

in overcoming the terrible chapter that was opened 400 years ago. We should take pride that our American ideals of equality and justice—not the sins of our forefathers—are the true, deepest bedrock of this great Nation.

Today, with the Nation, Congress looks back to 1619 and remembers the size and scope of slavery's stain on our history. We mark this somber anniversary with grief for all the slaves whose God-given freedoms were so brutally denied. We reflect gratefully on the tremendous, rich contribution that generations of African Americans have made to this Nation despite this violence and adversity. We give thanks that true American values slammed the door on this unjust part of our Nation's history and continue to prevail today.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Kelly Craft, of Kentucky, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL EMERGENCIES ACT

Mr. SCHUMER. Madam President, I begin this morning with some news for my colleagues on both sides of the aisle. As stipulated by the National Emergencies Act, Democrats will once again force a vote to terminate the President's national emergency declaration. The provisions of the National Emergencies Act dictate that the resolution of disapproval be privileged and therefore must be voted upon.

As everyone no doubt remembers, the Trump administration declared a national emergency in February of this year after Congress repeatedly denied the President funding for the construction of a border wall that he promised Mexico would pay for. A few weeks ago, the administration released the list of military construction projects it has planned on canceling in order to steal money for the President's wall.

The President's emergency declaration was and is an outrageous power grab by a President who refuses to respect the constitutional separation of powers. I say to all of my colleagues, this issue rises to a large and vital constitutional issue: Does our country truly have checks and balances, particularly when we have such an overreaching President?

We all must consider the dangerous precedent this would set if Presidents could declare national emergencies every time their initiatives fail in Congress. It is outrageous. There is balance of powers. The President failed in Congress. He didn't say it was an emergency then, but he used the national emergency law, which is intended for true national emergencies—floods, states of war—and then overruled the will of the people as voiced in the Congress. This is so wrong. The President has clearly attempted to usurp the power of the purse given exclusively to the Congress by the Constitution to take funding from projects we have approved and give it to projects we have repeatedly declined to approve.

This goes to our democracy. This goes to how the Founding Fathers set up that delicate balance. We have never had such a President overreach on an emergency basis. The recourse for such a brazen power grab should be an overwhelming bipartisan vote in the Congress to terminate the emergency declaration and reassert our constitutional authority.

Most of my colleagues know this is wrong. In fact, when we had a vote the last time, 59 Senators—including a good number of Republicans—voted against the emergency. What adds insult to injury is the President stealing the money from our military projects that protect our Nation, support military families, local economies, and local schools.

The Trump administration has proposed pilfering funds from projects in 23 States, 3 U.S. territories, and military installations in 20 countries, including \$80 million from projects in North Carolina, \$30 million in Arizona, and even a middle school in Kentucky. How do we say to the men and women who risk their lives for us and whose families sacrifice that the President is taking the money away, and we are going to shrug our shoulders—not this Senator, not this Member and not, I believe, every Member on our side and not a whole bunch on the Republican side.

We need more people to join us. I hope we will see an even larger major-

ity stand up for both the Constitution and the military and its Members and their families. Democrats and Republicans alike should vote to terminate the President's national emergency declaration, and you can be sure we will make sure everyone will have a chance to do so within the next month.

If we don't do it, how many more emergencies will the President declare? Whom else will he take money from and to use for purposes he wants but that Congress doesn't and that the American people are largely opposed to?

GOVERNMENT FUNDING

Madam President, on another matter, we have until the end of the month for Members of both parties to work together to fund the Federal Government, one of our most basic responsibilities as legislators.

At the end of July, both parties came together to produce a budget deal that set the blueprint for negotiations this fall. The same spirit of bipartisanship is required to move forward through the appropriations process, and it starts with good-faith discussions on how we allocate funding to 12 subcommittees. To be successful, that process must be fair, cooperative, and bipartisan.

Under a partisan process, we know what happens. We all lived through it just 9 months ago. The President demanded funding for a border wall and then shut down the government when Congress didn't give in to him. Now, just 9 months later, I read reports that Republicans are considering going down the same path again, potentially risking another government shutdown over the exact same issue. I believe there is good will on both sides of the aisle. We want to avoid a shutdown. Certainly, Republicans learned their lesson; it wasn't very good for them the last time. Both sides want to avoid a shutdown and both sides would prefer to have a real budget, not a CR. The way to get that done is for both parties to work together and keep the appropriations process bipartisan, not for the Republicans to tell the Democrats that these are the 302(b)s and this is the order in which we will do the bill. That is not bipartisan, and that is not what the bipartisan agreement called for.

BACKGROUND CHECKS

Madam President, finally, on guns, over the August recess, Leader MCCONNELL promised we would hold a debate on gun violence when we returned to Washington. Now that we are back, Democrats will insist on holding Leader MCCONNELL to his promise.

The debate on gun safety should be our first order of business, and the place to start a debate is a vote on the House-passed, bipartisan background checks bill. It is the foundation on which most other gun safety laws depend. We can't make a real dent in preventing gun violence without first catching the glaring loopholes in our laws that allow criminals, spousal

abusers, and the adjudicated mentally ill to buy firearms without a background check.

Some are talking about the so-called red flag, but the red flag doesn't work if there is no background check. Mr. Jones is red-flagged. Then he goes online or goes to a gun show to buy a gun without a background check. The red flag doesn't work unless we tighten the loopholes—close the loopholes—on the background check law.

Later today, Republican leaders will meet with President Trump to talk about the congressional agenda this fall. Gun violence, according to the reports I have read, is expected to be a topic of the conversation. I strongly urge my Republican colleagues to prevail on the President to support universal background checks. Leader McConnell has said he will bring a bill to the floor if it has the President's support. That means there is a truly historic opportunity for President Trump to lead his party toward sensible gun safety laws that in the past, Republicans, in obedience to the NRA, refused to support for decades.

Public support and public pressure is mounting from one end of the country to the other, with 93 percent of Americans supporting background checks. The vast majority of Republicans and gun owners—a vast majority—support it.

The President can provide Republicans important political cover. They shouldn't need it because so many Americans are for this, but they do because of the power sometimes exercised rather ruthlessly by the NRA. The President can do it. This is a moment of truth for the President, for Leader McConnell, and for all of my Republican colleagues.

The American people are fed up. Too many people are being killed across the country every day. Just yesterday, I was waiting at the airport, and a man came over to me and grabbed my arm and said to me that his nephew was a victim of gun violence. He pleaded with me for action. It is affecting more and more people, their families, their friends, and their communities. I imagine every one of my colleagues has met someone like this man over the past month.

The Mayor of Dayton, OH, Nan Whaley, joined with Democrats yesterday at a press conference—another incredibly compelling voice pushing for progress on this issue. We invited her to speak at our caucus lunch today. I expect my Republican colleagues have mayors in their States who, just like her, are exhausted by the daily gun violence in their cities. Republicans have a chance today to convince the President to do the right thing and come out in support of a policy that is not a figleaf, that is not milquetoast and will do nothing, but one that will actually save lives.

I strongly urge our Republican colleagues and Leader McConnell to use this afternoon's meeting at the White

House to discuss supporting a bipartisan background checks bill.

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

NOMINATION OF DALE CABANISS

Mr. PETERS. Mr. President, I rise today to oppose the nomination of Dale Cabaniss to serve as Director of the Office of Personnel Management.

With roughly 5,500 dedicated employees, OPM is responsible for managing the Federal Government's civilian workforce—overseeing government-wide policies for recruiting, for hiring, and training—and administering the healthcare, life insurance, and retirement benefits that impact millions of Americans every year.

The Director of OPM plays a crucial role in the Federal Government, not only by managing the agency's employees but by serving as a leader and an advocate for more than 2 million hard-working men and women in the Federal workforce. The next Director of OPM must have a proven track record of effective leadership.

While I acknowledge and I admire Ms. Cabaniss's long record of public service, which includes more than 20 years here in the Senate, I do not believe that her experience and qualifications satisfy the requirements of this very important and very challenging position.

Last summer, the Trump administration released its government-wide reorganization proposal, which includes plans to dismantle the Office of Personnel Management as we know it. Since then, Congress has repeatedly attempted to engage in an honest and productive dialogue with the administration about their reorganization proposal. However, they have not been transparent about the repercussions of this plan and what impact those repercussions could have on the Federal workforce. They have not demonstrated how taxpayers will be better served by their proposal, and it remains unclear if they have even studied the full impact of their proposal. In short, they have left too many fundamental questions simply unanswered.

The Office of Personnel Management is charged with safeguarding the non-partisan civil service from the political motives of this or any White House. During such a time of uncertainty and upheaval, OPM needs strong and steady leadership that is focused on good governance and that will not be swayed by political whims of elected officials. This Agency and the millions of Americans it serves each and every day deserve a proven, independent leader.

Simply put, Dale Cabaniss is not that leader. While Ms. Cabaniss has some

experience leading a small agency, I am not confident that her background has prepared her to provide the stability and the autonomy that OPM deserves.

Unfortunately, after a careful review of Ms. Cabaniss's record, I do not believe that she is the right choice to lead OPM at this critical time. I will be voting no, and I urge my colleagues to do the same.

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

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

DEBBIE SMITH ACT

Mr. CORNYN. Mr. President, for nearly 15 years, the Debbie Smith Act has been the driving force behind our progress to eliminate the Nation's rape kit backlog.

Though exact numbers are difficult to estimate, experts believe there are hundreds of thousands of untested rape kits in the United States. Each one of them, of course, represents a different story—the story of a sexual assault victim. Also, as a result of DNA science, it holds the key to apprehending a violent criminal and stopping them from committing further assaults.

Since the Debbie Smith Act was signed into law in 2004, more than \$1 billion has been invested in State and local crime labs for DNA testing. This program also supports training for law enforcement, correctional personnel, forensic nurses, and other professionals who work with victims of sexual assault. Though the primary goal of the program is to reduce the rape kit backlog and identify attackers, processing this DNA evidence can assist investigations into other nonviolent crimes as well.

Once evidence is tested, it is uploaded into the FBI's DNA database, called CODIS. This is similar to the criminal fingerprint database but provides DNA evidence that can help identify and convict people who commit other crimes. So if it is collected as a result of a sexual assault, you may, in fact, be able to get a hit that will help you identify someone who has committed a burglary, a murder, a robbery, or some other crime. This is particularly true when somebody commits a crime in one State and moves to another State—to be able to connect the identity of the person based on their DNA, not based on where the offense was committed. According to the National Institute of Justice, 42 percent of hits in the FBI's DNA database system are the direct result of Debbie Smith Act funding—42 percent.

In addition to helping us get more criminals off the streets, this information could also be the key to exonerating individuals who were wrongly

accused and preventing innocent people from being put behind bars for a crime they didn't commit. DNA evidence is very, very powerful.

States have seen the positive results of this program at the national level and have been following suit. Texas has led the Nation in passing mandatory rape kit testing laws, conducting audits of the backlog, and using Debbie Smith funds to analyze untested sexual assault evidence.

Since 2011, the Debbie Smith Act has helped Texas reduce its backlog of previously unsubmitted rape kits by approximately 90 percent—from over 20,000 kits to now around 2,000. This program has allowed us to provide victims of sexual assault with the resources they need and the answers they deserve while more effectively identifying criminals across the board.

The benefits of this law simply cannot be overstated, and that is why the Debbie Smith Act was readily reauthorized in 2008 and 2014. Now it is time to once again reauthorize this important legislation.

Earlier this year, Senator FEINSTEIN, the senior Senator from California, and I introduced the Debbie Smith Act of 2019, which will extend this program through 2024. As you might expect, with this kind of nonpartisan legislation, it sailed through the Senate earlier this year. In fact, it passed the Senate in May with not one person voting against it. But here we are, nearly 4 months later, and the House of Representatives has not scheduled a vote. If they don't take action before September 30, the law will expire—something I hope we all can agree would be unconscionable and certainly completely unnecessary.

The benefits of this program transcend politics or party, and allowing it to expire would be a disservice to the victims and advocates who have championed this bill for the last 15 years, particularly Debbie Smith herself.

It is time for the House to vote to reauthorize the Debbie Smith Act so that we can get it to the President's desk without further delay.

One of the strongest advocates for the reauthorization of the Debbie Smith Act is the Rape, Abuse & Incest National Network, also known as RAINN. It is the Nation's largest anti-sexual violence organization, and in its 25-year history, it has helped 3 million survivors and their loved ones.

Last week, RAINN held a press conference announcing the delivery of more than 32,000 signatures urging the immediate passage of this legislation by the House of Representatives. Debbie Smith also spoke at the press conference.

Just to remind colleagues, Debbie is, of course, a remarkable woman whose advocacy was born from a terrible personal experience. We have had the benefit of hearing from Debbie over the years many times in the Judiciary Committee.

I believe there is no one—no one—who has done more to support victims

of sexual assault than Debbie, and I am continually grateful to her for her courage and her candor as she travels around the country advocating for survivors. It can't be easy to talk about your own personal sexual assault and how you tried to grapple with the fact that your rape kit has not been tested and, thus, you don't even know who your attacker was and whether he may show up at some future date and try to repeat his crime.

During the press conference, Debbie spoke about the years of fear she dealt with while waiting for her attacker to be identified. She said: "The years I spent waiting for justice can never be returned to me."

That is a heartbreaking reality for survivors of sexual violence and a reminder of why it is so critical to reauthorize the Debbie Smith Act without further delay.

While we can't turn back the hands of time and somehow change history, we can act now to provide victims with the support, the answers, and the closure they need.

I urge Speaker PELOSI to bring the Debbie Smith Act of 2019 to the floor for a vote immediately in the House to demonstrate Congress's ongoing commitment to support victims of sexual violence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

BUDGET PROPOSAL

Mr. Kaine. Mr. President, I rise to object in the strongest possible terms to President Trump's continued raid on the budget of the U.S. military. As a candidate, the President promised the American public that he would build a border wall with Mexico and that Mexico would pay for any wall that he would build. The President has broken his promise. It shocks me that, as Commander in Chief, he now insists that it has to be our troops, our military families, and our Nation's security that has to be sacrificed for his foolishness. Frankly, it shocks me even more that Republican colleagues in this body seem perfectly willing to let him do that.

If you will not stand up for the men and women in our military, whom will you stand up for? If you will not stand up for important projects in your own State, whom will you stand up for? If you will not stand up to protect your Defense authorization bill or your Defense appropriations bill when they are being cannibalized, when will you stand up?

We will have a vote soon to block the President's destructive efforts to weaken our military and to trample on the power of Congress to set the Nation's budget and appropriations levels. I am hoping that my colleagues, Democratic and Republican, will stand up.

Let me first address the need for a secure border. I have called the President's insistence on using military monies to build the wall foolishness. What do I mean by this?

I don't challenge the need for border security. I strongly supported a comprehensive immigration reform package in 2013 that included vast amounts for border security, much more than the President has asked for. The bill had strong bipartisan support in the Senate, but the Republican-majority House refused to even take the bill up in committee, much less on the floor of the House. Had we passed that bill in 2013, it would have been a powerful step forward for immigrants, Dreamers, employers, TPS recipients, the American economy, and the security of America's borders.

In February of 2018, I worked with a bipartisan group of 16 Senators—8 Democrats and 8 Republicans. We put a proposal on the table, a permanent fix for Dreamers and a major investment in border security. In fact, we put an investment in border security into that bipartisan bill that had every penny that the President asked for for the next 10 years, \$25 billion, but President Trump attacked that bill and killed the bill, even though he had earlier indicated that he would sign it. There was \$25 billion for border security over 10 years, with basic guidelines to ensure that the monies were spent wisely and not foolishly.

I learned something from that experience. What I learned is that I don't believe the President cares about solving the border security issue. The substance of it means nothing to him, or he would have embraced a deal that gave him every penny he asked for in February of 2018.

He could have had a deal a long time ago if this mattered to him. What the President cares about is big campaign rallies with people chanting "build a wall" so he can continue to stoke his political machine. That is what I call foolishness.

It gets worse. A foolish insistence on political sloganeering over problem-solving is one thing, but taking money out of the military budget—from key priorities affecting our troops and the lives and safety of our troops and their families—is something much worse. It is disrespectful, and it is dangerous.

The President proposes to raid the military construction budget to the tune of \$3.6 billion to build 173 miles of border fencing. That is an average cost of \$4,000 per linear foot of fence. For reference, a standard 6-foot fence costs \$25 a foot, and a standard 6-foot brick wall costs \$90 a foot. The proposal is to spend \$4,000 a foot on fencing.

Let me give you examples of projects in Virginia and elsewhere that are being slashed to build this \$4,000-a-foot fence.

In Virginia, we will lose \$77 million in MILCON projects that the Department of Defense has told the Senate they need. There is \$26 million being taken away from improvements to a Navy ship maintenance facility in Portsmouth. Here is what the DOD said about the importance of that work on the ship maintenance facility:

The building has been cited for a number of life safety violations. These violations include no sprinkler protection, inadequate fire alarm placement, lack of a mass notification system and inadequate egress.

IMPACT IF NOT PROVIDED: Approximately 330 personnel working more than 256,000 manhours annually, will remain in a high-risk environment, with continuing significant rework, higher stress, and additional operating costs due to inadequate working environment.

That is what this cut will mean to that facility.

There is \$41 million being taken away from improvements to hazardous chemical storage facilities in Portsmouth and Norfolk. Here is how the DOD describes the impact on that cut and why the dollars were needed:

If this project is not provided . . . Norfolk will continue storing hazardous materials in non-conforming storage facilities that do not meet current life safety/fire safety code requirements.

Noncompliant firewalls, inadequate fire suppression systems, fire alarms, and inadequate ventilation.

There is \$10 million being taken away from a cyber facility that was recently announced to be located at Joint Base Langley Eustis. Needless to say, the cyber protection of our Nation is a higher and higher priority every day. Here is what DOD says will happen if those funds are not provided:

[We will be] unable to reach operating capability without a facility that includes the required SCIF—

a classified facility—

space from which to operate. Having the required SCIF space is necessary for the team to receive the intel and perform the training required to perform in the cyber mission space. Continued use of leased space is costly and represents an enhanced security risk.

Those funds are being cut.

Just to give a few examples, \$75.4 million is being taken away from heating plant improvements at Eielson Air Force Base in Alaska. Here is what that means, according to the Department of Defense:

Failure of the boiler is expected within the next 3-4 years.

That was requested in 2017.

Loss of heat and power during Eielson's sub-arctic winters, with temperatures as low as 65F below zero, would be devastating to facilities and missions housed in those facilities. If the situation were deemed critical enough, the base would be forced to consider evacuating facilities due to a lack of heat and power. Once closed, the facilities would freeze and require many millions of dollars of repair to return to usable condition. Completing the planned replacement of all boilers will guarantee continued steam and power generation to support the flying mission.

That money is being taken to fund the wall.

There is \$62 million being taken away from improvements to a school on the base at Fort Campbell in Kentucky. Here is what that means, according to the Department of Defense:

The existing school structures do not comply with current building codes, Anti-Terrorism & Force Protection standards, and sustainability standards.

Heating, ventilation and air conditioning and electrical systems are not sufficient.

IMPACT IF NOT PROVIDED: The sub-standard environment will continue to hamper the educational process and the middle school will not be able to support the DOD curriculum and provide for a safe facility. The continued use of deficient, inadequate, and undersized facilities that do not accommodate the current student population will continue to impair the overall educational program for these students.

There is \$13 million being taken away from improvements to a childcare center at Joint Base Andrews, here in the DC area. Here is what that means, according to the DOD:

The current facility—

a childcare center—

has suffered from sewage back-ups, heating, ventilation and air conditioning failures and mold and pest management issues. This project will accommodate 165 children and staff. As of Feb 2018, 115 children are on the Priority 1 waiting list. . . .

Why would we do this to these military families and their kids when they are sacrificing to volunteer and serve the country—take the program away, take away the funding for the childcare development center they need—to spend it on a wall that the President promised Mexico would pay for? We are now making these families pay for it. We are now making their children pay for it. We are now making the troops pay for it.

There is \$15 million being taken away from a healthcare center at Camp Lejeune, a healthcare center for military members and their families. Here is what that means, according to the DOD:

This project solves the problem of providing primary care services to the active duty operational forces . . . located in sub-standard infrastructure throughout the installation. [The] current capacity is insufficient and cannot accommodate more than half of the population resulting in a dispersion of patients and personnel. [Existing facilities] in some cases lack basic requirements such as sinks, proper ventilation, and exam rooms with doors.

IMPACT IF NOT PROVIDED: Required medical and dental services for Marine in-garrison care will continue to be provided in substandard, inefficient, decentralized and uncontrolled facilities.

My son was based at Camp Lejeune for a number of years. That one stings. Why would we take money out of the healthcare facility for marines who are living on the garrison?

Finally, \$8 million is being taken away from the space control center at Peterson Air Force Base in Colorado. This is interesting because the Armed Services Committee just worked together with the administration to enhance a space force, a space command, because it is a higher priority. It needs to be. We all agree it needs to be because of advances that are being made in space capacities by China, Russia, and other nations. Yet the proposal is to take \$8 million away from the space control facility. Here is what the DOD says that would mean:

There are no adequate facilities located at either Peterson or Buckley AFBs for this

space control squadron. The only solution that meets all mission requirements is to construct a new facility on Peterson AFB.

If this facility isn't constructed, the military will be unable to stand up "the space control mission and equipment, with operational and strategic mission impacts due to inadequate facilities."

We have just reached a deal with the administration to elevate the space force to meet the challenges of our principal nation-state competitors. Yet these monies are being taken away.

Will we really do this? Will we really do this to the safety of this country, to our security, to our troops and their families? Will we allow the President to unilaterally hurt these patriotic people, when he has long been able to find a fair and comprehensive immigration deal with Congress that includes border security funding?

Will the Senate majority say a word, raise an objection, show support for the military, show that Congress sets the budgets and appropriations, not the Executive, make clear that no President—not this President or any President—should be able to move money around at will to support a blatantly political agenda at the expense of critical defense priorities? That is what we will be voting on soon.

I urge my colleagues to reject the President's foolish and dangerous raid on our military.

With that, 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.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEAHY. I ask unanimous consent to proceed as in morning business for up to 10 minutes.

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

MILITARY CONSTRUCTION

Mr. LEAHY. Mr. President, last week, the administration announced it was going to raid \$3.6 billion from military construction projects to pay for President Trump's ineffective and controversial border wall. That is the wall they gave their solemn word that Mexico would pay for. Now the money is being taken out of our military.

Look at some of the things he has taken money from: a new middle school at Fort Campbell, KY, a child development center at Joint Base Andrews in Maryland, a new elementary school in Puerto Rico, a fire rescue station at Tyndall Air Force base in Florida. These are among the projects canceled on orders from a President who apparently values his cynical campaign promise over our men and women serving our country in uniform and their families.

Remember, on the campaign trail he repeatedly promised that Mexico would pay for the wall. Supporters cheered about that—Mexico would pay. Have my friends on the other side of the aisle forgotten that?

Now, after unsurprisingly failing to convince Mexico to do so, he is forcing our troops and their families, who already sacrifice so much to keep our country safe, to sacrifice yet again just to keep his ego safe.

This announcement should outrage every U.S. Senator from both parties—not just because it is an insult to our troops, which it is, but also because it is part of a larger pattern by the President to disregard the Congress and to subvert the Constitution. He is doing so not in furtherance of our national security or to address the very real humanitarian needs along our border; he is doing so merely in service of his own ego, and that should not go unchallenged.

For those people at the White House who have actually read the Constitution, they will find that article I, section 9 of the Constitution established that Congress—and Congress alone—possesses the power of the purse. Congress's exclusive power over our government's spending priorities is one of the most critical checks and balances in our constitutional system.

The President can propose funding for whatever project he wants—he has that absolute right—but it is the job of Congress to decide where to invest the American people's hard-earned tax dollars. In a democracy and under our Constitution, the President has to respect those decisions, but this President apparently is willing to ignore our country's foundational document, the Constitution, or perhaps he has not read it.

When President Trump declared a national emergency in February, citing a crisis at the southern border, he did so for one reason: to do an end-run around Congress and the Appropriations Committee and to use taxpayer money to build a wall on the southern border, when Congress specifically voted to downsize his request by \$4.2 billion. He cited 10 U.S.C. 2808. That is an authority unlocked by the declaration of a national emergency. He used that to raid military construction projects to pay for the wall—projects we had determined were important and worthy of Federal dollars like cleaning up the housing for some of our soldiers and their families. He has done this by contorting the law beyond all recognition. He has undone congressional funding decisions by fiat.

This should concern any Senator in a State where critical military construction projects are being canceled to pay for President Trump's obsession with a medieval wall. It should concern those of us who believe the Constitution should carry more weight than the whims of a President who genuinely thinks—and he has actually said this out loud—that the Constitution gives

him the “right to do whatever I want as President.” No. We have a Constitution because the President is not above the law any more than the rest of us.

Only a few weeks ago, the administration yet again disregarded objections from Congress and announced plans to divert \$116 million we appropriated to the Department of Homeland Security for national security purposes, as well as \$155 million from FEMA's wildfire and hurricane disaster relief fund, and use it to detain more immigrants by increasing the number of ICE detention beds and building court facilities for the deeply misguided, dangerous, and cruel Remain-in-Mexico Program.

The level of funding for ICE detention beds was set in the fiscal year 2019 in the Department of Homeland Security Act. That was passed by Congress and signed by the President just 6 months ago. It was one of the last issues resolved. Like the wall funding itself, it was central to the final agreement.

I had serious concerns with the funding level we agreed to at that time. I still do. There is no reason to turn to mass incarceration when most people crossing our borders are desperately fleeing violence in their home countries, not seeking to do harm to ours. More humane and cost-efficient ways to address these issues exist and allow us to have a secure border, but a deal is a deal. It is what we agreed to. The President signed that bill into law. For the President to undo what he signed into law only months later by increasing funding for ICE through transfers is outrageous.

The fiscal year 2019 DHS appropriations act set a level of funding that required DHS to end the fiscal year with a debt ceiling of 40,520. They now operate at a level of 52,930 beds—a 31-percent increase, all without the approval of Congress.

The President will say he is merely relying on general transfer authority provided to him by Congress in the DHS appropriations act to increase funding for ICE detention beds. Well, that is ridiculous. It is disingenuous and makes no sense.

Congress provides the executive branch certain transfer authority so it can be flexible and react in realtime to emergencies, unanticipated needs, and changed circumstances. We have provided this flexibility for decades for Presidents of both parties because it was the responsible thing to do. No government can anticipate all of its needs at the beginning of each fiscal year. We trust the administration to follow the law, follow the Constitution, and use the authority appropriately. We have done this for both Republicans and Democrats.

In return for that flexibility, past administrations of both parties, they respected the will of Congress. For the most part, when the Appropriations Committee objected to a transfer or reprogramming, the objection was hon-

ored until a compromise might be reached.

This President, however—after all, he said the Constitution allows him to do anything he wants, and we know it does not—has thrown that tradition out the window. He has decided that consulting Congress is a box-checking exercise to be summarily disregarded. For the second year in a row, he is increasing money for ICE detention beds over the objection of the Appropriations Committee and in violation of the agreements reached in the DHS appropriations laws.

Earlier this year, he used the transfer authority to divert \$2.5 billion from the Department of Defense accounts to pay for the wall after Congress refused to give him that authority. That money is in addition to the \$3.6 billion he recently announced he will take from military construction projects and \$600 million that he took from the Treasury asset forfeiture account for the wall.

He is doing all this while refusing to spend the money Congress appropriated to address the root causes of migration in Central America. So when will it stop? When will Members on the other side of the aisle take a stand and say: “We passed a law, and we expect you to follow it?”

So far, the abuses of authority have been used in ways that mostly impact issues Democrats care about. Republicans have stood silent. What happens when the administration crosses a Republican redline? What about Members from States impacted by the canceled military construction projects? When this has been canceled in your State, will you stand up for your State? If they will not stand up for Congress or the Constitution, will they at least stand up for their own State?

Last month, the administration threatened to cancel over \$4 billion in foreign assistance in blatant violation of the law. The funds were appropriated by overwhelming majorities of Republicans and Democrats after lengthy negotiations between the House and Senate, including the White House, and signed into law by the President.

These funds were intended to implement policies and programs which, among other things, fulfill U.S. treaty obligations, support our allies and partners, protect the public against Ebola and other infectious diseases, counter Russian aggression and Chinese influence, respond to humanitarian crises, and counter violent extremism. The President backed down from this threat, but what if he had not? And now we hear reports that he is withholding \$250 million in aid to Ukraine meant to counter the Russian invasion of that country.

This week, we will begin marking up the fiscal year 2020 appropriations bills in committee. If we care about this institution, Members on both sides of the aisle need to stand up for the power of the purse, granted to it under article I, section 9 of the Constitution. I plan to

do so by offering amendments to appropriations bills to undo the President's actions on the wall and to limit his flexibility to transfer and reprogram money, which he has so abused.

I urge all members of the committee to support me in this effort. Our country was built on the concept of separation of powers. This is meaningless if Congress cedes one of its most important powers to the executive branch or refuses to take a stand when the administration overreaches, ignores Congress, or breaks the law.

We may disagree on the utility of the President's wall, but we should not disagree on the constitutional role of this body. The President may not care about our system of checks and balances, but every one of us here should. Political winds tend to change direction. It is time to reassert ourselves and do so before it is too late.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Craft nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), the Senator from Arizona (Ms. SINEMA), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 264 Ex.]

YEAS—56

Barrasso	Gardner	Paul
Blackburn	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hassan	Risch
Braun	Hawley	Romney
Burr	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cassidy	Inhofe	Sasse
Collins	Isakson	Scott (FL)
Coons	Johnson	Scott (SC)
Cornyn	Kennedy	Shaheen
Cotton	Lankford	Shelby
Cramer	Lee	Sullivan
Crapo	Manchin	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Fischer	Murphy	

NAYS—38

Baldwin	Cantwell	Duckworth
Bennet	Cardin	Durbin
Blumenthal	Carper	Feinstein
Booker	Casey	Gillibrand
Brown	Cortez Masto	Heinrich

Hirono	Merkley	Stabenow
Jones	Murray	Tester
Kaine	Peters	Udall
King	Reed	Van Hollen
Klobuchar	Rosen	Warner
Leahy	Schatz	Whitehouse
Markey	Schumer	Wyden
Menendez	Smith	

NOT VOTING—6

Alexander	Roberts	Sinema
Harris	Sanders	Warren

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Elizabeth Darling, of Texas, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

Mitch McConnell, Steve Daines, John Thune, John Cornyn, James M. Inhofe, Pat Roberts, Mike Crapo, Chuck Grassley, Richard Burr, John Barrasso, Jerry Moran, Roy Blunt, Shelley Moore Capito, John Boozman, Johnny Isakson, Thom Tillis, John Hoeven.

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

The question is, Is it the sense of the Senate that debate on the nomination of Elizabeth Darling, of Texas, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), the Senator from Arizona (Ms. SINEMA), 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 yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—57

Barrasso	Graham	Paul
Blackburn	Grassley	Perdue
Blunt	Hawley	Portman
Boozman	Hoeven	Risch
Braun	Hyde-Smith	Romney
Burr	Inhofe	Rounds
Capito	Isakson	Rubio
Cassidy	Johnson	Sasse
Collins	Jones	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	King	Shelby
Cramer	Lankford	Sullivan
Crapo	Lee	Tester
Cruz	Manchin	Thune
Daines	McConnell	Tillis
Enzi	McSally	Toomey
Ernst	Moran	Whitehouse
Fischer	Murkowski	Wicker
Gardner	Murphy	Young

NAYS—37

Baldwin	Feinstein	Reed
Bennet	Gillibrand	Rosen
Blumenthal	Hassan	Schatz
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Kaine	Smith
Cardin	Klobuchar	Stabenow
Carper	Leahy	Udall
Casey	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Wyden
Duckworth	Murray	
Durbin	Peters	

NOT VOTING—6

Alexander	Roberts	Sinema
Harris	Sanders	Warren

Mr. CRUZ. On this vote, the yeas are 57, the nays are 37.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Elizabeth Darling, of Texas, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:05 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Darling nomination?

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 clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kansas (Mr. ROBERTS).

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