

that we must complete our work, and I believe that most of the Democrats want to get this done.

Foremost, we should certainly complete our work on the Defense bill. Funding America's military should be our priority. It should come first here in the Senate. Our men and women in uniform don't get to hit the pause button, as we do. They don't get to shirk their duties, and neither does Congress. We cannot afford additional delay. Our service men and women—those troops whom we have entrusted to keep us safe and protect our democracy, our country, and our allies—cannot afford additional delay. We must not kick the can down the road when it comes to America's security and America's military.

Let's come together. We have done this. Senator LEAHY and I worked together last year, and for the first time in years, we met the deadline. We can do this again. We need the green light here. We need to provide the resources that are necessary to maintain the greatest fighting force the world has ever known. We should never be second to anybody else. Let's show our troops that we can actually get our work done here, that we actually care about them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. GRASSLEY. Mr. President, I yield back all time.

I ask unanimous consent that the vote start now.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### 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 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 Calendar No. 140, 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.

Richard C. Shelby, Mike Crapo, John Cornyn, Roy Blunt, Thom Tillis, Shelley Moore Capito, Roger F. Wicker, Lisa Murkowski, Mike Rounds, Pat Roberts, John Boozman, Marco Rubio, Rick Scott, John Barrasso, Kevin Cramer, Richard Burr, Mitch McConnell.

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, an act 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 bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Kansas (Mr. MORAN).

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

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), 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 51, nays 41, as follows:

[Rollcall Vote No. 342 Leg.]

#### YEAS—51

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

#### NAYS—41

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

#### NOT VOTING—8

Bennet	Isakson	Sanders
Booker	Klobuchar	Warren
Harris	Moran	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 41. Three-fifths of the Senators having not voted in the affirmative, the motion is not agreed to.

The majority leader.

#### MOTION TO RECONSIDER

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

The PRESIDING OFFICER. The motion is entered.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 355.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Austin Tapp, of Kentucky, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, there is a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 David Austin Tapp, of Kentucky, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Tim Scott, Roger F. Wicker, John Thune, Mike Rounds, John Cornyn, Cindy Hyde-Smith, Mike Braun, Richard Burr, Thom Tillis, John Boozman, John Hoeven, David Perdue, Kevin Cramer, John Barrasso, Michael B. Enzi, Chuck Grassley, Mitch McConnell.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 463.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Danielle J. Hunsaker, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Danielle J. Hunsaker, of Oregon, to be United States Circuit Judge for the Ninth Circuit.

John Thune, Thom Tillis, Chuck Grassley, Mike Crapo, James E. Risch, Cindy Hyde-Smith, Mike Rounds, Lindsey Graham, Shelley Moore Capito, John Boozman, Tom Cotton, John Cornyn, Joni Ernst, Roy Blunt, Roger F. Wicker, Jerry Moran, Mitch McConnell.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 464.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of William Joseph Nardini, of Connecticut, to be United States Circuit Judge for the Second Circuit.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 William Joseph Nardini, of Connecticut, to be United States Circuit Judge for the Second Circuit.

John Thune, Thom Tillis, Chuck Grassley, Mike Crapo, James E. Risch, Cindy Hyde-Smith, Mike Rounds, Lindsey Graham, Mitch McConnell, John Boozman, Tom Cotton, John Cornyn, Joni Ernst, Roy Blunt, Roger F. Wicker, Jerry Moran, Shelley Moore Capito.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 458.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lee Philip Rudofsky, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Lee Philip Rudofsky, of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Richard C. Shelby, Mike Crapo, John Cornyn, Roy Blunt, Thom Tillis, Shelley Moore Capito, Roger F. Wicker, Lisa Murkowski, Mike Rounds, Pat Roberts, John Boozman, Marco Rubio, Rick Scott, John Barrasso, Kevin Cramer, Richard Burr, Mitch McConnell.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 365.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jennifer Philpott Wilson, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Jennifer Philpott Wilson, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Mitch McConnell, John Boozman, John Cornyn, Mike Crapo, Pat Roberts, Mike Rounds, Thom Tillis, Roger F. Wicker, Cindy Hyde-Smith, Kevin Cramer, John Hoeven, Rob Portman, Dan Sullivan, Chuck Grassley, Richard Burr, John Thune, Roy Blunt.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the mandatory quorum calls for the cloture motions be waived.

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

The PRESIDING OFFICER. The Senator from Arkansas.

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. COTTON. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

● Ms. HARRIS. Mr. President, on October 30, 2019, I was not present for the vote on S.J. Res. 52, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of the Treasury and the Secretary of Health and Human Services relating to "State Relief and Empowerment Waivers." If I were present, I would have voted yes.●

#### VOTE EXPLANATION

Mr. BRAUN. Mr. President, today I voted against amendment No. 1141. I would like to take an opportunity to explain my position.

In September 2019, the Treasury Department reported, in accordance with Federal laws, that the highway trust fund's mass transit account had an unfunded authorization of \$27 billion but only estimated \$26 billion in revenue to be collected over the next 4 years. In other words, the account was expected to take on more than \$1 billion in obligations than it would be able to collect in revenue.

Instead of correcting the problem, the Jones amendment ignored it, preventing Treasury from implementing the law to bring the mass transit account back into balance.

Since I joined this body in January, I have repeatedly noted my concern for our nearly \$1 trillion annual budget deficit and our more than \$22 trillion