

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

### FARM BILL

Mr. BOOZMAN. Mr. President, I rise today to applaud my colleagues for coming together in a bipartisan fashion to pass the farm bill conference report.

There is much to be excited about in the final version of this 5-year reauthorization. First and foremost, the farm bill will bring much needed certainty and predictability to farmers and ranchers over the next 5 years. This is especially important given the intense pressure our agriculture producers are facing.

If you look at the numbers across the Nation, net farm income is approximately half of what it was when we passed the last farm bill. Farm bankruptcies are up by 39 percent since 2014; financing has become more expensive; commodity prices have plummeted; input costs are rising; and the trade outlook is volatile and uncertain, to say the least.

Farmers across the country—regardless of where they call home or which crops they grow—are hurting. The farm bill that Congress approved last week, delivers meaningful and real relief for our farmers and ranchers in these very difficult times. It is the big bill for my home State of Arkansas as well as across the country.

Agriculture is a driving force of the Natural State's economy, adding around \$16 billion to our economy every year and accounting for approximately one in every six jobs. That is why agriculture advocacy groups in Arkansas were very excited when we passed the final version.

The Arkansas Farm Bureau said it was "pleased that Congress has recognized how important the new farm bill is to the hard-working farmers and ranchers of this country" and expressed gratitude that we came together "to pass this critical legislation before the new year."

The Agricultural Council of Arkansas said it "cannot stress enough the importance of the farm bill and the need for it among Arkansas farmers." The council went on to add "a farm bill with meaningful support is critical in preventing significant harm to Arkansas farms."

The Arkansas Rice Federation said the farm bill will provide "certainty in such a variable agricultural climate."

Along with strengthening key risk management tools for our farmers, the farm bill also helps our rural communities by authorizing key economic development and job creation programs. It helps rural Arkansans with everything from combating the opioid crisis, to home financing, to high-speed internet access.

Sending this bill to the President is about as important as it gets for my State. It would not have been as beneficial to Arkansas farmers and ranchers without the diligent efforts of the

conference committee leadership who worked to ensure that the harmful, arbitrary policy changes were excluded from the final conference report. As a result of these efforts, family farms are protected from additional regulations and unnecessary paperwork.

I commend Chairmen ROBERTS and CONWAY, as well as Ranking Members STABENOW and PETERSON, for their commitment to make this bill fair and equitable to the diverse needs of producers across all regions of the country.

Again, as always, special thanks to the staffs who do so much hard work around here to get these things done. It was a heavy lift. They worked hard to ensure that we would get this done before adjourning this Congress.

I would also like to thank them for their willingness to include provisions that I advocated for in the conference report. The elimination of all State performance bonuses in SNAP is something I pushed for in the last farm bill. I am pleased that this time we got it included. The Federal Government partners with States to administer SNAP, but in order to best serve program recipients, the States must be good partners. Unfortunately, States have exaggerated their performance to receive these bonuses. This policy change saves \$48 million per year. Is a smart reform that we have made in this bill.

I was particularly proud that another provision, championed by my friend Senator HEITKAMP and by me, was included. It would allow trade promotion funding for agricultural products to be used in Cuba. This is a big win for our farmers and ranchers who have consistently been working to open up more access to the Cuban market.

Cuba imports approximately 80 percent of its food, and our farmers and ranchers produce the highest quality, lowest cost, and safest food in the world.

Additionally, I welcomed the inclusion of my provision that clarifies the definition of livestock to include live fish for purposes of the Department of Transportation's hours of service regulations, as well as reauthorization of the ATTRA Program, which does so much to help our veterans who want to get started in agriculture, and reauthorization of the Delta Regional Authority.

The farm bill conference report includes a true investment in conservation to help the waterfowl in Arkansas, and I was excited to see the Century Farms Act that Senator MURPHY and I authored was also a part of the package.

With approval of the conference report last week, we are just one step away from the farm bill becoming law. President Trump has indicated his support of a farm bill that will ensure certainty and predictability for producers. We are sending one his way, and I look forward to it becoming law.

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

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

Will the Senator suspend a moment?

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### SAVE OUR SEAS ACT OF 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 756, which the clerk will report.

The bill clerk read as follows:

House message to accompany S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the bill, with McConnell (for Grassley) amendment No. 4108, to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison.

Division I of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division II of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division III of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

### TRIBUTE TO LYNN JENKINS

Mr. MORAN. Mr. President, I am on the floor this afternoon to honor a friend, a colleague, and the senior Representative from Kansas, Congresswoman LYNN JENKINS, who has gracefully and honorably served Kansas for two decades in both our State and here in the Federal Government.

While I am going to talk a little bit about LYNN's history and past, none of this should be taken just as something that is being read in her honor. She is a very special person who has served Kansas so well, and she brings such tremendous attributes to public service. We will miss her greatly, and Kansans will have benefited from her service, but she will also remain a role model for many who look for ways to make America and to make our State more prosperous, with a brighter future.

Congresswoman JENKINS grew up on a farm outside of Holton, KS—a small town just about 100 miles away from Kansas City, just north of Topeka, where she learned the value of hard work and perseverance. You cannot meet somebody who grew up working on a dairy farm without determining that they have those attributes, and LYNN has exemplified that in every endeavor.

She was taught that what needed to be done was something she would do. When you do it, you do it right, and every day you need to step up and do your job to make certain things get done. That is a dairy farmer, and that is LYNN JENKINS as a Member of the U.S. Congress.

Before becoming a Member of Congress and before being elected in Kansas, LYNN was a CPA—a certified public accountant. She recognized a real need for financial reform as a result of that experience, and she used her skills as a CPA to benefit Kansas.

In 2003, LYNN was elected the 37th Kansas State treasurer. LYNN then took that same tax and financial experience to Washington, DC, where she was elected the Congresswoman from the Second District of our State.

After her election to the U.S. House of Representatives, LYNN quickly rose to become one of the highest ranking Members of Congress, serving today as the vice chair of the House Republican caucus; she served in that capacity for 4 years. She is a senior member of the House Ways and Means Committee.

It goes without saying that in addition to her background as a CPA, her intellect, and her service-oriented mindset, LYNN is one of the most beloved Kansans we have. We meet with many of the same groups here in Kansas and in Washington, DC, and I know that visiting with LYNN is, without a doubt, one of the highlights for Kansans who come to Washington, DC.

LYNN also understands that while it may seem that this environment is a loud and boisterous one and that making your appearances on national TV is an effective way of serving as a Member of Congress, she knows you can really serve your country, and especially Kansas, by rolling up your sleeves and just getting to work. It has been a privilege to witness this firsthand and to work on a number of issues with LYNN over the years. Together we jointly introduced the fair tax legislation, we worked together to protect rural healthcare in Kansas, we made certain our veterans received the benefits they deserve, and we are both chairs of our respective Hunger Caucuses. We are both lucky to have Bob Dole as a mentor, and we have made it a priority to carry on his legacy to end hunger in America and around the globe.

LYNN was also a champion of the Mental Health First Aid Act, modernizing section 529 college savings plans, and was an integral part of passing major tax legislation for the first time in 30 years.

LYNN and I often have shared flights back and forth from Kansas to Washington, DC. She has, like I have, chosen to remain at home in Kansas, and we are often on the same airplane. I could always count on LYNN to have the conversation of what was going on in the House and for her to explain to me what should be going on in the Senate that wasn't. We were able to take care of our constituents' business by being together on that flight to Washington, DC, and on the flight home.

It also goes without saying that LYNN will be sorely missed as a leader and as a sensible voice in Congress and in our Kansas delegation. Her role will be so difficult to fill, but I know she is excited about spending more time with her kids, Haley and Hayden, in that place we so proudly call home, the State of Kansas.

LYNN, I thank you for your many years of service and, on behalf of all Kansans, I want you to know we appreciate, respect, and admire you.

LYNN, thank you for your friendship, advice, and your realness. I wish you the best of luck and countless M&Ms in your retirement from Congress, and in everything that comes next, may you have success and may you have joy. Please know you will be missed, and we look forward to spending time together as you tell me, still, what I should be doing in the U.S. Senate.

#### TRIBUTE TO KEVIN YODER

Madam President, I want to speak this afternoon about another retirement from Kansas, Congressman KEVIN YODER, who has served the Third Congressional District of Kansas for four terms. He is a solid colleague and a good friend.

I met KEVIN when he was an intern in our office when I was a Member of the House of Representatives. I remember his tenacity, his spirit, and his passion for serving Kansans, which he continued to feel long after he was an intern in the Moran world.

KEVIN went on to serve his fellow students as student body president at the University of Kansas. He earned a law degree from the University of Kansas School of Law. He then served the Overland Park community in the State House of Representatives, and he became chairman of the House Appropriations Committee.

As a Member of the U.S. House of Representatives, KEVIN also served as a member of the Appropriations Committee, and there he was, and has been, a steward of Kansas taxpayers' hard-earned dollars.

As a member of the Appropriations Committee, KEVIN has made biomedical funding a top priority. I have enjoyed working with him as we advocated for the National Institutes of Health and for the University of Kansas Cancer Center, which was designated as a National Cancer Institute in 2012. KEVIN served as a real leader in Congress in advocating for that designation, and it is a point of pride for our State and the hope of many in our region.

He also serves as chairman of the House Appropriations Subcommittee on Homeland Security, where he has worked to help protect our borders and our homeland.

KEVIN has been a steady leader in his support for Head Start, understanding that education uniquely unlocks opportunity, and he has worked to give underprivileged children a path to success at an early age—an opportunity they unlikely would have otherwise.

Understanding the complex and outdated nature of our country's immigration laws, KEVIN has championed legislation that could garner the support of both Republicans and Democrats that would end per-country caps on employment-based green cards, clearing the backlog of Indian and Chinese immigrant green card applications, some of which have been, unfortunately, sitting around untouched on a wait list for decades.

KEVIN also grew up in a small town in Kansas and was a farm kid, and he also learned the value of hard work and the issue of being responsible for the consequences of what you do. KEVIN will be greatly missed in our Kansas delegation and here in Washington, DC, and his shoes will be hard to fill.

KEVIN, I hope you are able to spend some well-deserved time with Brook and your girls. I will miss our flights back and forth between Kansas in which you were showing me photos on almost every trip of your children. I wish the very best for KEVIN, for Brook, his wife, and his daughters as they enter this new chapter.

I also pay special tribute to Brook Yoder for her work side-by-side with her husband. They, together as a team, made a tremendous difference in Kansas and in Washington, DC.

So on behalf of all Kansans, KEVIN, I say thank you for your dedicated service to our State. Godspeed.

The PRESIDING OFFICER (Mrs. ERNST). The majority whip.

#### CRIMINAL JUSTICE REFORM

Mr. CORNYN. Madam President, at 5:30, we will be voting on the first procedural step to take up criminal justice reform legislation that started back in 2013 when I introduced a bill we called Federal prison reform. This legislation is based on prison reform, but it has taken on some additional attributes relative to how we sentence and how judges sentence people convicted of various crimes.

Let me explain a little bit about why this should be a priority for the Senate and for the Congress and for the country. We know the cycle of crime is all too common. People commit crimes. They serve time in prison. They get out of prison. They commit another crime. They serve time again in prison. They are released.

A few years ago, this is what one young man in Houston said when he was talking about his own experience: He called himself a "frequent flyer"—somebody caught in that revolving door of prison and crime.

In Texas, in 2007, or thereabouts, we had some farsighted visionary leaders, actually, who decided instead of just being tough on crime, which Texas has always had a reputation for, we needed to be smart on crime too. A little more than a decade ago, Texas prisons were bursting at the seams. We had more people incarcerated in Texas prisons than any State in the Nation, and tragically we also had high recidivism rates. So it was obvious we were doing something wrong, and we needed to up our game.

The Legislative Budget Board in our State estimated that in the next 5 years, Texas would need as many as 17,000 new prison beds to house the growing inmate population. So two options became clear: build more costly prisons with the same tragic results or fix the system, and we chose the latter.

I would say, some of our colleagues and some of the critics of the underlying bill say: Well, the best way to keep communities safe is to keep criminals in prison. There are some people, sadly, who will never take advantage of the opportunity to transform their lives through faith-based programs, deal with their drug and alcohol addiction, learn a skill, get a GED; in other words, there are some people, unfortunately, we can't save, but there are others who understand they have made a mistake and paid their debt to society and want to turn their lives around. Those are the type of people this criminal justice reform bill speaks to.

In the beginning in my State, the decision was largely driven by cost. The estimated pricetag to build new prisons exceeded \$2 billion. You can imagine what that does to a State's budget, but instead of leaving taxpayers with the bill and just moving on, a visionary group of State legislators decided to dive further into the problem to try to understand it better and propose cost-effective ways to fix it. These fixes came in a number of forms which, looking back on it now, seem pretty obvious, pretty intuitive but, at the time, really was revolutionary.

First were improvements in our parole system, which means that once people got out of prison, people were then supervised while out of prison to make sure they met the conditions of their parole. They didn't get involved with the same bad company that helped them get in trouble in the first place, and they didn't start using drugs again, and they kept fully employed.

So this parole supervision targeted 10 percent fewer revocations and graduated sanctions for small rules violations such as missed meetings. That is particularly important because one of the first indications that somebody who is on parole is in trouble is when they don't show up for their meeting with their parole officer. In the past, that was just pretty much blown off until those missed meetings began to accumulate, and then, ultimately, that individual found themselves arrested,

back in jail, and ultimately back in prison. So rather than letting these small infractions pile up, eventually sending the person back to prison, each misstep was dealt with swiftly and surely.

In 2005, \$55 million was appropriated to Texas probation departments to make improvements in how we supervise people who had once been in prison, with most of the funds going toward reducing caseloads. In other words, parole officers, probation officers, if they have to handle so many cases, they can't give them the individual attention they need and that the formerly incarcerated individual will benefit from. That brought the number of cases down from nearly 150 in some areas to 110 probationers per officer. This allowed for closer supervision and constant application of sanctions when called for.

The results were pretty dramatic. In 2005, our State was paroling 21,000 prisoners, 11,000 of whom returned to prison after committing other crimes. So that means a little more than 50 percent were eventually going back to prison. A decade later, putting in place these reforms, the State paroled 28,000 prisoners, and about 4,500 came back—or only 16 percent. So we went from about half of the people in prison being paroled without much supervision and much help to only 16 percent because of these reforms.

These reforms, as I said at the outset, may not look so obvious—and it seems so intuitive that it seems clear to us today—but at the time, it was pretty groundbreaking.

As we all know, for many politicians, one of their biggest fears when it comes to their next election is being accused of being soft on crime, but, again, this is not about being tough on crime or soft on crime, this is about being smart on crime and getting the best results.

The decline in revocations led to the savings of \$119 million for Texas taxpayers—more than double the initial investment in these programs.

Second were improvements to prison alternatives for low-level, nonviolent offenders. Judges and prosecutors and corrections officials were frustrated by the number of these individuals who kept ending up right back where they started, with no real change in their trajectory and certainly no more hope for their future. So the State started to provide funding to increase access to things like substance abuse treatment, drug courts, and mental illness treatment.

Again, the reason why people end up in prison often has very little to do with their desire to live a life of crime; many of them feed their addiction by theft and other crimes. People who are mentally ill who go to jail or prison, without a diagnosis in treatment, don't get any better, and when they get let out of jail and prison, they just go back deteriorating until they become a danger to themselves and others.

In addition, mandatory prerelease programs were expanded to reduce the backlog of inmates waiting to complete these requirements. In other words, there were a lot more people who wanted to go through these programs because they recognized the benefit to themselves and their families, but they just simply couldn't get into the programs because there weren't enough slots.

For example, the expansion of a drug treatment plan brought down wait time from 1 year to 4 months. If you are somebody with a drug problem, and you are told: "We don't have room for you. Come back in a year," that can be, obviously, discouraging and not result in getting them the help they need.

Moving the wait time for drug treatment down from 1 year to 4 months moved two-thirds of the waitlist into treatment, after which they were released, only to see a more hopeful and better outcome.

In Texas, the model worked. Not only did we avoid building new prisons, we have actually closed eight prisons in Texas. Again, this sounds a little shocking if you are from other parts of the country where you hear about our tough-on-crime reputation, but because of these reforms, we were actually able to close eight prisons because they were no longer needed. We quickly saw a reduction in both incarceration and crime rates by double digits at the same time.

To me, this is the essence of criminal justice reform. There are some who say: We need to do criminal justice reform because, well, we simply imprison too many people. There are others who say: Well, we imprison people for offenses that are disproportionate to what they have done. To me, the essence of criminal justice reform is reducing the crime rate—in other words, increasing and improving public safety.

Other States took notice of what was happening and started to do the same. Georgia, Rhode Island, and North Carolina quickly followed suit, and we have seen several other States across the United States adopt similar reforms.

When I say we saw a reduction in both incarceration and crime rates, let me give a couple of numbers.

From 2005 to 2016, Texas's FBI index crime plummeted by more than 34 percent. In the same period, the incarceration rate dropped 23 percent. Those are pretty shocking and surprising numbers. The crime rate went down 34 percent, and the incarceration rate dropped 23 percent. You would think the opposite would be true—that with incarceration rates going down, the crime rate would go up—but because of these visionary programs and reforms, they simply worked in tandem to both reduce the incarceration rate and improve public safety at the same time.

It is clear now, based on experience, that these reforms and outcomes are real. I have been working with my colleagues in the Senate Judiciary Committee since 2013 to try to bring these

reforms now to the national level. The FIRST STEP Act is our opportunity to do just that this week in the Senate.

Thanks to the primary sponsors of the FIRST STEP Act—the Senator from Illinois, who has joined us here in the Chamber, the chairman of the Judiciary Committee, Senator GRASSLEY, MIKE LEE, PAT LEAHY, and others who have worked on this bill. SHELDON WHITEHOUSE and I worked primarily on the prison reform bill.

The current bill has undergone some major improvements over the last few weeks, which I am very proud of. The previous version of this legislation had a number of very positive attributes. In fact, more than three-quarters of the bill was based on the CORRECTIONS Act that Senator WHITEHOUSE and I introduced in 2014, which is the prison reform component of the legislation. But the remainder—the sentencing elements in the bill—was more controversial, and many of my concerns were shared by members of the law enforcement community.

As I was gauging where Members stood on the bill, it was clear that many could not support the old version of the bill and needed the primary sponsors of the bill—whom I mentioned a moment ago—to work with them to try to make it more acceptable to law enforcement, which was going to send a signal to many other Senators about whether they should get behind the bill.

We have all learned how to get things done here in the Senate, and that is not to just point out the problems with legislation but to listen and work together to find solutions, and that is exactly what we did. We spent a lot of time talking to national law enforcement organizations and those in Texas. I know we all value the input of our sheriffs, police chiefs, and other law enforcement professionals, and we tried to work with them to figure out how we could make this bill stronger. I listened to feedback from our Nation's police officers and sheriffs, and we all got to work. We had meetings, we negotiated, and we compromised with colleagues on both sides of the aisle, as well as friends across the Capitol in the House.

We also worked with the White House, whom we have all stayed in constant contact with on this issue since the Trump administration took office nearly 2 years ago. Jared Kushner, the President's son-in-law, has been relentless in his pursuit of getting this criminal justice reform bill done, and I know each of us who has been involved in this legislation has talked to him almost on a daily basis, sometimes many times in a given day.

This bill is the product of those negotiations and those changes, and I am not the only one who is happy with the result. Since these improvements have been made, the bill has been endorsed by a number of important groups, including the National Association of Counties, the Texas Municipal Police

Association, the Fraternal Order of Police, and the Council of State Governments. I appreciate the dedication and hard work of our colleagues who worked on this to get the bill to where it is today.

Before tonight's cloture vote, I want to correct some misconceptions floating around about what this bill will and will not do.

There are some who, for example, say that this legislation will put violent criminals and sex offenders back on the streets, which is completely false. Let me say that again because I think it bears repeating. This bill will not allow dangerous, violent criminals to be released early. That is pure fiction.

Not everyone is eligible to earn the credits that lead to early release based on their participation in these programs which I talked about a moment ago. This bill specifically lists 48 offenses that disqualify offenders from earning time credits, including crimes such as murder, specified assault, carjacking that results in injury or death, and unlawful possession or use of a firearm by violent criminals and drug traffickers.

Simply put, we use the most modern social science evaluation tools to find out who is at low risk of reoffending. They are the ones who get the benefit of these programs because we think these are the ones who are most likely to have a good outcome and not end up back in prison. We have disqualified violent offenders, including anybody who either used or displayed or happened to be carrying a firearm during the course of committing their offense.

Those who have not committed one of those crimes aren't automatically eligible. In fact, nobody is automatically eligible for the benefits of this program. As I said, they have to be evaluated to be at minimum or low recidivism risk. That decision isn't made by Congress; it is made by the experienced law enforcement professionals and wardens in the Federal Bureau of Prisons who work with these men and women every day.

It is important that we look at people who are at low risk of recidivism and low risk to public safety in the community because what we can do is use the resources not to keep people like that behind bars unnecessarily but to focus on the truly violent criminals who are not likely to be rehabilitated because, frankly, they don't want to be rehabilitated. Focusing on the most dangerous criminals and keeping them behind bars, while providing relief to those who earned that time credit, just makes common sense.

Some people are falsely claiming that the FIRST STEP Act will retroactively release illegal immigrants and top-level drug traffickers by increasing the good time credit by 7 days a year. Again, that is simply not true. All the bill does is clarify Congress's original intent when it comes to good time credit.

Good time credit is different from the earned credit for participating in these

various programs. But you can imagine how important this is to the safety of the jailers, wardens, and public law enforcement officials in the prisons because it gives inmates hope that if they lead exemplary lives while in prison, they have greater hope of earning good time credit and getting out earlier.

All this does is clarifies Congress's original intent that 54 days of good time credit be available rather than the 47 days that the Bureau of Prisons had interpreted under previous law that was more ambiguous. So that is not a change to what Congress intended but merely a clarification of preexisting congressional intent.

In addition, some of the bill's detractors are claiming it will allow gang members and high-risk inmates to be transferred to lower security prisons in order to be closer to their homes. This, too, is false. Gang members and high-risk inmates will not be transferred to lower security prisons under this bill. While the bill does call for inmates to be transferred to a prison within 500 miles of their release residence, that only applies if there are no security concerns and is subject to availability of beds and other conditions.

For example, a member of the dangerous MS-13 gang is held in maximum security over 500 miles from their release residence. There happens to be a minimum-security prison within 500 miles of their release residence. They would not be transferred. We simply don't transfer violent criminals to medium-security prisons because they happen to be within 500 miles of their residence.

There has been a lot of mythology, misunderstanding, and misrepresentation of what is in the bill. The goal of this bill is not to release broad swaths of criminals—in fact, it is just the opposite. This legislation allows prisons to help criminals transform their lives, if they are willing to take the steps and responsibility to do so, so that we are not perpetuating the cycle of crime that continues to plague communities across the country and to drain taxpayer dollars in the process and damage public safety.

I thank all of our colleagues who have worked so hard on this legislation. I think one of the most important attributes of a legislator—certainly of a Senator—is to listen to our constituents, listen to the feedback from our Members, and help build a better bill that will garner significantly more support than it otherwise would have had. I am confident that the Senate will pass this bill, and we can soon send it to the President's desk for his signature.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT SHUTDOWN

Mr. SCHUMER. Madam President, on another subject, we are 5 days away from a lapse in appropriations, and President Trump still doesn't have a

plan to keep the government open. In fact, the only indication he has given is that he wants a government shutdown.

At the moment, the situation should be clear to everyone: President Trump does not have the votes for his wall. He certainly doesn't have the votes in the Senate, and it doesn't seem he has the votes even in the House, where he needs only Republican votes.

Tellingly, the House is on recess until Wednesday night—just 2 days before the Trump shutdown would start. It is because the House leadership has no idea what to do, where the votes are, or where the people are. Many of them don't want to come back. Everyone knows the situation. Even with a Republican Congress, no threat or temper tantrum will get the President his wall.

On the other hand, Democrats are all together. We have given a proposal to President Trump. We have given two alternatives to President Trump that could easily pass both the House and the Senate. We could pass the six bipartisan appropriations bills and a 1-year CR on homeland security, or we could pass a 1-year CR for all of the remaining Agencies. President Trump should support one of these options and spare innocent, hard-working Americans the pain of an unnecessary Trump shutdown. His temper tantrum will get him a shutdown but will not get him a wall. It is futile.

Unfortunately, since our meeting last Tuesday, Leader PELOSI and I have still not heard from the White House whether they will accept either of these two options, nor have we even heard from our Republican colleagues in the Senate or House about what they might support to avoid a shutdown—not a peep. They are nowhere to be found.

A reporter told me that Republicans said: What is the Democrats' plan? We gave them two. The real question is, What is the Republicans' plan? They don't have one. They don't know what to do. In the scuttlebutt, where we talk to one another, Senate Republican leadership has no idea what President Trump wants. Neither does House Republican leadership. And they don't have the courage, the strength, in my judgment, or the wisdom to tell the President he is wrong on this, and let's move forward. That amazes me more in the House than anywhere else. House Republicans lost 40 seats by just clinging to President Trump even when they knew he was wrong.

Are they continuing this pattern of behavior, and are our Senate colleagues going to do the same? It makes no sense. My friends on the other side of the aisle know the President's wall is wrong, ineffective, and it cannot pass. The President's daily Twitter outbursts can't alter reality.

My Republican friends need to step up and convince the President to pick one of the two sensible offers we have made. Right now, nobody seems to know what Republicans want or plan

to do. It is shocking that Republicans haven't engaged yet in this process, considering they control the Presidency, the House, and the Senate. What a symbol, what evidence of disarray.

Once again, I remind my Republican colleagues that going along with a Trump shutdown is a futile act. When Democrats take control of the House on January 3, they will pass one of our two options to fund the government, and then leader MCCONNELL and Senate Republicans will be left holding the bag for a Trump shutdown. The onus for reopening the government will wind up on their lap. That is not what they should want. I don't think they do want it. They are just so fearful of departing from President Trump. I remind them, when the President wasn't mixing in, we did two good budget seasons. We did two good appropriations bills, which got large majorities of Democrats and Republicans in the House and Senate. You can't let the President interfere, particularly when he does it in a pound-table, tantrum-like way, without any plan or knowledge of how to get things done.

If President Trump decides to shut down the government, there is no endgame in which President Trump gets the wall. There is no endgame for Republicans in which they can avoid their share of responsibility—overwhelming share—for a shutdown. The time to solve this problem is now.

#### HEALTHCARE

Madam President, on healthcare, on Friday, in response to a suit brought by Republican attorneys general, a district court judge in Texas issued a bizarre and dreadful ruling that the Affordable Care Act was unconstitutional because of changes to the law made by congressional Republicans. If the ruling is ultimately upheld, the consequences would be disastrous for the American people. It would jeopardize health insurance for more than 20 million Americans who gained insurance on the exchanges or through expanded Medicaid. It would end protections for the 133 million Americans living with preexisting conditions. Can you imagine a mom and dad who have a daughter or a son with cancer, and we now allow the insurance companies to cut them off by not giving them new insurance as they watch their child suffer? That is not America. That is not the situation now because of what we all did in 2009 with the ACA. Are our Republican colleagues going to let that happen?

Americans under the age of 26 could no longer stay on their parents' health insurance. That has been a sigh of relief a breath of fresh air for millions who get out of college and want to get a job but can't take the job they want because there is not adequate health insurance.

It would reopen the prescription drug doughnut hole in Medicare. That would mean that seniors on Medicare—tens of millions—would pay more for prescrip-

tion drugs, and essential health benefits would be gone.

These are not just trivial things. They include guaranteed access to maternity care, free preventive cancer screenings, treatment for opioid addiction—crucial things that Americans need that allow them to go away.

You can see the extent of the disaster if this court case prevails. Hundreds of millions of Americans would be hurt. Our healthcare system would be thrown into chaos, including for families who get health insurance from their employer.

We Democrats believe the ruling is based on such faulty premises that it will not be upheld by a higher court once it is appealed, but given the potential consequences of their ruling, we cannot twiddle our thumbs and hope for the right result.

The court, I would remind my colleagues, based a good portion of its decision on what Congress intended. We can clear that up in a minute—in a minute. My friend, Senator MANCHIN, has a resolution which every Democrat in this body has signed onto, to petition the Senate legal counsel to intervene in the lawsuit and defend the Affordable Care Act on behalf of the Senate because the Trump administration refuses to defend the law and is in favor of it being overturned.

President Trump was almost gleeful when this court case came out. Is he going to be gleeful to those parents with cancer, to that college graduate who needs healthcare, to a family who has a father on opioids and needs help? Is he going to be gleeful if they don't get it? I don't get him sometimes, much of the time.

I hope our Republican colleagues will join us in this petition because if a majority of the House and a majority of the Senate tell the appeals courts our intention was not to overthrow healthcare, it will have a great deal of weight. Some say: Well, let's do legislation. We have all been through that before, with both Democrats and Republicans in charge, a very hard, long time—it takes a long time to get healthcare.

By the way, the President and a lot of my Republican friends want to cut back on healthcare. That is their goal. They will never come to agreement with us—Democrats in the Senate or the House, which will be democratically controlled in a few weeks—if they stick with that.

Legislation is not the best and first way to go; court intervention is. We will be watching. The American people will be watching, particularly so many of my colleagues who said: I am for preexisting conditions.

We are going to let them know this idea of "let's do legislation" will not work. Where are they on the petition? That will determine whether they are hypocrites, saying they want to protect preexisting conditions but not doing the best thing for it or whether they really care about the people who will lose health insurance.

The American people spoke loudly and clearly in the midterms: They want their healthcare protections, and they don't want Republicans to take them away. I believe Republicans will have no choice but eventually to join us. To not do so would be to jeopardize healthcare for hundreds of millions of Americans and risk a complete disaster for Republicans in future elections.

TRIBUTE TO LAMAR ALEXANDER

Madam President, on LAMAR ALEXANDER, my dear friend, we received sad news today—sad for us, happy for him—that our friend, the senior Senator from Tennessee will not be running for reelection in 2020. There will be time to reflect on his life and career at a later date, but upon hearing the news this afternoon, as I was taking the Amtrak down from New York, I felt a pang of sadness. LAMAR and I have been dear friends, and we worked so hard on many things together.

I want to say a few words now. When Senator ALEXANDER eventually does leave this body, the Senate will lose an incredibly capable legislator and statesman. He cares so much about legislating. He reminded me, when I talked to him this afternoon, that he will still be around for 2 years and wants to work together to get things done—an “Alexanderian” statement, if there ever was one.

Senator ALEXANDER has been in the midst of so many things for his 16 years in the Senate, and that is not because he is some ideologue who stood all alone in his own corner and made a lot of speeches and didn't get things done. No. Senator ALEXANDER seeks compromise almost reflexively, and he gets things done—the recent higher education bill and legislation dealing with opioids, which he was so passionate about, and he talked to me about it every day for about a month. He gets things done because of his passion, his intelligence as a legislator, and his persistence.

Both sides of the aisle respect and trust LAMAR. I do. We have worked together so many times in my years here, and hopefully, as he said on the phone, there will be a few more opportunities in the next 2 years, his last 2 years in the Senate, to work together successfully, hopefully, and God willing again.

Even though he is not here at the moment, I salute my friend from Tennessee and look forward to seeing him in the gym tomorrow morning—we always see each other in the gym—where I can convey these sentiments personally.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Let me start by joining my colleague, the Democratic leader, in his words about LAMAR ALEXANDER—a great Senator and a personal friend, someone I am sorry is going to bring his Senate career to an end in 2 years because he has done so many good things. I could spell out many of those things, but one comes to mind imme-

diately. A few years ago when I was deciding whether to run for reelection myself, I thought one of my goals would be to increase the Federal investment in medical research. That is right in the wheelhouse of the committee jurisdiction of LAMAR ALEXANDER. I went to him and his counterpart on the Democratic side, Senator PATTY MURRAY of Washington, and ROY BLUNT of Missouri, and we put together an informal team pushing for increases in medical research. We have had amazing success. It has been bipartisan, and it has been an enthusiastic effort all around. We couldn't have done it without LAMAR's wholehearted participation. He was committed to medical research, and as a result, we have had more than a 5-percent increase each year for the last 4 years in the budget and appropriations for the National Institutes of Health. That is going to end up creating more opportunities to spare people suffering and to cure disease and to save lives than we can possibly imagine. That is the kind of thing people expect of us, don't they, in the Senate?

The Democrats and Republicans will find a common goal and work together to achieve it. LAMAR ALEXANDER was part of that successful effort. I am going to hold him to it for the next 2 years, as I am sure he will hold me to the same goal. I look forward to working with him but certainly with some pain in my heart, as the Democratic leader said, with the knowledge his career is coming to an end. He has been an extraordinary public servant as a Governor, as a Presidential candidate, as a Cabinet member, and as a Member of the U.S. Senate. I am sorry for his decision, but I certainly understand why he would make that on a personal and family basis.

FIRST STEP ACT

Madam President, I wish to say a few words about the legislation currently pending before the U.S. Senate. Every once in a while—it doesn't happen very often—the stars line up and the Democrats and Republicans and the conservatives and the progressives and the President and the Congress agree on something. I am not talking about Flag Day or apple pie or whether Lassie was a collie dog. It really comes down, occasionally, to something that is meaningful. We are in the midst now of a debate on the floor of the Senate, which will culminate probably tomorrow in some historic votes on the whole question of criminal justice reform.

How important is this issue? It is so important that we rarely take it up more than once a decade; that we sit down and look at criminal justice standards and laws in America and decide whether we can make them better and more effective.

Just a few minutes ago, my colleague from Texas, Senator CORNYN, a conservative Republican, came to the floor and explained how the State of Texas engaged in prison reform and found out

they could not only reduce the prison population but reduce the incidence of crime at the same time. That is what we are setting out to do at the Federal level as well.

Senator CORNYN's prison reform measure, which he introduced with Senator SHELDON WHITEHOUSE of Rhode Island, has been a central part of our conversation on criminal justice reform.

I had another part of criminal justice reform that I have been working on for a long time. Three decades ago, Congress responded to our Nation's drug epidemic by creating the harshest mandatory minimum sentences in our history. Consider what happened next as we made the penalties for drug use and sales higher than ever in our history. What happened next was the use of illegal drugs in the United States of America actually increased, just the opposite of what we were trying to achieve. The availability of heroin, cocaine, and methamphetamine increased, despite harsh criminal penalties. Crime rates for Federal drug offenders did not go down. In other words, longer prison terms did not deter drug use or drug crime, but they did lead to an explosion in our Federal prisons.

Since 1980, the Federal prison population has grown by over 700 percent. Federal prison spending has increased by nearly 600 percent in that period of time. Today, the United States of America holds more prisoners, by far, in prison than any country in the world. America has 5 percent of the world's population, 25 percent of the world's prisoners—more than Russia or China. Our overcrowded Federal prisons consume one-quarter of the Justice Department's discretionary budget. This undermines other important priorities, like preventing crime in our neighborhoods and treating drug addiction.

The largest increase in the Federal prison population is for nonviolent drug offenders. This is largely because of the inflexible mandatory minimum sentences. These mandatory penalties don't allow judges to distinguish between drug kingpins, who should be our focus when it comes to criminal penalties, and lower level offenders. That isn't fair. It isn't smart. It isn't an effective way to keep us safe.

We also have to consider the racially disparate impact of these laws. Listen, the majority of illegal drug users and dealers in America are White, but three-quarters of the people serving time in prison for drug offenses are African American or Latino. The majority of the users and dealers are White, and three-fourths of those who go to prison for drug crimes are African American and Latino, and the large majority of those subject to Federal mandatory minimum penalties fall into that same group of African Americans and Latinos.

As a result of mandatory minimums, the families of nonviolent offenders are separated for years on end. Most of



these families are people of color. This has a destructive impact on their communities and erodes faith among them in our criminal justice system.

Most Senators don't come to the floor and say what I am about to say, but let me tell you the worst vote I ever cast. I was a Member of the House of Representatives, and it was about 25 or 26 years ago when I voted for a law that established what became known as the crack powder sentencing disparity. That jumble of words means that under this law, it took 100 times more powder cocaine than crack cocaine to trigger the same minimum sentence—100 times. This came to be known as the 100-to-1 crack-to-powder disparity. Under this law 80 percent of the people sentenced for crack cocaine offenses were African American.

In 2010 I worked with an unlikely ally, then-Senator Jeff Sessions from Alabama. He was a Republican Senator and a member of the Judiciary Committee, and he felt strongly about this issue.

I said to him: Senator Sessions, 100 to 1 isn't fair—that for a tiny handful of crack and a handful of powder cocaine, the handful of crack would get 100 times the sentence as the cocaine doesn't make any sense.

We debated back and forth. I thought it should be one to one in the sentencing. He didn't agree, but the day finally came when we had to make a decision. We actually bargained in the Senate gym. I know the Democratic leader referred to that gym earlier. We get a lot of business done there. We were bargaining in the gym on the day of the committee markup—back and forth and back and forth. Finally, the two of us agreed that it would go from 100 to 1 to 18 to 1. I can't tell you why 18, but it was a compromise. It dramatically reduced the disparity in sentencing between crack cocaine and powder cocaine.

That Fair Sentencing Act passed the Senate Judiciary Committee, the Senate, the House Judiciary Committee, and the House, and it was signed into law in a very private ceremony by President Obama, which Senator Sessions and I attended.

For the last 5 years, I have been working on the next step—a bipartisan coalition of Republican and Democratic Senators to take the next step on reforming our Federal drug sentencing laws. Five years ago I joined up with another unlikely ally—MIKE LEE, a very, very conservative Republican from Utah—to introduce a bill called the Smarter Sentencing Act. We had a problem. There was a Republican Senator who didn't like the bill at all. His name? CHUCK GRASSLEY, from Iowa, a conservative Republican. Coincidentally, he is chairman of the Senate Judiciary Committee.

After a while, I said to Senator LEE: We are going nowhere without Grassley. We have to get him on board if we are going to change the law.

It took a year, which is just a few minutes in Senate time. It took a year

of negotiating for us to finally reach an agreement that CHUCK GRASSLEY and MIKE LEE and I all signed on to for sentencing reform.

We were joined by Senator CORY BOOKER in the last year or two, a Democrat from New Jersey. After more than a year of negotiations, we introduced the Sentencing Reform and Corrections Act, legislation approved by the Judiciary Committee by a vote of 16 to 5 earlier this year.

Around the same time, the House of Representatives passed bipartisan legislation to reform the Federal prison system. This bill was supported—listen to this—by President Donald Trump, cosponsored by Republican Congressman DOUG COLLINS, Democratic Congressman HAKEEM JEFFRIES of New York, and Republican House Judiciary Committee chairman BOB GOODLATTE of Virginia.

I didn't like the original version of this bill because I thought we could do better and we should add criminal sentencing to prison reform.

Then we did something that is rare. We sat down, Democrats and Republicans, and worked it out. We believed that we could come up with a common bipartisan bill by combining the two.

The result is the most extraordinary political coalition I have ever witnessed in the time I have been in Washington. The so-called FIRST STEP Act—the revised FIRST STEP Act—is a bipartisan sentencing and prison reform bill that is sponsored by 34 Senators—17 Republicans and 17 Democrats. It is supported by President Trump and a broad spectrum of stakeholders.

Listen to who is supporting this bill on criminal sentencing reform and prison reform: the Fraternal Order of Police. That is a good starting point. It is the largest police group in America. There is the National District Attorneys Association, the largest group of prosecutors in America. So we have the police and the prosecutors, and we also have the American Civil Liberties Union. Go figure that a bill we put together could bring these folks together in common purpose to pass it.

Our bill would reduce Federal mandatory minimum sentences in a targeted way. We don't repeal any mandatory minimum sentences, and we don't lower any maximum sentences. We would simply allow Federal judges to determine in certain low-level cases, on a case-by-case basis, when the harshest penalties should apply.

The bill also puts in place a recidivism reduction program and prison reform that will facilitate the successful rehabilitation and reentry of prisoners, which Senator CORNYN addressed just a few minutes earlier.

Let me tell you a story about this man here. His name is Alton Mills. In the year 1994, at the age of 24, Alton Mills was given a mandatory life sentence without parole for a low-level nonviolent drug offense.

When Alton Mills stepped into that Federal prison cell with a life sentence,

he was stepping into a jail cell for the first time in his life, and he was bound to stay there for the rest of his life.

I ended up being contacted by his public defender. She has this wonderful name. She is from Chicago. Her name is MiAngel Cody. MiAngel Cody contacted me and told me Alton Mills' story—how this kid growing up in Chicago, a decent kid in high school, made a bad turn, got mixed up with a drug gang, was a sales runner on the street, which is just the lowest possible level, and on a third offense got a life sentence to spend the rest of his life in prison.

I asked President Obama to take a look at this and consider commutation. In December of 2015, after serving 22 years in prison, Alton Mills came home to Chicago.

What has he done since then? He has become a mechanic at the Chicago Transit Authority. He got married. He is contributing to society. He has a granddaughter. He is working as a community college student pursuing an associate's degree. If he hadn't received a pardon, Alton Mills was destined to die in prison because of the Federal sentencing laws that we are setting out to change.

The FIRST STEP Act would eliminate this mandatory life sentence for nonviolent drug offenders like Alton Mills, and the bill would also give a chance to thousands of people still serving sentences for nonviolent offenses involving crack cocaine under the 100-to-1 standard I mentioned earlier.

I am going to have more to say about the pending amendments, which will be brought up tomorrow. The Senator from Arkansas is going to offer three amendments that I consider to be poison pills.

After 6 years of hard work putting these bills together—Democrats and Republicans, police, prosecutors, the ACLU, and President Trump and Senator DURBIN together on a bill—now comes the Senator from Arkansas, who has introduced three amendments which I think are very destructive to this bill. I am going to oppose all three of them, and I hope he will think twice about them.

We have an opportunity to do something significant, historic, and bipartisan here for the good of this Nation. We could end up reducing the crime rate in our country and do it in a smarter way with sentencing and prison reform. The amendments that he will propose tomorrow—the Senator from Arkansas—have been opposed by groups across the board—left and right, conservative, progressive, Republican, and Democrat. They all oppose his amendments.

I am not going to get into a specific discussion about them until later, but I wanted to let the Senator from Arkansas know that we are hopeful that he will take a more constructive approach. If he goes with the amendments that we have seen, we are going to have to do our best to oppose him.

Some are going to suggest that the underlying bill doesn't go far enough to unwind the harsh mandatory sentencing that I mentioned earlier. I agree. But that is the nature of legislation. It is the nature of compromise. It is what the Senate is all about. A Republican-controlled Senate is considering a bill supported by Senators from both sides of the aisle, and we have a chance to do something. Congress should make this bipartisan legislation a fitting ending to this year. For all of the cynicism and skepticism about what Congress can achieve, we can prove as soon as tomorrow, with one of the most historic changes in criminal justice legislation in our history, that we can work together for the good of this Nation. Our people who send us to this job expect no less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. JONES. Madam President, I rise today to talk on two issues.

First, I would like to talk about the criminal justice reform act that Senator DURBIN just spoke of. Rather than repeating all that has been said and all of the positive things—and Senator DURBIN did an outstanding job outlining all of the issues and how important this bill is for the criminal justice system and for the American public—I would like to take a moment just to commend my colleagues—particularly Senator DURBIN and Senator GRASSLEY, Senator LEE, Senator BOOKER, colleagues in the House of Representatives, and those at the White House who worked so tirelessly over the years to achieve this result. This is a remarkable achievement for the people of this country.

I have worked, as most people in this body know, for a number of years as both a prosecutor and as a defense lawyer. In that capacity, I have seen firsthand the problems in a system of justice that seems to have gotten out of whack and that has incarcerated so many people—more than just about any civilized country in the world—and yields very little results.

So what I see is an effort of Republicans and Democrats coming together. When I ran for this office last year, I talked consistently about a country and the State of Alabama that had more in common than we have to divide us. I talked more about reaching across the aisle and having dialogues, instead of monologues. This bill is the perfect example of that, and I hope the people of America see what this bill does and see how this body and the House of Representatives and the administration came together to pass this historic legislation.

This is a historic moment, Madam President. This is one for the ages, there is no question. Sometimes it is so disappointing to go back home to Alabama and hear people say: "All I want you to do is work together."

All they see are dueling press conferences among the leaders and dueling

talk shows on Sunday mornings and on CNN and MSNBC and FOX News, and they think that all we do is stand here and fight each other. That is not the case. We have done some great things in the Senate since I have been here on January 3. Our appropriations process has been rolling on a bipartisan level. We passed the opioid crisis bill. We also have the farm bill done. Now, with criminal justice—it is the crowning achievement on what has been, over the years, one of the most contentious issues in America. Every year, I used to say that the system of justice in America that was damaged the most in election was our criminal justice system because it seemed that everybody wanted to demagogue it today. That is no longer the case in what has been done in this body, the House, and with the support of the White House.

I want to commend all of those who have been involved in this over the years before I got here, both in and out of government. I worked for a number of years with the Brennan Center for Justice at NYU—particularly the law enforcement leaders—to reduce crime and incarceration. We put in countless hours, and this is the culmination of a number of years of work. They should be commended for all they did.

(Mr. MORAN assumed the Chair.)

#### REMEMBERING GILES PERKINS

Mr. President, I want to talk about a matter that is a lot more personal. The last couple of weeks have been somewhat difficult for me on a very personal level. Not only have I been saddened that several of my colleagues whom I admire so much will be leaving this body, but 2 weeks ago, I lost a dear friend and trusted adviser, Giles Perkins of Birmingham, AL.

I so appreciate the fact that the day after his death, when I just could not hold up and hold it together to do so myself, Senator SCHUMER noted his passing in floor remarks. Giles' family appreciates those remarks as well, but because he meant so much to his adopted State of Alabama and the Birmingham community and the fact that he is the one who guided the effort to elect me to this office, it is only fitting that I honor his memory on the floor of the Senate.

Giles was a former director of the Alabama Democratic Party and someone who worked for the last two Alabama Democratic Governors. Originally from Texas, he came to Alabama after marrying the love of his life, Hillery Head, in the early 1990s. Together, they have three children: Barton, Hugh, and Beverly. For all that he did in life and all that he accomplished, which was quite a lot, Giles was first and foremost a husband and father, a family man whose greatest love and source of pride were his wife and children.

When he arrived in Alabama, he immediately began to get involved in the community and in politics. He got involved in the Folsom campaign for Governor, telling people that he simply

wanted to make a difference. Over the next 25 years, he did just that. What a difference he made.

While Giles was actively involved in numerous civic groups and projects, his greatest accomplishment was turning a few blighted blocks of real estate in the heart of the city of Birmingham into a stunning outdoor recreational area known as Railroad Park, which has not only provided a space for family enjoyment but spurred economic development and became a catalyst for revitalization in downtown Birmingham.

Giles was an outstanding lawyer and community organizer, but he had politics in his blood, and he learned the ins and outs of the shark infested waters of Alabama politics like no other.

It was Giles whom I first approached about running for a statewide office because I knew he shared my frustration with the state of politics and government in the State of Alabama. It was Giles and Doug Turner who sat me down to explain about running for the U.S. Senate—where my heart has always been, having worked here just out of law school—why it was important to run for that office; why, given my background as a U.S. attorney and as a lawyer known for civil rights work, the special election would be so important. It was also Giles who brought in Joe Trippi, everyone else on my campaign team, and helped me staff my Senate office.

But rather than calling him a political mentor, which just doesn't seem to capture all that he was, I often referred to him as "Yoda," a political Jedi master, because of his vision and intuition for politics and how politics should translate into public service. He was certainly a master in teaching those around him how they could be wise in the ways of the force of politics. His strategy for my campaign and my Senate office and tenure was molded out of a vision of how Alabama and the South can move beyond the issues that have divided us and how we can lead the Nation in coming together and healing the partisan divide.

Many think that my election was his greatest political achievement, but knowing him as I did, he would more likely say that it was not the election per se but the reaction that the election gave to so many people in Alabama and around the country who simply said that it gave them hope. That hope for a better Alabama, for a better South, and for a better America was his No. 1 priority.

He was brilliant, philosophical, tenacious, stubborn, funny, and so straightforward that you thought he was sometimes just a little bit mean—a trait you often have to have in order to have a successful campaign.

The absolutely remarkable thing about Giles, though, was that he managed my campaign on a daily basis—all of the calls, emails, and all of the meetings knowing he was living on borrowed time. At the time we began the campaign, he was a 2 year survivor of



pancreatic cancer, an aggressive form of cancer that takes no prisoners. Through it all, he suffered through a number of treatments, often texting or emailing orders or streams of consciousness while being hooked up to chemotherapy.

When asked why he was doing all of this under the strain and pain of his cancer and his treatments, he matter of factly said: "Because I want to show my children what is important and how to live." I am confident that his children got that, as did I and everyone else associated with our campaign.

Giles lost his battle on December 2, having survived for 3½ years after being told he only had 1 month to live. In the world of pancreatic cancer, a 3½-year survivor is remarkable in itself, but Giles Perkins was a remarkable human who made such a positive impact on all who knew him.

As a friend recently wrote me, "It is because of unsung heroes such as Giles that democracy is sustained in America" and that we are "grateful for his commitment and life's work to maintaining integrity in government."

I know this: When the history of Alabama and the politics of my State and the region are written, it will be Giles Perkins who will be credited for beginning a political change that will be felt for a long, long time.

On a personal level, he will never leave my heart and soul.

Mr. President, I ask unanimous consent that the remarks I made at Giles' memorial last Friday be printed in the RECORD.

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

GILES PERKINS, RAILROAD PARK MEMORIAL,  
DECEMBER 14, 2018

It is, I believe, a rare occasion when someone stands before a grieving crowd in an effort to memorialize more than a relative or close friend but someone who was the driving force behind making a lifelong dream come true. That folks is the challenge I have faced the last twelve days—Giles was my dear friend but as you all know he was also the person primarily responsible for making my lifelong dream of being a United States Senator become a reality.

I have also faced the double challenge of not having Giles around to help with my remarks. For the last 18 months or so he helped me craft so many of my speeches, from the campaign stump speeches to my maiden speech on the floor of the Senate, to a broad speech about the South and our place in history that could be adopted in a number of contexts. He was always thinking of a bigger picture than most of us were thinking of and regardless of who the messenger was going to be, Giles wanted to control the message to the extent that he could. He had the confidence and self assurance, and let's face a little bit of arrogance—to craft the message that he believed should be delivered. Giles knew he his fate several weeks ago and was able to help plan this day, but when he really started to go down, he went down rather fast. So that is why I am convinced that he is looking down on us today and somewhat cringing with anxiety of not really knowing what any of us are going to say. For me in particular, knowing how he has helped manage me the last 18

months my guess is that when Hillery and the kids start going through his papers or his notes on his iPad there will be something titled "Notes for Jones to say at my memorial."

Well my friend, I guess I will have to give it a shot without you.

One of the people in history that Giles admired most was Robert Kennedy and in many ways his life mirrored that of Bobby's.

Giles was as tough as nails, who had as firm a grip on life and people as anyone I have ever known. Louise often called him a gunslinger who could quickly shoot you down with simply an expression or comment. But he also had a very soft and gentle side, especially with his family. Above all else Giles was a family man totally devoted to Hillery and his children Barton, Hugh and Beverly. He adored them all and no matter what challenges he took on, from being a lawyer, a community activist, a political candidate, a campaign strategist or a warrior against cancer, Giles always made time for his family. He not only loved them but he believed in them. For all the successes he had in life, including the election of a mayor, a Governor and a US Senator, his wife and children were his greatest source of pride.

Giles was also a visionary. One of Bobby Kennedy's more famous quotes was "Some men see things as they are and say why. I dream things that never were and say why not?" Whether he did it consciously or subconsciously Giles was the embodiment of that spirit. You only have to look around you today and this magnificent park that has done so much for the City of Birmingham and understand what I mean. Few could have stood at the corner of an abandoned, almost blighted part of town and see a vision of an outdoor park where people from all walks of life can come and enjoy the outdoors, that would be a safe gathering spot for fun and creativity, that could attract the kind of development that allows a city to thrive. But Giles did, simply seeing that vision and saying why not. You can see it in the zoo, where he and others saw the potential of having a world class attraction free from the constraints of being owned by the city. But Giles, did and he said why not. And today the zoo is on the verge of a renaissance like it has never experienced. And I am standing before you today as a United States Senator because along with his political partners of many years, Doug Turner and Joe Trippi, Giles saw an opening for a new Alabama, an Alabama that puts aside the divisions of the past and embraces our diversity and sense of respect and civility for all people. An Alabama who could lead the South. When all of the pundits looked at a Senate race in Alabama and dismissed the idea saying that it was not possible for a Democrat to win, saying why would anyone even try, Giles Perkins saw an opening, with someone who shared his vision for a better Alabama and a better South who could lead the nation out of our divisiveness and he said why not.

Giles got into politics for the right reasons. Not for ego or power but to do good things. He got that from his mother, who was a progressive member of the Texas state board of education. When he first moved to Alabama after marrying Hillery he approached the Folsom campaign about getting involved. He told Peck Fox that he was from Texas but was settling in Alabama and that he wanted to get involved in the campaign because he wanted to make a difference. And for the next 25 years what a difference he did make. Electing Don Siegelman Governor. Re-electing Richard Arrington as Mayor. Being Executive Director of the Alabama Democratic Party, being a candidate for At-

torney General and electing a US Senator. But you can do all of those things when you are in politics for the right reason, to make a positive difference in people's lives. Giles believed that all people, regardless of race or religion or gender of sexual orientation or status in life should be treated equally and with respect and he had no tolerance for those that did not.

That drive to make Alabama and the South a better place is what drove him to know and understand all things that could bring about political success. I called him Yoda for a reason. He taught me and so many others the ways of the Force in politics, to stay in our lane and to focus on that which was truly important. That was especially tough for me as I also had that type A personality and was constantly veering off course because I had become so concerned about minutiae. So even though my calling him Yoda was a term of affection and respect he called me Chicken Little as a reminder of just how much I did not know.

He was a tough task master when it came to politics. His firm grip on life and people became like a vise when he was engaged in politics. He was smart, confident, efficient and forgiving, at least to a point. He gave so many young folks a chance but they had to perform and live up to his expectations. They loved him and they feared him. Again, he modeled himself after Bobby Kennedy who said about being the campaign manager for JFK in 1960: "I'm not running a popularity contest. It doesn't matter if people like me or not. Jack can be nice to them. I don't try to antagonize people, but somebody has to be able to say no. If people are not getting off their behinds, how do you say that nicely?"

I am told that when Giles began hiring young talent to run the Alabama Democratic Party that the kids began to notice that Fridays were often the days where Giles would politely but pointedly explain to someone that they were just not working out and should hit the road. Instead buckling down to make sure they weren't next they just quit coming in on Fridays. As you might imagine with Giles at the helm that was relatively short lived and the party prospered because of his leadership.

The same was true in our campaign last year. Because Giles knew that we had to run a different campaign than any Democrat had run in the last 20 years he did not rely on those who had been in campaigns in the past, but a new generation, one who understood social media and today's world but yet could be taught the ways of the Force when it came to old school politics. The kids we brought on had virtually no real political experience but immediately set out to teach them, bringing in books about RFK and Lyndon Johnson and the modern political system. By his example of being engaged every day, whether in the campaign office or by phone or by e-mail or text, while also battling cancer and chemotherapy treatments he taught them, and all of us, lessons of both politics and life. But make no mistake, while they loved and admired him they were also scared to death of him. One of our young men said that every time Giles walked into the room his male body parts seemed to retreat into his gut. Believe me, I get that. While Yoda could be a gentle teacher we also have scars from his light saber that came in the form of his e-mails or text messages or biting retorts if you were out of line. I am quite sure that as word spread of Giles decision to not seek further treatments for his cancer all of those who worked with him or for him at any point in any of his political endeavors were reminded of the words of Winston Churchill who famously said: "I am prepared to meet my Maker. Whether my

Maker is prepared for the great ordeal of meeting me is another matter.”

But it was that same young staffer who also said that as our campaign folks called to check on each other after Giles’ death each call ended with “Love ‘ya” and it was clear that Giles built more than a campaign, he built a family that would long outlive him.

Over the last couple of years I came to love Giles like a brother and came to know and appreciate him as a remarkable human being who did so much for so many in his short time on this planet. He died among the privileged but never, ever forgot those less fortunate, constantly striving for a better world for all. The words of Barack Obama at the funeral for Ted Kennedy seem to have been written in advance for Giles Perkins:

We cannot know for certain how long we have here.

We cannot foresee the trials or misfortunes that will test us along the way.

We cannot know what God’s plan is for us.

What we can do is to live out our lives as best we can with purpose, and with love, and with joy.

We can use each day to show those who are closest to us how much we care about them, and treat others with the kindness and respect that we wish for ourselves.

We can learn from our mistakes and grow from our failures.

And we can strive at all costs to make a better world, so that someday, if we are blessed with the chance to look back on our time here, we know that we spent it well; that we made a difference; that our fleeting presence had a lasting impact on the lives of others.

This is how Giles Perkins lived. This world is better for having pass here. We are better people because we knew him. This is his legacy.

So my friend, may you find new challenges to meet and new visions to share, to see things not as they are but how they can be. May God bless you and may you Rest In Peace.

And for all eternity, May the Force be with you. Mr. JONES. I thank the Senate for this personal moment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 1042.

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 Joseph Maguire, of Florida, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

#### 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 Joseph Maguire, of Florida, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

Mitch McConnell, Jerry Moran, Mike Crapo, Steve Daines, Richard Burr, James E. Risch, Thom Tillis, John Thune, Roger F. Wicker, John Hoeven, David Perdue, Pat Roberts, John Barrasso, Mike Rounds, Lamar Alexander, John Boozman, John Cornyn.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

The Senator from Wyoming.

#### THE BUDGET AND APPROPRIATIONS PROCESS REFORM

Mr. ENZI. Mr. President, earlier this month, Congress sent the President another continuing resolution to allow more time to resolve the partisan impasse that has us on the brink of a government shutdown once again. A continuing resolution just allows agencies to continue to spend money without knowing how much they actually get to spend.

The current episode is yet another example of the breakdown of what should be the basic nuts and bolts of government—keeping the government open and funded. In other words, they have been spending money since last October without knowing how much money they get to spend. So I come to the floor today to talk about the need to reform our broken budget and appropriations process and to lay out a few ideas I have for how to do that.

As chairman of the Budget Committee, I have worked on budget appropriations and process reform for several years and always believed that changes need to be guided by two core principles. The first principle is that reforms should end brinksmanship and the threat of government shutdowns; and No. 2, reforms should guide us to create enforceable plans to stop the outrageous growth of our Federal debt, which is approaching \$22 trillion.

According to the Congressional Budget Office, Federal debt held by the public, as a percentage of our economy, is at the highest level since shortly after World War II. That debt is expected to rise sharply over the next 30 years if current laws generally remain unchanged. Quite simply, our budget problems are too severe to be put off any longer. Yet our dysfunctional budget and appropriations process is making it harder for Congress to tackle our pressing fiscal challenges.

To start, one easy thing we could do to improve the process is to change the names of the Budget and Appropriations Committees to better reflect each committee’s function.

The Budget Committee, which is tasked with crafting an annual fiscal framework to guide Congress, really

should be called the Debt Control Committee. The Appropriations Committee, which is responsible for making the actual decisions about how money is spent each year, should be renamed the Budget and Appropriations Committee.

Too often, when we come up against appropriations deadlines, as we are now, press reports declare that Congress has to pass the budget to avoid a shutdown. Not true. The budget passed a long time ago. In reality, the budget reflects the start of the process, and appropriations reflects the end. Changing these committees’ names would more clearly delineate their actual responsibilities and thereby make it easier for them to be carried out and understood by the public.

A second important change would be to finally admit that Congress is not capable of sending 12 appropriations bills to the President before the September 30 end of the fiscal year each year. The current process leaves Congress in a nearly perpetual quest to develop and pass 12 funding bills for the next fiscal year to avoid a funding lapse. Yet the sheer size and complexity of the Federal budget and appropriations process virtually guarantee that Congress will not consider all the appropriations bills individually each year. In the last 40 years, we have succeeded only four times in passing all of the appropriations bills on time. Let me repeat that. In the last 40 years, we have succeeded only four times in passing all of the appropriations bills on time.

Our inability to pass appropriations bills on the current schedule has made reliance on continuing resolutions a routine part of the process, and it comes with a cost. The Department of Defense has operated under a continuing resolution for an average of 81 days per year; that is almost 3 months per year since 2001, with a particularly bad spate since 2009, in which we averaged 134 days per year. That is almost 4½ months of not knowing how much they are going to get to spend, let alone planning for the future.

Earlier this year, the Secretary of the Navy, Richard Spencer, identified \$4 billion in waste owing to the lack of financial stability resulting from these continuing resolutions—this lack of knowing how much to spend. He said:

Since 2001, we have put \$4 billion in the trash can, poured lighter fluid on top of it, and burned it. . . . It’s enough money that it can buy us the additional capacity and capability that we need. Instead, the \$4 billion of taxpayer money has been lost because of inefficiencies [caused by] continuing resolutions.

While it is true that this year we were able to pass and get signed five appropriation bills prior to September 30—remarkably, an improvement from recent years—that still leaves seven bills yet to be enacted.

To address this problem, I have proposed moving to a biennial system and halving the number of appropriations