

entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of this division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

(d) **PAYGO ANNUAL REPORT.**—For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the second session of the 115th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2019 and added to such scorecard in 2020.

Mr. MCCONNELL. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4164 TO AMENDMENT NO. 4163

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4164 to amendment No. 4163.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to change the enactment date)

At the end add the following.

“This Act shall take effect 1 day after the date of enactment.”

MOTION TO REFER WITH AN AMENDMENT NO. 4165

Mr. MCCONNELL. Mr. President, I move to refer the House message on H.R. 695 to the Committee on Appropriations with instructions to report back forthwith.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message on H.R. 695 to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 4165.

The amendment is as follows:

(Purpose: to change the enactment date)

At the end add the following.

“This act shall be effective 2 days after enactment.”

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4166 TO AMENDMENT NO. 4165

Mr. MCCONNELL. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4166 to the instructions on the motion to refer.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Of a perfecting nature)

Strike “2” and insert “3”

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4167 TO AMENDMENT NO. 4166

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4167 to amendment No. 4166.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Of a perfecting nature)

Strike “3 days” and insert “4 days”

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, we have a short time left before appropriations expire on Friday. Yesterday, we made some progress.

Thankfully, President Trump appears to have backed down from his position for billions in direct appropriations for a border wall. For the past several weeks, the President's insistence on \$5 billion for a wall has been the biggest obstacle to keeping the government open past Friday.

The President's spokesperson has claimed that the administration can

build the full wall from reprogrammed funds given to other areas of the government. Let me be very clear. Without our assent, the administration cannot reprogram funds proposed by Congress for the full wall. To do so would violate Congress's article I powers. They cannot do it on their own, and the House and Senate will not approve a wall from reprogrammed funds or anything else. It will not happen.

We Democrats have opposed massive appropriations for a border wall for five reasons. It is not effective compared to other border security measures. Expert after expert has said that. There is no plan to build it. The President asked for \$5 billion, but there are no plans of where the wall would be, how much it would cost, what each part would be made of. There is no plan to deal with eminent domain. There are lots of people on the Texas border and on other borders who don't want to give up their land. They have said they will fight it in court. It will take years. We have not heard a peep out of the administration on how to deal with that. Above all, the President promised that Mexico would pay for it, not the American taxpayer. Was it a campaign issue? Yes. Yet, throughout, the President said Mexico would pay for it. He never campaigned on having Americans pay for a massive border wall, ineffective as it would be.

The Democrats have been perfectly clear. We want smart, effective border security, but that is not a wall. The President and, just this morning, the Republican leader have suggested repeatedly that Democrats are against all border security. Of course, we are not. Every expert has looked at that and said it is a total lie. Frankly, the reason our colleagues, the President, Leader MCCONNELL, and others do it is that they have no defense of the wall. Instead of defending the wall, they say the Democrats are not for border security. Nothing could be further from the truth, as shown by what we have supported in the past and today.

This morning, the President also tweeted that Mexico could somehow pay for the wall through a new trade deal. This is a huge turnaround for a President who once insisted: Mark my words. Mexico will pay for the wall 100 percent. Of course, there have been multiple fact checks to show a new NAFTA could not possibly fund the wall directly or indirectly. There is nothing in the new agreement that stipulates Mexico must devote any resources to the United States, and any savings from a trade deal, if there are any savings, don't go to the Treasury; they go to American businesses and American taxpayers. Ultimately, the President would have to tax the American people to fund his wall. Mexico ain't footing the bill.

All that said, it is good news that the President has retreated from his demand that Congress fund the wall. Now, we Democrats in the Senate and in the House have made two reasonable

offers that, I believe, would glide through the House and Senate: No. 1, pass the six bipartisan appropriations bills and a 1-year CR for DHS or, No. 2, pass a 1-year CR for all seven remaining appropriations bills.

Leader MCCONNELL proposed a short-term CR just a few minutes ago. We would have preferred one of our two options, but I am glad the leader thinks the government should not shut down over the President's demand for a wall, and the Democrats will support this CR. The President and the House should follow that lead because shutting down the government over Christmas is a terrible idea—one of the worst to come down the pike in a very long time.

FIRST STEP ACT

Mr. SCHUMER. Mr. President, on the CJR, criminal justice reform, I am really deeply heartfelt in thanking everyone who was involved in the criminal justice reform legislation.

I thank Senator DURBIN, for whom this issue was a year's-long passion. When Senator DURBIN gets his teeth into an issue, he does not let go until he achieves it, and he is great at getting it done. It was a real victory for him.

Senator BOOKER felt this issue so passionately from his residents in Newark and in seeing what had happened to friends of his and people he had known. He was a brilliant legislative tactician in knowing just how far to push and in getting the most he could from a Congress that was not from our side of the aisle.

Senator WHITEHOUSE carried the mantle of making sure that while people are in prison, they are given adequate preparation so when they come out, they don't become recidivists again—free from drugs, with job training—and so they can become useful and productive members of society.

Senator HARRIS also added her passion and experience as attorney general to the great arguments for this bill.

I don't want to leave out colleagues on the other side of the aisle. Senator GRASSLEY played a real role as a statesman. Senator LEE did tremendous work on this bill. Again, like with Senator BOOKER but from an opposite point of view, he knew when to hold and knew when to fold.

I thank all of them because this bill will make an extraordinary difference in countless lives by making our sentencing laws fairer and smarter, by giving judges more discretion so low-level, nonviolent drug offenses will not always be subject to arbitrary mandatory minimums; by giving prisoners with good behavior and who work hard to rehabilitate themselves better opportunities to prepare for their integration back into society as productive citizens who can contribute to their communities; and by ending the most abusive practices of our criminal justice system, like juvenile solitary con-

finement and the shackling of pregnant prisoners.

The bill got 87 votes. Those 87 votes are an entreaty to the new Congress to do more. It is called FIRST STEP for a lot of reasons, one being that many of us feel we have to go further and do more. Next year, hopefully, we can, and the resounding support from both sides of the aisle that this bill got should help us. It should importune us not to let this be the last proposal but the first in this area. The law will bring more justice to our justice system. I was proud to vote for it and so grateful for the work of my colleagues who pulled a diverse coalition together to get it across the line.

CHINA

Mr. SCHUMER. Mr. President, on China, negotiations are ongoing between the Trump administration and Chinese officials about a potential detente in our trading relationship. Of import to the Chinese is the recent arrest of Huawei's CFO on charges of violating U.S. sanctions law, which is only one area of concern when it comes to Huawei's technology.

Let me be very clear. The United States should not make any—any—concessions until and unless China makes credible and enforceable commitments to end all forms of theft and extortion of American intellectual property.

As Ambassador Lighthizer recently pointed out—and I cannot commend him enough for the good job he is doing—during the Obama administration alone, China made no fewer than 10 independent commitments to get rid of forced technology transfers and cyber theft policies.

As we know, China cyber espionage continues unabated. Just last week, it was confirmed that China was behind the data breach of Marriott hotels, and we know that they continue to require any company that sells things—and there are so many companies that sell things in China—to transfer their technology.

If we continue on this path that we have for the last 10 or 15 years, we will no longer be the leading economy in the world. All the great ideas Americans have because of our free and open and entrepreneurial system will be stolen, purloined, and China will dominate.

We are there for fair competition. China doesn't compete fairly. I have to say, neither the Bush nor the Obama administration stood up strongly to China. This administration shows signs of doing it.

My message to President Trump: Don't back off. Follow Mr. Lighthizer, not those in your administration, as reported, the Senate, Mr. Mnuchin, Mr. Ross, and others, who want to settle for next to nothing. That would be a disgrace.

President Trump has tried the conciliatory approach. He let ZTE off the

hook in hopes of gaining concessions from China on North Korea and got none. North Korea continues to expand its nuclear capabilities.

Mr. President, do not make the same mistake again by interfering in the case of Huawei's CFO. Mr. President, do not capitulate on U.S. trade policy without meaningful, ironclad commitments from China to end its predatory trade practices, its theft of our intellectual property, and until China allows U.S. companies to compete freely in its markets without technology transfer or other coercions. To do otherwise would put the future of this great Nation at great risk.

TRIBUTE TO BILL NELSON

Mr. SCHUMER. Finally, Mr. President, I have come here to speak about a dear friend and a wonderful colleague, the senior Senator from Florida, BILL NELSON.

A Floridian born and bred, BILL NELSON didn't grow up with a silver spoon in his mouth. Everything he has achieved in life, he achieved because he worked for it. Hard work is one of his credos.

In high school, BILL raised cattle in his spare time. That is not every teenager's idea of a good time, and that is something we never did in Brooklyn, but it led to a lifetime association with Florida's 4-H Program, which continues to support Florida's agricultural community today.

Just as important, BILL's extracurricular animal husbandry allowed him to save up the \$10,000 he needed to attend college at the University of Florida. Even then, public service was never far from this generous man's thoughts. He gave his first political speech as a candidate for junior high school president—a race he won. In college, he interned for Florida's Senator George Smathers, whose son Bruce happened to be his roommate.

That internship turned out to be the lesser contribution of BILL's friendship with Bruce because a few years after law school, Bruce would introduce Bill to Grace Cavert, who became Grace Nelson, the love of BILL's life.

For those of us who know BILL, we know he loves Grace more than anything in the world. They are truly a dream team. Just to watch them together, caring about each other so, brings joy to anyone's heart—certainly mine. Many of my colleagues, of course, know Grace as well and have worked closely with her, not the least reason being that she is the authority in that household today.

With Grace by his side, Senator NELSON embarked on what would be a distinguished career in public service in Florida as Congressman, tax commissioner, and eventually Senator. Of course, along the way, Senator NELSON would also earn the title of "payload specialist" aboard the Space Shuttle *Columbia*. As most folks know, then-Congressman Nelson, who was chair of