

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

bills considered each year so that six would be considered in the first session of Congress and six would be considered in the second—each of them, of course, for 2 years to allow for more planning. By providing a more realistic and attainable schedule, we could allow for a more thoughtful process for considering individual bills. We would free up more time for oversight of Federal spending. We would actually get to look at some of the details of the dollars we are spending, and we would reduce the likelihood of continuing resolutions and large, year-end spending bills—with everything attached to it—that are inefficient and too often loaded with waste. We could also give agencies the certainty they need to plan and make wise decisions regarding how to implement funding.

But successful and timely enactment of the appropriations bills is only part of the solution. We also need to look at the mandatory side of the ledger and programs that don't have adequate revenue to maintain obligations—the ones we don't ever get to make a decision on. Any new mandatory programs should be self-financing or offset by the elimination of existing programs that we would continue to fund. In other words, nothing should be mandatory if it doesn't have a stream of money big enough to pay for it.

We also need to look at ending the spending bias that begins with a current baseline—current amount of spending—and automatically adjusts for inflation.

To address the long-term structural deficit problems, we need to create enforceable spending targets that are monitored and enforced annually to make sure lawmakers stay focused on deficit reduction and achieving a suitable Federal budget. The newly revamped Debt Control Committee should be empowered to establish its targets and enforce spending constraints. For example, if we followed my penny plan and cut spending by 1 cent out of every dollar each year for the next 5 years, we could balance the budget.

Once enforceable targets are agreed upon, we should conform the debt limit to them. I know that dealing with the debt limit in a responsible manner is a priority for many of my colleagues on both sides of the aisle. I am ready to work with them on it.

We are not talking about sequester here; I am suggesting precision cuts on the low priorities. First of all, sequester happened late in the year, so there wasn't much money left to take the money out of, which made it a much larger reduction from those spending bills. They also picked the projects they thought would be most noticeable and cut those, realizing that the American public would rise up in arms and make sure that it was reinstated, and that happened. They always picked the most visible and the most painful.

What we have to do is get to precision cuts in the things we haven't even

looked at. I have a list of how many things we haven't looked at. Some programs haven't been looked at since 1983, but they continue to get an annual inflation increase anyway—sometimes greater than the annual increase.

Each of the above suggestions would improve our process, help us control spending, and meet our constitutional obligations. I plan to pursue them in the next Congress and look forward to working with my colleagues on these and other ideas.

However, while reforms are needed, the reality is there will never be a perfect process, and no reform by itself could force the hard decisions that are needed. What we need is leadership and a commitment from both sides to work together to do what we know needs to be done to confront these challenges.

I look forward to working with my colleagues on these critical challenges in the next Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I start my remarks, in case they go beyond the time for a vote, I ask unanimous consent to finish my remarks.

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

#### FIRST STEP ACT OF 2018

Mr. GRASSLEY. We are here today to begin debate on a piece of legislation called the FIRST STEP Act of 2018. This happens to be the most significant criminal justice reform bill in a generation.

Our country is based upon the rule of law. If someone commits a crime, they should be punished, and that punishment should be severe enough to deter others from committing crimes.

But for our criminal justice system to serve our society well, it has to do more than punish and deter. Recidivism rates are far too high and drive crime rates up. In the Federal system, 49 percent of prisoners are rearrested within 8 years, and 32 percent are convicted of new crimes. We must better prepare prisoners to leave behind their criminal past and to become productive citizens when they leave the prison system.

We also need to make sure that criminal sentences are tough enough to punish and deter, but not be unjustly harsh. Sentences should not destroy the opportunity of redemption for inmates willing to get right with the law.

The FIRST STEP Act is tough on crime, but it is also fair. To tackle the recidivism rates in our country, the bill establishes evidence-based programming that has reduced recidivism at the State level. We have evidence from the States of Texas, Georgia, Mississippi, and many others to justify that fact.

The bill provides incentives for inmates willing to put in the work to complete these programs. Under this bill, a prisoner may earn 10 days of time credit for every 30 days of success-

ful participation, which they can apply toward prerelease custody. However, access to these incentives is available only to those who pose little risk of committing new crimes.

The FIRST STEP Act requires the Bureau of Prisons to implement a risk assessment system to determine an inmate's risk of returning to crime after prison.

Access to the earned-time credits is limited to those who pose a minimum or low risk. The bill also makes clear that violent and high-risk criminals convicted of certain serious offenses are ineligible for the prerelease custody program.

The list of disqualifying offenses includes crimes relating to terrorism, murder, sexual exploitation of children, and gun crimes, among others that are listed in the bill. All fentanyl traffickers are disqualified from earning time credits.

The bill also makes sentencing fairer by returning some discretion to judges during sentencing. Some have called for eliminating mandatory minimums or cutting them back severely.

I happen to be a supporter of mandatory minimum sentences because it helps law enforcement take down criminal enterprises, but at the same time, I recognize there is some unfairness in how these mandatory minimum sentences are sometimes applied. The FIRST STEP Act leaves in place these maximum sentences but also addresses overly harsh and expensive mandatory minimums for certain nonviolent offenders. Locking up low-level offenders for needlessly long prison sentences diverts resources that are needed elsewhere to fight crime.

To address this, the FIRST STEP Act makes a number of changes to sentencing guidelines. First, the legislation clarifies that enhanced penalties for using a firearm during a crime of violence or drug crime should be reserved for repeat offenders of such crimes. That is what Congress had intended when it created the enhanced penalty in the first place.

Second, the bill would reduce the three-strike penalty for life imprisonment to 25 years. The 20-year minimum is reduced to 15 years. The bill also broadens the mandatory penalties, applying them to more of the worst criminals.

Third, the bill provides for more judicial discretion by expanding the existing Federal safety valve to include more low-level, nonviolent offenders. Consistent with the existing law, the judge cannot apply the safety valve unless the defendant has fully cooperated with law enforcement.

Lastly, the bill also allows for the retroactive application of the Fair Sentencing Act of 2010, which reduced the 100-to-1 disparity in sentencing between crack and powder cocaine.

I want to acknowledge President Trump's leadership on criminal justice reform. Without the President's engagement, we wouldn't be here today.