

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."