



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, TUESDAY, DECEMBER 18, 2018

No. 199

## House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, December 19, 2018, at 12 p.m.

## Senate

TUESDAY, DECEMBER 18, 2018

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, how brief seems the span of human life when compared to the enormity of Your universe. Infuse our lawmakers with reverential awe as they remember that Your ways are so much higher than our own. Give our Senators the faith to believe that although You inhabit eternity and You still give each of them Your undivided attention and infinite patience.

Thank you for the many opportunities You provide us each day to celebrate Your greatness. Help us all to rise above petty rivalries, irrelevancies, and trivialities to a fresh unity of idealism and purpose.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### FIRST STEP ACT

Mr. McCONNELL. Madam President, yesterday the Senate voted to advance the pending criminal justice legislation. As I noted, at the request of President Trump and after improvements were secured, we are considering the bill on the floor this week.

Particular credit for this belongs to Senator CORNYN, who has carefully and impressively balanced his role as majority whip with his own personal support for the legislation. His leadership has benefitted everyone who shares his position and would like to see this bill become law, and he deserves every bit of their gratitude.

With respect to the substance of the legislation, a number of Members continue to have outstanding concerns that the bill currently leaves unaddressed. Members will have an opportunity to debate and vote on the pending germane amendments before we vote on final passage.

### TRIBUTE TO JON KYL

Mr. McCONNELL. Madam President, on another matter, to the untrained eye, it might seem that I have completed my thanks and farewells to all my Republican colleagues who will depart at the end of this Congress, but I would be remiss if I did not also mention the junior Senator from Arizona, our good friend JON KYL.

When Senator KYL bid farewell to this body in 2012, it took me quite a while to come to terms with the prospect that we had cast our final votes together. I went through stages of grief. Eventually, I came to acceptance, but, as it turned out, the great State of Arizona was not quite finished with this distinguished leader after all. If JON had planned on a relaxing, undisturbed post-Senate career, then, his biggest mistake was leaving a record as one of the most earnest and effective legislators this body had seen in recent memory, because when the people of Arizona needed to step in and honor the towering legacy of our friend John McCain, through the end of this Congress, his counterpart of 18 years was the natural choice.

As the entire Nation mourned the loss of a decorated hero and statesman, JON KYL volunteered his even keel and sound judgment to fill the void, and while the Senate may have changed in some small ways in the 6 years since JON left us, he has likely noticed over the past few months that some things never do. This floor remains the stage for the most important policy challenges facing our country. There is still an urgent need for hard-working public servants with expertise to enter the fray, and he is still the junior Senator from Arizona.

From his first day back, JON has smoothly continued Senator McCain's habit of making an outsized impact for his State. He cast his vote to confirm a well-qualified Supreme Court nominee.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S7737

He has joined in advancing major legislation, and he has continued his advocacy for improving our Nation's military readiness.

As we say good-bye one more time, I know every Member of this body will join me in gratitude that JON answered the call when his experience and talents were needed.

Like the others who have been lucky enough spending 18 years with JON already, I am especially grateful for this opportunity to work alongside such a dear friend. So I want to thank JON for his abiding commitment to service. We wish him and his wonderful wife Caryll much health and happiness in the years to come.

#### TRIBUTE TO JOHN KELLY

Mr. MCCONNELL. Madam President, bidding farewell to our departing colleagues is never easy. Neither is seeing off a number of colleagues beyond the Senate with whom we have had the privilege of working closely.

For the past 2 years, America has been treated to a brilliant example of public service on one of its highest possible stages. First, as Secretary of Homeland Security, and then, as White House Chief of Staff, John Kelly has served the President and the Nation with great distinction, but this was far from the first chapter. His entire career and life have been utterly oriented around his deep patriotic commitment.

John Kelly spent the better part of four decades in the Marine Corps, stationed far from Washington. As thousands of his peers waited to be drafted into military service, John took the initiative. He enlisted. Then he completed Officer Candidate School.

He earned a reputation as a loyal brother in arms and an outstanding leader of marines. He commanded infantry units at Camp Lejeune, Quantico, and Camp Pendleton. He served at the Supreme Allied Command in Europe and as Commander in the U.S. Southern Command.

He took on real hardship postings, like the House of Representatives. He served there in the Commandant's liaison office.

When the call came, he led marines into combat in Iraq. As his marines would tell anyone, he leads with a confidence that comes with decades of dedicated preparation. He leads with a resolve that comes from deep-rooted patriotism, and he leads with an understanding—as personal and painful an understanding as could be possible—about the sacrifice that our freedom requires.

General Kelly once said this to a gathering of his fellow Gold Star parents:

Those with less of a sense of service to the nation will never understand it when men and women of character step forward and look danger and adversity straight in the eye, and refuse to blink or give ground even to their own deaths. The protected can't begin to understand the price paid so they

and their families can sleep safe and free at night.

John Kelly and his family know that price. They have paid that price as fully as anyone has, but as is so often the case, it is those who have already given so much who seem the most willing to give even more.

John's service as Secretary of Homeland Security and now as White House Chief of Staff reflected the values and instincts that made him such an effective leader of marines. It was only by working closely with him and his team that this Congress has been able to record so many substantial accomplishments for the American people.

The Marine Corps is stronger for John Kelly's years of leadership. America is better for his distinguished career of service.

As he departs the White House this month, I extend my deep gratitude for a job well done.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I just want to thank my colleague, the majority leader, for his comments about me.

He asked if there were differences between the time that I served before and this most recent time, and I must say that the thing that I have noticed most is the kindness with which I have been treated by my colleagues and by staff—I am talking about colleagues and staff on both sides of the aisle—and by other people who work here at the Capitol, including, most especially, the Capitol Police.

I never expected to be welcomed back with that degree of kindness, and I have commented that it might be a nice thing if we could extend that same degree of kindness to each other every day, rather than to just those who come back after a long absence.

But I do very much appreciate your comments, Mr. Leader, and most especially your leadership and friendship over the years. Thank you very much.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, 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. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### GOVERNMENT FUNDING

Mr. SCHUMER. Madam President, with only 4 days remaining until a lapse in government funding, Democrats still have not heard back from

President Trump about whether he is willing to accept either of our offers to keep the government funded. For that matter, Republicans in Congress—both the House and Senate—have been almost entirely silent about what plan they might support to avoid a shutdown. They say that they want to avoid a shutdown, but our Republicans in the House and Senate have no plan. Senate Republicans were telling reporters they had no idea what the White House's plan was or even if it had one.

Let me remind my Republican colleagues and President Trump that Democrats have put two reasonable ways to avoid a shutdown on the table: the six appropriations bills plus a 1-year CR for homeland security or a CR for all seven bills to fund the government.

Neither proposal contains a single Democratic demand. No Democrat is pounding a fist on the table, saying that we have to shut down the government unless we get our way—the way President Trump is. We only want to fund the government. If President Trump were to accept either proposal, it would sail through the House and Senate, and we could conclude the Nation's business before the Christmas holiday.

The only proposal that cannot pass is the President's demand for an unnecessary, ineffective, exorbitantly expensive border wall. So if President Trump throws a temper tantrum and clings to his position on the wall, he will not get a wall, but he will cause a Trump shutdown over Christmas.

With only a few days to go until appropriations lapse on Friday at midnight, President Trump needs to come out of hiding and accept one of our proposals to keep the government open. Either will get a majority of votes on the floor of the House and the Senate.

#### AFFORDABLE CARE ACT

Mr. SCHUMER. A ruling last Friday from a Federal judge in Texas has put the future of the Affordable Care Act in doubt. Every American should be aware of the fact that if the rule is upheld, the entire law will come crashing down, including health insurance for 20 million Americans, protections for 130 million Americans living with preexisting conditions, parental health coverage for millions of Americans under the age of 26, and essential benefits like maternity care, mental health treatment, preventive screenings, money for opioid treatment.

It would cause nothing short of chaos in our healthcare system and calamity for millions of American families if this court case were to prevail.

We don't believe the ruling should stand or will stand, but the danger it poses is so great that we can't simply hope for the right result. We should do something quickly to allow the Senate to be heard and to persuade the courts not to tear down the healthcare law.