

White House for letting the rest of these bills advance without \$5 billion for the wall was a \$1 billion slush fund to fuel the President's extreme, anti-immigrant agenda. Why should we give a blank check to a President who has shown, time and time again, that he is more interested in vilifying immigrants than he is in solving our immigration problems? His immigration policies have already caused immeasurable human suffering along our southern border and tarnished our reputation around the world. Providing his administration with an additional \$1 billion slush fund to enact this agenda is a nonstarter.

The fact is the President's wall does not have the votes to get through the House or Senate, and he is in no position to practice horse-trading of one untenable, unpopular, wasteful policy for another, nor will Congress stand by and watch the President take funds from our men and women in the military or their families in order to pay for the wall. This fight will continue into the next Congress, but I do not anticipate those basic facts will change. It is long past time for President Trump to recognize that we live in a democracy. We have three coequal branches of government. Governing effectively is not about making threats and false promises. Campaign slogans are no substitute for practical, affordable solutions.

I want to thank Chairman SHELBY for his steadfast partnership this year as we tried to get the appropriations process back on track. I know that he shares my disappointment that we were not able to complete our work, but I am proud of what we have accomplished this year. By working together across party lines, we moved all 12 bills out of the committee on strong bipartisan votes. We advanced 9 of the 12 bills through the Senate, also with strong bipartisan votes, and we were able to enact 5 of the 12 appropriations bills on time for the first time in decades.

I also thank Chairman SHELBY's staff and my staff for their hard work, expertise, and their commitment to accomplishing our goals this year.

I ask unanimous consent to print a list of the bipartisan committee staff in the RECORD. I look forward to working with him and his staff, and our colleagues in the House, in the next Congress to finish our work.

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

SENATE COMMITTEE ON APPROPRIATIONS  
STAFF

Charles Kieffer, Chanda Betourney, Jessica Berry, Jay Tilton, Jean Kwon, Shannon Hines, Jonathan Graffeo, David Adkins, Dianne Nellor, Adrienne Wojciechowski, Teri Curtin, Bob Ross, Jean Toal Eisen, Jennifer Eskra, Blaise Sheridan, Jordan Stone, Erik Raven, David Gillies, Brigid Kolish, John Lucio, Andy Vanlandingham, Doug Clapp, Chris Hanson, Samantha Nelson, Ellen Murray, Diana Hamilton, Reeves Hart, Scott Nance, Chip Walgren, Drenan Dudley,

Rachael Taylor, Ryan Hunt, Melissa Zimmerman, Alex Keenan, Mark Laisch, Lisa Bernhardt, Kelly Brown, Katie Finley, Chad Schulken, Jason McMahon, Tim Rieser, Alex Carnes, Kali Farahmand, Dabney Hegg, Christina Monroe, Nathan Robinson, Robert Putnam, Christy Greene, Blair Taylor, Jenny Winkler, Hong Nguyen, Clint Trocchio, George Castro, Mary Collins Atkinson, Lucas Agnew, Valerie Hutton, Elmer Barnes, Penny Miles, Karin Thames, Carlisle Clarke, Patrick Carroll, Elizabeth Dent, Carlos Elias, Dayne Cutrell, Amber Beck, Allen Cutler, Matt Womble, Rachel Littleton, Brian Potts, Mike Clementi, Colleen Gaydos, Katy Hagan, Chris Hall, Hanz Heinrichs, Kate Kaufer, Jacqui Russell, Will Todd, Tyler Owens, Jen Armstrong, Meyer Seligman, Molly Marsh, Andrew Newton, Lauren Comeau, Brian Daner, Courtney Bradford, Adam Telle, Peter Babb, Chris Cook, LaShawnda Smith, Marisa Rhode, Christian Lee, Leif Ponnesebeck, Emy Lesofski, Nona McCoy, Laura Friedel, Michael Gentile, Ashley Palmer, Jeff Reczek, Sarah Boliek, Patrick Magnuson, Jennifer Bastin, Joanne Hoff, Paul Grove, Jason Wheelock, Adam Yezerski, Clare Doherty, Gus Maples, Rajat Mathur, Jacob Press, and Jason Woolwine.

Mr. CORNYN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Cantwell	Heinrich	Schatz
Carper	Heitkamp	Scott
Cooms	King	Smith
Cornyn	Lankford	Tester
Gardner	Manchin	Warner
Graham	McConnell	Wyden
Harris	Murkowski	
Hassan	Rounds	

The PRESIDING OFFICER (Mr. SCOTT). A quorum is not now present.

Mr. MCCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of all absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. CORKER), the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) is necessarily absent.

The PRESIDING OFFICER (Mr. FLAKE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 21, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—71

Baldwin	Booker	Cardin
Barrasso	Boozman	Carper
Bennet	Brown	Casey
Blumenthal	Cantwell	Cassidy
Blunt	Capito	Coons

Cornyn	Johnson	Reed
Cortez Masto	Jones	Risch
Donnelly	Kaine	Roberts
Duckworth	King	Rounds
Durbin	Klobuchar	Schumer
Ernst	Kyl	Scott
Feinstein	Leahy	Shaheen
Fischer	Manchin	Shelby
Flake	Markey	Smith
Gardner	McConnell	Stabenow
Grassley	Menendez	Sullivan
Harris	Merkley	Tester
Hassan	Murkowski	Thune
Hatch	Murphy	Udall
Heinrich	Murray	Van Hollen
Heitkamp	Nelson	Warner
Hirono	Perdue	Warren
Hoeven	Peters	Wyden
Hyde-Smith	Portman	

NAYS—21

Alexander	Graham	Sanders
Collins	Kennedy	Sasse
Cotton	Lankford	Schatz
Cruz	Lee	Toomey
Daines	Moran	Whitehouse
Enzi	Paul	Wicker
Gillibrand	Rubio	Young

NOT VOTING—8

Burr	Heller	McCaskill
Corker	Inhofe	Tillis
Crapo	Isakson	

The motion was agreed to.

CHILD PROTECTION IMPROVEMENTS ACT OF 2017—Continued

VOTE ON MOTION TO CONCUR WITH AN  
AMENDMENT NO. 4163

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending motion to refer be withdrawn, amendment No. 4164 be withdrawn, and the Senate vote on the motion to concur with further amendment with no intervening action or debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion to concur with further amendment.

The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. For the information of all Senators, there are no more rollcall votes tonight. We will still be in session tomorrow. We have to see what the House does with what we just sent them.

The PRESIDING OFFICER. The Senator from Alaska.

PUBLIC LANDS PACKAGE

Ms. MURKOWSKI. Mr. President, on behalf of Chairman HATCH, I ask unanimous consent that the Senate proceed to the immediate consideration of the lands package bill. I further ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. ROUNDS). Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, in reserving the right to object, we have a bill here that we received at 10 o'clock this morning, and it is 680-pages long. I have spent many hours reviewing it. This is a bill that came out of the committee on which I serve. I have been

trying for many weeks, through the chairman of that committee and her staff, to get language or to at least get an outline of this. We were not able to get that until today at 10 a.m. Even after we got that, we asked for at least an outline of this bill or for a summary of the bill text from the committee staff, from the chairman's staff. They didn't respond to us. They wouldn't give it to us, just as they haven't for weeks. We got this—the closest thing to a summary—from a lobbyist. We had to wait to get it from a lobbyist.

This is of great impact to my State. This bill creates 1.3 million acres of wilderness, about half of which is in my State. This bill permanently reauthorizes the Land and Water Conservation Fund, which is an entity that has been used to acquire more Federal land. Now, in coming from a State where two-thirds of the land is owned by the Federal Government—where we can't do anything without leave from the Federal Government—this hurts. In coming from a State where we have had about 2 million acres of Federal land declared as monuments through Presidential proclamations, this hurts.

I have made what I consider to be a very reasonable offer, and I ask that it be accepted. It involves two words. I want the inclusion of two words in this bill—two words. Add the words “or Utah” to some language in the Antiquities Act.

I have an amendment that I will counteroffer. I will accept this bill and agree to its passage if these two words are added to the Antiquities Act, the words “or Utah.” I ask that my colleagues accept this.

The PRESIDING OFFICER. Will the Senator so modify the request?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I think it is important to recognize that while the text, in fairness to my friend from Utah, was just laid down this morning, these are bills, these are measures, these are matters that have not only been before our committee but have been before the subcommittee on which the Senator is the chairman, and he has had an opportunity to have heard many of those public lands bills.

This was a very highly negotiated process by the four corners—not only by Senator CANTWELL and me on this side but by our colleagues on the House side—to see what could be put together by way of a package, in terms of the contours of that package.

Colleagues will remember that around this body, unfortunately, when it comes to public lands matters, many of these are very, very parochial in nature. Whether it is a conveyance that allows for a water utility to be able to proceed or whether it is a conveyance that will allow for a school to have a facility there, it is pretty parochial. These don't come to the floor for debate and passage.

Typically and traditionally, what happens is—and it might not be a perfect process—we bundle them up at the

end of the year. What we have done is to have provided—and not only to members of the committee—the bills that we have had an opportunity to have heard. We have outlined what that universe is. In fairness to my colleague and his comment, it was not until the very end that we knew exactly what was going to fall in based on the negotiations with our House colleagues and with our colleagues on the other side of the aisle.

Yet what I would offer up to Members is that this has been an extraordinarily collaborative process in terms of those priorities that we see represented within this bill. Just on our side of the aisle alone, there are some 43 Members who either have bills that they have authored or are the cosponsors of with regard to matters that are important to their States and matters that are, perhaps, more globally important, like the LWCF, and I understand the Senator's position on the LWCF.

We also recognize that there are a great number of Members on the Republican side and on the Democratic side who are very supportive of some form of reauthorization of the LWCF. We have a sportsman package in here that many, many of us have been working on. In fact, this is the fourth Congress now in which we have tried to advance these priorities for many of the sports men and women in the country. So we have attempted to work through some of the issues that my colleague from Utah has raised.

We have offered to withdraw very significant legislation that our Presiding Officer himself has offered. That is not something that I really willingly wanted to do, but in an effort to try to get a broader lands package that would recognize the needs of so many, we made some significant offers.

Now, my colleague has asked for two simple words. I happen to believe, as one who comes from a State where we have said no more to the Antiquities Act without some limitations, I understand the concerns, and I understand the effort that he has made repeatedly. I also understand that the politics on this side of the aisle and in the other body are such that it was not an acceptable offer or an acceptable amendment.

So we are where we are now, and I come before you to make the offer to allow us an opportunity to vote on this lands package, to move it over to the House, and to finish this off. I understand that we do not have that consent. What we have come to this evening is a recognition that there is a desire amongst Members in this body to see this package through. The leader has committed and the minority leader has committed that when we return in January, this will be—if not the first order of business—a matter that will be before this body within the first couple of weeks. We will turn to it, and it will be a package that we will not have begun all over, but it will be something that Members can look to tonight. This

will be an opportunity to study every single page that you want because we will have an opportunity to vote on that with a thumbs up or a thumbs down in early January when we return.

Again, this is something that I wish we had been able to resolve. In fairness, I wish that we would have been able to have provided for there to have been a greater opportunity for Members to have reviewed this before these final hours. In fairness, this is just Wednesday night. We will now continue until after the new year. We probably could have had another couple of days to have worked on it, but that didn't work in our favor, and I regret that.

I thank those who have worked doggedly on both sides to try to come to an agreement so that we could resolve this finally and fully. So many of these issues are so important to people back in their counties and their municipalities and their boroughs and their States.

We are going to put it on hold for yet another month, but we will be back at the first of the year, and we will continue to address these issues that are so important when it comes to our public lands, our waters, our conservation priorities, as well as the priorities of our sports men and women.

The PRESIDING OFFICER. Does the Senator modify her request?

Ms. MURKOWSKI. I believe there is an objection to the request.

The PRESIDING OFFICER. Is there an objection to the original request from the Senator from Alaska?

Mr. LEE. Yes, I object.

The PRESIDING OFFICER. The Senator from Utah's objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I find it unfortunate that the addition of two words is somehow unacceptable to the Members of this body—two words. They are two words, by the way, that would put Utah in the same category as Alaska and Wyoming. What do those States have in common? They both have repeatedly been victims of the Antiquities Act.

You see, in every single State from Colorado to the west of Colorado, the Federal Government owns at least 15 percent of the land. In many of those States, it is much more than 15 percent of the land. In my State, it is two-thirds of the land—about 67 percent. What that means is that we have to get permission from the Federal Government to do just about everything.

What that also means is that our schools are underfunded—everything from fire, search, rescue, education, local governance. All of these budgets are underfunded as a result of the fact that most of the land is owned by the Federal Government. We can't tax that land. We receive pennies on the dollar for a program called payment in lieu of taxes. It is pennies on the dollar because most of our land is not ours. Most of our land cannot be developed privately. Most of our land cannot be taxed by the States and localities,

which makes it harder for us to educate our children, for us to secure our streets, for us to put out fires—fires, by the way, that become far more severe because of extensive Federal land-ownership, which is plainly excessive, which is plainly unfair, which kills people and results in devastating losses not only to property but also to the health of the environment.

Bad Federal land management policy is at the root of this. Do you know what is interesting? People like to talk a lot about these wildfires. A lot of them occur in the West. Why? Well, there is a lot of Federal public land in the West. Yes, there are parts of the country where they have forests where these things don't happen, and when they do, they are put out much faster in things called private forests. Privately owned forests and forests owned by many States are much less prone to wildfires, and when they do occur, they put them out more quickly. Why? Because they are not hobbled under a mountain of regulations that makes it almost impossible for us to prevent them and then from putting them out quickly. This is devastating to our States. It is a burden on our States and on our State in particular.

Many of you, if you live east of the Rocky Mountains, come from lands where Federal public lands are almost unheard of, where they are rare, where you have private land left and right. A lot of those same States used to be mostly Federal. A State like Illinois used to be overwhelmingly Federal. Many, if not most, of the States have added, since the Louisiana Purchase, language in their enabling legislation, anticipating that, in time, Federal public land within a State's boundaries would be sold and that in the case of my State and that of many other States, a percentage of the proceeds from the sale of that land would be put into a trust fund for the benefit of the States' public education systems.

Those promises were honored in the Dakotas and in States like Indiana and Illinois. They were honored as we expanded westward. For some reason, when we got to the Rocky Mountains, they stopped honoring them. There are a lot of reasons for this. Some of it has to do with what we were occupied with doing as a country at the time. Some of it has to do with the fact that our land is what was regarded as rugged and perhaps undesirable for a time. But the understanding was still there, just as it was the understanding in the Dakotas and in States like Indiana and Illinois.

The effects are still there. We are still impoverished. Our ability to expand economically is impaired, and the health of our environment is significantly degraded as a result of this excessive, unnecessary Federal land-ownership.

Now, make no mistake—I am not talking here about national parks. People like to caricature those who complain about excessive Federal land-

ownership and suggest—as if we are going to put oil drilling rigs underneath Delicate Arch and other national treasures. That is not what we are talking about at all. I am talking about garden variety, Federal public land—land that is excessively restricted and that is environmentally degraded as a result of poor Federal land management policies. Why? Well, because these decisions are made by Federal land managers who live and work and make decisions many hundreds and in many cases many thousands of miles from those most affected by those decisions.

How, then, does this relate to the Antiquities Act? Well, a State like mine that has a lot of Federal public land, like Alaska and Wyoming do, is particularly, uniquely vulnerable to predatory practices under the Antiquities Act, allowing the President of the United States, under a law passed over a century ago, to utilize his discretion to set aside land as a national monument. It is already Federal; this is putting it into a new classification—a classification subject to even more restrictions, eligible for even less development, less human activity, less access for recreational or agricultural or religious or cultural purposes. When you put it in that category, it makes it even more difficult for those people surrounding it, those people living in and around the Federal public lands in question.

So Utah, like Wyoming and Alaska, has had a whole lot of Presidents declare a whole lot of Federal public land, national monument land.

Now, fortunately for the States of Alaska and Wyoming, they have had congressional delegations that in the past have said, no more, have demanded relief, and have said that they have had enough. In the case of a State like mine that has had a couple of million acres, roughly, of Federal public land declared monument by a Presidential proclamation, this is important. If it is good enough for Alaska, if it is good enough for Wyoming, why not extend the same courtesy to the State of Utah?

Why, when a bill is 680 pages long—which I received at 10 a.m. today, on what may well be the last or penultimate day of this legislative session of this Congress—why are we receiving this just now, especially in the Senate during a term of Congress when it was originally believed that we might be adjourning by December 6 or 7 or 13 or 14?

Here it is on December 19—my daughter's 18th birthday, by the way; happy birthday, Eliza—December 19, and we are just getting this bill for the first time today. What does that mean?

If we had adjourned when we were originally thinking we might adjourn, would this never have happened? It has been suggested to us by some Members and some staff that had we adjourned earlier, this would have just been released perhaps on the last day of the session.

I can't get into anyone else's head. I can't peer into anyone else's subjective intentions. But this makes me kind of nervous, the fact that, yes, I sit on the committee from whence this bill originated, and, yes, I chair the Public Lands Subcommittee, yet there are a whole lot of these that the chairman or the ranking member know darn well that I oppose, that I voted against in committee, and there are other provisions that they know I have had longstanding concerns with. I wonder if maybe, just maybe, that is part of the reason they wouldn't tell me what was in it.

I understand it is difficult negotiating a big piece of legislation. I sympathize greatly with that. I am not suggesting that short of receiving the entire 680-page document exactly as it has been submitted, I would irrevocably have bound myself to voting against it. I am not suggesting that at all. It would have been nice to have a roadmap, to have some clue as to what might have been in there. And I know from conversations I have since had with Members today that they have known for weeks, if not months, that they were putting permanent LWCF reauthorization in this bill.

I don't believe it was a coincidence that I wasn't informed of this. I don't believe it was a coincidence that even after this bill was released at 10 a.m. today, the staff of the committee refused even to give me an outline—an outline—of what was in the bill, even after they had filed it. We had to get this from a lobbyist.

This is wrong. It is wrong that the State of Utah is treated the way it is. It is wrong that you wouldn't give us that language. It is wrong that you won't treat us the same way Alaska and Wyoming are treated.

This is wrong. We can do better. I implore my colleagues to make this simple change. Two words. Two words. Add the words “for Utah” to this bill, and I will wholeheartedly support it. If not, I will continue to oppose it.

Thank you.

**THE PRESIDING OFFICER.** The Senator from Colorado.

**Mr. GARDNER.** Mr. President, as my colleague from Utah knows, we offered the chance to vote on those two words tonight. The two words that he is asking for tonight we offered a chance to vote on.

**Mr. LEE.** Will the Senator yield?

**Mr. GARDNER.** Let me talk about this because I am pretty doggone upset because the people of Colorado tonight—who are worried about whether they can protect themselves from fire—lost the Wildfire Technology Act in this bill. That was in this bill—a bill that our committee heard, that our committee voted on, that it voted on with bipartisan support, probably unanimously. That was in this bill to protect our communities from wildfire and to protect our firefighters from injury—in this bill.

The other thing in this bill is Minturn, CO, which has a water system

over a wilderness area and which for years has been trying to fix it. They can't because it is in a wilderness area. So we have to have an act of Congress to allow the city to fix their water system. Rejected tonight because we weren't allowed to vote on it tonight.

Mr. LEE. Do the people of Colorado care that you were—

Mr. GARDNER. And you bet the permanent Land and Water Conservation Fund is in here tonight because, guess what, it has the majority support of this body. If we had a vote on it tonight, it would have passed. Republicans and Democrats would have voted yes. It would have passed.

Not only that, we have boundary adjustments in here because people died, and they wanted to give it to the national monument. That is not controversial. Somebody wanted to do the right thing, and doggone it, we can't even vote on it here.

I give compliments to the chairman of the Energy and Natural Resources Committee who struck a deal. Yes, it was yesterday. We got the bill as fast as we could. And so many of these doggone pieces of legislation we have already heard. We had committee hearings on them, and we voted them out unanimously. Bipartisan support. We offered deal after deal after deal to try to get a deal arranged and made so that we could have a vote tonight.

Go tell the people of Minturn, CO, that they don't have a water system that they can fix because Congress has decided we are not going to allow that to come to a vote. Sportsmen back home—tell them we are not going to have a sportsmen's package because we decided not to bring a bipartisan bill to the floor for a vote.

When we come back to this body next year, we have an agreement—I believe that is correct; and I will defer to the chairman of the Energy and Natural Resources Committee—that this will be one of the first actions this Chamber addresses. When that happens, there will be a chance to file cloture, there will be a chance for open debate, and we will have that vote. We will have it next year. There will be different leadership in the Senate, so different negotiations will have to take place, but I have no doubt that we will get this done.

It is frustrating to me that some of these bills have languished for year after year after year after year that received unanimous support out of committee.

I remember coming to this floor a year ago offering a unanimous consent agreement. It was objected to because somebody didn't get what they wanted, somebody else didn't get what they wanted, and somebody else didn't get what they wanted, so everything was objected to. It created a whole domino effect, so they said just wait for the lands package.

So here we are waiting for the lands package. We had a chance to do it. And we tried and tried and tried to make

offer after offer to get something agreed to.

I have great respect for my colleague from Utah. We are a public lands State too. Yes, our agencies need to make better decisions about how they conserve that public land. The people of Colorado have great support for the Land and Water Conservation Fund. Great support. They would like to see it made permanent. I would like to see it made permanent. My guess is, next year, it will be made permanent.

Why can't we have a vote tonight? Why can't we have people who don't like it vote no and people who do like it vote yes? There is plenty of opportunity to do that tonight.

The people of Colorado expect this place to get its work done. The bills we have had have been through, negotiated in the House and Senate, many out of the committee with bipartisan support, if not unanimous. I guess the folks in Minturn will just have to wait one more Congress to get their water system fixed because this body couldn't agree to allow a vote. We wonder why people are sick of this place. It is because of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, all I am asking is for the language that I have asked for—two words, the words “for Utah”—to be added to this legislation. I am asking to be treated on equal footing as the language proposed by the Senator from Colorado, the Senator from Alaska, the Senator from Washington, the Senator from Montana, and others—equal footing.

We have equal representation in the Senate. It is the one type of constitutional amendment that is preemptively unconstitutional. You can't modify the equal representation of the Senate. That is what makes this place unique. Each State is represented equally, and I will defend my State, the State of Utah, to my dying breath. As long as I am here breathing and holding an election certificate, I will defend it.

My distinguished friend and colleague, for whom I have great affection and respect, has just pointed out that the people of Colorado might be disappointed about this water measure that was in there or this or that other provision for Colorado. Do they have reason to be concerned? You bet. Do those people in Colorado have objection to the idea that Utah might be treated equally with Alaska or Wyoming? I think not. I think most people in America would look at a State that has had a couple of million acres of monument declared and that just wants to be treated the same way as Alaska and Wyoming and say that is not unreasonable.

This is a sovereign State, one that has been mistreated by Federal land managers. We don't want to continue doing that. This is a generous offer. It is a reasonable offer.

As to the suggestion that because it was offered that this receive a separate

vote—and it is really not equivalent at all. What he is saying is, split this out; everything else sinks or swims together. All of theirs pass, and ours stands alone. If we are going to consolidate this many bills at once—and he is right: Some of these passed out unanimously, and a bunch of them didn't. I voted against a number of them. Some of them are new. Some are old but have been modified. One provision involving my own State involved 450,000 or 500,000 acres of wilderness and has, since it moved through the committee, been modified to include an additional 200,000 acres of wilderness. That is from my State, and I sit on the committee, and I chair the subcommittee that is supposed to review these things, and this is the first I have seen of them.

So, yes, I say to my distinguished friend and colleague, for whom I also have great respect and admiration and affection, yes, there are a lot of parochial matters that are addressed in these public lands bills, and appropriately so. What I am asking is for my State to be treated like your State. That is all I am asking. It is not unreasonable. It is not unfair.

So if you are going to have 640 pages' worth of legislation, including some legislation that has some significant ramifications for my State, I ask you to put those two words into the bill. That is not unreasonable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come first and foremost tonight to thank the staff who worked so hard on this package—and I mean not just over the last few weeks but for literally years—to try to get to an agreement on something we could vote on.

It is not a surprise to the Senate that it is December and people are voting on a lands package. My colleague from Colorado outlined it very well. When you have these bills that deal with water, that deal with public lands, that deal with giving Federal land back to communities so they can improve their communities, and yet designating some special places so they can be preserved for the public, yes, not all of your colleagues care about the details of that, and you are never going to get the leader, who is in control of the Senate, to give you floor time on that bill.

So every December, we are here with a lands package to be considered, and it is a package that has a lot of input from a lot of people, negotiated, in this case, with the House and the Senate, with Democrats and Republicans—a four-corner negotiation.

The missed opportunity tonight, as my colleague from Colorado said, is that we don't get to vote on it. My colleague from Utah is not being correct in that he was offered a chance to have that vote. He was offered a chance to have this bill brought up and to have his ideas voted on. He knew he was going to lose, and he knows he is going to lose in January, but he wants to insist tonight on prevailing. I am not

sure why, because, as my colleague from Colorado said, why continue to hold up these small communities from getting the resources they need?

Trust me, communities like Yakima, WA, want answers to the challenges of changing conditions that impact water and the fact that fish and farmers and Tribes and environmentalists all have to get together to solve those problems. So they worked for years on coming up with a solution collectively at the local community and then put that before the U.S. Senate for a hearing and for consideration, and that proposal passed the U.S. Senate, I think, in an 85-to-12 vote 2 years ago, as did permanent reauthorization of the Land and Water Conservation Fund, 2 years ago, which passed the U.S. Senate.

So if my colleague from Utah is imagining that somehow the Land and Water Conservation Fund being made permanent is not going to pass the U.S. Senate, he is just dreaming of something that is really going to take place and become reality in the very near future. But what you have done tonight is made it a lot harder for us to make sure that we are moving ahead.

This legislation that he refused to allow us to vote on tonight also includes important—I would say one thing. The one thing that maybe you could say hasn't had constant, constant attention over 2 years but certainly has grown in importance is new technology to help our firefighters fight fires, locate where the fire is happening, and GPS systems to help make people more safe. That was in this package and probably, yes, has gotten enhanced a great deal over the last 6 months as we have seen the tragic, devastating impacts of fires throughout the West. So, yes, that was in here and it was part of consideration, and, yes, there was legislative action. Ninety percent of this package either saw legislation passed by the House of Representatives or passed by the Senate—legislation that basically passed out of either a Senate committee or a House committee.

So it is not like these ideas came out of nowhere. They are, as my colleague from Colorado said best, parochial issues that we find very hard to get the rest of our colleagues to ever want to pay attention to the details.

So this has been the tried and true fashion by which the Senate has passed land packages, as long as I have been here, for 18 years. That is what you do in December. You pass a lands package. I wish it were different.

My colleague from Colorado made a good suggestion about 7 or 8 months ago: Why don't we do some right now? Thanks to his initiative, we actually bundled together 15 or 20. But he was right. Guess what. Everybody said: Where is mine? Where is my package? Where is this? I am not going to let you do this, and we were in the same boat. So the best answer to all of that is that in December we will do a lands package.

The notion that people didn't know this was coming is a little bit facetious. Everybody has known that this is the time, and these are the packages and these are the proposals.

To my colleague from Utah, I get it. He is not necessarily in agreement with some of his own delegation who pushed things for Utah that are in this package. I get it. He has a different philosophy about what should happen. I guarantee you that Utah is going to have a lot more debates about what it wants to see for its future, and I think that is ultimately healthy. I can just answer for my State, which has three National Parks and generates millions of dollars from them. I can just answer for my State, which thinks that the outdoor economy is the No. 1 reason we attract and keep high-skilled and unbelievable manufacturing jobs in the Pacific Northwest. Why? Because businesses want to locate there because their workers want to have access to that. My State knows that the outdoor economy—because it has companies like REI—is over \$800 billion of annual economy. So, yes, when you invest in public lands, you get more access for hunters and fishers and people who want to go and enjoy and recreate, and for our veterans. So guess what. It is a great economic development tool.

The notion that a State that has public lands doesn't have economic opportunity is not telling the whole story. We all get it. We all represent counties that have nothing but an outdoor economy or public land, and then they want to know how to build a school or a fire station or keep the lights on for basic services. We get that complexity too.

But our colleagues did consider these ideas, and our colleagues did consider the notion that there are diverse opinions. It is just that, at the end of the day, you have to have a vote. You have to be able to come here to the Senate on this subject—that is, lands packages—and have a process.

Listen, if my colleagues who care so much about this want to create a new norm in the Senate that the first week of December will be the deadline for all lands packages, and then by the end of that session we will have lands packages always considered in the Senate, I am all for it. I am all for that right now, because I see devastation happening on water writ large. I see unbelievable problems happening throughout the West just on water.

Now, you can say we are going to do nothing and we are just going to let the courts and the lawsuits and everything play out. But guess what. That is where we were on fire, until what happened? Until the Senators from Montana and the Senators from Idaho and the Senators from Oregon and the Senators from Washington all got together on a fire bill and we said: This is what we think would be great for the West to do to move forward. That is what we were trying to do tonight on water, on other fire measures, and on public lands, and helping veterans and Native

Americans in Alaska who never got a fair deal on access to their own land.

So I get that these solutions may take a few pages to print out and for people to read, but they are important public policies that need to have this body's attention, and you are doing nothing but shortchanging the public debate if you will not even allow the bill to come to the floor for that debate.

We are always, always going to get sidelined as individual bills, not being important enough to take up the time of the Senate. It is only collectively, in a bundle like we saw tonight, that they can be considered. But I guarantee you—I guarantee you—that they are not going to grow into a package that becomes less important with time. They are just not. They are just not. They are going to continue to be amplified as important public policies, where a local government—a county or a city—and the Forest Service and BLM and a school district and a community are going to have to work together. They are going to have to work together. They are going to have to work together on water, on fire, on public access, on conveyance, on how we are going to preserve open space, on how we are going to recreate. It is going to be demanded.

I know my colleague from Utah doesn't agree with all these philosophies, but I guarantee you that there are lots of people in Utah who would have loved to have a vote tonight to see how those issues would have played out.

I just want to thank staff. They have worked night and day, literally—literally for months, if not years—on these policies. They have worked so hard to try to find the common good and a place to move forward, and I so appreciate that our leaders are now committing to us to help move this forward in January. We are definitely going to take them up on it. Even though it will be a new Congress and a new House of Representatives, we are going to take it up, and I am sure that our colleagues, Congressman GRIJALVA and Congressman BISHOP, will be there to work with us.

There will never be an easy day to vote on public lands—never. It is just never going to happen. So we had better own up to the responsibility and get the commitment to these cities and communities that need us to help them hold Federal Agencies accountable, to make the investments our constituents want to see, and to solve these problems so our communities can continue to grow and thrive.

I believe these people are bubbling up some of the best ideas on how to move forward. That is what they did in various parts of the West. Whether that was in Montana with what to do at Yellowstone, or whether that was in Alaska with what to do with the Native issue, or Yakima on what to do with water, they are bubbling up the ideas. At least what we can do is give them

the courtesy of having a vote so that they can be considered.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I know my colleague from Montana wishes to speak. But before the Senator from Washington departs, I also want to acknowledge the good work of both of our staffs—and not just our staffs, but working with our colleagues on the House side and with so many Members.

When you are going through the volume that we are talking about—some 114 different bills on the House side and the Senate side—it is extraordinarily tedious and difficult work, and I think we owe them all a great deal of thanks. But I also want to rise and thank Senator CANTWELL, because in this next Congress she will be moving to another position as ranking member and I will not be working side-by-side with her as we have.

I think it is important to note that on the difficult things that came before us, we didn't always start off in agreement, but we slogged through it and our teams stuck with it and slogged through it, and we got to where we are tonight. While it is not a good ending from my view, in that we weren't able to provide these counties, these communities, these people that have worked so hard the satisfaction they are seeking, the commitment to continue this until we are done is real, it is in place, it is intact, and it was agreed to tonight, and we are going to be moving forward in the first few weeks of January.

I want to thank Senator CANTWELL for the working relationship we have had over these past couple of years moving through important matters for your State, for my State, and really for the good of the country when it comes to energy. So I just appreciate your courtesies and our opportunity to work together and that of our staffs.

Ms. CANTWELL. Mr. President, I just want to thank the Senator from Alaska for her great work and working in such a collaborative way. I am certainly not leaving the Energy Committee and certainly not going to back away from any of these big issues, but certainly, as she said, I will not be working as closely as the ranking member with her as chair. But I am certainly and definitely going to continue to work in a collaborative way.

So I thank her for her kind comments and look forward to what we can do in the new year.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I want to share some comments on what we saw happen here tonight as it relates to the public lands package. We saw a glimpse here tonight of, on the one hand, how this institution can really come together—years of bipartisan work, years of collaboration on the

ground back in our respective States—and come together to put together a lands package and ask for a simple up-or-down vote tonight in the Senate.

I am very confident that had we had the opportunity to have voted here tonight, you would have seen this lands package pass the Senate by at least a 2-to-1 margin. It would have gone to the House, and it would have passed. It would have gone to President Trump's desk, and I am confident he would have signed it.

We have been fighting for permanent reauthorization of the Land and Water Conservation Fund because of what happened right here tonight—the uncertainty of this institution, where 98 Senators can say “Let's move ahead for a vote”; 2 Senators say no, and we weren't able to have a vote tonight.

It is OK to oppose legislation. That is the American process—for each of us to come down here and express our respective opinions. Some will say yes; some will say no. What we were asking for here tonight is to have that debate on the floor. Let's have that vote on the floor, and let the Senators respectively speak on behalf of the people who sent them here in the first place to represent their interests.

The Land and Water Conservation Fund—the reason we need to permanently reauthorize it is that tonight you could see that we didn't get it done. In fact, it expired on September 30, and here we are, halfway through December, and we still do not have the reauthorization of LWCF. That is why we need to make it permanent; you can't depend on this institution.

So often, for the transaction required back in our home States, where we use LWCF funds to access our public lands with a checkerboard-nature ownership structure of many, many places out West, it takes years to put together these deals—private landowners, the State, the Federal Government coming together. When the Federal Government—the U.S. Congress—can't get its job done, it creates uncertainty. Consequently, who loses when there is uncertainty? The American people lose.

That is why we need to permanently reauthorize it. It actually creates more certainty in taking care of a lot of these complex land issues out West, and it saves taxpayers' dollars.

By the way, as Senator BURR has said over and over again, LWCF doesn't cost the taxpayer anything. It doesn't cost the taxpayer anything.

That was in this bill tonight to permanently reauthorize it. It didn't get done.

As you read through the titles of these various bills, you hear the stories. There may be what looks like one little line item here in section 1009, S. 1219. There is some little obscure title that a guy from Montana has no idea what is going on in Louisiana or Tennessee or Alaska or Colorado, but I know back in those respective communities, there is a lot of hard work bringing people together,

collaboratives to come together to put together a bill that we then bring to Congress. We move it through committees. We have hours of hearings. Literally, there are probably 100 years of effort at least that have gone into this legislation tonight that we were not able to have an up-or-down vote on.

Wildfire Technology Modernization, the Yellowstone Gateway Protection Act—those are important to me in Montana. I will tell you what. The people who are closest to the lands ought to have the loudest voice, and I can tell you, the people in Paradise Valley, south of Livingston, MT, don't want to see a large money operation near Chico, MT. It is time to withdraw the rights there and allow that backdoor to Yellowstone National Park to be protected in perpetuity. That was part of this land package tonight.

If you take a look at the Sportsmen's Access to Federal Lands, one of the issues that sets our Nation apart is our public lands. I tell you what, if you go to Europe, you don't see public lands. If you go virtually anywhere else in the world, you don't see public lands. It is a unique American experience that a mom and dad in Montana, a grandma and grandpa, an aunt and uncle can still go down to Walmart and buy an elk tag and jump in the pickup, and within 20 to 30 minutes be in elk country on public lands. That was part of the Sportsmen's Access package.

We had the Open Book on Equal Access to Justice Act. In fact, it is something that Senator BARRASSO put in place here to ensure we have transparency in the way these funds are spent.

There is the Migratory Bird Framework and Hunting Opportunities for Veterans Act in here.

My point is there are over 100 bills in here with a lot of careful thought, a lot of consideration moving through committees. All we wanted to do tonight is have an up-or-down vote. We didn't get it.

I am grateful that we had a good bipartisan spirit here tonight, that we were working with leadership in both parties here in the Senate, both parties in the House, including the future leadership in the House. We are going to bring this bill back to the floor of the U.S. Senate in January. We are going to move this through. We are going to move it to the House. We are going to fight to get this thing on the President's desk and signed as one of the early acts of Congress in 2019.

It didn't end well tonight with this package, but we are going to start strong in January. We are not giving up the fight.

I want to thank the staff and the committee leadership on both sides for helping us get to this point tonight.

Merry Christmas and Happy New Year. We will be back in January, fighting.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Kansas.



## GOVERNMENT FUNDING

Mr. MORAN. Mr. President, a little earlier in the evening, we cast a vote, one that was done without a rollcall, and I want my constituents to know how I voted because, while I will put a statement in the RECORD, it will not appear as yeas and nays.

Earlier this evening we passed a continuing resolution, and I voted no. I want my constituents to know how I voted, and I want them to know why.

I indicated to my colleagues within the last 10 days that I intend to vote no on a CR because it is not the way we should be conducting business in the U.S. Senate or in the U.S. House of Representatives.

Continuing resolutions mean that we are just postponing the issues we face today, and they don't get any easier the longer we wait to resolve them.

They also mean that for the appropriations process, of which I am a part and have spent a significant amount of time this year, while we were successful in many, many ways, we have left seven bills without resolution. Because we couldn't resolve them, we are going to fund those Departments and Agencies at the same level of spending next year as this year.

What that means is after the number of hearings we had—the witnesses who were brought in and testified, the oversight we have done onsite at Departments and Agencies and facilities across the country—we are left without that input being included in decisions. It means we are not prioritizing what spending is important.

There may be a few things around here that could utilize additional resources. Maybe the resources level that we fund things at today is what it should be. Maybe there are things we shouldn't fund at all, and there are certainly some things which we could fund at lower levels. But no, we are not going to say that this is more important than this; we are going to say all things are equal. The way we have funded appropriations last year for these Agencies and Departments is exactly the right amount it should be into the future.

Unfortunately, we have done CRs long enough that we are not just talking about, is it right? What was right for last year is the same amount that it should be for the next several months. It goes back years. So what we are saying is that the decisions we made years ago are the same priorities we would have today. That is not true.

Perhaps more compelling to me is that every time we pass a CR, we lose the opportunity to utilize the power of the purse string to rein in the behavior and actions of those who work in those Bureaus, Departments, and Agencies. If Congress is always going to give a Federal Agency the same amount of money in the future as it gave in the past, there is no reason for those Agencies to pay attention to the U.S. Congress, to the House and the Senate, to article I of the U.S. Constitution, which gives

the authority for appropriating money to fund the Federal Government to this Congress. We abdicate our responsibilities, and we reduce the opportunity on behalf of our constituents—for me, on behalf of Kansans—to make certain that the things they think are important are the things we fund, the things that are constitutional are the things we fund, and we lose the opportunity to tell an Agency by using the power of the purse string that when you pursue this regulation, when you pursue this policy, when you make the decision you make—Congress isn't going to have the leverage on you to convince you to change your behavior. We lose the relationship that exists under the Constitution for us to have power over those Departments and Agencies in the executive branch.

Common sense tells us that if we determine how much money an Agency or Department receives, they are going to be much more interested in what we have to say, and if they don't listen to us, we have the ability to remove the money, to eliminate the funding.

So tonight, in my view—and I believe this strongly—we missed an opportunity. We have been in this process for a long time now. We set out with the goal of passing all 12 appropriations bills individually. The Appropriations Committee has done that. But they were not all brought to the Senate floor. In fact, for the bills we are talking about tonight, a continuing resolution was passed for them several months ago, taking us to December 8.

At this point in time on December 8, we continued them until this Friday, and now, tonight, we have continued the continuing resolution with the same funding in the future as last—now for the third time in 2 months—to February 8. We are not doing what we are supposed to do, and in this process, in my view, the opportunity existed.

We were very close to reaching an agreement. President Trump has strong feelings about border security. President Trump was willing to work with Congress to find a solution. Somewhere along the line—and there are lots of folks who want to say where the blame lies—maybe it was with Speaker-elect Pelosi; maybe she just is unwilling to allow anything but a continuing resolution to pass. But the amount of dollars we were apart is so minimal, and the policy issues had been resolved. Yet, for some reason, we walked away. If she is the Speaker-elect of the House, I urge her to deal with this issue of appropriations. It is the power of Congress. Republicans and Democrats ought to work together to fill our constitutional responsibilities.

Where are the days in which the Congress—Republicans and Democrats, House and Senate—exhibited their prerogatives, not because we want power but because the Constitution gives us the authority—the responsibility, in fact—to make decisions about spending?

There is no glory in making a decision on spending when we say that to-

day's dollars are fine next week; they are fine the next week; they are fine the next month. We were so close to coming together this year, and it is disappointing that the end result is now a continuing resolution until February 8.

I want my constituents to know that we have done this too many times. Yes, there may be a time in which we want to have just a few days to resolve the final differences. A few days is not February 8; a few days is not now, for the third time. What we needed to decide months ago, we pursued weeks later. What we should have decided weeks later, we failed to address a week ago. Tonight, we failed once again to address the issues of the proper amount of funding. Twelve appropriation bills should march their way across the U.S. Senate floor, should march their way across the House of Representatives floor, and should be sent to a President for his or her signature or his or her veto.

The process that was exhibited this evening failed to allow me to have my vote recorded as it normally is, and it is important for me, for Kansans, and for Americans to know that I oppose the way we are doing business tonight. It needs to change. We have said it before, and if we always say that we can wait another 2 weeks, we can wait another 3 weeks, we will never get back to doing the work we are hired to do by the American people.

I have voted no. It is the right vote. Ms. CANTWELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## REMEMBERING JOHN JOSEPH CASSIDY

Mr. HATCH. Mr. President, what can you say about a dear friend who has passed away? That he was brilliant? And supremely accomplished? That he loved family and church? And the law? And people from all walks of life?

To say these things does not nearly capture the full measure of the man, the much-beloved lawyer John Cassidy, a wonderful and humble person who rose to the top of his field, who advised Washington dignitaries from Presidents on down, indeed so many in this body; a man who was friends to celebrities, business leaders, and politicians