

his name on it. Like a true soldier, Oakley was sent off from this world to the moving tune of “Taps” played by a military bugler.

Colonel Nimmo’s tour of duty on this Earth was brief, but he did teach an important lesson to all of us. At times, some voices may express doubts about our military, but Oakley reminded us—as perhaps only a child could—that being an Army man, a brave protector of our Nation, is one of the highest honors to which an American can be called.

The veterans and the servicemembers who attended Oakley’s funeral were there to honor him, but, in fact, it was a double honor because through his life and dreams, little Oakley honored them in return.

Oakley looked up to our troops in life. Now he looks down on them from above, where he will remain in God’s presence and our memory as a brave fighter against cancer, an inspiration, and indeed, for all time, an Army man.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The clerk will call the roll.

The senior assistant 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

HEALTHCARE

Mr. CORNYN. Mr. President, yesterday our friend from New York, the minority leader, spoke on the Senate floor about the latest challenge to ObamaCare—the Affordable Care Act—which is being considered by the Fifth Circuit Court of Appeals this week. Also, if you can believe the press, he is also going to have a press conference with the Speaker and other notable Democrats to talk about the danger of a court decision on the constitutionality of the Affordable Care Act. As one might imagine, he painted a pretty grim picture of what would happen if the court were to strike down the Affordable Care Act, affirming the judgment of the trial court. Of course, he tried to place the blame squarely on those of us on this side of the aisle. It is strange to me because blaming Republicans in Congress for a yet-to-be-decided court case doesn’t make a lot of sense, but it is pretty consistent with the message we have heard from our Democratic friends.

If the minority leader is going to pick a bone with anyone, then I guess his complaint is really about the Constitution itself. Court cases are decided on a case-by-case basis based on what the law is, and, of course, the Constitution is the fundamental law of the United States. So if a court ultimately holds an act of Congress to be unconstitutional, it is because the Constitution prohibits it. And a consensus among all Americans is that the Constitution shall be inviolable, dating

back to the early 19th century. The Supreme Court has made clear that is ultimately their job—not to decide what the policy should be but whether the policy enacted by Congress is consistent with the requirements of the Constitution.

So I find it pretty bizarre that in about an hour, the Democratic leader will join Speaker PELOSI for a news conference to talk about coverage for preexisting conditions, and I have no doubt that once again they will try to blame Republicans as the bad guys and somehow perpetuate this myth that Republicans are opposed to covering people for preexisting conditions in their health insurance policies. They know that is false. They know that is a bald-faced misrepresentation of what our policy choices are in this body and in Congress as a whole. There is one thing that I think there is a consensus on in Congress with respect to healthcare, and that is that preexisting conditions should be covered. In fact, there are pieces of legislation that I have cosponsored in the Senate that do that expressly. The illogical fallacy of their argument is that the only way one can do that is through the Affordable Care Act.

As we know, the Affordable Care Act has been a Trojan horse for a whole lot of other policies that, frankly, are not particularly popular because they have resulted in high deductibles and high premiums and have made it harder and harder for people to afford coverage. It has also precluded individuals from picking the kind of coverage that best suits their family’s needs at a price they can afford.

I think it is important for the American people to understand what we all understand—including the Democratic leader and the Speaker—which is that what they are saying about preexisting conditions is false. They know it, we know it, and it can be demonstrated. Yet they persist in saying it because they believe that people are either uninformed, naive, or so partisan that they will not be guided by the facts but, rather, by the partisan rhetoric.

Here is the other strange thing in all of this. Most progressive Democrats—we used to call them liberals; now they call themselves progressives—have embraced Medicare for All as a solution to our Nation’s healthcare challenges. As the Presiding Officer knows, Medicare for All would be a recipe for bankrupt Medicare, which has traditionally, legally, and historically been a benefit earned and contributed to by seniors in order to cover their healthcare when they are 65 or older. So dumping 180 million or so additional people into Medicare who have private health insurance is really a recipe for bankrupting it, thus undermining the benefit that seniors thought they were buying into during their entire lives.

Here is the other irony I find. When he was trying to sell the Affordable Care Act, we heard that President Obama said, if you like your existing

healthcare policy, you can keep it. That is what he said. It didn’t end up being the case, but that is what he said. Yet now our Democratic colleagues have become so radicalized on healthcare that they are essentially saying, if you have private health insurance you like, you can’t keep it. You can’t keep it.

This is a very strange place to work sometimes because people say things they know are not true, but they hope they can capitalize on people’s ignorance or on their partisanship. Yet, as many have said before, facts are stubborn things, and those are the facts; that there are other ways to cover preexisting conditions other than with the Affordable Care Act. For a party that has embraced this idea of Medicare for All and that wants to destroy privately held health insurance, it seems pretty rich for them to then blame this side of the aisle for wanting to destroy private health insurance that covers preexisting conditions.

A January Gallup poll found that 7 in 10 Americans have a negative view of our healthcare system and have described it as being in a state of crisis or as having major problems, which is to say that ObamaCare is not working as well as the advocates thought. As we know and as I have said, it is not the only way to protect patients who have preexisting conditions.

Earlier this year, I cosponsored a bill that was introduced by our friend from North Carolina, Senator TILLIS, called the PROTECT Act, which would ensure that no American would ever be denied health coverage because of one’s having a preexisting condition. Now, the Democratic leader and the Speaker know that. Yet, presumably, today, at 12:30, when they hold their press conferences, they will say all Republicans are opposed to covering preexisting conditions because of this court case in the Fifth Circuit that has yet to be decided. They are just gleeful that this will provide, they think, some way for them to argue what they know is not true—that the Republicans are opposed to covering people’s preexisting conditions.

I believe health coverage for these patients shouldn’t hang in the balance of a court decision because, ultimately, it is our decision. If we pass the PROTECT Act, it would finally codify what I hope every Member of this body would agree on—that Americans deserve access to healthcare coverage. The PROTECT Act is just one example of the countless healthcare bills that are working their way through the Senate right now.

In addition, in the Senate Finance Committee, we are considering a package of bills to reduce prescription drug prices, just as we have in the Health, Education, Labor, and Pensions Committee and in the Judiciary Committee. The HELP Committee overwhelmingly passed a bipartisan bill to reduce healthcare costs, to increase transparency, and to eliminate surprise

medical bills. Last week, the Judiciary Committee unanimously reported out legislation that would keep pharmaceutical companies from gaming the patent system. Our colleagues—or political candidates—can go on TV and try to spin the ObamaCare system all they want, but we are going to continue to work hard to make real meaningful changes to make our healthcare system better.

BORDER SECURITY

Mr. President, on another matter, we know that a record number of migrants is continuing to cross our southern border, and the impact on Texas communities—the State I represent—has been overwhelming.

Detention centers are over their capacities. Customs and Border Protection officers and agents are pulling double duty in their being law enforcement officers and caregivers to children, not because that is what they have been trained to do but because that is what they must do in order to take care of this flood of humanity. Nongovernmental and community organizations are unable to keep up with this pace of the thousands of people who have been coming across the border each and every day.

Before the Senate recessed for the Fourth of July week, which was about 10 weeks after the President requested emergency funds, we finally passed a bipartisan bill to send much needed humanitarian relief. It includes additional funding for the departments and agencies that have depleted their resources in trying to manage this crisis, and it makes \$30 million available in reimbursement for which impacted communities may apply—charges that should be the Federal Government's responsibility and not the local governments'. As I said, after some hand-wringing and delay, the House passed this bill, and the President signed it. I hope my constituents back in Texas who have been working tirelessly to manage this crisis will soon find some relief.

It is important to remember, though, that depleted funding isn't the reason for the crisis; it is only a symptom of a larger problem. In other words, we are dealing with the effects and not the cause of the basic problem. Without getting to the root cause, we are only setting ourselves up for failure, which means we will be back here in another couple of months and will have to pass another emergency appropriations bill for an additional \$4.5 billion to try to deal with the problem we can fix but have refused to.

Sadly, this issue has become so politicized that few are willing to reach across the aisle and find solutions, and most of the proposals we have seen are ultrapartisan. The Democrats who are running for President support things like decriminalizing illegal border crossings or providing free healthcare to undocumented immigrants, both of which are unpopular, unsafe, and completely unaffordable. The vast majority

of Americans oppose open borders and already struggle to manage their own bills. They certainly don't want to be burdened with the costs of people who enter our country illegally and don't pay taxes.

We don't need these radical proposals to solve the crisis at our southern border. Both in the short term and the long term, we need bipartisan solutions that can provide some real relief. If we want to get to the root of the crisis and avoid making emergency funding bills the norm, we need to get down to brass tacks and talk about real reforms that, No. 1, will fix the problem and, No. 2, will stand a chance of actually becoming law.

Right now, there is only one bill, to my knowledge, that has bipartisan and bicameral support, and that is a bill called the HUMANE Act. I introduced this bill with my Democratic friend in the House, HENRY CUELLAR, to address the humanitarian crisis at the border.

First and foremost, the HUMANE Act includes important provisions to ensure that migrants in our custody receive proper care. It requires the Department of Homeland Security to keep families together throughout their court proceedings, and it includes additional standards of care. Beyond suitable living accommodations, the HUMANE Act requires each facility to provide timely access to medical assistance, recreational activities, educational services, and legal counsel.

It would require all children to undergo biometric and DNA screening so family relationships could be confirmed so as to ensure these children would be, in fact, traveling with their relatives rather than with human smugglers or sex traffickers.

In order to better protect children who would be released to Health and Human Services, this bill would place prohibitions on certain individuals who could serve as guardians. For example, no child should be released into the custody of a sex offender or a human trafficker. I would hope we could all agree on that.

In addition to improving the quality of care for those in custody, the HUMANE Act would improve the ways migrants would be processed. It would require the Department of Homeland Security to establish regional processing centers in high-traffic areas, which would serve as a one-stop shop by which the process would take place. This was a recommendation from the bipartisan Homeland Security Advisory Council. It would also alleviate the long wait times that are experienced by many asylum seekers. These centers would have personnel on hand from across the government to assist, including medical personnel and asylum officers.

In addition to these changes, the legislation would also include provisions to make some commonsense improvements, such as additional Customs and Border Protection personnel and training for CBP and ICE employees who work with children.

The HUMANE Act would make much needed reforms to improve the processing and quality of care for migrants. Importantly, it would also take steps to address the flow of those who enter our country by the tens of thousands each month.

I spend a lot of time talking to folks who live and work on the border about the status quo and what we need to do to prevent this crisis from becoming even bigger. The most common feedback I get is that we need to close the loopholes that are being exploited by the people who are getting rich off of trafficking in human beings from Central America, across Mexico, and into the United States.

One of the most commonly exploited loopholes is something called the Flores settlement agreement, which was created to ensure that unaccompanied children don't spend long periods of time in the custody of the Border Patrol. It was and remains an important protection for the most vulnerable people who are found along our border. It also ensures they can be processed and released to either relatives or to the Department of Health and Human Services pending the presentations of their cases before immigration judges when they claim asylum. Yet a misguided 2016 decision by the Ninth Circuit effectively expanded those protections from children to families.

One thing I can say with some certainty is that human smugglers and traffickers are not fools; they are entrepreneurs. They are twisted and criminal, to be sure, but they are entrepreneurs. They know how to exploit the gaps in our system, and they know how to make money while doing it. They know, if adults are traveling alone, they could be detained for long periods of time before they are eventually returned home after presenting their cases before immigration judges. So now, rather than there being single adults who arrive at the border alone, adults are bringing children with them so they can be processed as family units, thus taking advantage of that expansion of the Flores settlement agreement and drawing out the process to the point at which it overloads the system. They realize they can bring a child—any child—and pose as a family so they will be released after 20 days, never to be heard from again.

We have seen a massive increase in the number of families who have been apprehended. In May of 2018, roughly 9,500 families were apprehended. In May of this year, the number skyrocketed to more than 84,000. So, in just 1 year, it went from 9,500 to 84,000. Now, are legitimate families crossing the border? Absolutely. Yet we know many of these people who claim to be related are fraudulent families who use innocent children as pawns to gain entry into the United States. Something that nobody wants to talk about is, often, these children are abused and assaulted along the way, and many arrive at the border in critical health.