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Senate

The Senate met at 12 noon and was called to order by the Honorable JOHN BOOZMAN, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

O God of our salvation, in spite of the challenges of today and tomorrow, we continue to look to You, our help in ages past and our hope for the seasons to come. Deliver us from the pitfalls of political brinksmanship. May our lawmakers continually remember how You have led this Nation in the past, finding inspiration and faith that You will also guide this land in the days to come. Give our Senators strength, power, and wisdom for these grand and exacting times. Use them to defend our liberties and to unify our Nation for the good of humanity.

We pray in Your mighty name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 22, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JOHN BOOZMAN, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. BOOZMAN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

GOVERNMENT FUNDING

Mr. MCCONNELL. Mr. President, I have on a red sweater this morning in the hopes that Christmas is not too far away for all of us, including the Members of Congress. With that in mind, let me give everyone an update on where we are.

Yesterday, the Democratic leader and I reached a procedural agreement to create space for ongoing negotiations over government funding. To provide flexibility as the White House and Senate Democrats continue their discussions, the Senate already officially proceeded to the House-passed funding legislation—so that is pending—but we did so with an understanding that no further votes will occur until the President and Senate Democrats have reached an agreement to resolve this.

Let me say that again. We pushed the pause button until the President, from whom we will need a signature, and Senate Democrats, from whom we will need votes, reach an agreement—no procedural votes, no test votes, just a meaningful vote on a bipartisan agreement whenever that is reached, and it is my hope that it is reached sooner rather than later.

It is no mystery why securing our Nation's borders is such a major priority for Republicans here in the Senate and Republicans over in the House

and for President Trump. Any look at the plain facts leads to one simple conclusion: The crisis of security at our southern border is real.

Over the past year, Customs and Border Protection's records of apprehensions and interdictions at our southern border are literally staggering—800 known gang members, a 50-percent increase over last year, nearly 7,000 individuals with criminal histories, including weapons trafficking and violent offenses, more than double the levels of fentanyl, along with other illicit substances.

So the report card is quite clear. America's borders are in crisis. These facts I have stated are not partisan facts. They aren't ideological. They are just facts—just facts. They don't describe the Republican Party's version of events or the President's version of events. They describe reality.

So one would think that securing our homeland, controlling our borders, and protecting the American people would be bipartisan priorities—uncontroversial, commonsense, bipartisan priorities—a core duty of any nation's government.

And here is the interesting thing. Until very, very recently, that seemed to be the case. Back in 2006, Democrats were perfectly happy to support hundreds—hundreds—of miles of physical barriers along the border. Twenty-six Democrats voted for the bill, including then-Senator Obama and then-Senator Clinton and my good friend the current Democratic leader from New York, but what about more recently? Earlier this very year—this year, Mr. President—the Democratic leader offered \$25 billion for physical barriers in his negotiations with the President, which is five times as much as the White House is reasonably requesting right now. That was just earlier this year.

Republicans in the House and in the Senate believe the House's provision for \$5 billion in border funding plus additional disaster funding were completely reasonable. I was glad to vote

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



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to advance that legislation yesterday. My colleagues and I are proud to stand with the American people on this subject for the safety of American families and the health and security of our communities, but this time—this time—Democrats have rejected that reasonable request. They have refused to meet President Trump half way and provide even one-fifth of the resources for the border they were willing to provide just a few months ago.

There is no bright line of principle that separates hundreds of miles of physical barriers in 2006 from new physical barriers in 2018. There is no major philosophical shift that made \$25 billion for border security worthwhile just a few months ago but makes a far more modest investment of \$5 billion immoral and unacceptable today.

No, Democrats haven't rejected the President's request and invited this partial government shutdown because of some principled objections they just discovered in the last few weeks. It is not some principled discovery they just made in the last few weeks. They brought this about because they are under a lot of pressure—we all know this—from their far left and feel compelled to disagree with the President on almost anything and certainly this.

So that is where we are, but we don't need to be here for long. In order to get us out of this mess, a negotiated solution will need to check these boxes. It is really very simple. It will need the support of 60 Senators, which will obviously include a number of Democrats. It will need to pass the House. And it will need a Presidential signature. That is how we make a law in this situation. Sixty 60 votes in the Senate, a majority of the House, and President Trump's signature are what is needed. That is what will end this regrettable episode, reopen the lapsed portions of the Federal Government, and produce the investment in border security that our Nation really needs.

So I am glad that productive discussions are continuing at this hour between my friend the Democratic leader, the Democratic leader in the House, and the White House. When those negotiations produce a solution that is acceptable to all of those parties, it will receive a vote here on the Senate floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CHILD PROTECTION IMPROVEMENTS ACT OF 2017—Continued

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 695, which the clerk will report.

The senior assistant legislative clerk read as follows:

House Message to accompany H.R. 695, a bill to amend the National Child Protection Act of 1993 to establish a voluntary national

criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

Pending:

McConnell motion to concur in the House amendment to the Senate amendment to the House amendment to the Senate amendment to the bill.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. SCHUMER. Merry Christmas, happy holidays to you, sir, and to the legislative staff.

I ask unanimous consent that the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GOVERNMENT SHUTDOWN

Mr. SCHUMER. Mr. President, at midnight last night, roughly 25 percent of the government shut down because of one person and one person alone: President Trump. We arrived at this moment because President Trump has been on a destructive 2-week temper tantrum, demanding the American taxpayer pony up for an expensive and ineffective border wall that the President promised Mexico would pay for.

Make no mistake. The Trump shutdown is not about border security. All of the proposals we have made contain over \$1 billion in new border security money, the same amount allocated last year by both parties and even the President agreed to. The Trump administration has barely even spent any of the border security money from last year. So the Trump shutdown isn't over border security; it is because President Trump is demanding billions of dollars for an expensive, ineffective wall the majority of Americans don't support.

Let me remind you, the President called for a shutdown no less than 25 times. He has wanted one for months. In our meeting in the Oval Office, President Trump said he would be "proud" to shut the government down. Imagine saying he would be proud to shut the government down.

Even Rush Limbaugh, one of the biggest supporters of the President, said it was a Trump shutdown; that he caused it. He said—this is Limbaugh speaking: "The President wants you to know it's money [for the wall] or nothing, and if it's nothing, he shuts it down."

Just 2 days ago, the Senate unanimously agreed to a proposal by Leader MCCONNELL to keep the government open through February. It wasn't exactly what Democrats wanted—we thought it should be longer—but we agreed because we wanted to keep the

government open, and all indications were that the President would sign the bill, but President Trump—beholden to the far, far right, unwilling to shoulder even the slightest critique from Rush Limbaugh or Laura Ingraham—changed his mind on the bipartisan Senate bill, passed unanimously by all Republicans and all Democrats in this Chamber, and he sent his House allies off to tilt at windmills.

Everyone knew yesterday, long before the House vote, that the President's wall lacked 60 votes in the Senate. It has proven to lack even 50 votes. It will never pass the Senate—not today, not next week, not next year.

So President Trump, if you want to open the government, you must abandon the wall, plain and simple. The Senate is not interested in swindling American taxpayers for an unnecessary, ineffective, and wasteful policy. What we do support, Democrats and Republicans, is real, effective border security—but not a wall. The wall is President Trump's bone to the hard-right people. It is no way to spend \$5 billion, for a political bone.

I have heard the President and his allies in the media say Democrats don't support border security. Nothing could be further from the truth.

Democrats have always been for smart and effective ways to secure our border. We are pushing for technology, like drones and sensors and inspection equipment. Every single proposal we made to the President included \$1.3 billion for border security. The Trump shutdown provides zero dollars for border security, but I have never supported a border wall, and I challenge anyone on the hard right to find a time that I—or any expert—has supported a wall like what the President has proposed.

So where do we go from here? Well, three proposals are on the table, two by Democrats—Leader PELOSI and I—one by Leader MCCONNELL, each of which would reopen the government and provide \$1.3 billion in border security. We are also open to discussing any proposals with the President as long as they don't include funding for the wall, but in order for an agreement to be reached, all four congressional leaders must sign off and the President must endorse it and say he will sign it. Leader MCCONNELL must agree. Speaker RYAN must agree. They cannot duck responsibility. Leader MCCONNELL still controls this Chamber. Speaker RYAN controls what reaches the floor of the House. They are essential to this process. Leader MCCONNELL can't duck out of it. He knows that. Of course, Leader PELOSI and I must agree. Most importantly, the President must publicly support and say he will sign an agreement before it gets a vote in either Chamber. We don't want to go through what we went through a few days ago.

Both Leader MCCONNELL and I have agreed on that qualification for a specific reason. Repeatedly, the President