points of order lie against pending legislation. The Republican staff of the Budget Committee and the Congressional Budget Office, CBO, prepared this report pursuant to section 308(b) of the Congressional Budget Act, CBA.

This is my fifth scorekeeping report this year. My last filing can be found in the Congressional Record for May 22, 2019. The information included in this report is current through June 24, 2019.

Since my last filing, Congress has cleared three pieces of legislation with significant budgetary effects. The first, the Additional Supplemental Appropriations for Disaster Relief Act, 2019, P.L. 116-20, provided \$19.1 billion in emergency discretionary appropriations to address recent natural disasters. The second, the Blue Water Navy Vietnam Veterans Act of 2019, H.R. 299, increased compensation for certain veterans and modified veteran home loan programs. The final bill, the Taxpayer First Act, H.R. 3151, modified several rules that govern the organiza-

tion of and operations at the Internal Revenue Service.

Budget Committee Republican staff prepared Tables A–C.

Table A gives the amount by which each Senate authorizing committee exceeds or is below its allocation for budget authority and outlays under the Fiscal Year 2019 enforceable levels filing required by BBA18. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. For this reporting period, 9 of the 16 authorizing committees are not in compliance with their allocations. Over the current 10-year enforceable window, authorizing committees have increased outlays by a combined \$3.6 billion. Of the bills clearing Congress this reporting period, H.R. 299 added to the Veterans’ Affairs Committee’s existing violations, including an increase in spending of \$394 million over the 10-year window, while H.R. 3151 reduced spending scoreable to the Finance Committee by \$201 million over the same time period.

Table B provides the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in sections 312 and 314 of the CBA. Appropriations for Fiscal Year 2019, displayed in this table, show that the Appropriations Committee is compliant with spending limits for the current fiscal year. Those limits for regular discre-

tionary spending are \$647 billion for accounts in the defense category and \$597 billion for accounts in the nondefense category of spending.

The Fiscal Year 2018 budget resolution contained points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMP. Table C, which tracks the CHIMP limit of \$15 billion for Fiscal Year 2019, shows the Appropriations Committee has enacted \$15 billion worth of full-year CHIMPs for this Fiscal Year.

In addition to the tables provided by Budget Committee Republican staff, I am submitting CBO tables, which I will use to enforce budget totals approved by Congress.

For Fiscal Year 2019, CBO estimates that current-law levels are \$2.9 billion above and \$3.3 billion below enforceable levels for budget authority and outlays, respectively. Revenues are \$426 million below the level assumed in the budget resolution. These figures remain unchanged since the May Scorekeeping Report, as the appropriation provided in P.L. 116-20 was accompanied by a concurrent and equivalent increase in aggregate spending levels pursuant to section 314 of the CBA. This adjustment can be found in the CONGRESSIONAL RECORD for May 23, 2019. Further, Social Security revenues are at the levels assumed for Fiscal

Year 2019, while Social Security outlays are \$4 million above assumed levels for the budget year.

CBO's report also provides information needed to enforce the Senate pay-as-you-go, PAYGO, rule. The PAYGO scorecard shows deficit increases in Fiscal Year 2019 of \$1,957 million, \$427 million revenue loss, \$1,530 million outlay increase; over the Fiscal Year 2018–2023 period of \$3,412 million, \$907 million revenue loss, \$2,505 million outlay increase; and over the Fiscal Year 2018–2028 period of \$800 million, \$798 million

revenue loss, \$2 million outlay increase. During this reporting period, H.R. 3151 had the effect of reducing deficits by \$37 million over both the Fiscal Year 2018–2023 and Fiscal Year 2018–2028 periods, while H.R. 299 increased deficits by \$76 million and \$394 million over the same periods, respectively.

This submission also includes a table tracking the Senate's budget enforcement activity on the floor since the enforcement filing on May 7, 2018. Since my last report, no new budgetary

points of order were raised. On May 23, 2019, however, a Senator made a preemptive motion to waive all applicable points of order against the supplemental appropriations bill that would become P.L. 116–20.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

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

TABLE A.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (–) BUDGET RESOLUTIONS

[In millions of dollars]

	2019	2019–2023	2019–2028
Agriculture, Nutrition, and Forestry			
Budget Authority	2,414	4,249	3,123
Outlays	1,401	1,797	70
Armed Services			
Budget Authority	0	0	0
Outlays	0	0	0
Banking, Housing, and Urban Affairs			
Budget Authority	21	285	382
Outlays	20	285	382
Commerce, Science, and Transportation			
Budget Authority	41	77	91
Outlays	11	74	90
Energy and Natural Resources			
Budget Authority	0	–10	–24
Outlays	0	–10	–24
Environment and Public Works			
Budget Authority	2	4	–333
Outlays	2	4	–333
Finance			
Budget Authority	378	1,078	–1,090
Outlays	159	1,070	–1,093
Foreign Relations			
Budget Authority	0	–5	–20
Outlays	0	–5	–20
Homeland Security and Governmental Affairs			
Budget Authority	0	2	4
Outlays	43	48	49
Judiciary			
Budget Authority	13	209	497
Outlays	13	205	492
Health, Education, Labor, and Pensions			
Budget Authority	0	–36	–84
Outlays	0	–36	–84
Rules and Administration			
Budget Authority	0	0	1
Outlays	0	0	1
Intelligence			
Budget Authority	0	0	0
Outlays	0	0	0
Veterans' Affairs			
Budget Authority	4	79	–335
Outlays	4,402	4,476	4,062
Indian Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Small Business			
Budget Authority	0	0	0
Outlays	0	0	0
Total.			
Budget Authority	2,873	5,932	2,212
Outlays	6,051	7,908	3,592

TABLE B.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS ¹

[Budget authority, in millions of dollars]

	2019	
	Security ²	Nonsecurity ²
Statutory Discretionary Limits	647,000	597,000
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	23,042
Commerce, Justice, Science, and Related Agencies	5,499	58,619
Defense	606,340	129
Energy and Water Development	22,440	22,200
Financial Services and General Government	31	23,392
Homeland Security	2,058	47,353
Interior, Environment, and Related Agencies	0	35,552
Labor, Health and Human Services, Education, and Related Agencies	0	178,076
Legislative Branch	0	4,836
Military Construction, Veterans Affairs, and Related Agencies	10,332	86,804
State, Foreign Operations, and Related Programs	0	46,218
Transportation and Housing and Urban Development, and Related Agencies	300	70,779
Current Level Total	647,000	597,000
Total Enacted Above (+) or Below (–) Statutory Limits	0	0

¹ This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

² Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

TABLE C.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

[Budget authority, in millions of dollars]

	2019
CHIMPS Limit for Fiscal Year 2019	15,000
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies	0
Commerce, Justice, Science, and Related Agencies	7,285
Defense	0
Energy and Water Development	0
Financial Services and General Government	0
Homeland Security	0
Interior, Environment, and Related Agencies	0
Labor, Health and Human Services, Education, and Related Agencies	7,715
Legislative Branch	0
Military Construction, Veterans Affairs, and Related Agencies	0
State, Foreign Operations, and Related Programs	0
Transportation, Housing and Urban Development, and Related Agencies	0
Current Level Total	15,000
Total CHIMPS Above (+) or Below (–) Budget Resolution	0

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 26, 2019.

Hon. MIKE ENZI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2019 budget and is current through June 24, 2019. This report is submitted under section 308(b) and in aid of sec-

tion 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the allocations, aggregates, and other budgetary levels printed in the Congressional Record on May 7, 2018, pursuant to section 30103 of the Bipartisan Budget Act of 2018 (Public Law 115-123).

Since our last letter dated May 22, 2019, the Congress has cleared and the President has

signed the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20). That act has significant effects on budget authority and outlays in fiscal year 2019.

Sincerely,

MARK P. HADLEY
(for Phillip L. Swagel, Director.)

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2019, AS OF JUNE 24, 2019

[In billions of dollars]

	Budget Resolution	Current Level	Current Level Over/Under (–) Resolution
On-Budget			
Budget Authority	3,658.4	3,661.3	2.9
Outlays	3,555.4	3,552.1	–3.3
Revenues	2,590.5	2,590.1	–0.4
Off-Budget			
Social Security Outlays ^a	908.8	908.8	0.0
Social Security Revenues	899.2	899.2	0.0

Source: Congressional Budget Office.

^aExcludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2019, AS OF JUNE 24, 2019

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted ^{a, b, c}			
Revenues	n.a.	n.a.	2,590,496
Permanents and other spending legislation	2,271,360	2,169,258	n.a.
Authorizing and Appropriation legislation	1,886,507	1,949,120	–302
Offsetting receipts	–890,012	–890,015	n.a.
Total, Previously Enacted	3,267,855	3,228,363	2,590,194
Enacted Legislation			
Authorizing Legislation			
Medicaid Extenders Act of 2019 (P.L. 116–3)	120	8	0
Consolidated Appropriations Act, 2019 (P.L. 116–6, Division H) ^d	2	2	1
Pesticide Registration Improvement Extension Act of 2018 (P.L. 116–8)	0	–5	0
Medicaid Services Investment and Accountability Act of 2019 (P.L. 116–16)	52	32	0
Subtotal, Authorizing Legislation	174	37	1
Appropriation Legislation ^b			
Consolidated Appropriations Act, 2019 (Divisions A–G, P.L. 116–6) ^{b, c}	480,297	311,586	–125
Additional Supplemental Appropriations for Disaster Relief Act, 2019 (P.L. 116–20)	19,121	5,364	0
Subtotal, Appropriation Legislation	499,418	316,950	–125
Total, Enacted Legislation	499,592	316,987	–124
Entitlements and Mandatories			
Total Current Level ^c	–106,128	6,756	0
Total Current Level ^c	3,661,319	3,552,106	2,590,070
Total Senate Resolution ^c	3,658,445	3,555,373	2,590,496
Current Level Over Senate Resolution	2,874	n.a.	n.a.
Current Level Under Senate Resolution	n.a.	3,267	426
Memorandum			
Revenues, 2019–2028			
Senate Current Level	n.a.	n.a.	33,272,354
Senate Resolution ^c	n.a.	n.a.	33,273,213
Current Level Over Senate Resolution	n.a.	n.a.	n.a.
Current Level Under Senate Resolution	n.a.	n.a.	859

Source: Congressional Budget Office.

n.a. = not applicable; P.L. = Public Law.

^aIncludes the budgetary effects of legislation enacted by Congress during the 115th Congress.

^bSections 1001–1004 of the 21st Century Cures Act (P.L. 114–255) require that certain funding provided for 2017 through 2026 to the Department of Health and Human Services—in particular the Food and Drug Administration and the National Institutes of Health—be excluded from estimates for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Deficit Control Act) or the Congressional Budget and Impoundment Control Act of 1974 (Congressional Budget Act). Therefore, the amounts shown in this report do not include \$771 million in budget authority and \$767 million in estimated outlays.

^cFor purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include those items.

^dThe Continuing Appropriations Act, 2019 (P.L. 116–5), as amended, extended several immigration programs through February 15, 2019, that would otherwise have expired at the end of fiscal year 2018. The estimated budgetary effects of those previously enacted extensions are charged to the Committee on Appropriations, and are included in the budgetary effects of P.L. 116–6 shown in the “Appropriation Legislation” portion of this report. In addition, division H of P.L. 116–6 further extended those same programs through the end of fiscal year 2019. Consistent with the language in title III of division H of P.L. 116–6, and at the direction of the Senate Committee on the Budget, the budgetary effects of extending those immigration programs for the remainder of the fiscal year are charged to the relevant authorizing committees, and are shown in the “Authorizing Legislation” portion of this report.

^eSection 30103 of the Bipartisan Budget Act of 2018 requires the Chair of the Senate Committee on the Budget to publish the aggregate spending and revenue levels for fiscal year 2019; those aggregate levels were first published in the Congressional Record on May 7, 2018. The Bipartisan Budget Act of 2018 also allows the Chair of the Senate Committee on the Budget to revise the budgetary aggregates:

	Budget Authority	Outlays	Revenues
Original Aggregates Printed on May 7, 2018:	3,547,094	3,508,052	2,590,496
Revisions:			
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974	921	0	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974	69,464	38,556	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974	0	-214	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974	1,680	25	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974	20,165	3,590	0
Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974	19,121	5,364	0
Revised Senate Resolution	3,658,445	3,555,373	2,590,496

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD AS OF JUNE 24, 2019

[In millions of dollars]

	2018	2019	2018–2023	2018–2028
Beginning Balance ^a	0	0	0	0
Enacted Legislation ^{b,c} :				
A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to “Incident Auto Lending and Compliance with the Equal Credit Opportunity Act” (S.J.Res. 57, P.L. 115–172)	*	*	*	*
Economic Growth, Regulatory Relief, and Consumer Protections Act (S. 2155, P.L. 115–174) ^d	*	22	329	490
Trickett Wendler, Frank Mongiello, Jordan McClint, and Matthew Bellina Right to Try Act of 2017 (S. 204, P.L. 115–176)	*	*	*	*
An Act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes (H.R. 3562, P.L. 115–177)	*	*	*	*
VA MISSION Act of 2018 (S. 2372, P.L. 115–182) ^e	*	*	*	*
Whistleblower Protection Coordination Act (S. 1869, P.L. 115–192)	*	*	*	*
All Circuit Review Act (H.R. 2229, P.L. 115–195)	*	*	*	*
American Innovation \$1 Coin Act (H.R. 770, P.L. 115–197)	0	3	3	0
Small Business 7(a) Lending Oversight Reform Act of 2018 (H.R. 4743, P.L. 115–189)	*	*	*	*
Northern Mariana Islands U.S. Workforce Act of 2018 (H.R. 5956, P.L. 115–218)	0	0	0	-3
KWI Act (S. 2245, P.L. 115–226)	*	*	*	*
To make technical amendments to certain marine fish conservation statutes, and for other purposes (H.R. 4528, P.L. 115–228)	*	*	*	*
John S. McCain National Defense Authorization Act for Fiscal Year 2019 (H.R. 5515, P.L. 115–232)	0	304	690	-118
Miscellaneous Tariff Bill Act of 2018 (H.R. 4318, P.L. 115–239)	0	*	-1	-3
Tribal Social Security Fairness Act of 2018 (H.R. 6124, P.L. 115–243)	0	*	18	18
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019 (H.R. 6157, Division B, P.L. 115–245, Division B)	0	0	18	18
Nuclear Energy Innovation Capabilities Act of 2017 (S. 97, P.L. 115–248)	*	2	*	-3
Department of Veterans Affairs Expiring Authorities Act of 2018 (S. 3479, P.L. 115–251)	*	*	*	*
Elkhorn Ranch and White River National Forest Conveyance Act of 2017 (H.R. 698, P.L. 115–252)	*	44	42	26
FAA Reauthorization Act of 2018 (H.R. 302, P.L. 115–254) ^f	*	*	-11	-52
Patient Right To Know Drug Act of 2018 (S. 2554, P.L. 115–263)	0	0	13	-24
Orrin G. Hatch–Bob Goodlatte Music Modernization Act (H.R. 1551, P.L. 115–264)	0	0	2	4
Congressional Award Program Reauthorization Act of 2018 (S. 3509, P.L. 115–268)	0	2	16	-230
America’s Water Infrastructure Act of 2018 (S. 3021, P.L. 115–270)	0	*	*	*
SUPPORT for Patients and Communities Act (H.R. 6, P.L. 115–271) ^g	0	*	*	*
Hizballah International Financing Prevention Amendments Act of 2017 (S. 1595, P.L. 115–272)	0	*	*	*
To authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes (H.R. 1037, P.L. 115–275)	0	*	*	*
Gulf Islands National Seashore Land Exchange Act (H.R. 2615, P.L. 115–279)	0	*	*	*
Frank LoBiondo Coast Guard Authorization Act of 2018 (S. 140, P.L. 115–282)	0	10	34	0
Making further continuing appropriations for fiscal year 2019, and for other purposes (H.J.Res. 143, P.L. 115–298)	0	*	*	*
Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (S. 2152, P.L. 115–299)	0	*	*	*
A bill to establish a procedure for the conveyance of certain federal property around the Dickinson Reservoir in the State of North Dakota (S. 440, P.L. 115–306)	0	0	0	-4
A bill to establish a procedure for the conveyance of certain federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes (S. 2074, P.L. 115–308)	0	0	0	-7
Anwar Sadat Centennial Celebration Act (H.R. 754, P.L. 115–310)	0	*	*	*
Larry Doby Congressional Gold Medal Act (H.R. 3861, P.L. 115–322)	0	*	*	*
Reciprocal Access to Tibet Act of 2018 (H.R. 1872, P.L. 115–330)	0	*	*	*
Protecting Access to the Courts for Taxpayers Act (H.R. 3996, P.L. 115–332)	0	*	*	*
Agriculture Improvement Act of 2018 (H.R. 2, P.L. 115–334)	0	1,399	1,785	0
Nicaragua Human Rights and Anticorruption Act of 2018 (H.R. 1918, P.L. 115–335)	0	*	*	*
21st Century Integrated Digital Experience Act (H.R. 5759, P.L. 115–336)	0	*	*	*
Chinese-American World War II Veteran Congressional Gold Medal Act (S. 1050, P.L. 115–337)	0	*	*	*
USS Indianapolis Congressional Gold Medal Act (S. 2101, P.L. 115–338)	0	*	*	*
Naismith Memorial Basketball Hall of Fame Commemorative Coin Act (H.R. 1235, P.L. 115–343)	0	0	0	0
Sanctioning the Use of Civilians as Defenseless Shields Act (H.R. 3342, P.L. 115–348)	0	*	*	*
Correcting Miscalculations in Veterans’ Pensions Act (H.R. 4431, P.L. 115–352)	0	*	*	*
Strengthening Coastal Communities Act of 2018 (H.R. 5787, P.L. 115–358)	0	*	*	*
Walnut Grove Land Exchange Act (H.R. 5923, P.L. 115–361)	0	*	*	*
To amend the Federal Election Campaign Act of 1971 to extend through 2023 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission (H.R. 7120, P.L. 115–386)	0	*	*	*
First Step Act of 2018 (S. 756, P.L. 115–391)	0	11	120	317
Abolish Human Trafficking Act of 2017 (S. 1311, P.L. 115–392)	0	*	*	*
CENOTE Act of 2018 (S. 2511, P.L. 115–394)	0	*	*	*
NASA Enhanced Use Leasing Extension Act of 2018 (S. 7, P.L. 115–403)	0	0	5	5
Veterans Benefits and Transition Act of 2018 (S. 2248, P.L. 115–407)	0	*	*	*
Stephen Michael Gleason Congressional Gold Medal Act (S. 2652, P.L. 115–415)	0	*	*	*
Veterans Small Business Enhancement Act of 2018 (S. 2679, P.L. 115–416)	0	*	*	*
Forever GI Bill Housing Payment Fulfillment Act of 2018 (S. 3777, P.L. 115–422)	0	*	*	*
National Integrated Drought Information System Reauthorization Act of 2018 (S. 2200, P.L. 115–423)	0	*	*	*
To authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska (H.R. 4689, P.L. 115–429)	0	*	*	*
75th Anniversary of World War II Commemoration Act (S. 3661, P.L. 115–433)	0	*	*	*
Chemical Facility Anti-Terrorism Standards Program Extension Act (H.R. 251, P.L. 116–2)	0	8	63	*
Medicaid Extenders Act of 2019 (H.R. 259, P.L. 116–3)	0	*	*	*
Further Additional Continuing Appropriations Act, 2019 (H.J.Res. 28, P.L. 116–5)	0	125	229	9
Consolidated Appropriations Act, 2019 (H.J.Res. 31, P.L. 116–6) ^h	0	-5	-23	0
Pesticide Registration Improvement Extension Act of 2018 (S. 483, P.L. 116–8)	0	0	-10	-10
John D. Dingell, Jr. Conservation, Management, and Recreation Act (S. 47, P.L. 116–9)	0	32	69	27
Medicaid Services Investment and Accountability Act of 2019 (H.R. 1839, P.L. 116–16)	0	*	*	*
Target Practice and Marksmanship Training Support Act (H.R. 1222, P.L. 116–17)	0	*	*	1
An act to make technical corrections to the computation of average pay under Public Law 110–279 (S. 1436, P.L. 116–21)	0	0	76	394
Blue Water Navy Vietnam Act of 2019 (H.R. 299)	0	*	-37	-37
Taxpayer First Act (H.R. 3151)	0	*	*	*
Northern Mariana Islands Long-Term Legal Residents Relief Act (H.R. 559)	0	*	*	*
Impact on Deficit	*	1,957	3,412	800
Total Change in Outlays	*	1,530	2,505	2
Total Change in Revenues	*	-427	-907	-798

Source: Congressional Budget Office

Notes: P.L. = Public Law, * = between -\$500,000 and \$500,000.

^aOn May 7, 2018, the Chairman of the Senate Committee on the Budget reset the Senate’s Pay-As-You-Go Scorecard to zero for all fiscal years.

^bThe amounts shown represent the estimated effect of the public laws on the deficit.

^cExcludes off-budget amounts.

¹Pursuant to section 232(b) of H.C.Res. 290 (106th Congress), the Concurrent Budget Resolution for Fiscal Year 2001, the budgetary effects related to the Federal Reserve's surplus funds are excluded. As a result, the amounts shown do not include estimated increases in revenues of \$655 million in fiscal year 2019, \$570 million over the 2019–2023 period, and \$454 million over the 2019–2028 period.

²The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 512 of the Act.

³Division I of P.L. 115–254 contains the Supplemental Appropriations for Disaster Relief Act, 2018, which provided \$1,680 million in supplemental appropriations for fiscal year 2019, and designated as an emergency requirement pursuant to section 251 of the Deficit Control Act. At the direction of the Committees on the Budget, and consistent with the language in section 1701, those amounts are shown as discretionary spending.

⁴The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 8231 of the Act.

⁵The budgetary effects of title I of division H are excluded from the Senate's PAYGO scorecard, pursuant to title III of division H of the Act.

Enforcement Report of Points of Order Raised Since the FY 2019 Enforcement Filing

Vote	Date	Measure	Violation	Motion to Waive	Result
127	June 18, 2018	H.R. 5515—John S. McCain National Defense Authorization.	4106(a)—Senate-Pay-As-You-Go Violation ¹	Sen. McConnell (R-KY) ²	81–14, waived
192	August 23, 2018	S. Amdt. #3695 to H.R. 6157, the Defense, Labor, HHS, and Education Appropriations Act ³ .	314(a) CHIMP with Net-Costs	Sen. Leahy (D-VT)	68–24, waived

¹ Senator Sanders raised a section 4106(a) of H.Con.Res. 71 (115th Congress) point of order against the bill because the bill would increase the on-budget deficit.

² By unanimous consent the Senate proceeded to a roll call vote to waive the point of order.

³ This surgical point of order would have struck lines 7–8 of page 270 in Division B (Title III) of the substitute amendment, which was related to the Pell Grant program. This provision was a Change in Mandatory Program (CHIMP) estimated to increase spending by \$390 million over 10 years.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CARDIN. Mr. President, the men and women who serve in our military are incredible patriots, and the National Defense Authorization Act, NDAA, is a vitally important bill the Senate passes every year to ensure our servicemembers are trained, equipped, and ready for the global threats our Nation faces. To this end, investing in our ready and all-volunteer force to ensure we maintain a military competitive advantage is crucial. I would like to highlight three amendments that I have introduced to enhance the fiscal year 2020 NDAA.

My first amendment addresses an increasing concern regarding deaths and injuries related to military training. Our men and women in uniform volunteer to serve in a profession that carries a great deal of inherent risk and can demand great sacrifice. Many have paid the ultimate sacrifice with their lives upon the fields of battle. Unfortunately, many have also died while training for battle. To ensure that our soldiers, sailors, airmen, and marines are the best fighting force in the world, our military necessarily exercises them in demanding and realistic training. Effective military training builds readiness, tactical proficiency, and competence, and increases the confidence of our military force to win wars. I am concerned, however, that, under the guise of “realistic training,” the military is assuming unnecessary risk that has resulted in an alarming increase in servicemembers’ training-related deaths.

In the past 9 weeks alone, six soldiers and marines have been killed in military vehicle rollover accidents during training; an additional 34 service members have been injured. One of those killed on May 9, 2019, was my constituent from Chestertown, MD, 24-year-old Marine 1LT, Hugh Conor McDowell, when his light armored vehicle rolled over during a military training event at Camp Pendleton, CA.

Since 2015, noncombat deaths have exceeded the number of military members killed in action every year. A 2018 House Armed Services Committee Report stated, “In 2017, nearly four times as many members of the military died in training accidents as were killed in combat. In all, 21 Service members died in combat while 80 died as a result of

non-combat training-related accidents.” Training accidents are occurring across the spectrum of military platforms, military aviation incidents rose nearly 40 percent from 2013 to 2017, resulting in 133 military deaths; in 2017, 17 sailors were killed in two separate naval ship collisions. Three of those who died were also Maryland residents.

Something needs to change in the military’s current culture of training safety, and the most recent losses of life reflect that the current culture is increasing risk, not reducing it. When military training yields nearly four times the casualties compared to combat, training is no longer realistic, it is unsafe. These training accidents are resulting in the unnecessary death and injury of our servicemembers and are severely degrading our military readiness. No justifiable reason exists for training that assumes unnecessary risk and disregards the safety of our men and women in uniform. This worrisome trendline since 2015 demands a serious examination of military training safety and implementation of associated corrective actions across the entire Department of Defense.

I have filed an amendment to the NDAA, which I hope the Senate will consider, that would require the Department of Defense to conduct a study that analyzes the recent training deaths of servicemembers; provides an assessment of the associated trends, including vehicle rollovers; and demands recommendations for actions to prevent or minimize such deaths and injuries in the future. This report would be due to Congress no later than 180 days after the enactment of the NDAA. We owe it to the individuals who volunteer to serve, and their families, to improve the military’s culture of training safety and prevent unnecessary deaths and injuries from occurring in training environments.

Another important aspect of the NDAA is to ensure that our military is investing in modernization and innovation to preserve our strategic competitive advantage against our adversaries. I was pleased that Senators Inhofe and Reed have included two of my amendments in division E, the so-called managers’ package of amendments to the substitute amendment to the underlying bill. My two amendments focus on preserving and bolstering modernization and innovation.

One of these amendments seeks to maintain the Nation’s technological superiority in energetics research and development. Energetics plays a critical role in our national security in enhancing propulsion and ordnance systems’ effectiveness in terms of reach, accuracy, and lethality. Other nations, such as China and Russia, continue to make strides in energetic material development, and the U.S. cannot afford to fall behind. My amendment would require the Department of Defense to develop an energetics research and development plan to ensure a long-term, multidomain research, development, prototyping, and experimentation effort, which will have the additional benefit of maintaining a robust defense industrial base and trained workforce. It also requires the Secretary to work in conjunction with DOD Research Labs, labs such as the Naval Surface Warfare Center at Indian Head, MD. Indian Head is one of the premier research and development facilities for energetics. The DOD would be required to brief the relevant congressional Defense committees on this plan within a year of the NDAA’s enactment into law.

My other amendment seeks to preserve funding and staffing of Army medical research and development efforts. The Department of Defense and the Army’s medical research and development efforts are critical to increase warfighter readiness through improving health protection and resilience, improving health delivery in deployed areas, and enhancing the recovery and rehabilitation of our wounded servicemembers.

The Army’s medical research and development has played a key role for the Department of Defense, executing over 78 percent of DOD’s medical research, development, testing, and evaluation funding. I am proud to say that the majority of this work runs through Ft. Detrick, MD, often in partnership with the medical research programs at John’s Hopkins, the University of Maryland, and the Kennedy Krieger Institute. The Army’s medical research efforts have addressed medical issues unique to the military, which private industry and academia have lacked interest in conducting. Some examples include blast injuries, brain trauma, and endemic diseases across the globe that our military has mobilized to address, such as the Ebola outbreak in

Liberia. We need to ensure that in addition to investing in next generation weapons to deter or destroy our adversaries, the Department of Defense is preserving research and development resourcing for next generation medical solutions that protect and save the lives of our servicemen and women.

Readiness, modernization, and innovation are key pillars of the; fiscal year 2020 NDAA; my three amendments strengthen those focus areas by ensuring our servicemembers are receiving realistic but safe training, are supported by weapons that are enhanced by energetic materials, and are protected and treated by world-class military medical solutions during their training and deployments. Our servicemembers deserve the best, and our national security requires that we maintain our competitive advantage. Let us ensure the fiscal year 2020 NDAA incorporates the training safety, technological innovation, and continued development of medical solutions required to do so.

Mr. ENZI. Mr. President, I ask unanimous consent that at its next printing, the name of the Senator from Texas, Mr. CRUZ, be added as cosponsor to S. 663 to S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

Mr. VAN HOLLEN. Mr. President, this morning, Americans woke up to a picture of a 25-year-old father lying facedown, holding his infant daughter. They both drowned crossing the Rio Grande River. The border policies implemented by this administration have life or death consequences. Congress should be doing everything in its power to make sure that our southern border is safe and secure and that asylum seekers are treated with dignity and respect.

I share the horror of my constituents in Maryland about the squalid and inhumane conditions in which children are being held at the border. We have an obligation to provide resources to ensure the safety of these children, but this administration has demonstrated only callousness towards migrants seeking asylum at our border, and we have an obligation as a coequal branch of government with the power of the purse to ensure that the resources we provide are spent responsibly and deliver real care. While I appreciate the guardrails that Senators LEAHY and SHELBY negotiated in this bill, I believe that the House-passed package has stronger restrictions that will better protect children and families at the border.

Also, as I said to my colleagues when we marked up this bill, I have serious concerns with this administration's repeated practice of transferring funding from the purpose that we appropriate to meet its own ends. Today, a group of constituents stopped by my office seeking reassurance that this funding would not be used for interior enforcement. They were understandably fearful of the President's threats of widespread raids and mass deportations. While this bill prohibits transfers within DHS on this supplemental funding, I cannot fully reassure my constituents because the administration could still transfer other FY19 funds to support its draconian immigration agenda.

I have visited the border, and I have seen the tragedy the President's policies have created there. His family separation policy is a dark mark on our Nation's history. His Justice Department has argued that toothbrushes, soap, and even sleep are not necessary for the well-being of children. It is clear that Congress cannot simply trust this administration to do the right thing.

I urge my colleagues to work to include the stronger House-passed restrictions to protect children's safety and to strengthen restrictions on reprogramming as we continue our appropriations process.

ADDITIONAL STATEMENTS

RECOGNIZING ALL TIME TOYS

• Mr. CARDIN. Mr. President, it is with great pride that I name All Time Toys of Eldersburg, MD, the U.S. Senate Small Business of the Week.

All Time's story and that of its owner Jason Barnes is one of perseverance. That is because All Time has recovered from two 1,000-year flood events in less than 18 months.

On July 31, 2016, less than 2 months after Jason purchased All Time, 75 percent of his inventory was destroyed by a historic, fatal flash flood that washed through Ellicott City, leaving millions of dollars' worth of damage in its wake.

Within hours, countless videos of the destructive torrent rushing down Main Street were being shared on social media and on the news. One of those videos was of Jason leading a human chain to rescue a woman trapped in her car. Jason's selfless act has been seen by millions of people around the globe, and it earned him an award from the Carnegie Hero Fund. When asked about his act of heroism, Jason said that he "just wanted to help any way" he could and that he could not "just stand idly by."

After the waters receded, Jason had to figure out how he would move forward. Thanks to his persistence, and with support from the Maryland Small Business Development Center,—SBDC—All Time reopened less than 6 months later on January 20, 2017; 2017 was a very successful year for Jason

and All Time. The company's sales doubled, it drastically improved its business practices and systems, and Jason was scouting locations for a second store.

Then on May 27, 2018, less than 2 years after the 2016 flood and less than 18 months after All Time reopened, Ellicott City was devastated again by another historic flash flood. This time, however, Jason was prepared with a readiness plan and the business continuity strategies he learned from the Maryland SBDC.

According to FEMA, 40 percent of small businesses that go through a major disaster never open their doors again, and given that Jason was a brand-new entrepreneur who had lost the vast majority of his stock, to say that All Time beat the odds would be an understatement.

Jason's story is why the Small Business Committee invited him to provide testimony during our hearing on the Small Business Administration's Office of Disaster Assistance. In his deeply moving testimony, Jason made clear that his recovery would not have been possible without support from SBA, the Maryland SBDC, and its two secret weapons: Maryland SBDC consultants Craig Panos and Garrett Clover, whose advice and knowledge Jason called miraculous during the hearing.

For too many small businesses, a major natural disaster marks the end of a dream, but for Jason and All Time, surviving two historic floods has opened up a new chapter defined by resilience and persistence. He recently reopened All Time in nearby Eldersburg, MD, and he is once again scouting locations for a second store.

I am proud of Jason's Free State perseverance, and I am honored to recognize him and his entire team at All Time Toys as the Senate Small Business of the Week. I look forward to watching their continued growth and success.●

REMEMBERING REBA JOY HONAKER

• Mr. MANCHIN. Mr. President, today I wish to honor a proud West Virginian, a dedicated public servant, a beloved wife, mother, grandmother, and a dear friend to all who had the pleasure of knowing her. It is a privilege to recognize the life and legacy of Mayor Reba Joy Honaker for her many years of dedicated service to the city of Welch and to our home State.

A lifelong resident of McDowell County, growing up on Belcher Mountain, Mayor Honaker graduated from Welch High School and Concord College and was also a dedicated member of the Elkhorn Old Regular Baptist Church. Upon graduating from college, she taught home economics at Big Creek High School until the birth of her son. Later she began directing weddings and designing wedding cakes, a skill she taught to others. She was active with the American Association of University Women's McDowell Chapter, where she took the lead on the yearly arts and crafts festival with proceeds benefitting the advancement of women in higher education. In 1984,

Mayor Honaker opened Flowers by Reba, a small business she owned and operated until 2006. Her volunteerism spanned the community, from helping to start the very successful Coal Camp Creations Company, to volunteering with the McDowell County Chamber of Commerce at various festivals and events. Mayor Honaker truly wanted the very best for McDowell County, helping to recreate events that took place in other areas of the State. She assumed her role as mayor of Welch in 2011 and was able to put her vision for the community to even greater use. Whether working with the Welch Kiwanis Club or the American Legion Post 8 Ladies Auxiliary, she was able to make a tremendous impact on the lives of countless families in the area. Most recently, we celebrated the opening of the Jack Caffrey Arts Center, a project near and dear to Mayor Honaker's heart that serves as a hub for cultural programs in McDowell County.

Mayor Honaker represented the very best of West Virginia, which is saying quite a lot. In the Mountain State, if you are hungry, you will be fed. If you are lost, someone will not only give you directions but will offer to drive you to your destination. That is just who we are, and that is who Mayor Honaker was. We have lost a shining star in McDowell County, but her impact, vision, and her passion for this special community will last forever. It was an honor to have known her and to call her a friend.

What is most important is that she lived a full life, surrounded by dear friends and family. It is my hope that her family and friends are able to find peace, strength, and support in one another. I extend my condolences to Charles, her loving husband of 57 years; her children, Darren and Patty, and Joi and Jeremy; her grandchildren, Christopher, Erik, Mason, Wyatt, and Paige; and her numerous extended family members and dear friends with the city of Welch. Again, I extend to you my most sincere condolences for our loss of this wonderful person. The unwavering love she had for her family, friends, community, and our home State will live on forever in the hearts of all who knew her.●

75TH ANNIVERSARY OF HARPERS FERRY NATIONAL HISTORICAL PARK

● Mr. MANCHIN. Mr. President, today I wish to honor the 75th anniversary of Harpers Ferry National Historical Park as a part of the National Park Service.

It is no secret that my home State of West Virginia is one of the most naturally beautiful States in the Nation. As a native West Virginian and an outdoor enthusiast, I know just how important our wild and wonderful outdoor heritage is to our great State. Our sparkling rivers, sweeping valleys, and majestic mountains make our small State a true gem and beckon sports and outdoor enthusiasts from all over the world. It is vital to the Mountain State that the natural beauty of our home State is protected and that we consistently strive to promote our endless tourism opportunities.

For more than a century, the National Park Service has played a major role in this success by engaging communities through recreation, conserva-

tion, and historic preservation programs. To name just one significant contribution, the National Park Service has been working with the Fish and Wildlife Service and other experts and volunteers to help protect peregrine falcons and reintroduce them to the area. The use of DDT as a pesticide had all but caused the extinction of the species. Since the ban of DDT in the 1970s, the population of peregrine falcons have recovered significantly to due extensive conservation efforts. I am so deeply proud of what our citizens have accomplished and what they will continue to accomplish to preserve our forests, rivers, wildlife, and historic sites in the days and years ahead.

Harpers Ferry, itself, has been a location that has greatly influenced our Nation's history. This community saw the arrival of the first successful American railroad, was the site of John Brown's raid on the Harpers Ferry Armory, saw the largest surrender of Federal troops during the Civil War, and was among the first locations to support the education of former slaves in one of the earliest integrated schools in the United States. It was of such significance that it changed hands seven times during the Civil War.

Visiting this historic community is like stepping into the past. Whether visiting the park, strolling through the picturesque streets, visiting museums and battlefields, or hiking the trails, it reflects the West Virginia heritage and principles you just can't find anywhere else in the world. All of Harpers Ferry's features collectively make it one of West Virginia's most treasured destinations. Of course, even more special than our national historical monuments are the people who take such pride in maintaining the knowledge of our history and traditions and preserving the locations and commonsense values we hold dear.

Harpers Ferry National Historical Park is treasured in the hearts of all West Virginians as a statewide community and beyond, and it is a privilege to recognize its 75th year in the National Park Service.●

RECOGNIZING MOUNT ST. JOSEPH UNIVERSITY

● Mr. PORTMAN. Mr. President, today I wish to recognize Mount St. Joseph University on its 100th anniversary of service to higher education.

Since 1920, Mount St. Joseph University has stood the test of time as an institution of higher education in Greater Cincinnati, grounded in the spiritual values and vision of its founders, the Sisters of Charity of Cincinnati. As the Mount approaches its centennial in 2020, it remains on a mission—to educate students, build better communities, and to serve the common good.

Mount St. Joseph University enrolls 2,168 undergraduate, graduate, and doctoral students. The majority of Mount graduates—i.e. more than 13,000 of the 16,600 living alumni—stay in the Cin-

cinnati region to pursue their careers and to raise their families, contributing to the overall success of this region.

The Mount also serves a diverse population. Over 31 percent of students are first generation, 23 percent represent minority populations, and 100 percent receive financial assistance through scholarships and financial aid. About 48 percent of Mount students are from families in the low or moderate income levels.

Students at the Mount pursue studies in 39 undergraduate degree programs, 6 master's degree programs, and 2 doctoral programs. As a result of the academic excellence and career focus of the university, more than 98 percent of Mount students are successful in starting their careers, securing significant volunteer opportunities and obtaining admission to graduate programs within 6 months of graduating.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3401. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), as amended by Public Law 107-117, and the order of the House of January 3, 2019, the Speaker appoints the following Member on the part of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. SMITH of Missouri.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 3, 2019, the Speaker appoints the following Member on the part of the House of Representatives to the Japan-United States Friendship Commission: Mr. HILL of Arkansas.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1761. A communication from the Assistant Secretary of the Navy (Manpower and Reserve Affairs), transmitting, pursuant to law, a report on the mobilizations of selected reserve units, received in the Office of the President of the Senate on June 24, 2019; to the Committee on Armed Services.

EC-1762. A communication from the Acting Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Auditor Independence with Respect to Certain Loans or Debtor-Creditor Relationships" (RIN3235-AM01) received in the Office of the President of the Senate on June 24, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-1763. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Seaway Regulations and Rules: Periodic Update, Various Categories" (RIN2135-AA45) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Environment and Public Works.

EC-1764. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135-AA46) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Environment and Public Works.

EC-1765. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Convention on Cultural Property Implementation Act, six (6) reports of the Cultural Property Advisory Committee (CPAC) from 2018 relative to memoranda of understanding and cultural property agreements; to the Committee on Finance.

EC-1766. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "June 2019 Report to the Congress: Medicare and the Health Care Delivery System"; to the Committee on Finance.

EC-1767. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Commission's fiscal year 2017 annual report relative to the Federal Activities Inventory Reform Act of 1998 (FAIR Act) and the Uniform Resource Locator (URL) for the report; to the Committee on Homeland Security and Governmental Affairs.

EC-1768. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Office of Community Oriented Policing Services (COPS) Annual Report for fiscal year 2018; to the Committee on the Judiciary.

EC-1769. A communication from the Regulation Policy Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Infectious Diseases, Immune Disorders, and Nutritional Deficiencies" (RIN2900-AQ43) received in the Office of the President of the Senate on June 20, 2019; to the Committee on Veterans' Affairs.

EC-1770. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Red River, Shreveport, LA" ((RIN1625-AA09) (Docket No. USCG-2017-0911)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1771. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Delaware Bay, Lower Township, NJ" ((RIN1625-AA08) (Docket No. USCG-2019-0320)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1772. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Great Western Tube Float; Colorado River, Parker, AZ" ((RIN1625-AA08) (Docket No. USCG-2019-0443)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1773. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone, Dive Operations; Cape May Canal, Cape May, NJ" ((RIN1625-AA00) (Docket No. USCG-2019-0435)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1774. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Annual Events in the Captain of the Port Buffalo Zone" ((RIN1625-AA00) (Docket No. USCG-2019-0121)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1775. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; St. Lucie River, Stuart, Florida" ((RIN1625-AA00) (Docket No. USCG-2019-0208)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1776. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Missouri River, Mile Markers 0 to 738.4, St. Louis, MO to Sioux, IA" ((RIN1625-AA00) (Docket No. USCG-2019-0384)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1777. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Illinois River, Miles 0 to 187, Grafton, IL to Peoria, IL" ((RIN1625-AA00) (Docket No. USCG-2019-0171)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1778. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Upper Mississippi River, Miles 109.9 to 647.8, Chester, IL to Guttenberg, IA" ((RIN1625-AA00) (Docket No. USCG-2019-0334)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1779. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Upper Mississippi River, Miles 109.9 to 184, St. Louis, MO" ((RIN1625-AA00) (Docket No. USCG-2019-0334)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1780. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Tennessee River, Moors Resort and Marina Fireworks, Gilbertsville, KY" ((RIN1625-AA00) (Docket No. USCG-2019-0309)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1781. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Tennessee River, Moors Resort and Marina Fireworks, Gilbertsville, KY" ((RIN1625-AA00) (Docket No. USCG-2019-0309)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1782. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone for Fireworks Display; Upper Potomac River, Washington, DC" ((RIN1625-AA00) (Docket No. USCG-2019-0221)) received during adjournment of the Senate in the Office of the President of the Senate on June 21, 2019; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ISAKSON, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 115th Congress by the Senate Committee on Veterans' Affairs" (Rept. No. 116-51).

By Mr. SHELBY, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals For Fiscal Year 2019" (Rept. No. 116-52).

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL (for himself, Mr. HEINRICH, Mr. KING, Ms. SMITH, and Mr. WHITEHOUSE):

S. 1974. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other

purposes; to the Committee on Energy and Natural Resources.

By Mr. RISCH (for himself, Mr. CRAPO, Mrs. CAPITO, Mr. YOUNG, Ms. DUCKWORTH, Mr. BOOKER, and Mr. SCOTT of South Carolina):

S. 1975. A bill to require the Small Business Administration to issue licenses under the Small Business Investment Act of 1958 within particular time frames, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. PORTMAN:

S. 1976. A bill to amend the FAST Act to improve the Federal permitting process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN:

S. 1977. A bill to approve the Kickapoo Tribe Water Rights Settlement Agreement, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN (for himself, Mr. RUBIO, and Mr. WHITEHOUSE):

S. 1978. A bill to ensure that persons who form corporations or limited liability companies in the United States disclose the beneficial owners of those corporations or limited liability companies, in order to prevent wrongdoers from exploiting United States corporations and limited liability companies for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations and limited liability companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARKEY (for himself, Mr. WYDEN, Mr. BLUMENTHAL, Ms. WARREN, Mr. KING, Ms. SMITH, Ms. KLOBUCHAR, Mr. BROWN, Mrs. FEINSTEIN, and Mr. MERKLEY):

S. 1979. A bill to amend title 49, United States Code, to provide for the minimum size of crews of freight trains, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. BALDWIN (for herself, Mr. MARKEY, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. MURPHY, Mr. DURBIN, Mr. MENENDEZ, Mr. CARPER, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. SMITH, Mrs. FEINSTEIN, Mr. WYDEN, Ms. HIRONO, Ms. HARRIS, Mr. BOOKER, Ms. ROSEN, and Mr. BROWN):

S. 1980. A bill to improve Federal population surveys by requiring the collection of voluntary, self-disclosed information on sexual orientation and gender identity in certain surveys, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL (for herself and Mr. RUBIO):

S. 1981. A bill to modify the unconditional ownership requirement for women-owned and minority-owned small business concerns for purposes of procurement contracts with the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Ms. MURKOWSKI, Mr. PORTMAN, Mr. BOOKER, Mr. MURPHY, Mr. CARPER, and Ms. COLLINS):

S. 1982. A bill to improve efforts to combat marine debris, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MARKEY (for himself, Ms. MURKOWSKI, Mr. BOOKER, and Ms. WARREN):

S. 1983. A bill to authorize the Attorney General to make grants to, and enter into

cooperative agreements with, States and units of local government to develop, implement, or expand 1 or more programs to provide medication-assisted treatment to individuals who have opioid use disorder and are incarcerated within the jurisdictions of the States or units of local government; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1984. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide fisheries disaster relief for commercial fishery failures that are due to certain duties, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. DUCKWORTH (for herself, Ms. COLLINS, Mr. KING, Mr. MARKEY, Mr. SANDERS, and Ms. BALDWIN):

S. 1985. A bill to assist communities affected by stranded nuclear waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KAINÉ:

S. 1986. A bill to amend the Fair Housing Act to prohibit discrimination based on source of income, veteran status, or military status; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 1987. A bill to require the Secretary of Health and Human Services to establish reference prices for prescription drugs for purposes of Federal health programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. BROWN, Mr. CARDIN, Mr. COONS, Mr. KING, Mr. MENENDEZ, Mr. REED, Mr. SCHATZ, Ms. WARREN, Mr. WHITEHOUSE, and Mr. MARKEY):

S. 1988. A bill to amend the Internal Revenue Code of 1986 to extend the energy credit for offshore wind facilities; to the Committee on Finance.

By Mr. SCOTT of South Carolina (for himself and Mr. CARDIN):

S. 1989. A bill to amend title XVIII of the Social Security Act to provide for transparency of Medicare secondary payer reporting information, and for other purposes; to the Committee on Finance.

By Mr. BLUMENTHAL:

S. 1990. A bill to amend title 5, United States Code, to provide additional authority to the Office of Special Counsel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHATZ (for himself, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. BENNETT, Mr. BROWN, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Ms. HARRIS, Ms. HIRONO, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. PETERS):

S. 1991. A bill to direct the Secretary of Defense to review the discharge characterization of former members of the Armed Forces who were discharged by reason of the sexual orientation of the member, and for other purposes; to the Committee on Armed Services.

By Mr. BARRASSO (for himself, Mr. CARPER, Mrs. CAPITO, and Mr. CARDIN):

S. 1992. A bill to amend the FAST Act to repeal a rescission of funds; to the Committee on Environment and Public Works.

By Mr. CRAMER (for himself, Mr. DAINES, and Mrs. BLACKBURN):

S. 1993. A bill to restrict Federal funding for health care entities that do not respect all human life and patient rights; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. YOUNG (for himself, Ms. DUCKWORTH, and Mr. RISCH):

S. 1994. A bill to amend the Small Business Investment Act of 1958 to increase the amount that certain banks and savings associations may invest in small business investment companies, subject to the approval of the appropriate Federal banking agency and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 1995. A bill to establish the Food Safety Administration to protect the public health by preventing foodborne illness, ensuring the safety of food, improving research on contaminants leading to foodborne illness and the chronic health outcomes associated with foodborne illnesses, improving the surveillance of foodborne pathogens (including foodborne pathogens identified as antibiotic resistant), and improving security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MCSALLY (for herself, Ms. SINEMA, Mrs. BLACKBURN, Mr. CORNYN, and Mr. ALEXANDER):

S. 1996. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the net operating loss deduction; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1997. A bill to authorize transitional sheltering assistance for individuals who live in areas with unhealthy air quality caused by wildfires, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GARDNER (for himself and Mr. KAINÉ):

S. 1998. A bill to improve the programs for veterans of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Ms. CORTEZ MASTO, Mr. RISCH, Mr. THUNE, Mr. TESTER, Mr. MERKLEY, Mr. BARRASSO, Mr. CRAPO, Mr. HOEVEN, Mr. ROUNDS, Mr. BENNETT, Mr. UDALL, Mr. INHOFE, and Mr. CORNYN):

S. Res. 265. A resolution designating July 27, 2019, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Mr. HAWLEY (for himself and Mr. BLUNT):

S. Res. 266. A resolution congratulating the St. Louis Blues for winning the 2019 Stanley Cup Final; considered and agreed to.

ADDITIONAL COSPONSORS

S. 239

At the request of Mrs. SHAHEEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 239, a bill to require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe.

S. 386

At the request of Mr. LEE, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of

S. 386, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 436

At the request of Mr. VAN HOLLEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 436, a bill to amend title 49, United States Code, to require the development of public transportation operations safety risk reduction programs, and for other purposes.

S. 460

At the request of Mr. WARNER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 479

At the request of Mr. TOOMEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 479, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 509

At the request of Mr. MURPHY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 509, a bill to require the Secretary of the Treasury to mint coins in commemoration of the United States Coast Guard.

S. 514

At the request of Mr. TESTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 514, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 546

At the request of Mr. GARDNER, the names of the Senator from Indiana (Mr. YOUNG) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 546, a bill to extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes.

S. 632

At the request of Mr. LANKFORD, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to repeal the inclusion of certain fringe benefit expenses for which a deduction is disallowed in unrelated business taxable income.

S. 651

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 651, a bill to amend the Internal

Revenue Code of 1986 to increase the age requirement with respect to eligibility for qualified ABLE programs.

S. 670

At the request of Mr. RUBIO, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 670, a bill to make daylight savings time permanent, and for other purposes.

S. 750

At the request of Mr. BLUNT, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 750, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 762

At the request of Mr. MORAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 762, a bill to provide for funding from the Airport and Airway Trust Fund for all Federal Aviation Administration activities in the event of a Government shutdown, and for other purposes.

S. 775

At the request of Mr. SCHATZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 775, a bill to amend the America COMPETES Act to require certain agencies to develop scientific integrity policies, and for other purposes.

S. 803

At the request of Mr. TOOMEY, the names of the Senator from Alaska (Mr. SULLIVAN), the Senator from Iowa (Ms. ERNST), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. 803, a bill to amend the Internal Revenue Code of 1986 to restore incentives for investments in qualified improvement property.

S. 867

At the request of Ms. HASSAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 867, a bill to protect students of institutions of higher education and the taxpayer investment in institutions of higher education by improving oversight and accountability of institutions of higher education, particularly for-profit colleges, improving protections for students and borrowers, and ensuring the integrity of postsecondary education programs, and for other purposes.

S. 980

At the request of Mr. BURR, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 980, a bill to amend title 38, United States Code, to improve the provision of services for homeless veterans, and for other purposes.

S. 1004

At the request of Mr. PETERS, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1004, a bill to increase the number of

U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry.

S. 1015

At the request of Mr. BURR, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1015, a bill to require the Director of the Office of Management and Budget to review and make certain revisions to the Standard Occupational Classification System, and for other purposes.

S. 1047

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1047, a bill to amend title 38, United States Code, to create a dependency and indemnity compensation allowance for surviving spouses receiving dependency and indemnity compensation from the Department of Veterans Affairs, and for other purposes.

S. 1118

At the request of Ms. MCSALLY, her name was added as a cosponsor of S. 1118, a bill to amend the Servicemembers Civil Relief Act to authorize spouses of servicemembers who incur a catastrophic injury or illness or die while in military service to terminate leases of premises and motor vehicles, and for other purposes.

S. 1255

At the request of Mr. SASSE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1255, a bill to require the Secretary of Transportation to modify provisions relating to hours of service requirements with respect to transportation of livestock and insects, and for other purposes.

S. 1309

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1309, a bill to identify and combat corruption in countries, to establish a tiered system of countries with respect to levels of corruption by their governments and their efforts to combat such corruption, and to assess United States assistance to designated countries in order to advance anti-corruption efforts in those countries and better serve United States taxpayers.

S. 1359

At the request of Ms. SMITH, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1359, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a market-oriented standard for clean electric energy generation, and for other purposes.

S. 1416

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1416, a bill to amend the Federal Trade Commission Act to prohibit

anticompetitive behaviors by drug product manufacturers, and for other purposes.

S. 1531

At the request of Mr. CASSIDY, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 1531, a bill to amend the Public Health Service Act to provide protections for health insurance consumers from surprise billing.

S. 1555

At the request of Mr. CRAPO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1555, a bill to amend title 10, United States Code, to improve the Transition Assistance Program for members of the Armed Forces, and for other purposes.

S. 1625

At the request of Mr. WICKER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1625, a bill to promote the deployment of commercial fifth-generation mobile networks and the sharing of information with communications providers in the United States regarding security risks to the networks of those providers, and for other purposes.

S. 1735

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1735, a bill to provide women with increased access to preventive and life-saving cancer screening.

S. 1743

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1743, a bill to direct the President to develop a plan for the United States to meet its nationally determined contribution under the Paris Agreement, and for other purposes.

S. 1781

At the request of Mr. RUBIO, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1781, a bill to authorize appropriations for the Department of State for fiscal years 2020 through 2022 to provide assistance to El Salvador, Guatemala, and Honduras through bilateral compacts to increase protection of women and children in their homes and communities and reduce female homicides, domestic violence, and sexual assault.

S. 1956

At the request of Mr. WYDEN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1956, a bill to amend the Internal Revenue Code of 1986 to repeal the qualified contract exception to the extended low-income housing commitment rules for purposes of the low-income housing credit, and for other purposes.

S. 1966

At the request of Mrs. BLACKBURN, the name of the Senator from Okla-

homa (Mr. LANKFORD) was added as a cosponsor of S. 1966, a bill to prohibit Federal funding to entities that do not certify the entities will not perform, or provide any funding to any other entity that performs, an abortion.

S. CON. RES. 5

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. Con. Res. 5, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 19

At the request of Mr. CORNYN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 19, a concurrent resolution celebrating the 50th anniversary of the Apollo 11 Moon landing.

S. RES. 80

At the request of Mr. COONS, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. Res. 80, a resolution establishing the John S. McCain III Human Rights Commission.

S. RES. 120

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. Res. 120, a resolution opposing efforts to delegitimize the State of Israel and the Global Boycott, Divestment, and Sanctions Movement targeting Israel.

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. Res. 120, supra.

S. RES. 194

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. Res. 194, a resolution designating July 30, 2019, as "National Whistleblower Appreciation Day".

S. RES. 198

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 198, a resolution condemning Brunei's dramatic human rights backsliding.

S. RES. 220

At the request of Mr. SULLIVAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 220, a resolution designating the month of June 2019 as "National Post-Traumatic Stress Awareness Month" and June 27, 2019, as "National Post-Traumatic Stress Awareness Day".

S. RES. 252

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Rhode Island (Mr. REED) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 252, a resolution designating September 2019 as National Democracy Month as a time to reflect on the contributions of the system of government of the United States to a more free and stable world.

S. RES. 260

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr.

ISAKSON) was added as a cosponsor of S. Res. 260, a resolution recognizing the importance of sustained United States leadership to accelerating global progress against maternal and child malnutrition and supporting the commitment of the United States Agency for International Development to global nutrition through the Multi-Sectoral Nutrition Strategy.

AMENDMENT NO. 367

At the request of Mr. SCHATZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 367 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 385

At the request of Ms. MCSALLY, her name was added as a cosponsor of amendment No. 385 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 391

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 391 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 540

At the request of Mr. SCHATZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 540 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 576

At the request of Mr. UDALL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 576 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 584

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mr.

CRUZ) was added as a cosponsor of amendment No. 584 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 650

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 650 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 694

At the request of Mrs. CAPITO, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 694 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 699

At the request of Mr. BROWN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 699 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 702

At the request of Mr. GRAHAM, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 702 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 773

At the request of Mr. PERDUE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of amendment No. 773 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 789

At the request of Mr. MURPHY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 789 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 859

At the request of Mr. CRUZ, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of amendment No. 859 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MERKLEY:

S. 1987. A bill to require the Secretary of Health and Human Services to establish reference prices for prescription drugs for purposes of Federal health programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MERKLEY. Mr. President, the three most important words of our Constitution are the first three: "We the People." That is what our entire vision of our form of government is about.

There was a lot of discussion among the Founders about how we make sure we don't end up with the equivalent of a King here in the United States of America because with a King, you get a government by and for the King and the King's circle, the powerful circle at the top, rather than the people.

Unfortunately, that vision in America is being challenged—challenged because we have a fundamental concentration of power through dark money in campaigns and gerrymandering through voter suppression and intimidation. The result is a shredding of the vision of our Constitution.

We have a responsibility in the Senate to fix that, and that is why we should be considering the For the People Act that takes on gerrymandering, voter suppression, and dark money. If we want evidence of just exactly how corrupted the system has become, go no further than to look at drug companies gouging Americans on drug prices.

Today I am introducing the End Price Gouging for Medications Act to stop the pharmaceutical companies' greed and give Americans much needed relief.

The average American spends about \$1,000 per year on medication. That is

11 times what they spent in 1960. More than half of Americans take at least one prescription medication—about 60 percent of us. One-quarter of them say they or family members have not filled a prescription or have cut pills in half or have skipped doses because of the cost, and those costs just keep going right on up.

January through June 2018, there were price increases on 4,412 drugs and decreases on just 46. That is a ratio that approaches 100 to 1. For every 100 drugs that go up in price, 1 comes down a little. We are clearly failing to tackle this problem.

I hear it from my constituents back in Oregon. Bonnie Davis from Creswell, who is a senior citizen on a fixed income and has been diabetic for 30 years, was prescribed two new kinds of insulin in December: BYDUREON, which costs \$1,927 for a 3-month supply, and Lantus SoloSTAR, which costs \$1,952. She will pay more than \$5,000 out of pocket by the end of the year. In 1972, insulin cost just \$1.49 per vial. What an incredible difference on a product that has been around forever.

Her two adult children are living in Germany. They thought about coming back to the United States of America but decided not to for one simple reason: the cost of healthcare in the United States of America and specifically the cost of medications.

I come from Douglas County, a little timber county in Southern Oregon. Leslie Rogers comes from that county. She comes from Roseburg, a town where I went to first grade. Leslie shared his daughter Gloria's story at one of my townhalls. Gloria suffers from a rare genetic condition called West syndrome. She lives, therefore, in near constant fear of seizures and cystic fibrosis. It is treatable.

It is treatable with a drug called ACTH. It was invented in the 1950s. Previously, it cost \$40 a vial—\$40—but in 8 years, the cost has grown to \$45,000. Yes, you heard that right—from \$40 to \$45,000. That is more than a thousandfold increase.

The company that makes the drug bought the rights to and blocked a \$200 synthetic ACTH treatment used in Canada to prevent it from coming to the United States. They are making a lot of money by blocking a generic synthetic competitor.

Leslie Rogers says: "Hospitalization and treatment drove my family to the edge of bankruptcy, and my daughter was left tube fed and suction dependent due to treatment delays fighting with insurance over the drug price."

How would you feel if your daughter or your son were left in a situation of being tube fed and suction dependent because you couldn't afford the drug because the drug had increased in price 1,000 times?

The cost of another drug used to treat the disease, Vigabatrin, has also skyrocketed after makers saw what the first company was able to get away with. It cost about \$1,500 a month 3

years ago, and \$1,500 is a lot. How much does it cost today? It costs \$26,000 per month. That is roughly a twentyfold increase.

Leslie Rogers notes: "This price gouging has led to thousands of children since we first spoke to suffer the same fate as my daughter—severe brain damage, cerebral palsy, reliance on tube feedings, and many have died."

Let's be clear. Price gouging in America isn't just about the pocket-book; it is about health, and it is about life or death for many people.

This situation doesn't exist in other countries. The whole entire price regime is different. Let's take, as an example, HUMIRA, a common drug for rheumatoid arthritis. Here in the United States, it is about \$2,700 per dose. In the United Kingdom, it is \$1,362. Why does it cost twice that in the United States of America for this drug, this common drug? Then there is CRESTOR, which is used to treat high cholesterol? It is \$216 in the United States, and it is \$32 in France. Crudely, that is a sevenfold increase in the United States over France. Why do we pay seven times as much as the people in France? There is also HARVONI that is used to treat hepatitis C. It cost \$13,000 in Japan and \$30,000 in United States. That is three times as much. Why do we pay three times what they pay in Japan for this drug? There is also JANUVIA that is used to treat type 2 diabetes. It costs \$34 in Australia and \$331 in the United States of America—a tenfold increase. Why do we pay 10 times as much as people in Australia?

There is an answer to the question—the question of why we pay so much for HUMIRA, for CRESTOR, for HARVONI, and for JANUVIA. Very simply, other governments negotiate the price: If you want to sell it in our country, we negotiate the price.

We don't. Now, what is the reason why we don't? Why don't we pick up and do for Americans what the Government of Australia does for Australians, or the Government of the United Kingdom does for its citizens, or the Government of France does for their citizens? Why don't we do it for our citizens—the same good work in negotiating the price that other governments do? What is wrong with our government? What is wrong with this Chamber?

It is corruption. It is the absolute corruption of money in campaigns.

So who are we serving here in this Chamber? Are we serving the people or are we serving the drug companies? That is the question every Member of this Chamber should struggle with.

In the United States, drug companies set the price, and we don't negotiate. In fact, the U.S. Government has set a law saying the U.S. Government can't negotiate. Why would we do that? Why would we do that to ourselves? Why would we do that to the people of this country who cannot afford the drugs because we make them far more expensive than anywhere else in the world?

Well, we shouldn't. That is why I have introduced the End Price Gouging for Medications Act. On behalf of the people of America, we need to end the drug gouging.

Now, I do a lot of townhalls. I do one in every county every year. There are 36 counties in Oregon. It is open hour for people to ask questions. They are blue counties, and they are red counties. Twenty-two of my 36 are about as red as the reddest counties you will find in America.

I ask the people: How many people here at this townhall like getting gouged on drugs? Nobody does. How many people like paying 2 or 5 or 10 times more than the citizens of other developed countries? No one likes it.

America is united—rural America, urban America, blue America, red America, young America, old America. America is united to end this drug gouging.

So why don't we act?

I challenge my colleagues: Come here and work for the people of the United States of America rather than the drug companies' profits. It is time to stand up. Stand up against those companies.

This plan is quite simple. It says you can't sell the drug for more than the median price of what you sell it for in Australia, Japan, Canada, and the largest European countries. It is that simple. Median price in those markets. If you want to raise your prices in America, you have to raise your prices in those countries. That way we all get a fair deal. This would stop the drug gouging of Americans overnight.

This is quite simple, but you may ask how is it enforced? How do you make sure that this happens?

Well, it is this. The difference between the reference price, or the median price in those countries, and the price the drug company sells their product at—if they sell it for more than the median price, the penalty is five times the difference. If they sell it for \$1,000 more per dose over the median price, the penalty is \$5,000. That gets people's attention. Drug companies don't want to be paying massive penalties.

And where do the fines go? They go to the NIH for drug research and development. There is all this myth that we are not going to invest in drug development. The basic science is done by NIH, and this would fund NIH.

Americans have been ripped off. Americans have been gouged, and it is this Chamber that is allowing it to happen. Who here wants to come and say they are for the drug gouging of Americans?

Well, I can tell you that America is not with you if you are supporting the drug gouging of our citizens. So let's have the courage to carry the fight for the people, not the powerful.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 1995. A bill to establish the Food Safety Administration to protect the

public health by preventing foodborne illness, ensuring the safety of food, improving research on contaminants leading to foodborne illness and the chronic health outcomes associated with foodborne illnesses, improving the surveillance of foodborne pathogens (including foodborne pathogens identified as antibiotic resistant), and improving security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe Food Act of 2019".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purposes.

Sec. 3. Definitions.

TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION

Sec. 101. Establishment of Food Safety Administration.

Sec. 102. Consolidation of separate food safety and inspection services and agencies.

Sec. 103. Additional duties of the Administration.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM

Sec. 201. Administration of national program.

Sec. 202. Registration of food facilities.

Sec. 203. Preventive process controls to reduce adulteration of food.

Sec. 204. Performance standards for contaminants in food.

Sec. 205. Inspections of food facilities.

Sec. 206. Food production establishments.

Sec. 207. Federal and State cooperation.

Sec. 208. Foreign supplier verification program.

Sec. 209. Imports.

Sec. 210. Traceback.

Sec. 211. Food safety technology.

TITLE III—RESEARCH AND EDUCATION

Sec. 301. Public health assessment system.

Sec. 302. Public education and advisory system.

Sec. 303. Research.

TITLE IV—ENFORCEMENT

Sec. 401. Prohibited acts.

Sec. 402. Mandatory recall authority.

Sec. 403. Injunction proceedings.

Sec. 404. Civil and criminal penalties.

Sec. 405. Presumption.

Sec. 406. Whistleblower protection.

Sec. 407. Administration and enforcement.

Sec. 408. Citizen civil actions.

TITLE V—IMPLEMENTATION

Sec. 501. Definition.

Sec. 502. Reorganization plan.

Sec. 503. Transitional authorities.

Sec. 504. Savings provisions.

Sec. 505. Conforming amendments.

Sec. 506. Additional technical and conforming amendments.

Sec. 507. Regulations.

Sec. 508. Authorization of appropriations.

Sec. 509. Limitation on authorization of appropriations.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the safety of the food supply of the United States is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) lapses in the protection of the food supply and loss of public confidence in food safety are damaging to consumers and the food industry, and place a burden on interstate commerce;

(3) the safety and security of the food supply requires an integrated, systemwide approach to preventing foodborne illness, a thorough and broad-based approach to basic and applied research, and intensive, effective, and efficient management of the Nation's food safety program;

(4) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination;

(B) an aging and immune-compromised population, with a growing number of people at high risk for foodborne illnesses, including infants and children;

(C) a concern regarding food fraud for economic gain, especially with mislabeling and intentionally misleading claims;

(D) an increasing volume of imported food, without adequate monitoring and inspection; and

(E) maintenance of rigorous inspection of the domestic food processing and food service industries;

(5) Federal food safety standard setting, inspection, enforcement, and research efforts should be based on the best available science and public health considerations and food safety resources should be systematically deployed in ways that most effectively prevent foodborne illness;

(6) the Federal food safety system is fragmented, with at least 15 Federal agencies sharing responsibility for food safety, and operates under laws that do not reflect current conditions in the food system or current scientific knowledge about the cause and prevention of foodborne illness;

(7) the fragmented Federal food safety system and outdated laws preclude an integrated, systemwide approach to preventing foodborne illness, to the effective and efficient operation of the Nation's food safety program, and to the most beneficial deployment of food safety resources;

(8) the National Academy of Sciences recommended in the report "Ensuring Safe Food from Production to Consumption" that Congress establish by statute a unified and central framework for managing Federal food safety programs, and recommended modifying Federal statutes so that inspection, enforcement, and research efforts are based on scientifically supportable assessments of risks to public health; and

(9) the lack of a single focal point for food safety leadership in the United States undercuts the ability of the United States to exert food safety leadership internationally, which is detrimental to the public health and the international trade interests of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a single agency to be known as the "Food Safety Administration" to—

(A) regulate food safety and related labeling to strengthen the protection of the public health;

(B) ensure that food facilities fulfill their responsibility to produce food in a manner that protects the public health of all people in the United States;

(C) lead an integrated, systemwide approach to food safety and to make more effective and efficient use of resources to prevent foodborne illness;

(D) provide a single focal point for food safety leadership, both nationally and internationally; and

(E) provide an integrated food safety research capability, utilizing internally generated, scientifically and statistically valid studies or other food safety initiatives, in cooperation with academic institutions, food safety nonprofit organizations, and other scientific entities of the Federal and State governments, to achieve the continuous improvement of research on foodborne illness and contaminants;

(2) to transfer to the Food Safety Administration the food safety, labeling, inspection, and enforcement functions that, as of the day before the date of enactment of this Act, are performed by other Federal agencies; and

(3) to modernize and strengthen the Federal food safety laws to achieve more effective application and efficient management of the laws for the protection and improvement of public health.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Food Safety Administration established under section 101(a)(1).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of Food Safety appointed under section 101(a)(3).

(3) ADULTERATED.—

(A) IN GENERAL.—The term "adulterated" has the meaning given the term in—

(i) section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) for food regulated under such Act;

(ii) section 1(m) of the Federal Meat Inspection Act (21 U.S.C. 601(m)) for food regulated under such Act;

(iii) section 4(g) of the Poultry Products Inspection Act (21 U.S.C. 453(g)) for food regulated under such Act; and

(iv) section 4(a) of the Egg Products Inspection Act (21 U.S.C. 1033(a)) for food regulated under such Act.

(B) INCLUSION.—In applying the definitions cited in subparagraph (A), poisonous or deleterious substances in food shall be treated as an added substance if the poisonous or deleterious substances are known to cause serious illness or death in persons, including in sensitive populations.

(4) AGENCY.—The term "agency" has the meaning given the term in section 551 of title 5, United States Code.

(5) CATEGORY 1 FOOD FACILITY.—The term "category 1 food facility" means a facility that slaughters animals for food.

(6) CATEGORY 2 FOOD FACILITY.—The term "category 2 food facility" means a facility that processes—

(A) raw meat, poultry, or seafood in a manner that may reduce but is not validated to destroy contaminants; or

(B) other products that the Administrator determines by regulation to be at high risk of contamination.

(7) CATEGORY 3 FOOD FACILITY.—The term "category 3 food facility" means a facility—

(A) that processes meat, poultry, or seafood, or other products that the Administrator determines by regulation to be at high risk of contamination; and

(B) whose processes include one or more steps validated to destroy contaminants.

(8) CATEGORY 4 FOOD FACILITY.—The term "category 4 food facility" means a facility that processes food but is not a category 1, 2, or 3 food facility.

(9) CATEGORY 5 FOOD FACILITY.—The term "category 5 food facility" means a facility that stores, holds, or transports food prior to delivery for retail sale.

(10) CONTAMINANT.—The term "contaminant" includes biological, chemical, physical, or radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food or color additives.

(11) CONTAMINATION.—The term "contamination" refers to a presence of a contaminant in food, which may occur naturally or be introduced into a food.

(12) FEED FACILITY.—The term "feed facility" means a domestic or foreign feed manufacturer, processor, packer, warehouse, or other facility that—

(A) if operating in the United States, manufactures, slaughters, processes, or holds animal feed or feed ingredients; or

(B) if operating elsewhere, manufactures, slaughters, processes, or holds animal feed or feed ingredients intended for consumption in the United States.

(13) FOOD.—

(A) IN GENERAL.—The term "food" means a product intended to be used for food or drink for a human or an animal.

(B) INCLUSIONS.—The term "food" includes any product (including a meat food product, as defined in section 1(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j))), capable for use as human and animal food that is made in whole or in part from any animal, including cattle, sheep, swine, goat, or poultry (as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453)), and animal feed.

(14) FOOD FACILITY.—

(A) IN GENERAL.—The term "food facility" means a domestic or foreign food manufacturer, slaughterhouse, processor, packer, warehouse, or other facility that—

(i) if operating in the United States, manufactures, slaughters, processes, or holds food or food ingredients; or

(ii) if operating outside the United States, manufactures, slaughters, processes, or holds food intended for consumption in the United States.

(B) EXCLUSIONS.—For the purposes of registration, the term "food facility" does not include—

(i) a farm, restaurant, other retail food establishment, nonprofit food establishment in which food is prepared for or served directly to the consumer; or

(ii) a fishing vessel (other than a fishing vessel engaged in processing, as that term is defined in section 123.3(k) of title 21, Code of Federal Regulations).

(15) FOOD PRODUCTION ESTABLISHMENT.—The term "food production establishment" means any farm, ranch, orchard, vineyard, aquaculture facility, or confined animal-feeding operation.

(16) FOOD SAFETY LAW.—The term "food safety law" means—

(A) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) related to and requiring the safety, labeling, and inspection of food, infant formulas, food additives, pesticide residues, and other substances present in food under that Act;

(B) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of any other Act that are administered by the Center for Veterinary Medicine of the Food and Drug Administration;

(C) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(D) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(E) the FDA Food Safety Modernization Act (Public Law 111-353; 124 Stat. 3885);

(F) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(G) chapter 57 of title 49, United States Code (formerly known as the "Sanitary Food Transportation Act of 1990");

(H) Public Law 85-765 (commonly known as the “Humane Methods of Slaughter Act of 1958”) (7 U.S.C. 1901 et seq.);

(I) this Act; and

(J) such other provisions of law related to and requiring food safety, labeling, inspection, and enforcement as the President designates by Executive order as appropriate to include within the jurisdiction of the Administration.

(17) INTERSTATE COMMERCE.—The term “interstate commerce” has the meaning given the term in section 201(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(b)).

(18) MISBRANDED.—The term “misbranded” has the meaning given the term in—

(A) section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) for food regulated under such Act;

(B) section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) for food regulated under such Act;

(C) section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) for food regulated under such Act; and

(D) section 4(l) of the Egg Products Inspection Act (21 U.S.C. 1033(l)) for food regulated under such Act.

(19) PROCESS.—The term “process” or “processing” means the commercial slaughter, packing, preparation, or manufacture of food.

(20) SAFE.—The term “safe” refers to human and animal health.

(21) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(22) VALIDATION.—The term “validation” means the act of obtaining evidence that the process control measure or measures selected to control a contaminant in food is capable of effectively and consistently controlling the contaminant.

(23) STATISTICALLY VALID.—The term “statistically valid” means evaluated and conducted under standards set by the National Institute of Standards and Technology.

TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Executive branch an agency to be known as the “Food Safety Administration”.

(2) STATUS.—The Administration shall be an independent establishment (as defined in section 104 of title 5, United States Code).

(3) HEAD OF ADMINISTRATION.—The Administration shall be headed by the Administrator of Food Safety, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES OF ADMINISTRATOR.—The Administrator shall—

(1) administer and enforce the food safety law;

(2) serve as a representative to international food safety bodies and discussions;

(3) promulgate regulations to ensure the security of the food supply from all forms of contamination, including intentional contamination; and

(4) oversee—

(A) implementation of Federal food safety inspection, labeling, enforcement, and research efforts to protect the public health;

(B) development of consistent and science-based standards for safe food;

(C) coordination and prioritization of food safety research and education programs with other Federal agencies;

(D) prioritization of Federal food safety efforts and deployment of Federal food safety

resources to achieve the greatest benefit in reducing foodborne illness;

(E) coordination of the Federal response to foodborne illness outbreaks with other Federal and State agencies; and

(F) integration of Federal food safety activities with State and local agencies.

SEC. 102. CONSOLIDATION OF SEPARATE FOOD SAFETY AND INSPECTION SERVICES AND AGENCIES.

(a) TRANSFER OF FUNCTIONS.—For each Federal agency specified in subsection (b), there are transferred to the Administration all functions that the head of the Federal agency exercised on the day before the date of enactment of this Act (including all related functions of any officer or employee of the Federal agency) that relate to administration or enforcement of the food safety law, as determined by the President.

(b) TRANSFERRED AGENCIES.—The Federal agencies referred to in subsection (a) are—

(1) the Food Safety and Inspection Service of the Department of Agriculture;

(2) the Center for Food Safety and Applied Nutrition of the Food and Drug Administration;

(3) the part of the Agriculture Marketing Service that administers shell egg surveillance services established under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(4) the resources and facilities of the Office of Regulatory Affairs of the Food and Drug Administration that administer and conduct inspections of food and feed facilities and imports;

(5) the Center for Veterinary Medicine of the Food and Drug Administration;

(6) the Office of Food Policy and Response of the Food and Drug Administration;

(7) the part of the Research, Education, and Economics mission area of the Department of Agriculture related to food and feed safety;

(8) the part of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce that administers the seafood inspection program;

(9) the part of the Animal and Plant Inspection Health Service of the Department of Agriculture related to the management of animals going into the food supply; and

(10) such other offices, services, or agencies as the President designates by Executive order to carry out this Act.

SEC. 103. ADDITIONAL DUTIES OF THE ADMINISTRATION.

(a) OFFICERS AND EMPLOYEES.—The Administrator may—

(1) appoint officers and employees for the Administration in accordance with the provisions of title 5, United States Code, relating to appointment in the competitive service; and

(2) fix the compensation of those officers and employees in accordance with chapter 51 and with subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Administrator may—

(1) procure the services of temporary or intermittent experts and consultants as authorized by section 3109 of title 5, United States Code; and

(2) pay in connection with those services the travel expenses of the experts and consultants, including transportation and per diem in lieu of subsistence while away from the homes or regular places of business of the individuals, as authorized by section 5703 of that title.

(c) BUREAUS, OFFICES, AND DIVISIONS.—The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator determines are

necessary to perform the duties of the Administrator.

(d) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Administrator shall establish advisory committees that consist of representatives of scientific expert bodies, academics, industry specialists, and consumers.

(2) DUTIES.—The duties of an advisory committee established under paragraph (1) may include developing recommendations with respect to the development of regulatory science and processes, research, communications, performance standards, and inspection.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM

SEC. 201. ADMINISTRATION OF NATIONAL PROGRAM.

(a) IN GENERAL.—The Administrator shall—

(1) administer a national food safety program (referred to in this section as the “program”) to protect public health; and

(2) ensure that persons who produce or process food meet their responsibility to prevent or minimize food safety hazards related to their products.

(b) COMPREHENSIVE ANALYSIS.—The program shall be based on a comprehensive analysis of the hazards associated with different food and with the processing of different food, including the identification and evaluation of—

(1) the severity of the health risks;

(2) the sources and specific points of potential contamination extending from the farm or ranch to the consumer that may render food unsafe;

(3) the potential for persistence, multiplication, or concentration of naturally occurring or added contaminants in food;

(4) opportunities across the food production, processing, distribution, and retail system to manage and reduce potential health risks; and

(5) opportunities for intentional contamination.

(c) PROGRAM ELEMENTS.—In carrying out the program, the Administrator shall—

(1) adopt and implement a national system for the registration of food facilities and regular unannounced inspection of food facilities;

(2) verify and enforce the adoption of preventive process controls in food facilities, based on the best available scientific and public health considerations and best available technologies;

(3) establish and enforce science-based standards for—

(A) substances that may contaminate food; and

(B) safety and sanitation in the processing and handling of food;

(4) implement a statistically valid sampling program to ensure that industry programs and procedures that prevent food contamination are effective on an ongoing basis and that food meets the performance standards established under this Act;

(5) implement procedures and requirements to ensure the safety and security of imported food;

(6) coordinate with other agencies and State or local governments in carrying out inspection, enforcement, research, and monitoring;

(7) access the surveillance data of the Centers for Disease Control and Prevention, and other Federal Government agencies, in order to develop and implement a national surveillance system to assess the health risks associated with the human consumption of food or to create surveillance data and studies to mitigate food threats (such as antibiotic resistance) or to identify the ways that food

contamination spreads through environments;

(8) partner with relevant agencies to identify and prevent terrorist threats to food;

(9) establish a process for providing a single point of contact to assist impacted consumers in navigating Federal, State, and local agencies involved in responding to or monitoring a foodborne outbreak;

(10) develop public education risk communication and advisory programs;

(11) implement a basic and applied research program to further the purposes of this Act; and

(12) coordinate and prioritize food safety research and educational programs with other agencies, including State or local agencies.

SEC. 202. REGISTRATION OF FOOD FACILITIES.

(a) IN GENERAL.—The Administrator shall require that all food and feed facilities register before the facility can operate in the United States or import food, feed, or ingredients into the United States.

(b) REGISTRATION REQUIREMENTS.—

(1) IN GENERAL.—To be registered under subsection (a)—

(A) all food facilities covered under this Act shall comply with registration requirements in section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d);

(B) for food facilities that have not registered under such section 415 prior to the date of enactment of this Act, the requirement in subparagraph (A) applies beginning on the day that is 180 days after the date of enactment of this Act; and

(C) for food facilities that have registered under such section 415 prior to the date of enactment of this Act, such facilities shall file an amended registration within 180 days of such date of enactment to deliver the information required by paragraph (2).

(2) CATEGORIES.—In addition to the information required under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) to be included in registration, a food facility shall—

(A) list the facility's primary purpose and business activity, including the dates of operation if the food facility is operating seasonally; and

(B) list the types of food handled at the facility and identify the activities conducted in the facility, that are relevant to determining whether the facility is a category 1, 2, 3, 4, or 5 facility.

(3) PROCEDURE.—Upon receipt of a completed or amended registration described in paragraph (1), the Administrator shall notify the registrant of the receipt of the registration, review the activities identified in the registration, designate the facility as a category 1, 2, 3, 4, or 5 food facility for the purposes of inspection, and assign a registration number to each food facility.

(4) LIST.—The Administrator—

(A) shall compile and maintain an up-to-date list of food facilities that are registered under this section, in accordance with section 415(a)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d(a)(5)); and

(B) may establish regulations on how the list may be shared with other governmental authorities.

SEC. 203. PREVENTIVE PROCESS CONTROLS TO REDUCE ADULTERATION OF FOOD.

(a) IN GENERAL.—The Administrator shall review existing regulations on hazard analysis and process controls and amend existing regulations as appropriate, upon the basis of best available public health, scientific, and technological information, to ensure that those regulations are working effectively to—

(1) ensure food facilities operate in a sanitary manner so that food is not adulterated;

(2) limit the presence of contaminants in food;

(3) meet the performance standards established under section 204;

(4) ensure fully processed or ready-to-eat foods are processed using reasonably available techniques and technologies to eliminate contaminants;

(5) label food intended for final processing outside commercial food facilities with instructions for handling and preparation for consumption that will destroy contaminants;

(6) require sampling and testing at a frequency and in a manner sufficient to ensure that process controls are effective on an ongoing basis and that performance standards are being met; and

(7) provide for agency access to records kept by food facilities and submission of copies of the records to the Administrator, as the Administrator determines appropriate.

(b) PROCESSING CONTROLS.—The Administrator may require any person with responsibility for or control over food or food ingredients to adopt process controls, if the process controls are needed to ensure the protection of the public health.

SEC. 204. PERFORMANCE STANDARDS FOR CONTAMINANTS IN FOOD.

(a) PERFORMANCE STANDARDS.—Whenever the Administrator determines that a foodborne contaminant presents the risk of serious adverse health consequences or death to consumers, causes food to be adulterated, or could promote the spread of communicable disease described in section 361 of the Public Health Service Act (42 U.S.C. 264), the Administrator shall issue a performance standard (in the form of guidance, action levels, or regulations) to prevent or control the contaminant.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 1 year after the promulgation of a performance standard under this section, the Administrator shall implement a statistically significant sampling program to determine whether food facilities are complying with the standards promulgated under this section.

(2) ACTIONS.—If the Administrator determines that a food facility fails to meet a standard promulgated under this section, and such facility fails to take appropriate corrective action as determined by the Administrator, the Administrator shall, as appropriate—

(A) detain, seize, or condemn food from the food facility under section 209(i);

(B) order a recall of food from the food facility under section 402;

(C) increase the inspection frequency for the food facility;

(D) withdraw the mark of inspection from the food facility, if in use; or

(E) take other appropriate enforcement action concerning the food facility, including suspension of registration.

(c) NEWLY IDENTIFIED CONTAMINANTS.—Notwithstanding any other provision of this section, the Administrator shall promulgate interim performance standards for newly identified contaminants as necessary to protect the public health.

(d) REVOCATION BY ADMINISTRATOR.—All performance standards, tolerances, action levels, or other similar standards with respect to food in effect on the date of enactment of this Act shall remain in effect until revised or revoked by the Administrator.

SEC. 205. INSPECTIONS OF FOOD FACILITIES.

(a) IN GENERAL.—The Administrator shall establish an inspection program, which shall include sampling and testing of food and food facilities, to determine if each food facility—

(1) is operating in a sanitary manner;

(2) has continuous systems, interventions, and processes in place to minimize or eliminate contaminants in food;

(3) uses validated process controls and ongoing verification;

(4) is in compliance with applicable performance standards established under section 204, process control regulations, and other requirements;

(5) is processing food that is safe and not adulterated or misbranded;

(6) maintains records of process control plans under section 203, and other records related to the processing, sampling, and handling of food; and

(7) is in compliance with the requirements of the applicable food safety law.

(b) FACILITY CATEGORIES AND INSPECTION FREQUENCIES.—Inspections of food facilities under this Act shall be based on the following categories and inspection frequencies, subject to subsections (c), (d), and (e):

(1) CATEGORY 1 FOOD FACILITIES.—A category 1 food facility shall be subject to ante-mortem, post-mortem, and continuous inspection of each slaughter line during all operating hours, and other inspection on a daily basis, sufficient to verify that—

(A) diseased animals are not offered for slaughter;

(B) the food facility has successfully identified and removed from the slaughter line visibly defective or contaminated carcasses, has avoided cross-contamination, and has destroyed or reprocessed contaminated carcasses in a manner acceptable to the Administrator; and

(C) applicable performance standards and other provisions of the food safety law, including those intended to eliminate or reduce pathogens, have been satisfied.

(2) CATEGORY 2 FOOD FACILITIES.—A category 2 food facility shall be randomly inspected at least daily.

(3) CATEGORY 3 FOOD FACILITIES.—A category 3 food facility shall—

(A) provide documentation to the Administrator on request that ongoing verification shows that its processes are controlled; and

(B) be randomly inspected at least monthly.

(4) CATEGORY 4 FOOD FACILITIES.—A category 4 food facility shall be randomly inspected at least quarterly.

(5) CATEGORY 5 FOOD FACILITIES.—A category 5 food facility shall be randomly inspected at least annually.

(c) ESTABLISHMENT OF INSPECTION PROCEDURES.—The Administrator shall establish procedures under which inspectors or safety officers inspect food facilities, which shall allow the taking of random samples, photographs, and copies of records in food facilities.

(d) ALTERNATIVE INSPECTION FREQUENCIES.—

(1) IN GENERAL.—With respect to a category 2, 3, 4, or 5 food facility, to foster a risk-based allocation of resources, the Administrator may establish, in accordance with this subsection, alternative increased or decreased inspection frequencies for—

(A) 1 or more subcategories of food facilities under paragraph (2); and

(B) 1 or more specific food facilities under paragraph (3).

(2) DETERMINATION OF SUBCATEGORIES AND FREQUENCIES.—

(A) IN GENERAL.—The Administrator shall define, by regulation, each subcategory of food facilities established under paragraph (1)(A) and the alternative inspection frequency of that subcategory.

(B) CONSIDERATIONS.—In defining a subcategory of food facilities and the alternative inspection frequency of that subcategory under subparagraph (A), the Administrator shall consider—

(i) the nature of the foods being processed, stored, or transported;

(ii) the manner in which foods are processed, stored, or transported;

(iii) the inherent likelihood that the foods will contribute to the risk of foodborne illness;

(iv) the best available evidence concerning reported illnesses associated with the foods produced in the proposed subcategory of facilities; and

(v) the overall record of compliance with the food safety law among facilities in the proposed subcategory, including compliance with applicable performance standards and the frequency of recalls.

(3) SPECIFIC FACILITIES.—

(A) IN GENERAL.—The Administrator—

(i) may establish an alternative inspection frequency for increased or decreased inspection for a specific food facility; and

(ii) shall annually publish a list of food facilities subject to alternative inspection frequencies under clause (i).

(B) CONSIDERATIONS.—In establishing an alternative inspection frequency for a specific food facility, the Administrator shall consider—

(i) the supporting evidence that the specific food facility shall submit to the Administrator relating to whether an alternative inspection frequency should be established for that facility by the Administrator;

(ii) whether products from the specific food facility have been associated with a case or an outbreak of foodborne illness;

(iii) the record of the facility of compliance with the food safety law, including compliance with applicable performance standards and the frequency of recalls; and

(iv) the considerations described in clauses (i) through (iii) of paragraph (2)(B).

(4) FREQUENCY REQUIREMENTS FOR CATEGORIES 2, 3, AND 4.—An alternative inspection frequency for a subcategory of food facilities or a specific food facility under this subsection shall be—

(A) in the case of a category 2 food facility, not less frequently than monthly; and

(B) in the case of a category 3 or 4 food facility, not less frequently than annually.

(5) REQUIREMENTS FOR DECREASED FREQUENCIES.—Before issuing a regulation or order establishing a decreased alternative inspection frequency for a subcategory of food facilities or an individual food facility under this subsection, the Administrator shall—

(A) describe, in general terms, the alternative uses of resources of the Administration that would have been required to carry out the inspection activity; and

(B) determine, based on the best available evidence, that the alternative uses of the resources would make a greater contribution to protecting the public health and reducing the risk of foodborne illness.

(e) INSPECTION TRANSITION.—The Administrator shall manage the transition to the inspection system described in this Act as follows:

(1) REGULATIONS.—The Administrator shall promulgate regulations to implement this section no later than 24 months after the date of enactment of this Act.

(2) LIMIT ON REDUCTION IN INSPECTION FREQUENCY.—For any food facility, the Administrator shall not reduce the inspection frequency from the frequency required pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) until the food facility has demonstrated that sufficient changes in facilities, procedures, personnel, or other aspects of the process control system have been made such that the Administrator determines that compliance with the food safety law is achieved.

(f) OFFICIAL MARK.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—Before the completion of the transition process under subsection (e), the Administrator shall by regulation establish an official mark that can be affixed to a food produced in a category 1, 2, or 3 food facility if—

(i) the facility is in compliance with the food safety law; and

(ii) has been inspected in accordance with the inspection frequencies under this section.

(B) REMOVAL OF OFFICIAL MARK.—The Administrator shall promulgate regulations that provide for the removal of the official mark under this subsection if—

(i) the Administrator makes a finding that the facility is not in compliance with the food safety law; or

(ii) the Administrator suspends the registration of the facility.

(2) CATEGORY 1, 2, OR 3 FOOD FACILITIES.—In the case of products manufactured, slaughtered, processed, or held in a category 1, 2, or 3 food facility—

(A) products subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as of the date of enactment of this Act shall remain subject to the requirement under those Acts that they bear the mark of inspection pending completion of the transition process under subsection (e);

(B) the Administrator shall publicly certify on a monthly basis that the inspection frequencies required under this section have been achieved; and

(C) a product from a facility that has not been inspected in accordance with the required frequencies under this section shall not bear the official mark and shall not be shipped in interstate commerce.

(3) CATEGORY 4 AND 5 FOOD FACILITIES.—In the case of a product manufactured, slaughtered, processed, or held in a category 4 or 5 food facility, the Administrator shall provide by regulation for the voluntary use of the official mark established under paragraph (1), subject to—

(A) such minimum inspection frequencies as determined appropriate by the Administrator;

(B) compliance with applicable performance standards and other provisions of the food safety law; and

(C) such other requirements as the Administrator considers appropriate.

(g) MAINTENANCE AND INSPECTION OF RECORDS.—

(1) IN GENERAL.—

(A) RECORDS.—A food facility shall—

(i) maintain such records as the Administrator requires by regulation, including all records relating to the processing, distributing, receipt, or importation of any food; and

(ii) permit the Administrator, in addition to any authority of the food safety agencies in effect on the day before the date of enactment of this Act, upon presentation of appropriate credentials and at reasonable times and in a reasonable manner, to have access to and copy all records maintained by or on behalf of such food facility representative in any format (including paper or electronic) and at any location, that are necessary to assist the Administrator to determine whether the food is contaminated or not in compliance with the food safety law.

(B) REQUIRED DISCLOSURE.—A food facility shall have an affirmative obligation to disclose to the Administrator the results of testing or sampling of food, equipment, or material in contact with food that is positive for any contaminant.

(2) MAINTENANCE OF RECORDS.—The records required by paragraph (1) shall be maintained for a reasonable period of time, as determined by the Administrator.

(3) REQUIREMENTS.—The records required by paragraph (1) shall include records describing—

(A) the origin, receipt, delivery, sale, movement, holding, and disposition of food or ingredients;

(B) the identity and quantity of ingredients used in the food;

(C) the processing of the food;

(D) the results of laboratory, sanitation, or other tests performed on the food or in the food facility;

(E) consumer complaints concerning the food or packaging of the food;

(F) the production codes, open date codes, and locations of food production; and

(G) other matters reasonably related to whether food is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act.

(h) PROTECTION OF SENSITIVE INFORMATION.—

(1) IN GENERAL.—The Administrator shall develop and maintain procedures to prevent the unauthorized disclosure of any trade secret or confidential information obtained by the Administrator.

(2) LIMITATION.—The requirement under this subsection does not—

(A) limit the authority of the Administrator to inspect or copy records or to require the facility or maintenance of records under this Act;

(B) have any legal effect on section 1905 of title 18, United States Code;

(C) extend to any food recipe, financial data, pricing data, personnel data, or sales data (other than shipment dates relating to sales);

(D) limit the public disclosure of distribution records or other records related to food subject to a voluntary or mandatory recall under section 402; or

(E) limit the authority of the Administrator to promulgate regulations to permit the sharing of data with other governmental authorities.

(i) BRIBERY OF OR GIFTS TO INSPECTOR OR OTHER OFFICERS AND ACCEPTANCE OF GIFTS.—Section 22 of the Federal Meat Inspection Act (21 U.S.C. 622) shall apply under this Act.

SEC. 206. FOOD PRODUCTION ESTABLISHMENTS.
In carrying out the duties of the Administrator and the purposes of this Act, the Administrator shall have the authority, with respect to food production establishments, to—

(1) visit and inspect food production establishments in the United States and in foreign countries for food safety purposes;

(2) review food safety records as needed to carry out traceback and for other food safety purposes;

(3) set good practice standards to protect the public and promote food safety;

(4) partner with appropriate agencies to monitor animals, plants, products, or the environment, as appropriate; and

(5) collect and maintain information relevant to public health and farm practices.

SEC. 207. FEDERAL AND STATE COOPERATION.

(a) IN GENERAL.—The Administrator shall work with the States to carry out activities and programs that create a national food safety program so that Federal and State programs function in a coordinated and cost-effective manner.

(b) STATE ACTION.—The Administrator shall work with States to—

(1) continue, strengthen, or establish State food safety programs, especially with respect to the regulation of retail commercial food establishments, transportation, harvesting, and fresh markets;

(2) continue, strengthen, or establish inspection programs and requirements to ensure that food under the jurisdiction of the State is safe; and

(3) support recall authorities at the State and local levels.

(c) ASSISTANCE.—To assist in planning, developing, and implementing a food safety program, the Administrator may provide to a State—

(1) advisory assistance;

(2) technical and laboratory assistance and training (including necessary materials and equipment); and

(3) financial assistance, in kind assistance, and other aid.

(d) SERVICE AGREEMENTS.—

(1) IN GENERAL.—The Administrator may, under agreements entered into with Federal, State, or local agencies, use on a reimbursable basis or otherwise the personnel and services of those agencies in carrying out this Act.

(2) TRAINING.—Agreements with a State under this subsection may provide for training of State employees.

(3) MAINTENANCE OF AGREEMENTS.—The Administrator shall maintain any agreement that is in effect on the day before the date of enactment of this Act until the Administrator evaluates such agreement and determines whether to maintain or substitute such agreement.

(e) AUDITS.—

(1) IN GENERAL.—The Administrator shall annually conduct a comprehensive review of each State program that provides services to the Administrator in carrying out the responsibilities under this Act, including mandated inspections under section 205.

(2) REQUIREMENTS.—The review shall—

(A) include a determination of the effectiveness of the State program; and

(B) identify any changes necessary to ensure enforcement of Federal requirements under this Act.

(f) NO FEDERAL PREEMPTION.—Nothing in this Act shall be construed to preempt the enforcement of State food safety laws and standards that are at least as stringent as those under this Act.

SEC. 208. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—The Administrator shall require that each importer of products from a feed facility, food facility, or food producer establishment be in compliance with the foreign supplier verification program requirements under section 805 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384a).

(b) RULE OF CONSTRUCTION.—In applying subsection (a) with respect to products subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), references in section 805 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384a) to sections 402, 403(w), 418, and 419 of such Act (21 U.S.C. 342, 343(w), 350g, and 350h) shall be construed to be references to the corresponding provisions of the food safety law, if any, that apply to such products, as determined by the Administrator.

(c) REPEAL OF EXEMPTIONS.—Section 805 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384a) is amended—

(1) in subsection (a)(1), by striking “subsections (e) and (f)” and inserting “subsection (e)”;;

(2) by striking subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 209. IMPORTS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall establish a system under

which a foreign government seeking to certify food for importation into the United States shall submit a request for accreditation to the Administrator.

(b) ACCREDITATION STANDARD.—A foreign government requesting to be accredited to certify food for importation into the United States shall demonstrate, in a manner determined appropriate by the Administrator, that the foreign government (or an agency thereof) is capable of adequately ensuring that eligible entities or foods certified by such government (or agency) meet the requirements of the food safety law.

(c) REQUEST BY FOREIGN GOVERNMENT.—Prior to granting accreditation to a foreign government under this section, the Administrator shall review and audit the food safety program of the requesting foreign government and certify that such program (including all statutes, regulations, and inspection authority) meets the standard specified in subsection (b).

(d) LIMITATIONS.—Any accreditation of a foreign government under this section shall—

(1) specify the foods covered by the accreditation; and

(2) be limited to a period not to exceed 5 years.

(e) WITHDRAWAL OF ACCREDITATION.—The Administrator may withdraw accreditation fully or partially from a foreign government if the Administrator finds that—

(1) food covered by the accreditation is linked to an outbreak of human illness;

(2) the programs or procedures of the foreign government no longer meet the standards of the food safety programs and procedures of the United States; or

(3) the foreign government refuses to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

(f) RENEWAL OF ACCREDITATION.—The Administrator shall audit foreign governments accredited under this section at least every 5 years to ensure the continued compliance by such governments with the standard set forth in subsection (b).

(g) REQUIRED ROUTINE INSPECTION.—The Administrator shall routinely inspect food or food animals by physical examination before the food or food animals enter the United States to ensure that the food or food animals—

(1) are safe;

(2) are labeled as required for food produced in the United States; and

(3) otherwise meet the requirements of the food safety law.

(h) ENFORCEMENT.—The Administrator may—

(1) deny importation of food from any country if the country's government does not permit United States officials to enter the country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

(2) deny importation of food from any country or foreign facility that does not consent to an investigation by the Administrator when food from that country or foreign facility is linked to a foodborne illness outbreak or is otherwise found to be adulterated or mislabeled; and

(3) promulgate regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of the food safety law.

(i) DETENTION AND SEIZURE.—Any food imported for consumption in the United States that fails to meet the standards of the food safety law may be detained, seized, or condemned.

SEC. 210. TRACEBACK.

(a) IN GENERAL.—The Administrator, in order to protect the public health, shall establish requirements for a national system for tracing food, animals, or ingredients from point of origin to retail sale, subject to subsection (b).

(b) APPLICABILITY.—Traceability requirements shall—

(1) be established in accordance with regulations and guidelines issued by the Administrator; and

(2) apply to food production establishments and food facilities.

SEC. 211. FOOD SAFETY TECHNOLOGY.

(a) IN GENERAL.—The Administrator shall establish and implement a program, to be known as the Food Safety Technology Program, to foster innovation in food technologies and foods that have the potential to improve food safety at the point of production, processing, transport, storage, or final preparation.

(b) PROGRAM DESCRIBED.—The program under this section shall consist of technical guidance to and consultation with technology developers to assist them in meeting requirements for approval of technologies and products described in subsection (a).

TITLE III—RESEARCH AND EDUCATION

SEC. 301. PUBLIC HEALTH ASSESSMENT SYSTEM.

(a) IN GENERAL.—The Administrator, acting in coordination with the Director of the Centers for Disease Control and Prevention and the Deputy Under Secretary of Agriculture for Research, Education, and Economics, shall—

(1) have access to the applicable data systems of the Centers for Disease Control and Prevention and to the databases made available by a State;

(2) partner with relevant agencies to maintain or access an active surveillance system of food and epidemiological evidence submitted by States to the Centers for Disease Control and Prevention based on a representative proportion of the population of the United States;

(3) assess the frequency and sources of human illness in the United States associated with the consumption of food;

(4) partner with relevant agencies to maintain or access a state-of-the-art partial or full genome sequencing system and epidemiological system dedicated to foodborne illness identification, outbreaks, and containment; and

(5) have access to the surveillance data created via monitoring and statistical studies conducted as part of its own inspection.

(b) PUBLIC HEALTH SAMPLING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish guidelines for a sampling system under which the Administrator shall take and analyze samples of food—

(A) to assist the Administrator in carrying out this Act; and

(B) to assess the nature, frequency of occurrence, and quantities of contaminants in food.

(2) REQUIREMENTS.—The sampling system described in paragraph (1) shall provide—

(A) statistically valid monitoring, including market-based studies, on the nature, frequency of occurrence, and quantities of contaminants in food available to consumers; and

(B) at the request of the Administrator, such other information, including analysis of monitoring and verification samples, as the Administrator determines may be useful in assessing the occurrence of contaminants in food.

(c) ASSESSMENT OF HEALTH HAZARDS.—Through the surveillance system referred to

in subsection (a), the sampling system described in subsection (b), and other available data, the Administrator shall—

(1) rank food categories based on the hazard to human health presented by the food category;

(2) identify appropriate industry and regulatory approaches to minimize hazards in the food supply; and

(3) assess the public health environment for emerging diseases, including zoonosis, for their risk of appearance in the United States food supply.

SEC. 302. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Administrator shall—

(1) in cooperation with private and public organizations, including the cooperative extension services and building on the efforts of appropriate State and local entities, establish a national public education program on food safety; and

(2) coordinate with other Federal departments and agencies to integrate food safety messaging into all food-related agricultural, nutrition, and health promotion programs.

(b) HEALTH ADVISORIES.—The Administrator, in consultation with such other Federal departments and agencies as the Administrator determines necessary, shall work with the States and other appropriate entities—

(1) to develop and distribute regional and national advisories concerning food safety;

(2) to develop standardized formats for written and broadcast advisories;

(3) to incorporate State and local advisories into the national public education program established under subsection (a); and

(4) to present prompt, specific information regarding foods found to pose a threat to the public health.

SEC. 303. RESEARCH.

(a) IN GENERAL.—The Administrator shall conduct research to carry out this Act, including studies to—

(1) improve sanitation and food safety practices in the processing of food;

(2) develop improved techniques to monitor and inspect food;

(3) develop efficient, rapid, and sensitive methods to detect contaminants in food;

(4) determine the sources of contamination of contaminated food;

(5) develop food consumption data;

(6) identify ways that animal production techniques could improve the safety of the food supply;

(7) draw upon research and educational programs that exist at the State and local level;

(8) determine the food safety education needs of vulnerable populations, including children less than 10 years of age, pregnant women, adults 65 years of age and older, and individuals with compromised immune systems;

(9) utilize the partial or full genome sequencing system and other processes to identify and control pathogens;

(10) address common and emerging zoonotic diseases;

(11) develop methods to reduce or destroy harmful pathogens before, during, and after processing;

(12) analyze the incidence of antibiotic resistance as it pertains to the food supply and develop new methods to reduce infection by antibiotic resistant bacteria in humans and animals; and

(13) conduct other research that supports the purposes of this Act.

(b) CONTRACT AUTHORITY.—The Administrator may enter into contracts and agreements with any State, institution of higher

education, Federal Government agency, or person to carry out this section.

TITLE IV—ENFORCEMENT

SEC. 401. PROHIBITED ACTS.

It shall be unlawful—

(1) for a person—

(A) to manufacture, introduce, deliver for introduction, or receive into interstate commerce any food that is adulterated, misbranded, or otherwise unsafe;

(B) to adulterate or misbrand any food in interstate commerce;

(C) to refuse to permit access to a food facility for the inspection and copying of a record as required under section 205(g);

(D) to fail to establish or maintain any record or to make any report as required under section 205(g);

(E) to refuse to permit entry to or inspection of a food facility as required under section 205;

(F) to fail to provide to the Administrator the results of a testing or sampling of a food, equipment, or material in contact with contaminated food under section 205(g)(1)(B);

(G) to fail to comply with an applicable provision of, or a regulation or order of the Administrator under, section 202, 204, or 208;

(H) to slaughter an animal that is capable for use in whole or in part as human food at a food facility processing any such food for commerce, except in compliance with the food safety law;

(I) to fail to comply with a recall or other order under section 402; or

(J) to otherwise violate the food safety law; and

(2) for a food facility or foreign food facility to fail to register under section 202, or to operate without a valid registration.

SEC. 402. MANDATORY RECALL AUTHORITY.

(a) VOLUNTARY PROCEDURES.—If the Administrator determines that there is a reasonable probability that an article of food (other than infant formula) is adulterated or misbranded and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Administrator shall provide to the owner, operator, or agent in charge of the facility that created, caused, or was otherwise responsible for that article of food an opportunity to cease distribution and recall that article of food in a manner and within a time period determined by the Administrator.

(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—

(1) IN GENERAL.—If the owner, operator, or agent in charge of a facility refuses to, or does not voluntarily, cease distribution or recall an article of food in the manner and within the time period determined by the Administrator under subsection (a), the Administrator may by order require, as the Administrator determines to be necessary—

(A) that owner, operator, or agent—

(i) to immediately cease distribution of that article of food; and

(ii) as applicable, to immediately notify all persons manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling that article of food; and

(B) any person to which that article of food has been distributed, transported, or sold, to immediately cease distribution of that article of food.

(2) REQUIRED ADDITIONAL INFORMATION.—

(A) IN GENERAL.—If an article of food covered by a recall order issued under paragraph (1) has been distributed to a warehouse-based, third-party logistics provider without providing such provider sufficient information to know or reasonably determine the precise identity of the article of food covered by a recall order that is in its possession, the notice provided by the owner, operator, or

agent of a facility under paragraph (1)(A)(ii) shall include such information as is necessary for the warehouse-based, third-party logistics provider to identify the article of food.

(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

(i) to exempt a warehouse-based, third-party logistics provider from the requirements of food safety law; or

(ii) to exempt a warehouse-based, third-party logistics provider from being the subject of a mandatory recall order.

(3) DETERMINATION TO LIMIT AREAS AFFECTED.—If the Administrator requires an owner, operator, or agent in charge of the facility to cease distribution under paragraph (1)(A)(i) of an article of food identified under subsection (a), the Administrator may limit the size of the geographic area and the markets affected by such cessation if such limitation would not compromise the public health.

(c) HEARING ON ORDER.—The Administrator shall provide the owner, operator, or agent in charge of the facility subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Administrator determines that removal of the applicable article of food from commerce is necessary, the Administrator shall, as appropriate—

(A) amend the order to require recall of such article or other appropriate action;

(B) specify a timetable in which the recall shall occur;

(C) require periodic reports to the Administrator describing the progress of the recall; and

(D) provide notice to consumers to whom such article was, or may have been, distributed.

(2) VACATING OF ORDER.—If, after an informal hearing under subsection (c), the Administrator determines that adequate grounds do not exist to continue the actions required by the applicable order, or that such actions should be modified, the Administrator shall vacate the order or modify the order, as appropriate.

(e) RULE REGARDING ALCOHOLIC BEVERAGES.—The Administrator shall not initiate a mandatory recall or take any other action under this section with respect to any alcohol beverage until the Administrator has provided the Administrator of the Alcohol and Tobacco Tax and Trade Bureau with a reasonable opportunity to cease distribution and recall the alcohol beverage under the authority of the Administrator of the Alcohol and Tobacco Tax and Trade Bureau.

(f) COOPERATION AND CONSULTATION.—The Administrator shall work with State and local public health officials in carrying out this section, as appropriate.

(g) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Administrator shall—

(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

(A) of the recall to consumers and retailers to whom the applicable article of food was, or may have been, distributed; and

(B) that includes, at a minimum—

(i) the name of the article of food subject to the recall;

(ii) a description of the risk associated with such article; and

(iii) to the extent practicable, information for consumers about similar articles of food that are not affected by the recall;

(2) provide to the public a list of retail consignees receiving products for which there is determined to be a reasonable probability that eating the food will cause serious adverse health consequences or death to humans or animals; and

(3) if available, publish on the Internet website of the Administration an image of the article that is the subject of the press release described in paragraph (1).

(h) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Administrator.

(i) EFFECT.—Nothing in this section shall affect the authority of the Administrator to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of the food safety law or under the Public Health Service Act (42 U.S.C. 201 et seq.).

(j) COORDINATED COMMUNICATION.—

(1) IN GENERAL.—To assist in carrying out the requirements of this subsection, the Administrator shall establish an incident command operation or a similar operation that will operate not later than 24 hours after the initiation of a mandatory recall or the recall of an article of food for which the use of, or exposure to, such article will cause serious adverse health consequences or death to humans or animals.

(2) REQUIREMENTS.—To reduce the potential for miscommunication during recalls or regarding investigations of a foodborne illness outbreak associated with a food that is subject to a recall, each incident command operation or similar operation under paragraph (1) shall use regular staff and resources of the Administration to—

(A) ensure timely and coordinated communication within the Administration, including enhanced communication and coordination between different agencies and organizations within the Administration;

(B) ensure timely and coordinated communication from the Administration, including public statements, throughout the duration of the investigation and related foodborne illness outbreak;

(C) identify a single point of contact within the Administration for public inquiries regarding any actions by the Administrator related to a recall;

(D) coordinate with Federal, State, local, and Tribal authorities, as appropriate, that have responsibilities related to the recall of a food or a foodborne illness outbreak associated with a food that is subject to the recall, including notification of the Secretary of Agriculture and the Secretary of Education in the event such recalled food is a commodity intended for use in a child nutrition program (as defined in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b))); and

(E) conclude operations at such time as the Administrator determines appropriate.

(3) MULTIPLE RECALLS.—The Administrator may establish multiple or concurrent incident command operations or similar operations in the event of multiple recalls or foodborne illness outbreaks.

(4) FEES APPLICABLE TO ALL FACILITIES.—Fees described in section 743 of Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-31) for not complying with a recall order are applicable to all food facilities under this Act as if—

(A) the term “responsible party” means “owner, operator, or agent in charge of the facility”; and

(B) references to section 423 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f) are references to section 402 of this Act.

SEC. 403. INJUNCTION PROCEEDINGS.

(a) JURISDICTION.—The district courts of the United States, and the United States courts of the territories and possessions of the United States, shall have jurisdiction, for cause shown, to restrain a violation of section 202, 203, 204, 207, or 401 (or a regulation promulgated under that section).

(b) TRIAL.—In a case in which violation of an injunction or restraining order issued under this section also constitutes a violation of the food safety law, trial shall be by the court or, upon demand of the accused, by a jury.

SEC. 404. CIVIL AND CRIMINAL PENALTIES.

(a) CIVIL SANCTIONS.—

(1) CIVIL PENALTY.—

(A) IN GENERAL.—Any person that violates section 401 may be assessed a civil penalty by the Administrator of not more than \$250,000 for each violation.

(B) SEPARATE OFFENSE.—Each violation described in subparagraph (A) and each day during which that violation continues shall be considered a separate offense.

(2) OTHER REQUIREMENTS.—

(A) WRITTEN ORDER.—The civil penalty described in paragraph (1) shall be assessed by the Administrator by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (B) considered by the Administrator.

(B) AMOUNT OF PENALTY.—Subject to paragraph (1)(A), the amount of the civil penalty shall be determined by the Administrator, after considering—

(i) the gravity of the violation;

(ii) the degree of culpability of the person;

(iii) the size and type of the business of the person; and

(iv) any history of prior offenses by the person under the food safety law.

(C) REVIEW OF ORDER.—A written order under subparagraph (A) may be reviewed only in accordance with subsection (c).

(b) CRIMINAL SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person that violates subparagraph (A) or (B) of section 401(1) shall be imprisoned for not more than 1 year, fined not more than \$10,000, or both.

(2) SEVERE VIOLATIONS.—A person that commits a violation described in paragraph (1) after a conviction of that person under this section has become final, or commits such a violation with the intent to defraud or mislead, shall be imprisoned for not more than 3 years, fined not more than \$100,000, or both.

(3) EXCEPTION.—No person shall be subject to the penalties of this subsection—

(A) for having received, proffered, or delivered in interstate commerce any food, if the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Administrator)—

(i) the name, address, and contact information of the person from whom that person purchased or received the food;

(ii) copies of all documents relating to the person from whom that person purchased or received the food; and

(iii) copies of all documents pertaining to the delivery of the food to that person; or

(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—An order assessing a civil penalty under subsection (a) shall be a final order unless the person—

(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in—

(i) the court of appeals of the United States for the judicial circuit in which that person resides or has its principal place of business; or

(ii) the United States Court of Appeals for the District of Columbia Circuit; and

(B) simultaneously serves a copy of the petition by certified mail to the Administrator.

(2) FILING OF RECORD.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Administrator shall file in the court a certified copy of the administrative record upon which the order was issued.

(3) STANDARD OF REVIEW.—The findings of the Administrator relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

(d) COLLECTION ACTIONS FOR FAILURE TO PAY.—

(1) IN GENERAL.—If any person fails to pay a civil penalty assessed under subsection (a) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (c) has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General, who shall institute in a district court of the United States of competent jurisdiction a civil action to recover the amount assessed.

(2) LIMITATION ON REVIEW.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Administrator assessing the civil penalty shall not be subject to judicial review.

(e) PENALTIES PAID INTO ACCOUNT.—The Administrator—

(1) shall deposit penalties collected under this section in an account in the Treasury; and

(2) may use the funds in the account, without further appropriation or fiscal year limitation—

(A) to carry out enforcement activities under food safety law; or

(B) to provide assistance to States to inspect retail commercial food establishments or other food or firms under the jurisdiction of State food safety programs.

(f) DISCRETION OF THE ADMINISTRATOR TO PROSECUTE.—Nothing in this Act requires the Administrator to report for prosecution, or for the commencement of an action, the violation of the food safety law in a case in which the Administrator finds that the public interest will be adequately served by the assessment of a civil penalty under this section.

(g) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.

SEC. 405. PRESUMPTION.

In any action to enforce the requirements of the food safety law, the connection with interstate commerce required for jurisdiction shall be presumed to exist.

SEC. 406. WHISTLEBLOWER PROTECTION.

Section 1013 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399d) shall apply with respect to any violation of, or any act or omission an employee reasonably believes to be a violation of, any provision of this Act to the same extent and in the same manner as that section applies with respect to a violation of, or any act or omission an employee reasonably believes to be a violation of, any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 407. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—For the efficient administration and enforcement of the food safety

law, the provisions (including provisions relating to penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act (15 U.S.C. 46, 48, 49, and 50) (except subsections (c) through (h) of section 6 of that Act (15 U.S.C. 46)), relating to the jurisdiction, powers, and duties of the Federal Trade Commission and the Attorney General to administer and enforce that Act, and to the rights and duties of persons with respect to whom the powers are exercised, shall apply to the jurisdiction, powers, and duties of the Administrator and the Attorney General in administering and enforcing the provisions of the food safety law and to the rights and duties of persons with respect to whom the powers are exercised, respectively.

(b) **INQUIRIES AND ACTIONS.**—

(1) **IN GENERAL.**—The Administrator, in person or by such agents as the Administrator may designate, may prosecute any inquiry necessary to carry out the duties of the Administrator under the food safety law in any part of the United States.

(2) **POWERS.**—The powers conferred by sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50) on the United States district courts may be exercised for the purposes of this chapter by any district court of the United States of competent jurisdiction.

SEC. 408. CITIZEN CIVIL ACTIONS.

(a) **CIVIL ACTIONS.**—A person may commence a civil action against—

(1) a person that violates a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator to ensure the safety of food; or

(2) the Administrator (in his or her capacity as the Administrator), if the Administrator fails to perform an act or duty to ensure the safety of food that is not discretionary under the food safety law.

(b) **COURT.**—

(1) **IN GENERAL.**—The action shall be commenced in the district court of the United States for the judicial district in which the defendant resides, is found, or has an agent.

(2) **JURISDICTION.**—The court described in paragraph (1) shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator, or to order the Administrator to perform the act or duty.

(3) **DAMAGES.**—The court described in paragraph (1) may—

(A) award damages, in the amount of damages actually sustained; and

(B) if the court determines it to be in the interest of justice, award the plaintiff the costs of suit, including reasonable attorney's fees, reasonable expert witness fees, and penalties.

(c) **REMEDIES NOT EXCLUSIVE.**—The remedies provided for in this section shall be in addition to, and not exclusive of, other remedies that may be available.

TITLE V—IMPLEMENTATION

SEC. 501. DEFINITION.

In this title, the term “transition period” means the 12-month period beginning on the date of enactment of this Act.

SEC. 502. REORGANIZATION PLAN.

(a) **SUBMISSION OF PLAN.**—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan regarding the following:

(1) The transfer of agencies, personnel, assets, and obligations to the Administration pursuant to this Act.

(2) Any consolidation, reorganization, or streamlining of agencies transferred to the Administration pursuant to this Act.

(b) **PLAN ELEMENTS.**—The plan transmitted under subsection (a) shall contain, consistent with this Act, such elements as the President determines appropriate, including the following:

(1) Identification of any functions of agencies designated to be transferred to the Administration pursuant to this Act that will not be transferred to the Administration under the plan.

(2) Specification of the steps to be taken by the Administrator to organize the Administration, including the delegation or assignment of functions transferred to the Administration among the officers of the Administration in order to permit the Administration to carry out the functions transferred under the plan.

(3) Specification of the funds available to each agency that will be transferred to the Administration as a result of transfers under the plan.

(4) Specification of the proposed allocations within the Administration of unexpended funds transferred in connection with transfers under the plan.

(5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

(6) Specification of the proposed allocations within the Administration of the functions of the agencies and subdivisions that are not related directly to ensuring the safety of food.

(c) **MODIFICATION OF PLAN.**—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan until that part of the plan becomes effective in accordance with subsection (d).

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (c), shall become effective for an agency on the earlier of—

(A) the date specified in the plan (or the plan as modified pursuant to subsection (c)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a); or

(B) the end of the transition period.

(2) **STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

(3) **SUPERCEDES EXISTING LAW.**—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

SEC. 503. TRANSITIONAL AUTHORITIES.

(a) **PROVISION OF ASSISTANCE BY OFFICIALS.**—Until the transfer of an agency to the Administration, any official having authority over or function relating to the agency on the day before the date of enactment of this Act shall provide the Administrator such assistance, including the use of personnel and assets, as the Administrator may request in preparing for the transfer and integration of the agency to the Administration.

(b) **SERVICES AND PERSONNEL.**—During the transition period, upon the request of the Administrator, the head of any Executive agency may, on a reimbursable basis, provide services or detail personnel to assist with the transition.

(c) **ACTING OFFICIALS.**—

(1) **IN GENERAL.**—During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this Act to be appointed by and with such advice and consent, the President

may designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer on the day before the date of enactment of this Act (and who continues to be in office) or immediately before such designation, to act in such office until the same is filled as provided in this Act.

(2) **COMPENSATION.**—While acting pursuant to paragraph (1), such officers shall receive compensation at the higher of—

(A) the rates provided by this Act for the respective offices in which they act; or

(B) the rates provided for the offices held at the time of designation.

(3) **LIMITATION.**—Nothing in this Act shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Administration of any officer whose agency is transferred to the Administration pursuant to this Act and whose duties following such transfer are germane to those performed before such transfer.

(d) **TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS, AND FUNCTION.**—

(1) **IN GENERAL.**—Consistent with section 1531 of title 31, United States Code, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds that relate to the functions transferred under subsection (a) from a Federal agency shall be transferred to the Administration.

(2) **UNEXPENDED FUNDS.**—Unexpended funds transferred under this subsection shall be used by the Administration only for the purposes for which the funds were originally authorized and appropriated.

SEC. 504. SAVINGS PROVISIONS.

(a) **COMPLETED ADMINISTRATIVE ACTIONS.**—

The enactment of this Act or the transfer of functions under this Act shall not affect any order, determination, rule, regulation, permit, personnel action, agreement, grant, contract, certificate, license, registration, privilege, or other administrative action issued, made, granted, or otherwise in effect or final with respect to that agency on the day before the transfer date with respect to the transferred functions.

(b) **PENDING PROCEEDINGS.**—Subject to the authority of the Administrator under this Act—

(1) pending proceedings in an agency, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency to the Administration, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

(2) orders issued in such proceedings, and appeals from those orders, and payments made pursuant to such orders, shall be issued in the same manner on the same terms as if this Act had not been enacted or the agency had not been transferred, and any such order shall continue in effect until amended, modified, superceded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) **PENDING CIVIL ACTIONS.**—Subject to the authority of the Administrator under this Act, any civil action commenced with regard to that agency pending before that agency on the day before the transfer date with respect to the transferred functions shall continue notwithstanding the enactment of this Act or the transfer of an agency to the Administration.

(d) **REFERENCES.**—

(1) IN GENERAL.—After the transfer of functions from a Federal agency under this Act, any reference in any other Federal law, Executive order, rule, regulation, directive, document, or other material to that Federal agency or the head of that agency in connection with the administration or enforcement of the food safety laws shall be deemed to be a reference to the Administration or the Administrator, respectively.

(2) STATUTORY REPORTING REQUIREMENTS.—Statutory reporting requirements that applied in relation to such an agency on the day before the date of enactment of this Act shall continue to apply following such transfer if the reporting requirements refer to the agency by name.

SEC. 505. CONFORMING AMENDMENTS.

Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

“Administrator of Food Safety.”.

SEC. 506. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

Not later than 60 days after the submission of the reorganization plan under section 502, the President shall prepare and submit proposed legislation to Congress containing necessary and appropriate technical and conforming amendments to any food safety law to reflect the changes made by this Act.

SEC. 507. REGULATIONS.

The Administrator may promulgate such regulations as the Administrator determines are necessary or appropriate to perform the duties of the Administrator.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 509. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

For the fiscal year that includes the date of enactment of this Act, the amount authorized to be appropriated to carry out this Act shall not exceed—

(1) the amount appropriated for that fiscal year for the Federal agencies identified in section 102(b) for the purpose of administering or enforcing the food safety law; or

(2) the amount appropriated for those agencies for that purpose for the preceding fiscal year, if, as of the date of enactment of this Act, appropriations for those agencies for the fiscal year that includes that date of enactment have not yet been made.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1997. A bill to authorize transitional sheltering assistance for individuals who live in areas with unhealthy air quality caused by wildfires, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. WYDEN. Mr. President, today I am introducing the Wildfire Smoke Relief Act of 2019 with the ultimate goal of providing Federal emergency assistance to at risk individuals in areas with unhealthy air quality caused by wildfire smoke. By actively preparing for the effects of wildfire smoke inhalation, this bill attempts to ensure the long term health and security of all of those affected by wildfires.

In 2018, over 2,000 fires burned nearly 900,000 acres in the State of Oregon. The result of these fires was weeks and weeks of wildfire smoke. In Southern Oregon alone, there were 39 days with unhealthy air quality directly caused by smoke from wildfires. People need

proper air filtration equipment, and in extreme cases, to seek refuge in a smokeless area. Communities are being choked by wildfire smoke, and each year wildfires are becoming more destructive than the previous.

Vulnerable populations like children, the elderly, pregnant women, and low-income families are disproportionately affected by wildfire smoke. Additionally, those with chronic heart or lung conditions are at a similarly heightened risk. Symptoms from smoke inhalation can develop within a relatively short time of exposure, and according to research, is akin to smoking several packs of cigarettes per day. Symptoms vary and can include poor development of lungs in children, shortness of breath, coughing, chest pain, nausea, reduced lung capacity, bronchitis, headaches, and visual impairment.

The bill would authorize the Federal Emergency Management Agency (FEMA) to provide assistance to at risk individuals by providing smoke inhalation prevention equipment and low-cost home improvements when air quality causes unhealthy air quality levels or three consecutive days. Smoke inhalation prevention equipment would include an air filter, a face mask or respirator, a portable air filtration unit, and other low cost equipment used to keep smoke out of a house.

In severe cases, the Wildfire Smoke Relief Act would authorize FEMA to provide transitional sheltering assistance for at risk individuals. In these extreme cases FEMA can arrange alternate, cost-efficient housing arranged for at-risk people to escape the smoke.

Mr. President, I am pleased to be joined by Senator JEFF MERKLEY in introducing the bill today and look forward to working with my colleagues toward enactment of the Wildfire Smoke Relief Act in the 116th Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 265—DESIGNATING JULY 27, 2019, AS “NATIONAL DAY OF THE AMERICAN COWBOY”

Mr. ENZI (for himself, Ms. CORTEZ MASTO, Mr. RISCH, Mr. THUNE, Mr. TESTER, Mr. MERKLEY, Mr. BARRASSO, Mr. CRAPO, Mr. HOEVEN, Mr. ROUNDS, Mr. BENNET, Mr. UDALL, Mr. INHOFE, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 265

Whereas pioneering men and women, recognized as “cowboys”, helped to establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy, who lives off the land and works to protect and enhance the environment, is an excellent steward of the land and its creatures;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 27, 2019, as “National Day of the American Cowboy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 266—CONGRATULATING THE ST. LOUIS BLUES FOR WINNING THE 2019 STANLEY CUP FINAL

Mr. HAWLEY (for himself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 266

Whereas, on June 12, 2019, the St. Louis Blues won the 2019 Stanley Cup Final;

Whereas the Blues, in their 52nd year playing in the National Hockey League (referred to in this preamble as the “NHL”), made their fourth Stanley Cup Final appearance, and their first since the 1969–70 season;

Whereas the Blues defeated the 2019 Eastern Conference champions, the Boston Bruins, in the Stanley Cup Final to win their first Stanley Cup, clinching the series with 4 wins and 3 losses;

Whereas the Blues defeated the Winnipeg Jets, the Dallas Stars, and the San Jose Sharks to earn the Western Conference title and win the franchise’s third Clarence S. Campbell Bowl;

Whereas the Blues showed incredible determination and perseverance by fighting their way back from last place in the NHL on January 3, 2019, to finish the regular season in third place in the Western Conference Central Division, and to eventually defeat the Boston Bruins to become Stanley Cup Champions;

Whereas the City of St. Louis was named by the Wall Street Journal as the best sports city in the United States in 2015, highlighting the success of St. Louis professional sports teams;

Whereas more than 10,000 fans filled the Enterprise Center, more than 20,000 fans filled Busch Stadium in the pouring rain, and more than 18,000 fans flooded downtown St. Louis to cheer the Blues on to the franchise’s first Stanley Cup;

Whereas the Blues and the City of St. Louis embraced Laura Branigan’s 1982 hit song, “Gloria”, uniting fans across the country;

Whereas Laila Anderson, age 11, while fighting a rare immune disease known as hemophagocytic lymphohistiocytosis or “HLH”, helped motivate the 2018-2019 Blues to victory, journeying to Boston to cheer on her Blues in game 7, and kissing Lord Stanley’s Cup, a champion’s tradition;

Whereas Patrick Maroon, a St. Louis native, scored a heroic game-winning goal in overtime of game 7 of the second round to advance his team to the Western Conference Finals;

Whereas Ryan O’Reilly, who scored 5 times during a 4-game goal streak in games 4 through 7 of the Stanley Cup Final, was the first player to score in 4 straight Stanley Cup Final games since Wayne Gretzky in 1985, was awarded the Conn Smythe Trophy as the 2019 NHL Playoffs Most Valuable Player, all while playing with a cracked rib sustained in the Western Conference First Round;

Whereas Jordan Binnington boasted a .914 save percentage during the playoffs and broke the NHL record for most wins in a playoff year by a rookie goaltender, while also becoming the fourth rookie goalie to win game 7 of a Stanley Cup Final; and

Whereas the entire Blues roster contributed to the Stanley Cup victory, including Jake Allen, Ivan Barbashev, Jordan Binnington, Sammy Blais, Robert Bortuzzo, Jay Bouwmeester, Tyler Bozak, Chris Butler, Michael Del Zotto, Vince Dunn, Joel Edmundson, Robby Fabbri, Carl Gunnarsson, Ville Husso, Jordan Kyrrou, Mackenzie MacEachern, Pat Maroon, Jordan Nolan, Ryan O’Reilly, Colton Parayko, David Perron, Alex Pietrangolo, Zach Sanford, Brayden Schenn, Jaden Schwartz, Alexander Steen, Oskar Sundqvist, Vladimir Tarasenko, Robert Thomas, and Chris Thorburn: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the St. Louis Blues and the loyal fans of the Blues for becoming the 2019 National Hockey League Stanley Cup champions; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the chairman and governor of the St. Louis Blues, Tom Stillman;

(B) the general manager of the St. Louis Blues, Doug Armstrong; and

(C) the interim head coach of the St. Louis Blues, Craig Berube.

AMENDMENTS SUBMITTED AND PROPOSED

SA 900. Mr. TOOMEY (for himself, Mr. JONES, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 861 proposed by Mr. MCCONNELL (for Mr. ROMNEY) to the amendment SA 764 proposed by Mr. INHOFE to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 901. Mr. SHELBY proposed an amendment to the bill H.R. 3401, making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

SA 902. Mr. PAUL proposed an amendment to amendment SA 901 proposed by Mr. SHELBY to the bill H.R. 3401, *supra*.

SA 903. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 764 proposed by Mr. INHOFE to the bill S. 1790, to au-

thorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 900. Mr. TOOMEY (for himself, Mr. JONES, and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 861 proposed by Mr. MCCONNELL (for Mr. ROMNEY) to the amendment SA 764 proposed by Mr. INHOFE to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . BLOCKING FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the “Blocking Deadly Fentanyl Imports Act”.

(b) DEFINITIONS.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “in which”;

(B) in subparagraph (A), by inserting “in which” before “1,000”;

(C) in subparagraph (B)—

(i) by inserting “in which” before “1,000”; and

(ii) by striking “or” at the end;

(D) in subparagraph (C)—

(i) by inserting “in which” before “5,000”; and

(ii) by inserting “or” after the semicolon; and

(E) by adding at the end the following:

“(D) that is a significant source of illicit synthetic opioids and related illicit precursors significantly affecting the United States;”; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by adding “and” at the end; and

(C) by adding at the end the following:

“(E) assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n-2(b));”.

(c) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

“(9) A separate section that contains the following:

“(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

“(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

“(C) A description of whether each country identified pursuant to subparagraph (A) has

adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

“(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32))); and

“(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.”.

(d) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(A) in paragraph (1), by striking “or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act” and inserting “country identified pursuant to section 489(a)(8)(A), or country twice identified pursuant to section 489(a)(9)(A)”; and

(B) in paragraph (2), by striking “or major drug-transit country (as determined under subsection (h)) or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act” and inserting “, major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country twice identified pursuant to section 489(a)(9)(A)”.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking “also”;

(B) in subparagraph (A)(ii), by striking “and” at the end;

(C) by redesignating subparagraph (B) as subparagraph (E);

(D) by inserting after subparagraph (A) the following:

“(B) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;”; and

(E) in subparagraph (E), as redesignated, by striking “so designated” and inserting “designated under subparagraph (A), (B), (C), or (D)”.

(3) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

“(C) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has not taken significant steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section

102(32) of the Controlled Substances Act (21 U.S.C. 802(32));”.

(4) DESIGNATION OF ILLICIT FENTANYL COUNTRIES THAT DO NOT REQUIRE THE REGISTRATION OF PILL PRESSES AND TABLETING MACHINES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1(2)), as amended by paragraphs (2) and (3), is further amended by inserting after subparagraph (C) the following:

“(D) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that—

“(i) does not require the registration of tableting machines and encapsulating machines in a manner comparable to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations; and

“(ii) has not made good faith efforts (in the opinion of the Secretary) to improve the regulation of tableting machines and encapsulating machines; and”.

(5) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1(3)) is amended by striking “also designated under paragraph (2) in the report” and inserting “designated in the report under paragraph (2)(A) or twice designated in the report under subparagraph (B), (C), or (D) of paragraph (2)”.

(6) EXCEPTION TO THE LIMITATION ON ASSISTANCE.—Section 706(5) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1(5)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by inserting after subparagraph (B) the following:

“(C) Notwithstanding paragraph (3), assistance to promote democracy (as defined in section 481(e)(4)(E) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B), (C), or (D) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.”; and

(C) in subparagraph (D), as redesignated, by striking “section clause (i) or (ii) of” and inserting “clause (i) or (ii) of section”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 901. Mr. SHELBY proposed an amendment to the bill H.R. 3401, making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019, and for other purposes, namely:

TITLE I

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

For an additional amount for “Executive Office for Immigration Review”, \$65,000,000, of which \$45,000,000 shall be for the hiring of 30 additional Immigration Judge Teams, of which \$10,000,000 shall be used for the purchase or lease of immigration judge courtroom space and equipment, and of which \$10,000,000 shall be used only for services and activities provided by the Legal Orientation

Program: *Provided*, That Immigration Judge Teams shall include appropriate attorneys, law clerks, paralegals, court administrators, and other support staff: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

UNITED STATES MARSHALS SERVICE

FEDERAL PRISONER DETENTION

For an additional amount for “Federal Prisoner Detention”, for necessary expenses related to United States prisoners in the custody of the United States Marshals Service, to be used only as authorized by section 4013 of title 18, United States Code, \$155,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE II

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$92,800,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$13,025,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$18,000,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$21,024,000, for necessary expenses to respond to the significant rise in unaccompanied minors and family unit aliens at the southwest border and related activities: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses to respond to the significant rise in aliens at the southwest border and related activities, \$1,015,431,000; of which \$819,950,000 shall be

available until September 30, 2020: *Provided*, That of the amounts provided under this heading, \$708,000,000 is for establishing and operating migrant care and processing facilities, \$111,950,000 is for consumables and medical care, \$35,000,000 is for transportation, \$110,481,000 is for temporary duty and overtime costs including reimbursements, and \$50,000,000 is for mission support data systems and analysis: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for migrant care and processing facilities, \$85,000,000, to remain available until September 30, 2023: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. IMMIGRATION AND CUSTOMS

ENFORCEMENT

OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses to respond to the significant rise in aliens at the southwest border and related activities, \$208,945,000: *Provided*, That of the amounts provided under this heading, \$35,943,000 is for transportation of unaccompanied alien children, \$11,981,000 is for detainee transportation for medical needs, court proceedings, or relocation from U.S. Customs and Border Protection custody, \$20,000,000 is for alternatives to detention, \$45,000,000 is for detainee medical care, \$69,735,000 is for temporary duty, overtime, and other on-board personnel costs including reimbursements, \$5,000,000 is for the Office of Professional Responsibility for background investigations and facility inspections, and \$21,286,000 is for Homeland Security Investigations human trafficking investigations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEDERAL ASSISTANCE

For an additional amount for “Federal Assistance”, \$30,000,000, to remain available until September 30, 2020, for the emergency food and shelter program under title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.) for the purposes of providing assistance to aliens released from the custody of the Department of Homeland Security: *Provided*, That notwithstanding sections 315 and 316(b) of such Act, funds made available under this section shall be disbursed by the Emergency Food and Shelter Program National Board not later than 30 days after the date on which such funds become available: *Provided further*, That the Emergency Food and Shelter Program National Board shall distribute such funds only to jurisdictions or local recipient organizations serving communities that have experienced a significant influx of such aliens: *Provided further*, That such funds may be used to reimburse such jurisdictions or local recipient organizations for costs incurred in providing services to such aliens on or after January 1, 2019: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available under each heading in this title shall only be used for the purposes specifically described under that heading.

SEC. 302. Division A of the Consolidated Appropriations Act, 2019 (Public Law 116-6) is amended by adding after section 540 the following:

“SEC. 541. (a) Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) shall be applied—

“(1) In subsection (a), by substituting ‘September 30, 2019,’ for ‘September 30, 2017,’; and

“(2) In subsection (c)(1), by substituting ‘September 30, 2019,’ for ‘September 30, 2017.’

“(b) The Secretary of Homeland Security, under the authority of section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)), may carry out prototype projects under section 2371b of title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.

“(c) The Secretary of Homeland Security under section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(d)) may use the definition of nontraditional government contractor as defined in section 2371b(e) of title 10, United States Code.”

SEC. 303. None of the funds provided in this Act under “U.S. Customs and Border Protection—Operations and Support” for facilities shall be available until U.S. Customs and Border Protection establishes policies (via directive, procedures, guidance, and/or memorandum) and training programs to ensure that such facilities adhere to the National Standards on Transport, Escort, Detention, and Search, published in October of 2015: *Provided*, That not later than 90 days after the date of enactment of this Act, U.S. Customs and Border Protection shall provide a detailed report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on the Judiciary of the Senate, and the House Judiciary Committee regarding the establishment and implementation of such policies and training programs.

SEC. 304. No later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report on the number of U.S. Customs and Border Protection Officers assigned to northern border land ports of entry and temporarily assigned to the ongoing humanitarian crisis: *Provided*, That the report shall outline what resources and conditions would allow a return to northern border staffing levels that are no less than the number committed in the June 12, 2018 Department of Homeland Security Northern Border Strategy: *Provided further*, That the report shall include the number of officers temporarily assigned to the southwest border in response to the ongoing humanitarian crisis, the number of days the officers will be away from their northern border assignment, the northern border ports from which officers are being assigned to the southwest border, and efforts being made to limit the impact on operations at each northern border land port of entry where officers have been temporarily assigned to the southwest border.

SEC. 305. None of the funds appropriated or otherwise made available by this Act or division A of the Consolidated Appropriations Act, 2019 (Public Law 116-6) for the Department of Homeland Security may be used to relocate to the National Targeting Center the vetting of Trusted Traveler Program applications and operations currently carried out at existing locations unless specifically authorized by a statute enacted after the date of enactment of this Act.

SEC. 306. The personnel, supplies, or equipment of any component of the Department of Homeland Security may be deployed to support activities of the Department of Homeland Security related to the significant rise in aliens at the southwest border and related activities, and for the enforcement of immigration and customs laws, detention and removals of aliens crossing the border unlawfully, and investigations without reimbursement as jointly agreed by the detailing components.

TITLE IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, \$2,881,552,000, to be merged with and available for the same period as funds appropriated in Public Law 115-245 “for carrying out such sections 414, 501, 462, and 235”, which shall be available for any purpose funded under such heading in such law: *Provided*, That if any part of the reprogramming described in the notification submitted by the Secretary of Health and Human Services (the “Secretary”) to the Committees on Appropriations of the House of Representatives and the Senate on May 16, 2019 has been executed, such amounts provided by this Act as are necessary shall be used to reverse such reprogramming: *Provided further*, That amounts allocated by the Secretary for costs of leases of property that include facilities to be used as hard-sided dormitories for which the Secretary intends to seek State licensure for the care of unaccompanied alien children, and that are executed under authorities transferred to the Director of the Office of Refugee Resettlement (ORR) under section 462 of the Homeland Security Act of 2002, shall remain available until expended: *Provided further*, That ORR shall notify the Committees on Appropriations of the House of Representatives and the Senate within 72 hours of conducting a formal assessment of a facility for possible lease or acquisition and within 7 days of any acquisition or lease of real property: *Provided further*, That not less than \$866,000,000 of amounts provided under this heading shall be used for the provision of care in licensed shelters and for expanding the supply of shelters for which State licensure will be sought, of which not less than \$27,000,000 shall be available for the purposes of adding shelter beds in State-licensed facilities in response to funding opportunity HHS-2017-ACF-ORR-ZU-1132, and of which not less than \$185,000,000 shall be available for expansion grants to add beds in State-licensed facilities and open new State-licensed facilities, and for contract costs to acquire, activate, and operate facilities that will include small- and medium-scale hard-sided facilities for which the Secretary intends to seek State licensure in an effort to phase out the need for shelter beds in unlicensed facilities: *Provided further*, That not less than \$100,000,000 of amounts provided under this heading shall be used for post-release services, child advocates, and legal services: *Provided further*, That not less than \$8,000,000 of amounts provided under this heading shall be used for the purposes of hiring additional Federal Field Specialists and for increasing case management and case coordination services, with the goal of more expeditiously placing unaccompanied alien children with sponsors and reducing the length of stay in ORR custody: *Provided further*, That not less than \$1,000,000 of amounts provided under this heading shall be used for the purposes of hiring project officers and program monitor staff dedicated to pursuing strategic improvements to the

Unaccompanied Alien Children program and for the development of a discharge rate improvement plan which shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That of the amounts provided under this heading, \$5,000,000 shall be transferred to “Office of the Secretary—Office of Inspector General” and shall remain available until expended for oversight of activities supported with funds appropriated under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 401. The Secretary of Health and Human Services (the “Secretary”) shall prioritize use of community-based residential care (including long-term and transitional foster care and small group homes) and shelter care other than large-scale institutional shelter facilities to house unaccompanied alien children in its custody. The Secretary shall prioritize State-licensed and hard-sided dormitories.

SEC. 402. The Office of Refugee Resettlement shall ensure that its grantees and, to the greatest extent practicable, potential sponsors of unaccompanied alien children are aware of current law regarding the use of information collected as part of the sponsor suitability determination process.

SEC. 403. (a) None of the funds provided by this or any prior appropriations Act may be used to reverse changes in procedures made by operational directives issued to providers by the Office of Refugee Resettlement on December 18, 2018, March 23, 2019, and June 10, 2019 regarding the Memorandum of Agreement on Information Sharing executed April 13, 2018.

(b) Notwithstanding subsection (a), the Secretary may make changes to such operational directives upon making a determination that such changes are necessary to prevent unaccompanied alien children from being placed in danger, and the Secretary shall provide a written justification to Congress and the Inspector General of the Department of Health and Human Services in advance of implementing such changes.

(c) Within 15 days of the Secretary’s communication of the justification, the Inspector General of the Department of Health and Human Services shall provide an assessment, in writing, to the Secretary and to Committees on Appropriations of the House of Representatives and the Senate of whether such changes to operational directives are necessary to prevent unaccompanied children from being placed in danger.

SEC. 404. None of the funds made available in this Act under the heading “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance” may be obligated to a grantee or contractor to house unaccompanied alien children (as such term is defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility that is not State-licensed for the care of unaccompanied alien children, except in the case that the Secretary determines that housing unaccompanied alien children in such a facility is necessary on a temporary basis due to an influx of such children or an emergency, provided that—

(1) the terms of the grant or contract for the operations of any such facility that remains in operation for more than six consecutive months shall require compliance with—

(A) the same requirements as licensed placements, as listed in Exhibit 1 of the Flores Settlement Agreement that the Secretary determines are applicable to non-State licensed facilities; and

(B) staffing ratios of one (1) on-duty Youth Care Worker for every eight (8) children or youth during waking hours, one (1) on-duty Youth Care Worker for every sixteen (16) children or youth during sleeping hours, and clinician ratios to children (including mental health providers) as required in grantee cooperative agreements;

(2) the Secretary may grant a 60-day waiver for a contractor's or grantee's non-compliance with paragraph (1) if the Secretary certifies and provides a report to Congress on the contractor's or grantee's good-faith efforts and progress towards compliance;

(3) not more than four consecutive waivers under paragraph (2) may be granted to a contractor or grantee with respect to a specific facility;

(4) ORR shall ensure full adherence to the monitoring requirements set forth in section 5.5 of its Policies and Procedures Guide as of May 15, 2019;

(5) for any such unlicensed facility in operation for more than three consecutive months, ORR shall conduct a minimum of one comprehensive monitoring visit during the first three months of operation, with quarterly monitoring visits thereafter; and

(6) not later than 60 days after the date of enactment of this Act, ORR shall brief the Committees on Appropriations of the House of Representatives and the Senate outlining the requirements of ORR for influx facilities including any requirement listed in paragraph (1)(A) that the Secretary has determined are not applicable to non-State licensed facilities.

SEC. 405. In addition to the existing Congressional notification for formal site assessments of potential influx facilities, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days before operationalizing an unlicensed facility, and shall (1) specify whether the facility is hard-sided or soft-sided, and (2) provide analysis that indicates that, in the absence of the influx facility, the likely outcome is that unaccompanied alien children will remain in the custody of the Department of Homeland Security for longer than 72 hours or that unaccompanied alien children will be otherwise placed in danger. Within 60 days of bringing such a facility online, and monthly thereafter, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report detailing the total number of children in care at the facility, the average length of stay and average length of care of children at the facility, and, for any child that has been at the facility for more than 60 days, their length of stay and reason for delay in release.

SEC. 406. (a) The Secretary shall ensure that, when feasible, no unaccompanied alien child is at an unlicensed facility if the child—

- (1) is not expected to be placed with a sponsor within 30 days;
- (2) is under the age of 13;
- (3) does not speak English or Spanish as his or her preferred language;
- (4) has known special needs, behavioral health issues, or medical issues that would be better served at an alternative facility;
- (5) is a pregnant or parenting teen; or
- (6) would have a diminution of legal services as a result of the transfer to such an unlicensed facility.

(b) ORR shall notify a child's attorney of record in advance of any transfer, where applicable.

SEC. 407. None of the funds made available in this Act may be used to prevent a United States Senator or Member of the House of Representatives from entering, for the purpose of conducting oversight, any facility in the United States used for the purpose of maintaining custody of, or otherwise housing, unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator or Member has coordinated the oversight visit with the Office of Refugee Resettlement not less than two business days in advance to ensure that such visit would not interfere with the operations (including child welfare and child safety operations) of such facility.

SEC. 408. Not later than 14 days after the date of enactment of this Act, and monthly thereafter, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate, and make publicly available online, a report with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security (DHS) (regardless of whether or not such separation was pursuant to an option selected by the children, parents, or guardians), subsequently classified as unaccompanied alien children, and transferred to the care and custody of ORR during the previous month. Each report shall contain the following information:

(1) the number and ages of children so separated subsequent to apprehension at or between ports of entry, to be reported by sector where separation occurred; and

(2) the documented cause of separation, as reported by DHS when each child was referred.

SEC. 409. Funds made available in this Act under the heading "Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance" shall be subject to the authorities and conditions of section 224 of division A of the Consolidated Appropriations Act, 2019 (Public Law 116-6).

SEC. 410. Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spend plan of anticipated uses of funds made available in this account, including the following: a list of existing grants and contracts for both permanent and influx facilities, including their costs, capacity, and timelines; costs for expanding capacity through the use of community-based residential care placements (including long-term and transitional foster care and small group homes) through new or modified grants and contracts; current and planned efforts to expand small-scale shelters and available foster care placements, including collaboration with state child welfare providers; influx facilities being assessed for possible use, costs and services to be provided for legal services, child advocates, and post release services; program administration; and the average number of weekly referrals and discharge rate assumed in the spend plan: *Provided*, That such plan shall be updated to reflect changes and expenditures and submitted to the Committees on Appropriations of the House of Representatives and the Senate every 60 days until all funds are expended or expired.

TITLE V

GENERAL PROVISIONS—THIS ACT

SEC. 501. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 502. No part of any appropriation contained in this Act shall remain available for

obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

SEC. 504. Each amount designated in this Act by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 505. Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this Act shall retain such designation.

SEC. 506. Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the number of asylum officers and immigration judges, including temporary immigration judges, and the corresponding number of support staff necessary—

(1) to fairly and effectively make credible fear determinations with respect to individuals within family units and unaccompanied alien children;

(2) to ensure that the credible fear determination and asylum interview is completed not later than 20 days after the date on which a family unit is apprehended; and

(3) to fairly and effectively review appeals of credible fear determinations with respect to individuals within family units and unaccompanied alien children.

In addition, the report shall determine if there is any physical infrastructure such as hearing or courtroom space needed to achieve these goals.

This Act may be cited as the "Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019".

SA 902. Mr. PAUL proposed an amendment to amendment SA 901 proposed by Mr. SHELBY to the bill H.R. 3401, making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the unobligated balances for fiscal year 2019, there are hereby rescinded—

(1) all of the amounts for the East-West Center;

(2) all of the amounts for the Inter-American Foundation; and

(3) from the amounts appropriated under title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (division F of Public Law 116-6), an amount equal to the difference between \$4,586,000,000 and the sum of the amounts rescinded under paragraphs (1) and (2).

SA 903. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 764 proposed by Mr. INHOFE to the bill S. 1790, to authorize

appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 342. REPORT ON COSTS AND BENEFITS OF MAINTAINING A SPECIFIED NUMBER OF PRIMARY AIRCRAFT AUTHORIZED FOR EACH TYPE OF AIR FORCE SQUADRON.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the costs and benefits of maintaining a specified number of primary aircraft authorized for each type of Air Force squadron.

(b) REQUIREMENTS FOR AIR FORCE RESERVE.—The report required under subsection (a) shall specifically detail the requirements for specialty mission units of the Air Force Reserve.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, June 26, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, June 26, 2019, during schedule votes, to conduct a hearing on the following nominations: Daniel Habib Jorjani, of Kentucky, to be Solicitor, and Mark Lee Greenblatt, of Maryland, to be Inspector General, both of the Department of the Interior.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, June 26, 2019, at 10:30 a.m., to conduct a hearing on pending legislation and nominations.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, June 26, 2019, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session

of the Senate on Wednesday, June 26, 2019, at 10 a.m., to conduct a hearing on the following nominations: Peter Joseph Phipps, to be United States Circuit Judge for the Third Circuit, Charles R. Eskridge III, to be United States District Judge for the Southern District of Texas, William Shaw Stickman IV, to be United States District Judge for the Western District of Pennsylvania, Jennifer Philpott Wilson, to be United States District Judge for the Middle District of Pennsylvania, and Wilmer Ocasio, to be United States Marshal for the District of Puerto Rico, Department of Justice.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, June 26, 2019, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON WATER AND POWER

The Subcommittee on Water and Power of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, June 26, 2019, at 10 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that David Rubenstein, an intern with the Appropriations Committee, be granted floor privileges for the length of the current debate on H.R. 3401, the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Tyler White, be granted privileges of the floor for the balance of today.

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

Mr. SULLIVAN. Mr. President, I ask unanimous consent that my Coast Guard fellow, Thomas Mansour, be granted Senate floor privileges until the end of the week.

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

CONGRATULATING THE ST. LOUIS BLUES FOR WINNING THE 2019 STANLEY CUP FINAL

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 266, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 266) congratulating the St. Louis Blues for winning the 2019 Stanley Cup Final.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. I ask unanimous consent that the resolution be agreed to,

the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

FAIRNESS FOR BREASTFEEDING MOTHERS ACT OF 2019

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 528 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 528) to amend title 40, United States Code, to provide a lactation room in public buildings, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. INHOFE. I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mr. INHOFE. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 528) was passed, as follows:

S. 528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness For Breastfeeding Mothers Act of 2019".

SEC. 2. LACTATION ROOMS IN PUBLIC BUILDINGS.

(a) IN GENERAL.—Chapter 33 of title 40, United States Code, is amended—

(1) by redesignating sections 3315, 3316, and 3317 as sections 3316, 3317, and 3318, respectively; and

(2) by inserting after section 3314 the following:

"§ 3315. Lactation rooms in public buildings

"(a) DEFINITIONS.—In this section:

"(1) APPROPRIATE AUTHORITY.—The term 'appropriate authority' means—

"(A) the head of a Federal agency;

"(B) the Architect of the Capitol; and

"(C) another official authority responsible for the operation of a public building.

"(2) COVERED PUBLIC BUILDING.—

"(A) IN GENERAL.—The term 'covered public building' means a public building that—

"(i) is open to the public; and

"(ii) contains a public restroom.

“(B) INCLUSION.—The term ‘covered public building’ includes a building listed in section 5101 or 6301.

“(3) LACTATION ROOM.—The term ‘lactation room’ means a hygienic place, other than a bathroom, that—

“(A) is shielded from view;

“(B) is free from intrusion; and

“(C) contains—

“(i) a chair;

“(ii) a working surface; and

“(iii) if the public building is supplied with electricity, an electrical outlet.

“(b) LACTATION ROOMS REQUIRED.—Except as provided in subsection (c), the appropriate authority of a covered public building shall ensure that the building contains a lactation room that is made available for use by members of the public to express breast milk.

“(c) EXCEPTIONS.—A covered public building may be excluded from the requirement in subsection (b) at the discretion of the appropriate authority if—

“(1) the public building—

“(A) does not contain a lactation room for employees who work in the building; and

“(B) does not have a room that could be repurposed as a lactation room or a space that could be made private using portable materials, at a reasonable cost; or

“(2) new construction would be required to create a lactation room in the public building and the cost of the construction is not feasible.

“(d) NO UNAUTHORIZED ENTRY.—Nothing in this section authorizes an individual to enter a public building or portion of a public building that the individual is not otherwise authorized to enter.”.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 33 of title 40, United States Code, is amended by striking the items relating to sections 3315 through 3317 and inserting the following:

“3315. Lactation rooms in public buildings.

“3316. Delegation.

“3317. Report to Congress.

“3318. Certain authority not affected.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

Mr. INHOFE. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

FAIRNESS FOR BREASTFEEDING MOTHERS ACT OF 2019

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 866 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 866) to provide a lactation room in public buildings

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. INHOFE. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. INHOFE. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 866) was passed.

Mr. INHOFE. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ORDERS FOR THURSDAY, JUNE 27, 2019

Mr. INHOFE. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 9:30 a.m., Thursday, June 27; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate resume consideration of S. 1790.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. INHOFE. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Thursday, June 27, 2019, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

DANA S. DEASY, OF VIRGINIA, TO BE CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE. (NEW POSITION)

NATIONAL INDIAN GAMING COMMISSION

E. SEQUOYAH SIMERMAYER, OF MARYLAND, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS. VICE JONODEV OSCEOLA CHAUDHURI, TERM EXPIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 26, 2019 withdrawing from further Senate consideration the following nomination:

MICHAEL S. BOGREN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE ROBERT HOLMES BELL, RETIRED, WHICH WAS SENT TO THE SENATE ON MARCH 11, 2019.