

law this week on a hugely bipartisan basis.

The Senate advanced a clean, simple humanitarian funding bill yesterday by a huge margin. Thanks to Chairman SHELBY and Senator LEAHY, this bipartisan package sailed through the Appropriations Committee 30 to 1, and it passed the full Senate yesterday—now listen to this—84 to 8. We sent that clean bill over to the House by a vote of 84 to 8. The Shelby-Leahy legislation has unified the Appropriations Committee, and it has unified the Senate. The administration would sign it into law.

So all that our House colleagues need to do to help the men, women, and children on the border this week is to pass this unifying bipartisan bill and send it to the President. For weeks, we have heard our House Democratic colleagues speaking a lot about the poor conditions, the overstretched facilities, the insufficient supplies. Our bill gives them the chance today to actually do something about it.

Now, I understand that instead of moving forward with this bipartisan bill, the Speaker is signaling she may choose to drag out the process even more and might persist in some variety of the leftwing demands that caused the House bill to fail dramatically in the Senate yesterday. I understand that some of the further changes the House Democrats are discussing may be unobjectionable things the Trump administration may be able to help to secure for them administratively.

Yet it is crystal clear that some of these new demands would drag this bipartisan bill way back to the left and jeopardize the Shelby-Leahy consensus product that unified the Senate and that is so close to becoming law—this close.

For example, I understand that the House Democrats may ask the Speaker to insist on—listen to this—cutting the supplemental funding for Immigration and Customs Enforcement and the Department of Defense. In the middle of this historic surge on the border, they want to claw back some of this badly needed money from the men and women who are down there on the frontlines. It looks like these cuts would represent pay cuts to ICE staff, including pay that people have already earned, and cuts to the money for investigating child trafficking.

Chairman SHELBY and Senator LEAHY have already reached a bipartisan agreement. Both sides have already compromised. We are standing at the 5-yard line. Yet, apparently, some in the House want to dig back into that “abolish ICE” playbook and throw a far-left partisan wrench into the whole thing.

Let me be perfectly clear. I am glad the Speaker and the administration are discussing some of these outstanding issues, but if the House Democrats send the Senate back some partisan effort to disrupt our bipartisan progress, we will simply move to table it. The U.S.

Senate is not going to pass a border funding bill that will cut the money for ICE and the Department of Defense. It is not going to happen. We already have our compromise. The Shelby-Leahy Senate bill is the only game in town. It is time to quit playing games. It is time to make it law.

I urge my colleagues across the Capitol to take up the clean, bipartisan bill that the Senate passed 84 to 8 and, without any more unnecessary delays, send it on to President Trump for his signature.

TOBACCO-FREE YOUTH ACT

Mr. McCONNELL. Mr. President, on another matter, just last month, I introduced legislation, along with my colleague from Virginia, Senator KAINES, to address a serious and growing public health issue. As Senator KAINES and I laid out in May, the growing popularity and accessibility of tobacco products like e-cigarettes and vapor products are endangering America’s youth.

The CDC estimates that in 2018 youth e-cigarette use in America increased by 1.5 million. So we introduced legislation that would accomplish something very important—raising the minimum age for purchasing tobacco and vapor products to 21 nationwide. We want to put a huge dent in these pathways to childhood addiction and help get these products out of high schools altogether.

Now, as a Virginian and a Kentuckian, neither Senator KAINES nor I lack an appreciation for the history of tobacco in America. For generations, this hugely important cash crop helped to build our States and, indeed, the whole Nation’s early prosperity. Yet new doors are open today to Kentucky’s growers and producers, and parents back home are rightly worried that e-cigarettes and vapor products pose new threats to the young people at a critical stage in their developments.

So I was proud to take the lead on this, and I am proud my colleague from Virginia has joined me in leading this effort to give this cause the strong bipartisan momentum it richly deserves. Our measure cleared an important milestone yesterday. The HELP Committee approved our Tobacco-Free Youth Act and advanced it here, to the floor, along with other legislation.

I thank Chairman ALEXANDER, Ranking Member MURRAY, and all of our colleagues on the committee for including our legislation in this package and advancing it. I look forward to continuing to work with them, with Senator KAINES, and with all of our colleagues as we work to get this important proposal signed into law.

NATIONAL DEFENSE

Mr. McCONNELL. Mr. President, on another matter entirely, later today, the Senate will vote to fulfill a solemn

responsibility. For the 59th consecutive year, we will pass the National Defense Authorization Act. I hope and expect we will do it by a wide, bipartisan margin.

It would be difficult to overstate the importance of this legislation to the ongoing missions of our Nation’s men and women in uniform. The NDAA is simultaneously a target to guide the modernization of our all-volunteer force; a supply line to restore readiness and keep U.S. personnel equipped with the most cutting-edge, lethal capabilities; a promise of critical support services to military families; and a declaration to both our allies and adversaries of America’s strategic resolve.

This year’s bill authorizes the investments that will support all these bills and a major pay raise for military personnel to boot.

I am especially proud that it supports the ongoing missions of Kentucky’s installations and the many military families who call my State home.

The NDAA is a product of a robust, bipartisan process that has consumed our colleagues on the Armed Services Committee for weeks. Nearly 300 amendments were adopted during markup. So today, once again, I would like to thank Chairman INHOFE and Ranking Member REED for their leadership throughout this process. They produced legislation that each Member of this body should be proud of. Particularly in these troubled times, this is exactly—exactly—the message the Senate needs to send. I look forward to passing it today.

Passing the NDAA itself is not the only important message the Senate will send this week on national security. On Friday morning, we will vote on a badly ill-conceived amendment that would literally make our Nation less secure and make American servicemembers less safe. I respect my colleagues, but this amendment from Senator UDALL and others is a half-baked and dangerous measure—about as half-baked and dangerous as we have seen on the floor in quite some time. It should be soundly rejected.

We know that our Democratic colleagues have political differences with President Trump—I think the whole country has gotten that message pretty loud and clear—but they have chosen a terrible time and a completely irresponsible manner to express themselves. Rather than work with the President, who shares the goal of avoiding war with Iran, they have gratuitously chosen to make him the enemy.

Let me repeat that. Rather than work with the President to deter our actual enemies, they have chosen to make him the enemy.

At the very moment that Iran has been stepping up its aggression throughout the Middle East, these Senators are proposing radical new restrictions on the administration’s ability to defend U.S. interests and our partners.

The Udall amendment would require the administration to secure explicit authorization from Congress before our forces would be able to respond to all kinds of potential Iranian attacks. That would include attacks on American civilians.

Let me say that again. Some of our colleagues want us to go out of our way and create a brandnew obstacle that would block the President from swiftly responding if Iran attacks American civilians, our U.S. diplomatic facilities, or Israel, or the military forces of an ally or partner, or if Iran closes the Strait of Hormuz. In all of these scenarios, the Udall amendment would hamstring the executive branch from reacting quickly. In modern warfare, time is of the essence. The War Powers Resolution explicitly recognizes the reality that administrations may need to respond quickly and with flexibility.

This amendment could even constrain our military from acting to prevent an imminent attack. As written, it appears to suggest they must absorb the attack, take the attack first before defending themselves. And even then, for how long would they be allowed to conduct retaliatory strikes? Completely absurd. Totally dangerous.

Let's take an example. Iran attacks Israel. No timely response from the United States, especially if Congress happens to be on recess. Iran attacks American citizens. The President's hands would be tied. This is never how the American Presidency has worked, for a very good reason.

So I would ask my colleagues to stop obsessing about Donald Trump for a moment and think about a scenario involving a future or past President. Hypothetically, then, would it be appropriate for Congress to tie a President's hands with legislation preventing military action to defend NATO allies from a Russian attack without explicit congressional approval? If conflict came in August and the United States and its NATO allies didn't act decisively, frontline states could be gobbled up before Congress could even convene to consider an AUMF.

The Udall amendment would represent a huge departure from the basic flexibility that Presidents in both parties have always had to take immediate military steps, short of a full-scale war, to respond to immediate crises.

This ploy is being advertised as some kind of courageous reassertion by Congress of our constitutional authority, but it is nothing of the sort. It is a departure from our constitutional traditions and norms.

Nobody is talking about a full-scale war with Iran—not the President; not the administration. Heaven forbid, if that situation were to arrive, consultation with Congress and widespread public support would, of course, be necessary. The Udall amendment is something completely different. It defines self-defense in a laughably narrow way and then in all other situations pro-

poses that President Trump should be stripped of the basic powers of his office unless Democrats in Congress write him a permission slip. I don't think so.

This would be a terrible idea at any moment, let alone as Iran is escalating its violence and searching for any sign of American weakness.

So I would ask my colleagues: Do not embolden Iran. Do not weaken our deterrence. Do not undermine our diplomacy. Do not tie the hands of our military commanders. Reject this dangerous mistake when we vote on the Udall amendment tomorrow.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. 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 resume consideration of S. 1790, which the clerk will report.

The 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.

Mr. MCCONNELL. Mr. President, 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 the vote scheduled for noon today be at 11:45.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

S. 1790

Mr. SCHUMER. Mr. President, as the leader and I announced yesterday, we have an agreement in place to vote on passage of the Defense authorization bill today and then on an amendment to the bill tomorrow, led by Senators UDALL, KAINE, MERKLEY, MURPHY, PAUL, and LEE, to accommodate all Senators who wish to vote. That is why we are doing it tomorrow. If the Udall amendment is passed, it would be adopted to the Defense authorization bill even though the vote occurs afterward.

I want to thank the leader for understanding our position that the Senate ought to vote on this important amendment, which in essence would prohibit funds for hostilities with Iran without an affirmative authorization from Congress. Congress gets to approve or disapprove wars, period. It is crucial for the Senate and Congress as a whole to examine potential conflicts and to exercise our authority in matters of war and peace.

Let's start with the facts. Ever since President Trump withdrew from the Iran nuclear deal, our two countries have been on a path toward conflict. For the past month, we have been locked in a cycle of escalating tensions with Iran. Iran attacked a tanker in the Gulf region and shot down a U.S. surveillance drone. The U.S. Government has responded to both provocations, and the President reportedly considered and then pulled back on a military strike.

The American people are worried—and rightly so—that even if the President isn't eager for war, he may bumble us into one. Small provocations in the Middle East can often spin out of control. Our country has learned that the hard way. When the President is surrounded by hawkish advisers like John Bolton and Secretary Pompeo, the danger is even more acute.

So while the majority leader says that “no one is talking about war,” that is only true until the folks do start talking about war, and by then, the chance to clarify that this President requires congressional authorization before engaging in major hostilities may have passed us by.

And this not talking about war? Well, the President said he was 10 minutes away from major provocation, if the reports are correct. It would have been on Iranian soil, three missile bases. And the President at one point said, in effect: We will smash Iran, blow it to smithereens—or something to that effect. People are talking about war. This President is.