

Udall	Warner	Whitehouse
Van Hollen	Warren	Wyden

## NOT VOTING—6

Alexander	Klobuchar	Rounds
Booker	Roberts	Sanders

The nomination was confirmed.

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

The PRESIDING OFFICER. The Senator from Texas.

## ORDER OF BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to legislative session to resume consideration of the motion to proceed to H.R. 2740; further, that at 2:20 p.m., there be up to 20 minutes of debate equally divided between the chairman and ranking member; and that following the use or yielding back of that time, the Senate vote on the cloture motion on the motion to proceed to H.R. 2740, with the mandatory quorum call being waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## LEGISLATIVE SESSION

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, DEFENSE, STATE, FOREIGN OPERATIONS, AND ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2020—Motion to Proceed

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to legislative session to resume consideration of the motion to proceed to H.R. 2740, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 140, H.R. 2740, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes.

## GUN CONTROL MEASURES

Mr. CORNYN. Mr. President, one of most poignant moments of my life—and certainly of my career here in the Senate—came in 2017, when a gunman opened fire on a Sunday service at the little Baptist Church right outside of Sutherland Springs, TX.

Twenty-six lives were lost that day; 20 people were injured; and the entire community—that small, little community outside of San Antonio—was shaken to its core by this hateful act.

It didn't take us too long to learn about the shooter—a man with a record of domestic violence, animal cruelty, and mental illness. He had been court-martialed by the Air Force and con-

victed of serious domestic abuse, which is a felony.

By law, the shooter should have been prevented from purchasing or even possessing a firearm, but he wasn't because the critically important information about his criminal background had not been uploaded into the relevant background check databases maintained by the FBI, even though a Federal statute clearly states that all Federal agencies are required to do so. As a result, the gunman was able to unlawfully purchase four firearms, three of which he used to carry out this despicable act.

In the wake of any tragedy like this, you can't help but ask: What if?

In this instance, it was our sad duty to ask those questions, but we knew the answer. If his criminal record had been uploaded into the FBI background check system, the shooter would have been prevented from purchasing these firearms that he used in the attack.

It was the worst kind of system failure. I searched my conscience, and I searched the record to try to figure out exactly what we might be able to do to prevent acts like this from occurring in the future.

Ten days after the shooting, I introduced a bill called the Fix NICS Act. Now, it is a little bit confusing. NICS is the National Instant Criminal Background Check System. But it was clear that we needed to fix the National Instant Criminal Background Check System—hence, the name Fix NICS Act, which is now law.

That law broadened the background check system to prevent violent criminals who shouldn't be able to purchase firearms from being able to do so. It was actually one of the good things that came out of this terrible tragedy. At a time when division and partisanship were much more common than working together, we actually were able to overcome that partisan divide and division to pass this commonsense solution to a real problem, which I am convinced will save lives in the future. This is the kind of thing our constituents expect us to do and what we need to do more of.

It has been 2 years since the shooting in Sutherland Springs. Unfortunately, that was not the last mass violence episode experienced by the State of Texas. On August 3 of this year, a gunman stormed the El Paso Walmart, killing 22 people and wounding two dozen others. Less than a month later, on August 31, a man went on a shooting rampage in Midland and Odessa, killing 7 people and wounding 25.

I visited each of these cities in the days following the shootings to pay my respects to those who had lost loved ones, to visit those who were still recovering in hospital rooms, and also to thank the law enforcement officers who I believe saved lives that would have otherwise been lost but for their quick and professional response.

In those early days, we were still gathering information and working to

get to the bottom of how these shootings happened. Now that we have a pretty good idea about what happened and what didn't happen that should have happened, it is time to work on solutions to help prevent these types of episodes of mass violence in the future.

Over the weekend, the minority leader here in the Senate and the House Speaker said that any proposal that does not include the House-passed universal background check legislation “will not get the job done.” But I would say to them that there is simply no evidence that if the House bill was law, it would have prevented any of these recent acts of violence.

I have to ask: If the solution that you proposed would not have prevented these acts from occurring, what is the point? Is this about making a statement? Is this about virtue signaling? Is this about politics? Or is this about trying to come up with solutions to the problem?

We also know that the President has repeatedly issued a veto threat on that particular bill, and we know there is zero—zero chance—that it will ever become law. That is not what I call getting the job done.

Some of the folks who don't believe in the Second Amendment are using these tragedies to advance an agenda rather than to try to solve a problem. That is not good enough, and this is not what the American people deserve.

I am not interested in introducing legislation just because we are being urged to “do something.” I am interested in trying to solve a problem and save lives in the process. That is what we did with the Fix NICS legislation, and that is exactly what we need to do by coming together once again.

In the wake of the shootings in El Paso, Midland, and Odessa, I have been working on some ideas that I believe can, once again, help to unite Congress so we can pass laws that will have a real impact, and not just “do something.”

One of the most important ways to intervene as early as possible is to improve access to mental health services. Assisted outpatient treatment programs, otherwise known as AOTs, were under the 21st Century Cures Act, as part of a bill I introduced back then called the Mental Health and Safe Communities Act.

What is so important about assisted outpatient treatment programs is the alternatives available to a family member. When your son or daughter or your spouse or your parent or your brother or your sister becomes mentally ill and is suffering a crisis, your options are extraordinarily limited. The assistant outpatient treatment programs provide alternatives to allow a family member to help somebody undergoing a mental health crisis who otherwise might be a danger to themselves and others.

We know that the most common cause of gun-related deaths are suicides. If we could somehow get people

the mental health treatment they need early, before they even think about taking their own life, we would save many lives. If we can get people—like Adam Lanza, for example, in Sandy Hook—mental health treatment, so he does not become violent to others as well, I think we have a very realistic opportunity to actually save lives going forward.

The Mental Health and Safe Communities Act also increased resources and training for law enforcement and first responders to identify those with mental illness and respond with treatment-based alternatives. By strengthening and expanding these programs and prioritizing a strong mental health workforce, I believe we can avert potential crises before they happen—not all of them, but I think we can make some real progress.

Additionally, I think there are things we could do to build on the success of Fix NICS by enforcing current law and improving the existing background check system.

We know we need to take decisive action against individuals who are violating current law by selling and manufacturing large numbers of firearms without a Federal firearms license. It is clearly Congress's intent to make sure that if you are in the business of buying and selling firearms in a commercial enterprise, you should be licensed by the Bureau of Alcohol and Tobacco, Firearms and Explosives, or the ATF.

For example, the shooter in Odessa attempted to purchase a firearm from a licensed dealer, but because licensed dealers must perform background checks, he flunked it. He managed to circumvent the background check requirement by later purchasing his weapon from an individual who was obviously in the business of manufacturing and selling firearms, but who never registered as a firearms dealer. Thus, the shooter evaded a background check, because, as I said, all federally licensed firearms dealers are required to do that.

We know that, under current law, it can be difficult to prosecute individuals who are circumventing Federal law when they fail to register as a federally licensed firearms dealer. I believe Congress has a role—and there is a pretty clear path forward—to clarify existing law so that unlicensed dealers can be prosecuted and more people in the business of selling firearms will become federally licensed firearms dealers and, thus, by definition, end up doing more background checks when they are in the business of doing so.

As we have learned as well, it is also important for us to take additional steps to harden soft targets like schools. We know that people don't generally try to shoot up a police station. They go to the soft targets, where these cowards know they will not be met with much resistance. We need to improve intervention and threat assessment at schools and share informa-

tion more broadly between teachers, parents, and counselors so we can identify potential acts of violence before they occur.

My point is that we need to focus on things that could actually work. In the case of the Fix NICS Act, it was able to become law because it had the support of both Republicans and Democrats here in Congress, as well as the President. That is precisely what we need to do again.

The sorts of things I mentioned are real and meaningful changes we can make here to prevent more communities from grieving from additional tragedies. I hope we rise to the occasion and once again work together and come up with consensus legislation. I, as one Senator, am willing to work with anyone on either side of the aisle to build consensus and to pass legislation that will make our country and our communities safer.

BRETT KAVANAUGH

Mr. President, briefly on another matter, Justice Brett Kavanaugh was confirmed almost a year ago, but that hasn't stopped the partisans on the left from carrying out their fact-devoid smear campaign.

About this time last year, the confirmation hearing for an exceptionally well-qualified nominee to the Supreme Court was turned into a media circus over uncorroborated and unsubstantiated allegations. I had hoped that we had moved beyond this embarrassing chapter for the Senate and for the country, but the circus has somehow returned.

This time, the wild accusations didn't play out here in the Senate but rather in the New York Times. That newspaper ran a story over the weekend that publicized more unsubstantiated allegations against the Justice from way back when he was in college.

The authors and editors managed to leave out the most critical detail of the entire story. The woman at the center of this reported alleged event declined to be interviewed by the journalists, and her friends say she doesn't even recall such an event from occurring. But the New York Times printed it anyway.

Well, the reaction was predictable and immediate. As members of the media began pointing out this glaring hole in the story, some Democrats saw an opportunity to continue their smear campaign against this good man. They pounced on these unsubstantiated claims as evidence of wrongdoing by Justice Kavanaugh and began calling for his impeachment.

Once the paper issued its colossal correction, none of these folks backed down or apologized for calling for the impeachment of this good judge, this good man, even though the newspaper admitted their error.

This isn't about the allegations or an investigation, or even Justice Kavanaugh, for that matter. This is just the latest assault on the independence of the Federal judiciary by a

party that is struggling to come to grips with reality.

From alarming court-packing calls to baseless allegations against a sitting Supreme Court Justice, I am not anxious to see what sort of reprehensible allegations and attacks they come up with next.

I would like to reiterate the commitment made by the majority leader earlier this week. As long as we remain in the Senate, we will prevent this type of mob rule and this sort of media circus and fight to preserve the rule of law and the independence of our judiciary.

I yield the floor.

The PRESIDING OFFICER (Mr. ROMNEY). The Senator from Missouri.

APPROPRIATIONS

Mr. BLUNT. Mr. President, later in the day—certainly today or tomorrow—we will have a vote on whether we want to move forward on this year's appropriations process. The vote would allow us to move forward. Frankly, it would and should allow every Member to make any amendment they want and to debate this bill on the floor, as bills should be debated. If they don't like the House bill that we will take up—and many of us would not like the House bill—they have a chance to substitute that with another bill or make amendments on that bill. I would like to see this process get started.

A significant part of the House bill was the Labor, Health and Human Services, and Education portion. I chair that bill in the Senate. It is after the Defense bill, which would also be part of this bill, which, by the way, has the biggest pay increase for those who defend us, in a decade in it. After the Defense bill, the Labor, Health and Human Services, and Education bill is about 30 percent of all the money left. So just those two bills together is a significant amount of all Federal spending.

It would be great if we could get this done on time again this year, as we did for 70 percent of the spending last year.

I am disappointed in the bill that we actually made public as part of an alternative today. For the first time in 4 years, we weren't able to work with our friends on the other side and have a bipartisan bill. This was a bill that was designed not to bring a lot of controversial legislating into the appropriating process but to do the appropriating, to leave the language in the bills that had been there before that may have been controversial at one time but has long become part of the bill but not add new things.

We agreed to and the President signed a bipartisan agreement that reiterated that principle and set a total amount of money to be spent. In retrospect, it might have been better if we had also allocated that money between the 12 committees. We didn't do that. We basically allocated the defense part and the nondefense part. Because of that, we were not able to reach an agreement with the minority to mark up this bill the way I would have liked

to and I think, frankly, they would have liked to. Certainly, the ranking member and her staff have been an important part of this discussion.

This bill—the bill that would be our alternative today—includes funding that they would like and I like. There is a new suicide initiative. It increases early childhood care and education programs. There are new mental health workforce programs involved here. We invest in homeless youth education in the way that I think the Senate ultimately will. Those are all things that we have tried to move forward on in a way that I am confident the minority is not opposed to. I think they will find little to criticize, frankly, in the bill.

We didn't engage in a lot of new language. Some of the Republicans Members, including me, would like to see some further defining language in the bill, but that really gets to authorizing and not appropriating. That gets to passing legislation that should go through other committees and not just deciding how much money we are going to spend on those activities that the Federal Government has to participate in, is authorized to participate in, starting with the Constitution itself, the principal authorization to defend the country.

In the Labor-HHS bill, we moved forward with things we have worked together on now for 4 years—a \$3 billion increase in our Federal investment in NIH, the National Institutes of Health; opioid treatment and recovery that follows on our earlier commitments and moves that number to \$3.9 billion. We strengthened the workforce in this bill, particularly the apprenticeships, with the idea that sooner rather than later, people should get a sense of the kind of job they would like to do and understand the pathway to work, which for some people involves a college education and for lots of people does not.

I think 50 percent of the people who graduated from college are working at jobs that don't have anything to do with their college degrees. That doesn't mean the college degree was bad; it just means it is not the universal pathway that I think for almost a generation now we have talked about—how that was going to lead to better incomes and stronger families and all of that. What leads to better incomes and stronger families is a good job. It is doing things. You get out of high school and get a job and get married. If you can do it in that order, you are much more likely to not have concerns about poverty than if you try to skip any of those or do it some other way.

For a long time, this bill has been one of the most difficult bills to negotiate. It has many of the hot-button issues that the country and the Congress deal with. Again, for the last 3 years—and that was for the first time in a decade—we have had a bipartisan bill. I think at the end of the day, we will have a bipartisan agreement again, but unfortunately our friends on the minority have—I think in their frustra-

tion about the allocation of money—decided: Well, even though we have agreed not to fight about new issues—adding things to the appropriations bill that haven't been there before—we are going to fight about that. We are going to say what the President can do about this, and we are going to say what doctors can do about that.

That is not what this bill does or is designed to do.

As I mentioned earlier, one of the things we have done is one of my top priorities as chairman, which is to move forward at this unbelievably important time with health research. I can't help but point out that 4 years ago, NIH hadn't had a penny increase, not an inflationary increase, not any increase for 12 years. This was basically the same 12 years in which we began to figure out how important it was that we now understood the human genome. This was the same 12 years that cancer researchers were looking at immunotherapy. This was the same 12 years that people were beginning to talk about, well, maybe you can do some editing with CRISPR technology that will prevent a future thing from occurring, that you could look at that genetic makeup and know it is going to occur. There was not a penny increase.

Four years ago, the research community said they were 22 percent below—in research buying power—where they had been 12 years earlier. We caught up on that. If we are able to move forward with the \$3 billion increase, we will have had a 40-percent increase over five budgets. Now we are probably talking about really new money beyond where NIH was a dozen years ago. This 40-percent increase matters.

The House and Senate have worked together. Congresswoman DELAURO and Congressman COLE have worked together with Senator MURRAY and me to make this a priority. I think we want to do that again. I think the facts will show that.

Why should it be a priority? The most expensive disease in America right now is Alzheimer's. The cost to treat Alzheimer's patients is anticipated to rise to \$1.1 trillion by 2050 if we don't find some way to get what is happening headed in a different direction. And \$1.1 trillion, by the way, is essentially double the defense budget. I don't know about you—I don't have a very good sense of how much \$1.1 trillion is, but I have a good sense of what we spend all over the world, as Americans, to defend the country and help defend the world. We will be spending twice that amount in today's dollars—taxpayers—on Alzheimer's and dementia treatment in 2050 if we don't find a solution. So I think quadrupling the amount of money that we spend in this area would make more sense. We are spending a little more than 2 percent on research, of the tax dollars we are spending on treatment right now, and, again, that only gets to be a bigger problem.

Further, the bill increases funding for the BRAIN Initiative, to map the human brain, to \$500 million.

I had somebody in my office this morning saying that pediatric brain cancer is now a bigger threat to kids than leukemia. We made a real effort on leukemia. We are now moving to another area that is now attacking the lives and ending the lives, perhaps, of more juveniles than leukemia has.

We have an investment for the first time in new ways of helping caregivers of patients with Alzheimer's. The anticipation is that for every government dollar spent—and today that would be about \$600 billion a year—for every government dollar spent, there are two private dollars spent, almost never insured. A lot of that is somebody deciding in their family that they are going to give up part or all of their work to take care of somebody they care about.

We are fully funding the administration's request to end the HIV epidemic in the next 10 years. We have confidence in NIH that this is possible. We have that in sight. If we could end that as a life-threatening epidemic, it would be a big thing.

We are moving forward with combating the opioid epidemic. Our committee was a little bit ahead of the authorizers in realizing this is a huge problem for so many people in the country today.

We are making an additional \$100 million national commitment in mental health. NIH says that one in four or one in five adult Americans has a diagnosable and almost always treatable behavioral health issue.

Those are just some of the many things this bill does.

There is \$5 million requested by the minority to train professionals to provide mental health and substance abuse counseling. If you didn't have a behavioral health issue before you got addicted, you will definitely have a behavioral health issue once you have been addicted. This doesn't just end by saying we can give you something to get you off the opioid or the drug addiction you have; you have to mentally get away from that addiction as well.

We also focus on education. There are workforce initiatives to prepare younger people for jobs that are out there and prepare our entire workforce for the jobs that come next. We shouldn't be in the business of defending just any job; we want to defend viable jobs that are going to be viable today and hopefully part of the future. We want to ensure that workers are ready for the next job.

It maintains funding for campus-based student aid for people who are likely the first people in their families to ever attend college—I was the first person in my family to graduate from college—and the TRIO Programs, to get high school kids thinking about the fact that they can go to college as one of their options and what it would mean to them if they do that, to do things that help people stay in college

and do things that get people ready for real jobs that are out there.

One of the things I have noticed in the last year is how many people in their late twenties are still trying to decide what to do. I call it the lost decade. I have had so many conversations that went something like this: Well, I went to college for a semester or a year, and then I was an Uber driver for a while, and I did some landscaping. I was in retail at the lowest level. I was a bartender. Finally, it just occurred to me that this is not working. I have no retirement plan. I have no benefits. I don't make enough money to have the kind of family I would like to have.

If you missed that decade, you are lucky to ever get it back. A few people can somehow recover from that economically and replace that lost decade. But the quicker you become part of an economy that you want to be part of, the better off you will be.

In this bill, we are increasing elementary and secondary education support programs, like the Individuals with Disabilities Education Act, and there is a Pell increase for the third year in a row for people who have Pell assistance when they go to school.

We prioritized programs that benefit the country. We tried hard not to do that in a partisan way. I believe that at the end of the day, if Democrats look at this bill, they might argue about the amount of money available, but I think they would have a hard time arguing that it is not a bill that tries to really meet the challenges we face as a country.

I would like to see us move with this bill and all four of the House bills in the package we vote on today and hope to see that happen when that vote occurs.

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.

Mrs. FISCHER. 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.

#### REMEMBERING CHIEF STANDING BEAR

Mrs. FISCHER. Mr. President, I rise today to celebrate the life and legacy of Chief Standing Bear. In about an hour, Members of the Nebraska congressional delegation, Governor Ricketts, and House and Senate leaders will gather in Statuary Hall to dedicate a statue in his honor. I am proud that the State of Nebraska put forth his statue because America needs to hear his story.

When Joe Starita, a professor at the University of Nebraska-Lincoln and esteemed author, speaks on Chief Standing Bear's life, he often begins with reciting a quote from novelist, poet, and farmer Wendell Berry. Wendell Berry once wrote: If you do not understand where you are, you do not understand who you are.

If you live in Nebraska, you understand this fully. This knowledge doesn't come from maps or directions. It springs from a true love of the land—working on it, cultivating it, raising a family, building strong communities, taking pride in your life's work, and the sweat and tears that generations of your family put into it. It means enduring its disasters and enjoying those cool peaceful nights full of stars. Chief Standing Bear and the Ponca Tribe understood this.

Imagine his surprise when on a cold January day in 1877, he and his Tribe were told to leave their beloved land. His Tribe had lived on their reservation for more than 200 years, and now they were being forced to travel nearly 600 miles to the south to Indian territory in Oklahoma.

Under the threat of bayonets, the young and old, men, women, and children packed up their possessions and began to walk. By the time the Tribe reached the territory, they were enduring the scorching months of summer.

Harvest season had passed, and the Tribe could not grow crops for the winter months. Starvation was rampant, and mosquitoes swarmed the reservation with malaria. After a year and a half, the Ponca lost over one-third of their Tribe, including Chief Standing Bear's son.

In the final moments of his life, his son made him promise that he would be buried in the Ponca Tribe's homeland in Nebraska.

To give his son the sacred burial he wanted, Chief Standing Bear led a 600-mile quest back to Nebraska, but with only an estimated 2 days of travel left ahead, he was stopped by the U.S. Cavalry and arrested. Chief Standing Bear was thrown in prison and was forced to prove that he had God-given rights as a human being.

During this time, word began to spread throughout communities about his journey. Suddenly, people began to rally around this devoted father's story. Eventually, cries for justice resulted in a historic trial in the U.S. District Court in Omaha.

The lawyers made their arguments. Then the judge granted Chief Standing Bear the opportunity to speak. The Chief rose and stood in silence while the packed courtroom anxiously waited. What followed was one of the greatest speeches in American history.

Turning to face the judge, he held up his hand and said:

This hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from mine will be of the same color as yours. I am a man. The same God made us both.

Reports tell us that when Chief Standing Bear was finished speaking, the courtroom was filled with sounds of sobbing. A local Omaha World Herald reporter recounted that he saw tears on the judge's face. GEN George Crook, the defendant in the case, was one of the first in the sea of people to shake

the Chief's hand. Days later, the judge ruled in favor of Chief Standing Bear.

At long last, the landmark decision extended "equal justice under law" to Native Americans.

Nearly 75 years later, a courageous woman carried a similar message of equality in Montgomery, AL. Rosa Parks, whose statue is also in Statuary Hall, knew that standing strong for her God-given dignity was worth risking everything she had.

Months after her arrest, she said she "would have to know for once and for all what rights I had as a human being and a citizen."

I will close with this. The room we will gather in later for the dedication ceremony is known as Statuary Hall. Until 1857, the House of Representatives met there, and their business was overseen by another statue, Clio—the muse of history. She was the source of inspiration for the political leaders at the time and served as a reminder that they were part of history.

She is still there above the door leading to the Rotunda, keeping notes, documenting who we are now and where we are going. Today she will turn a new page.

In Statuary Hall, the very room where she observed Congress shamefully passing the Indian Removal Act, we will dedicate a statue to honor the life of Chief Standing Bear. It is another important lesson in our Nation's story that in the end, with bravery, determination, and empathy, human freedom will always prevail.

It is a great honor to celebrate the life and contributions of Chief Standing Bear. I know his statue will inspire millions of visitors who visit the U.S. Capitol every year. I am proud that Chief Standing Bear's legacy and the message of equality lives on in our great cathedral of democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### CONSTITUTION DAY

Ms. ERNST. Mr. President, it is typically tradition to exchange gifts on anniversaries, but yesterday we celebrated the anniversary of a truly remarkable gift given to each of us as Americans: the Constitution.

On September 17, 1787, our Founding Fathers concluded the Constitutional Convention by proposing a new form of government based upon inalienable rights and self-determination of the American people. The Founders of our great Nation devoted incredible foresight to the very structure on which our country is built, with the goal of protecting our rights as citizens for generations to come.

Folks, we celebrate Constitution Day with gratitude—gratitude for the unprecedented freedoms this document guarantees, freedoms which have endured more than 230 years. As the world's oldest working national Constitution, the U.S. Constitution continues to withstand the test of time and remains among the most important documents ever to be written. It

not only established our government institutions such as Congress, the Presidency, and the courts, but it also limited the power of each to protect against tyranny.

As constructed, our government can only exercise the limited powers specifically outlined in the Constitution, but the freedoms that all of us cherish deeply and that are so often taken for granted are forever guaranteed by the Constitution and its Bill of Rights.

These include the freedom of religion, so we may worship freely what we know to be true in our hearts; freedom of speech, to debate and openly discuss as we endlessly seek to become that “more perfect Union”; a free press, to share information with every citizen from north to south, from coast to coast, and to and from my home in Iowa; the right to peacefully assemble and enact change; due process, to ensure justice for every individual and protection against cruel and unusual punishment to those who are convicted; and the right of law-abiding citizens to bear arms.

Folks, the words of this Constitution, our sacred Constitution, have endured because they work. The Constitution sets the stage for the generations that follow to continue to expand its “Blessings of Liberty,” including: The 13th Amendment that abolished slavery, the 15th Amendment which guaranteed African Americans the right to vote, and the 19th Amendment, which was approved by Congress 100 years ago this past July, granting women the right to vote.

The Constitution does more to protect liberty than any political document ever composed. It actively guarantees life, liberty, and the pursuit of happiness that our Founders merely hoped for at the drafting of the Declaration of Independence.

To tamper with any of the rights promised to us at the founding of our Nation is to weaken the structure upon which our liberty was promised. Even in polarized times, these principles continue to ring true and unite us as Americans.

Before each of us in this Chamber began our service to the people of our own great States, we first swore an oath to support and defend the Constitution of the United States. Every man and woman who enlists in our Nation’s Armed Forces, as I have, begins their service by swearing a similar oath.

Folks, the political winds may blow left, and they may blow right, but we can rest assured that no one can take away these guaranteed freedoms. With every new bill we consider, we must always pause to ensure that it is adhering to the rights outlined in our Constitution.

There is nowhere in the world that enjoys the constitutional freedoms that American citizens do today. Those rights and freedoms apply to each one of us equally. No one is above the law, and no one is beneath it.

The Constitution is a guidepost for justice and democracy and encompasses the bedrock of our ideals as Americans. Most importantly, the Constitution keeps a promise that power shall forever remain with “We the People.”

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PERDUE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DAINES. Mr. President, I rise in commemoration of Constitution Day, celebrated nationwide yesterday, the date, September 17.

Two hundred thirty-two years ago, our Founding Fathers gathered at Independence Hall in Philadelphia and signed a document that remains the supreme law of the land today. In those 232 years, the United States has become the most powerful, the most prosperous Nation in the history of the world, and that success has come as a result of the framework set by our Constitution.

The genius of the Framers was their determination to maximize the freedom of the individual while recognizing the need for a central government limited in size by our Constitution. The Founders understood the nature of man. The Founders understood that power corrupts.

Under the framework of federalism, we created a divide between the States and the Federal Government, allowing for powers to be shared. In fact, the 10th Amendment states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

At the Federal level, we established three coequal branches of government, which established a system of checks and balances to offset the concentration of power. To complement the laws established, our Founders put in place the Bill of Rights as a safeguard to protect the individual from the threat of government tyranny. Our sacred rights and freedoms endowed by our Creator are recognized as inherent and untouchable because of our Bill of Rights.

As the Father of our Constitution, James Madison, stated:

In Europe, charters of liberty have been granted by power. America has set the example . . . of charters of power granted by liberty.

Our constitutional system of government is the envy of the world and has served as a model for countries worldwide that are seeking to create representative governments. That is why it is so important for us to observe days like Constitution Day. Americans of all ages should be learning and should be studying our Constitution. They should be taking in what makes

our Constitution so uniquely successful in nurturing a free and a prosperous society. Our grand experiment has stood the test of time, yet we must continue to be vigilant in the preservation of this most important part of our American legacy.

So, today, I encourage every Montanan and every American to read the Constitution. Discuss it at the dinner table. Discuss it with your family members. Discuss it in your classrooms. Discuss it with your friends. Discuss it with your neighbors.

As the preamble states, “We the People” established our Constitution, and it remains up to “We the People” to ensure its success.

May God continue to bless this great Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, on September 17, 1787, this great experiment was finalized to try to form what they considered a more perfect Union, and the birth of our Constitution happened. This was a radical experiment in self-government, and most of the rest of the world at the time stared at those whom we now call our Founding Fathers and thought, that will never work.

It wasn’t a parliamentary system. It wasn’t a monarchy. It was a representative republic, and it was pulling something out of the thoughts and the hearts of people to say: This is inherently what we think would work.

It began with the simple concept of checks and balances—that one person would check another person who would check another person. They were able to put that into a governmental structure that had three coequal branches—an executive, a legislative, and judicial branch—so that we don’t have one over the other. The three stand on equal footing. Each of them watches the other.

It was a unique system of putting a legislative branch together that had one body made up of the House of Representatives that would be large, boisterous, and up for election every two years.

The most painful parts of government—that are required of government—are put into the hands of the people who are closest to the people. Those are the power of impeachment, the power of the purse, and the power of things that need to be done by government but can be done only by people who are closest to the government.

Then they were able to create a Senate with longer terms, closer to the States, and a larger perspective on how we would structure together to make sure that we protect the rights of the individual States and the uniqueness of, at that time, those 13 States all joining together. It was a radical idea and a complete shift from where we had just been.

As Americans, occasionally we forget that this wasn’t our first time to try to

put a government together. Prior to 1787, we had Articles of Confederation that basically had 13 different States that were very loosely connected to each other, that continued to spar with each other, and that didn't cooperate together. Eventually, they determined that we had to do something different.

After our practice round of the Articles of Confederation, we put together this Constitution. But even after the Constitution was put into place, when the very first Congress came into session, they immediately began work on 12 amendments that, at that time, they called the Bill of Rights. That is right; there were 12 amendments. We are so used to hearing about the 10 amendments in the Bill of Rights, but they started with 12. They debated and they edited and they worked it through, and those 12 ended up becoming 10. Those 10 amendments were added as our Bill of Rights, but we continue to be able to edit and to be able to work together as a country.

Eventually, we fought a civil war—one of the most tragic parts of the entire history of our Nation. Yet this Constitution still kept us together at the end, and we still function together.

Since the original 10 Bill of Rights, we have added 17 different amendments to the Constitution. This enduring document, after more than two centuries, continues to be the foundation of every single law in the United States. It is unlike many parts of the world even still today.

In much of the world, they change constitutions every time their Monarch changes. They change constitutions every time their government changes. And when an executive branch decides they don't particularly like what is happening in the legislative branch, they just demand a new constitution and shift the laws of the entire country.

We don't. We started with a Constitution and started with the simple principle that the law matters. We continue to build on that basic law. When our preferences change, the law still exceeds our preferences. And if there is a change that we need to make in law, we agree together to make a change in law.

We still continue to respect the uniqueness of, now, all 50 States and of local authorities. We still have counties and cities and parishes and municipalities. They oversee school boards. They make day-to-day decisions. They provide local first responders, garbage collection, recycling, public transportation, parks and recreation. They manage utilities. They decide street names, deal with local roads, street signs, and zoning laws. It is all done locally; it is not done federally. The Federal Government has nothing to do with that.

Then, larger than the local municipalities, we have the States. They establish local governments. They establish public schools, issue teaching certificates, and licenses for professionals

like doctors, lawyers, psychiatrists—as many types of professions as they choose. They decide the time, manner, and places of elections because those are the responsibilities of the States. They determine motor vehicle registrations, driver's licenses, marriage licenses, business licenses. They regulate commerce within their State.

Our simple system is not only broken up into three different branches of government, but it is also broken up into local governments, State governments, and unique responsibilities for the Federal Government. That begins with our national defense, which is uniquely a role that we can do together as a Federal Government. Then there are interstate commerce and managing treaties with foreign entities. It is the responsibility of the larger government.

This unique experiment that was radical in its day is still the envy of the world to this day, and there is a reason we pause each year in September and remember Constitution Day.

I think about how often we celebrate the Declaration of Independence every Fourth of July and think about Thomas Jefferson—his writing and all of the editing that then happened with his document after he wrote it. We sometimes lose track of a day in September when we can pause and think of that second document in our founding after the Declaration—the U.S. Constitution—that remains the foundation of every law that we still continue with today. We could not be more grateful for a stable foundation for our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I join my two colleagues who were just here and spoke while I was here—my friend from Montana and my friend from Oklahoma—to talk about, really, the uniqueness of the government we have and of the unbelievable coming together of ideas in Philadelphia in 1787. They were ideas, frankly, that nobody had ever thought of in quite the same way before, starting with the first three words. This was the only document that had ever been devised up until that time that had suggested that the source of government was the source of government that the Constitution recognizes immediately.

When the Magna Carta talked about the relationship between the King and the barons of England, that was even a big step in a new direction because, up until then, under monarchies, there was only one source of government, which was God. God's ordained, chosen Monarch was viewed by country, after country, after country as the way this should be done, and there would be a succession, and it would be understood. It had, really, nothing to do with you or me or anybody else. It was all some greater plan that was left up to somebody else.

The Articles of Confederation that Mr. LANKFORD mentioned was a weak form of government that just simply,

after a little more than a decade, had been proven not to work. It was just not a workable structure. Yet it looked to the States. It was sort of "we the States of the United States enter into this agreement as States."

Yet it was this brand new concept in the Constitution that was put on paper at least for the first time—that of "we the people." In 1787—in reality, when the Constitution was adopted and the government was formed in 1789—the people became the source of government. The people became the responsible party. The people became the party by which, if the government weren't doing what you wanted it to do, it was up to you to do something about it because the government was only there because of you.

Now, is "we the people" a totally inclusive, perfect document or was it even a perfect idea in 1787? Not at all. In fact, the Constitution goes on to read that we are doing this to form a more perfect union. It doesn't even suggest the forming of a perfect Union. It just suggests forming a more perfect Union with the understanding of a range of vision of what might happen. There were people who were advocating for women to be able to vote as Abigail Adams had advocated during the Revolution itself. There were people advocating that slavery be ended. There were many things that were evidenced in that room as part of the debate that didn't happen, but they didn't wait to have a perfect Union. They said they were going to form a more perfect Union, and you have to believe they assumed it would get more perfect as time went on.

Here we are 200-some years later. Is it perfect yet? No, but it is, hopefully, more perfect than it has been and is less perfect than it will be because we the people are going to come together in this Convention and then, later, adopt it in a bigger setting to form a more perfect Union. That more perfect Union would include ideas that nobody had ever thought about before.

If the people are forming the government, what kind of controls do you put on the government? Not too many controls.

I remember, with the Bicentennial of the Constitution, Warren Burger was the Chairman of the Bicentennial Commission and the Chief Justice of the United States. He said, when he was a boy, you measured the value of a horse by how little harness you could put it on and still get it to do the work you wanted done. You didn't totally handicap the horse by piling all kinds of harnesses and all kinds of reins and all kinds of bits. A valuable horse was a horse that didn't need to take all kinds of structure but had all the structure it needed. That is what the Constitution tried to put together, not a government that would overwhelm itself but a government that had enough to control itself.

They came up with this idea of a balance of power. As all of us would believe, they started describing the most



important part of the government in article I. That is why it was article I that set up the Congress—the House and the Senate. They then came up with an executive who would execute the will of the article I body—the body that decided how to spend the money and the body that would decide what laws could get on the President's desk and the body that had the ability, if the President didn't sign the law, to override the President's decision not to sign the law.

All of that was there in that balance of power. It was where the Congress had strengths, where the executive had strengths, and where even the Court comes in to serve often as a referee between the two. It is sometimes to tell the President what the President can do and what the Congress can't do. Sometimes it is just the opposite and says: No, you can't do this. You can appropriate the money, but you can't appropriate it conditionally. You can't appropriate the money and say, to get the money, the President has to do things that don't have anything to do with the appropriations process. We just want the President to behave differently. We can't do that, and the President shouldn't be able to do it either. The courts are often the group that decides that.

Again, in not having too many obligations in the Constitution, what does the Constitution say about the courts? It does not say a lot.

It reads there will be a Supreme Court and such other courts as the Congress decides are necessary. That is not a very complex structure. It doesn't say how many people are going to be on the Supreme Court. There have been different numbers over time. It doesn't say how many other courts there will be. Yet the courts are there, and the judges serve for life. Outside of the normal concerns that they might have that one of the other groups would decide whether they could continue to serve or not, that may be their greatest power—that they are there no matter what they decide unless their decisions are so extraordinary that somehow the other power decides to remove them.

So here we are. It is a living document. It is amendable. It is a living document through its amendments, not through its interpretation.

The Founders and those who believe the Constitution continues to serve a constitutional purpose never thought, well, we will decide later what the Founders would have thought that sentence meant. This has divided our country, by the way, for a while. Many people, along with me, think the Constitution means what it says it means and what you would have thought it would have meant in the context of the time. If you want to change that, there is a process to change it. The amendment process works beyond just the first 10 amendments and the other amendments that Senator LANKFORD talked about, and it is still there to do that.

Here we are, celebrating this unique moment when people came together with ideas that were put on paper and were approved. Even if they had been talked about before, they had never formed the basis for a government before. Yet here we are—well over 200 years beyond 1787 and the first year of the government, 1789. The Constitution has been the model for all kinds of constitutions by all kinds of countries. Interestingly, many of them have almost the same Constitution we have, but they have just not been able to figure out how to live with it or to let the balance of power or the power of people work.

Again, the most important part is that of the first three words—the most important in understanding the forming of a more perfect Union. It has not yet been accomplished and maybe never will be accomplished, but it always gives us a goal for things to be better than they have been. In our country, we have the opportunity to live under the Constitution, which provides a unique set of liberties and freedoms that others can only hope for.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

H.R. 2740

Mr. LEAHY. Mr. President, later today, we are going to vote on whether to invoke cloture on the motion to proceed to H.R. 2740, the House Labor, Health and Human Services, Education, Defense, State, Foreign Operations, and Energy and Water Development Appropriations Act. I must say I have to strongly urge Senators to vote no.

I am not urging a “no” vote because the House bills are not good bills. The underlying House bills are good bills. If we were going to vote just to consider these bills, that would be easy. I and practically everybody in this Chamber would vote yes, but that is not what we are doing.

Senator MCCONNELL has made it very clear that he will bring up H.R. 2740 not to vote on the bills that have been passed by the House of Representatives but for the consideration of the Senate's Defense appropriations bill, which was a partisan bill that was reported along party lines out of the Appropriations Committee. He is going to offer that as a substitute once we proceed to the underlying bills.

On top of taking a totally partisan bill as a substitute for legislation that could have easily passed, as part of the substitute, Leader MCCONNELL is going to offer the Energy and Water Appropriations bill as well as the State, Foreign Operations, and Labor-HHS and Education bills. Now, those last two bills have never been considered by the committee. They have not been voted on by the subcommittees, and they have not been voted on by the full committee. They were pulled from the committee markup last week because the Republicans were afraid to vote on amendments that would have received

the support of both Republicans and Democrats.

Is that how we operate? Just because things get complicated and difficult, do we just skip parts of the legislative process? Do we say, “Oh, my goodness gracious, I am afraid to have to vote on something either yes or no”? That is no way to proceed.

Not one Democrat on the Appropriations Committee voted for the Defense bill—not one—including me, and I have voted for more money for the Department of Defense than any Senator who is serving in this body today.

The way the Defense bill was written, it does nothing to prevent the President from stealing billions of dollars more from our troops to pay for his cynical campaign promise of building a gigantic wall across our southern border. He will steal this money from our troops and their families even though he promised us that Mexico would pay for it.

In fiscal year 2019 alone, the President has already raided \$6.1 billion from the Department of Defense's accounts for his border wall. He did that without having congressional approval. He first diverted \$2.5 billion from the fiscal year 2019 Defense Appropriations Act for the wall by using standard transfer authority. We provide this authority to the Department of Defense to ensure that the DOD has the flexibility it requires to meet the needs of the troops in an evolving threat environment. It is not intended to be used by the President as a piggy bank for a campaign promise or for a pet project that Congress has refused to support.

He took \$3.6 billion more from military construction projects for a southern border wall. This was the wall he gave his word that Mexico would pay for. He, instead, is taking the money from projects like military schools, childcare centers, and improved training facilities that would improve the lives of our troops and their families to pay for his wall. We cannot let that happen again.

I offered an amendment during committee markup of the Defense appropriations bill that would protect the money we appropriated for our troops by prohibiting the President from using it to build a border wall, but that amendment was defeated on a party-line vote.

Now the Republican leader accuses Democrats of not standing with the troops by voting against this bill, but it is exactly the opposite.

We are the ones saying we want funds that should go to support the troops and their families to go to them, and we should not allow the President to take the money from the troops and their families for the wall.

Taking that money is tantamount to telling military families: You may serve loyally, but we care more about a failed campaign promise—a wall in the middle of the desert that the President promised Mexico would pay for—than we do about providing schools and

daycare for their children or weapons training or a fire station. I am not going to sign up for that.

We have to stand up for the Constitution. The President has contorted the law beyond all recognition by raiding defense dollars for his wall. He has undone congressional funding decisions by fiat. If we let that go unanswered, we are surrendering Congress's constitutional power of the purse.

Last year, we were able to move appropriations bills on the floor because the leaders agreed that only bills that had bipartisan support would move forward. I commend my colleague, the senior Senator from Alabama, Senator SHELBY. We showed the right way to proceed then and it is the right way to proceed now. We passed those bills, but the package of bills before us today does not have such support.

I was hopeful that once we secured a bipartisan budget agreement, we would be on a bipartisan path to consider Senate appropriations bills that reflect the best of our country. Unfortunately, the Republican leadership started out the process on a partisan note by refusing to rein in the ability of the President to take the defense dollars needed to help our troops and using them to build his wall and by shortchanging the Labor-HHS-Education appropriations so they could put \$5 billion of it in the Homeland Security bill for the President's wall.

Now I wonder how many more of our tax dollars we are going to spend on this boondoggle. If you put it to a vote in this country, they would say: No more.

In the bipartisan budget agreement, nondefense funding was given a \$27 billion increase. That was roughly a 3-percent increase. If all things were equal, the Labor-HHS-Education appropriations bill, which is our largest domestic funding bill, should receive a 3-percent funding increase in fiscal year 2020, but the Republican bill only gives 1 percent, while the Department of Homeland Security receives a 7-percent increase to pay for the wall. That is not right.

The result is a bill put forward by the Republicans today that fails to cover even the annual cost of inflation in public health and Head Start, childcare, special education, education for the disadvantaged, veterans' training grants, and dozens of other programs.

So robbing from the funds that were meant for education, childcare, and healthcare programs that have a real positive impact on the lives of all American people to pay for President Trump's wall is just as unacceptable as robbing from these funds from our military. Members on our side of the aisle are not going to support that.

Last year, the President shut down much of the government for 35 days in a tweet tantrum over his wall. This strategy of border wall above all else, border wall above any interests of this country, has already failed once, and it will fail again.

The majority leader has said there is no education in the second kick of a mule. I agree, but now we find ourselves in this position again. We have been down this road. It was the President's failed strategy that led to the longest government shutdown in the history of our country just 9 months ago and cost Americans billions of dollars.

It was the President's failed strategy to hold the government of the American people hostage to pay for a wall that he gave his word Mexico would pay for.

There is a bipartisan path forward. We have bipartisan bills that have gone through the Appropriations Committee with overwhelming support of Republicans and Democrats. The majority leader ought to just bring those bills up while we sort out these other issues.

The Energy and Water Appropriations bill was reported out of committee last week on a unanimous vote; every Democrat, every Republican voted for it. Tomorrow the Appropriations Committee will consider the Agriculture appropriations bill and the Transportation, Housing and Urban Development appropriations bill.

I expect that most Democrats and most Republicans will vote for them, and we could bring these bills to the floor. Instead, we are forced today to vote cloture on a partisan defense appropriations bill, a partisan state-foreign operations bill, and a partisan labor-HHS-education bill, the last two of which were never even considered in committee.

The State-Foreign Operations bill continues the President's discriminatory Mexico City policy, which prohibits funding for private organizations that support family planning and reproductive health, and it caps funding for family planning at an arbitrarily and unacceptably low level. It eliminates all funding for the U.N. population fund. That is a fund that provides lifesaving assistance to women and girls in Yemen and dozens of other countries where USAID does not have programs.

For the past 30 years, I have been either chairman or ranking member for the State, Foreign Operations Subcommittee. That subcommittee has a long record of producing bipartisan bills. That was true when the majority leader, Senator MCCONNELL, was chairman, when former Senator Judd Gregg of New Hampshire was chairman, while Senator GRAHAM has been chairman, and during the years I was chairman. We were ready to mark up that bill last week, but because one Senator wanted to offer an amendment related to family planning—an amendment that had both Republican and Democratic support of a majority of members of the committee—the markup was canceled.

We were not allowed to vote on it. Rather than vote, the majority canceled the markup. What kind of process is this? What kind of democracy is that? We are better than this. We are

the 100 Members of the U.S. Senate—100 men and women—who represent 325 million Americans. That is an awesome responsibility.

Senators should not be afraid to vote. Senators should show courage, not hide behind procedural actions so they never have to take a position. That is not why people come to the U.S. Senate. That is not what is expected of the 100 people here to represent this great country.

So I would urge Members to vote no on the cloture motion. It is nothing more than a political stunt.

We have bipartisan bills with overwhelming support of Republicans and Democrats. Bring them up. Let's not waste time on show votes.

I will continue to work with my good friend Chairman SHELBY and the majority and Democratic leader to find a way forward, but let's not have show votes. Let's have real votes. Let's have all 100 of us stand up and say what we stand for.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I listened to some of the remarks of the distinguished Senator from Vermont and friend. I think we are both trying to find a path forward to move our appropriations bill, but we are not there yet.

This afternoon, I urge my colleagues to invoke cloture on the motion to proceed to H.R. 2740, the first package of appropriations bills sent over by the U.S. House of Representatives. This package includes the Defense; Energy and Water; Labor, HHS, and Education; and State-Foreign Operations appropriations bills.

My Democratic colleagues have said they are opposed to proceeding to this package because we must pass domestic spending bills before we pass the Defense bill, but this package before us right now does both. In fact, it accounts for more than 40 percent of domestic spending. As I said before, it mirrors the package sent to us by Speaker PELOSI and the Democratic-controlled House. So this excuse, I believe, for delaying consideration of this package doesn't hold water this afternoon. We need to move the process forward.

I want to make a few points about the Senate versions of these bills that we will bring up if we invoke cloture today.

Last week, the Appropriations Committee reported the Defense and Energy and Water bills. The Energy and Water bill, as Senator LEAHY has just remarked, garnered unanimous support. My Democratic colleagues similarly praised the bipartisan nature of the Defense bill. Yet they voted against it in the committee. They did so because the bill, as I understand it, from what they tell me, does not restrict the President's ability to transfer funds to secure our southern border.

The terms of the bipartisan budget deal governed the fiscal year 2020 appropriations process. That is why they



entered into this agreement. They were agreed to by Republican and Democratic leaders, all the way up to the President, the Speaker of the House, the majority leader, the minority leader, and so forth. Those terms expressly prohibit restrictions on the President's ability to transfer funds. It is plain as day.

Our Democratic colleagues may now regret having agreed to those terms, but that does not change the fact that they did agree to them, and we want to go by them.

Mr. President, I ask unanimous consent to place this term sheet into the RECORD.

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

BIPARTISAN BUDGET AGREEMENT FOR FISCAL YEARS 2020 AND 2021

1. The 2019 Bipartisan Budget Agreement for fiscal years 2020 and 2021 ("Agreement") is agreed to by the bipartisan leadership of Congress and the administration of Donald J. Trump. The bipartisan Congressional leadership and the administration agree to cooperate in the Agreement's implementation.

2. The Agreement modifies the discretionary spending caps imposed by the Budget Control Act ("BCA") for fiscal years 2020 and 2021 pursuant to the table below. The spending cap adjustments are intended to reflect the elimination of the BCA sequester for two years, plus a slight increase in spending for both defense and non-defense programs.

3. The parties agree to partially offset the Agreement's modifications to the discretionary spending caps legislation by extending the BCA mandatory sequester and customs user fees to achieve a total offset level of \$77.4 billion as scored by the Congressional Budget Office.

4. The debt limit will be suspended for two years, through July 31, 2021. No additional restrictions will be placed on the Secretary's extraordinary measures authorities. The debt limit suspension, spending cap adjustments, offsets, and any necessary procedural matters, will be included as part of a single piece of legislation.

5. Appropriations bills: Specific spending decisions shall be left to the members of the Appropriations Committees, with 302(b)s set through the regular process of the committees. Congressional leaders and the administration agree that, relative to the FY 2019 regular appropriations Acts, there will be no poison pills, additional new riders, additional CHIMPS, or other changes in policy or conventions that allow for higher spending levels, or any non-appropriations measures unless agreed to on a bipartisan basis by the four leaders with the approval of the President. Current transfer funding levels and authorities shall be maintained, and any modifications must be agreed to on a bipartisan basis by the four leaders with the approval of the President. Any emergency spending levels must be agreed to on a bipartisan basis by the four leaders with the approval of the President.

6. The agreement also establishes a new cap adjustment for FY 2020 to help ensure the necessary resources for the decennial Census are provided.

7. Senate Leaders agree that if a bill has been reported on a bipartisan basis from the Senate Appropriations Committee and is consistent with the BCA spending caps, and has the support of the Chairman and the Ranking Member, they will work together to minimize procedural delays. The Majority Leader will continue to consult with the

Democratic Leader to sequence bills in a bipartisan way, and acknowledges that bipartisan concurrence is required to expedite the consideration of any appropriations bill.

8. The President, Congressional leaders and the leadership of the Appropriations Committees shall work together to reach bicameral and bipartisan agreement on the orderly and timely consideration of FY 2020 appropriations bills to avoid a government shutdown, and a 12-bill omnibus. The President, Congressional leaders and the leadership of the Appropriations Committees shall also work together to reach bicameral and bipartisan agreement on the orderly and timely consideration of FY 2021 appropriations bills to avoid a government shutdown, and a 12-bill omnibus.

Mr. SHELBY. Lack of adherence to the terms of the budget deal also explains why we are unable to mark up the other two bills in this package: Labor, HHS, and Education and State-Foreign Operations.

Just like the Defense and Energy and Water bills, these bills were crafted in a bipartisan way. Yet some of my Democratic colleagues threatened to amend these bills with abortion-related poison pills.

Poison pills, as we all know—just like restrictions on transfer authority—are expressly—expressly—prohibited by the terms of the budget deal that we all agreed to just a few weeks ago. Again, both parties agreed to those terms.

Regardless, I am interested in moving the appropriations process forward, and I believe Senator LEAHY is too. I am interested in doing so consistent with the budget agreement we agreed to.

That is why the chairman of the Labor-HHS and Senate Foreign Operations Subcommittees, Senator BLUNT and Senator GRAHAM, have released the versions of these bills that the Appropriations Committee intended to consider last week.

Both bills were crafted with bipartisan input, and both are free of poison pills. We are proud of the work that went into those bills and want to be transparent about how we intend to proceed, but before we vote on cloture, I want to remind my colleagues of our shared success last year and our common interest in moving the process forward this year.

In fiscal year 2019—last year—we achieved more success in passing appropriations bills than we had done in 20 years. The linchpin of that success was an agreement between me and Senator LEAHY, the vice chairman of the committee, to ban poison pills from appropriation bills. Both sides upheld that agreement right here on the floor, and we funded 75 percent of the government on time.

That is the framework the bipartisan budget deal was modeled after so we could replicate what we did last year. The purpose of the budget agreement is to replicate the success we had last year, as I just said, to ensure that we do not revert to the dysfunctional appropriations process of years past. That is why it is so important that we

adhere to it now. I think the American people want us to do it and do it now.

It is all the more important considering what we are trying to fund with this package. It contains critical investments, not just in health, education and energy projects but in national security, our military.

I believe the situation unfolding in Saudi Arabia should serve as a grave reminder to all of us that we must set aside partisan politics and do our job to provide our military the resources it needs to keep America safe. It should also remind us that our main adversaries—China and Russia—never relent in their efforts to destabilize us anywhere in the world. That is why we must do our part to ensure that they fail. We cannot do that without stable funding for our military and for certainty for our soldiers.

Failure to prioritize funding for our national defense would undermine the Pentagon's planning process, hinder our commanders' ability to counter threats to America, and threaten the safety of our Nation. That is unacceptable.

We have the opportunity today to move forward together to bolster our national security. We have a framework for success that we have used last year. Let's use it now.

I hope my Democratic colleagues will recommit to the terms of the budget deal that they agreed to in spirit and in fact. I hope they will set aside partisan politics and do right by our military, the numerous agencies that would receive funding in this package, and our constituents—the American people—and let us get on with the business of the people.

Again, this afternoon I urge my colleagues to vote yes on cloture.

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 motion to proceed to H.R. 2740, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes.

Mitch McConnell, Roger F. Wicker, John Cornyn, Richard C. Shelby, John Barrasso, Johnny Isakson, Richard Burr, Thom Tillis, Mike Rounds, Jerry Moran, Mike Crapo, James E. Risch, John Boozman, Roy Blunt, John Thune, David Perdue, 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 motion to proceed to H.R. 2740, a bill making appropriations for the Departments of Labor, Health and Human Services,

and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 292 Leg.]

#### YEAS—51

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

#### NAYS—44

Baldwin	Hassan	Rosen
Bennet	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Leahy	Smith
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	McConnell	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Paul	Wyden
Harris	Reed	

#### NOT VOTING—5

Booker	Roberts	Sanders
Klobuchar	Rounds	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44.

Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

The majority leader.

#### MOTION TO RECONSIDER THE VOTE

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from Tennessee.

#### CONSTITUTION DAY

Mrs. BLACKBURN. Mr. President, one of the occasions that we celebrate every year is Constitution Day, and that actually took place yesterday. It was so exciting to visit with students, talk to constituents, and celebrate Constitution Day and the fact that we have this document.

Our Constitution is a disarmingly short document to read. When you sit down to read it, it doesn't really take a lot of time to digest it. When you are done with it, you might easily walk away thinking: That wasn't that hard after all. It is pretty simple, right? We all know that is not necessarily the case. It is easy to understand, but it is so important that we look at it in its entirety.

There is an entire body of law dedicated to tearing apart that Constitution. It is mind-boggling when you think about that. We have this document. It puts this foundation in place, and there is law that would rip it apart. There are those who would rip it apart, who are looking for answers to problems our Founders never dreamed of.

There has been a lot of talk lately concerning the Founders and how their backgrounds and status in society informed the document that eventually became what is known as the Constitution of the United States. But I think it is even more important to think of the Founders as human beings who came to the Constitutional Convention harboring ambitions and goals equal in gravity to our present passions—their desire to have a United States of America.

They wanted freedom from their oppressors on the other side of the world and from a system of government that would inevitably lead to oppression. They said: No more. Let's write this into the fiber of this Nation—freedom; freedom from our oppressors. They wanted to reforge the chains that broke during the Revolution into ties that would bind the several States together under a common goal—bound together, united in purpose and in freedom. After years of blood and uncertainty, they desperately wanted control over their own lives and over their futures, individual freedom—freedom to choose.

Because they were human, yes, they wanted power, and so they argued. They argued about everything. They argued about States' rights. They argued about a nation having a debt. They argued about the Confederacy and compacts versus the Federalists' vision of "a more perfect Union." But through all that, the Founders still managed to create a document that set forth a new standard of government—a government of the people, by the people, and for the people. It is a form of governance that is responsible not to the government but is responsible to the people.

They gave us a framework, but there are a great many things that they declined to set in stone. They made a conscious choice, which is why we continually find ourselves engaging in philosophical combat. Unfortunately, as part of that battle, many of my friends on the other side of the aisle have gone so far as to undermine the very institutions that define this country.

Supreme Court confirmations have turned into a circus. Policy debates devolve into personal attacks. Distinguishing between news and opinion is all but impossible on many days of the week. Many of my friends on the other side of the aisle like to describe the Constitution as a living document, but I don't really follow that line of thinking. Describing our Constitution as a living document is really just a prelude to changing the rules to fit the circumstances, and, in my opinion, that is a dangerous concept.

As our Founders signed on the dotted line, the rest of the world looked toward America's shores with skepticism, and, at times, derision. They didn't understand how a government by the people and for the people could possibly fit into the existing mold.

After over 200 years of progress, there are still those who remain skeptical of the country that broke the mold and transformed from a struggling cluster of Colonies into a shining city on a hill.

I urge all of my colleagues to respect the Constitution. It is not an intellectual straitjacket. Not once has the sum of its contents acted as a barrier to progress. The Constitution is not the source of the freedoms it guarantees, but it does state definitively that its execution secured the blessings of liberty to those who bore witness to America's beginnings and to those who would come after. It is a legacy worth fighting for. Happy Constitution Day.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 1790.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the bill (S. 1790), entitled "An Act 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," and ask for a conference with the Senate on the disagreeing votes of the two Houses thereon.

#### COMPOUND MOTION

Mr. MCCONNELL. Mr. President, I move that the Senate disagree to the House amendment, agree to the request of the House for conference, and authorize the Chair to appoint conferees on the part of the Senate.