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No. 26

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 13, 2018, at 12 p.m.

Senate

FRIDAY, FEBRUARY 9, 2018

(Legislative day of Thursday, February 8, 2018)

The Senate met at 12:01 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma.

PRAYER

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

Let us pray.

O Sovereign Lord, at this midnight hour, show us Your greatness. In these challenging days, be our strength and shield. No one is like You. Your way is perfect; Your promises prove true. You rescue those who look to You for protection. Great and mighty are Your words.

Give wisdom to our lawmakers. Remind them how brief their time on Earth will be. Help them to see that they are moving shadows, who bring nothing into this world and will take nothing from it. Remind us all that time is fleeting, and our hearts, though stout and brave, continue to beat funeral marches to the grave. And so, Lord, where do we put our trust? Our hope is in You.

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, February 9, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES LANKFORD, a Senator from the State of Oklahoma, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The majority leader.

HONORING HOMETOWN HEROES ACT

Mr. MCCONNELL. Mr. President, I call for regular order.

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 1892, a bill to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the

Senate to the bill, with amendment No. 1930, in the nature of a substitute.

McConnell amendment No. 1931 (to amendment No. 1930), to change the enactment date.

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 1932, to change the enactment date.

McConnell amendment No. 1933 (to (the instructions) amendment No. 1932), of a perfecting nature.

McConnell amendment No. 1934 (to amendment No. 1933), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, what we have experienced today is a long debate about how we should spend our money, and I have said repeatedly that this is a terrible, rotten, no-good way to spend your money. It is a terrible way to budget your money.

It is a terrible thing to sort of lurch from deadline to deadline. Basically, Congress lurches all the way to a deadline. We approach midnight, and we are either up or down on some bill that is decided by a few people but not by the vast majority. So Congress basically lurches from deadline to deadline, and then Congress waits until the last minute and then gloms all of the spending together in one enormous bill. When that bill comes forward, though, at the very last minute, we are told that we don't have enough time to debate and amend the bill, so no one really is allowed to participate in the process other than a few folks behind closed doors. The consequences of this have not been good, I think, for the country.

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



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All day long, what we have been requesting and what I have been asking for is simply 15 minutes to have one amendment, and my amendment would have said that we should live within our means, that we should live within the budgetary caps we have set and try not to add too much debt. We were denied this amendment even though we have had plenty of time. We probably had time for 40 or 50 amendments today had we actually allowed this to happen.

But make no mistake—the result of this bill today is a bipartisan looting of the Treasury. We are going to now have a bill that will expand spending across the board and will lead to trillion-dollar annual deficits. But it doesn't have to be that way. I think the Senate, if it actually tried harder, could do the right thing. If we were passing individual appropriations bills, no one Senator would ever stop anything, would ever be able to shut down anything. If we had done our job, the appropriations bills would have already been passed or be in the process of passing for the following year, and I think it just takes willpower to do it. Everybody you talk to says: Oh yeah, we should do it that way. Everybody sort of quietly says: This is the last time I am voting for a CR or for one of these enormous spending bills. Yet we are on our fourth one this year.

Even though I have great complaints about how much debt is going to be added with this, I think we also are finding that we will have another one of these in a month. So really I think that is what is disconcerting to a lot of us, is that we don't go through the process of actually looking for waste in government, going through the committee process, and spending the money more wisely.

Earlier today, I went through a series of wasteful projects that are out there. Many of them are very similar to wasteful projects that William Proxmire had started noticing in the late 1960s and early 1970s. Yet we still have many of that same waste that goes on and on and on.

Only four times in the last 42 years has Congress actually passed all the appropriations bills, but it is not impossible even in our modern era. This year, the House actually passed all 12 appropriations bills. Yet we didn't have time, somehow, to take up any of that or do any of the work on our side. But there are real consequences to what happens, and one of the consequences here is that we are accumulating new debt at about \$1 million a minute. We have for some time. The new estimates actually are closer to \$2 million a minute. It is going to be about \$1 trillion a year.

When you look at the debt that was accumulated for the last 17 years or so, George W. Bush doubled the debt from \$5 trillion to \$10 trillion. President Obama doubled the debt from \$10 trillion to \$20 trillion. And now we are on course to exceed \$30 trillion in the next

7 years or so. So there really are signs that the budget process is broken in the sense that we are always doing these short continuing resolutions, but there is also evidence that we are not being very good stewards of the money in putting all the spending together in one bill at one time.

I think the vote tonight is a vote about many things. It is about whether you favor a government accumulating so much debt. It is about whether you can reckon that with your conscience when you—many of us—complain for years and years about the trillion-dollar annual deficits of President Obama. And it really is also a litmus test of conservatism, because some of us have maintained for years that we are fiscally conservative, and we go home to our States and say we are holding the line. Yet it only appears sometimes that we are conservative when we are in the minority, and that is really a good question. Are we to be conservative all of the time or only when we are in the minority?

Some will say we must govern, and my question about governing is, Does governing mean abandoning one's principles? Does governing mean that we are just going to be senseless and spend and throw money at every problem?

Some said this is a great deal because it is bipartisan, but really, in some ways, it is a bipartisan compromise in the wrong direction. Both sides have come together and said: We will spend more money on the sacred cow that each side wants. But in reality, the person who gets shafted is the taxpayer and the next generation that is going to be burdened by this debt.

There are some procedural ways we could try to avoid this. We could all just do the right thing, but that hasn't seemed to work for decade after decade.

There are ideas, such as the Government Shutdown Prevention Act, and what it would do is it would say that if the appropriations committees don't do their job—if they have 12 months to actually come up with an appropriations bill and then the deadline comes and in 12 months they haven't done their job—what would happen is, the government wouldn't shut down; the government would continue spending money, but it would be at 1 percent less than they have been spending money.

I think you have to have that hammer. You have to have some kind of punishment for not doing your job, and the punishment here would be that we would slow the rate of growth of government—slow it down, 1 percent cut. It doesn't sound enormous, but if you actually had a 1-percent cut annually in the balance, you actually would balance your budget within about 5 years. So a 1-percent cut would actually be pretty dramatic and actually going in the right direction.

For those who don't want to cut spending, the 1-percent cut would be an incentive to do their job, to actually process the appropriations bills and have them come out.

Even if we only did 6 out of the 12 appropriations bills, only one-half of the government would cut down. So every appropriations bill that is actually brought through committee and brought to the floor is one step in the right direction. It makes it less likely that we would have a complete shutdown.

I think that drawing attention to how much debt we are accumulating is important. Some will say that it was a mistake to have this debate today. This debate could have been shortened and could have been finished by noon today had we been granted 15 minutes to have one amendment.

So I think part of the process is, even if we were going to do the appropriations bills the way many of us would like, I think they should come to the floor and we should have a week or two of amendments. It is the most important thing we are supposed to be doing. Why couldn't we have amendments? We do sort of the opposite now, and we wait until the very last minute. So we have waited all week long to put this at the end of the week and let it expire toward the end as people get tired, and then everybody says: Well, you don't want to shut down the government, do you? And I really don't. My intention has never been to shut down the government, but my intention is also not to keep it open and borrowing \$1 million a minute. My intention is not to vote for bills that are always just keeping it open, bills that actually spend so much money that I think they endanger our security.

There have been those who say that the greatest threat to our national security is actually our debt. I think that is true. And I think if we don't rectify this, if we don't fix our broken system, if we don't show the American public that we can function in a way better than lurching from deadline to deadline, I think eventually the American people are going to catch on that maybe they need some new people if we can't do it in an appropriate fashion.

I see no reason, on the first day of the legislature, that our leadership couldn't sit in the chair and say to everyone: We are going to do all 12 appropriations bills individually. We will spend 3 months in the committee on all of them, we will bring them to the floor, and we will do a week or two on every bill.

That would be the primary thing we did during the entire year, but we would review all the spending to make sure we are not wasting the money, to make sure there are not programs in there that are wasteful.

Right now, we are going through a Pentagon audit. Instead of actually enforcing things on the Pentagon to spend better, we are actually just giving the Pentagon a pile of more money. So the recent audit had \$800 million that was missing or lost. That is a large amount of money. The recent audit also says that there is over \$100 billion that actually was spent in a

wasteful manner. I would think we would want to take something like that, go through the appropriations process, and try to fix the spending.

But you will never get less waste if you give people more money. So really the bottom line is, you have to give people less money. If you give people more money, they will continue to waste it at the same rate. You can say we are rooting out waste, but if you are always increasing the amount of money you give people, there will be more waste. There are some Departments of government that should be completely cut out, eliminated.

I think there is a lot that can be done, but none of this is happening now. When weglom all the spending together in one enormous bill, there is not enough time to read it, and if there are no amendments, there is no way or no process to go through and try to reform government.

I think this has been a very useful debate, and my hope is that those who mutter and say "Gosh, why are we having to do this so late at night?" will say "Why do we do it at all this way? Why can't we do it in a better way next year? Why can't we begin to do the process of actually sending bills through committee and debating them in a normal fashion?"

So I, for one, think that this is an important debate and that the future of our country hinges on how much debt we are accumulating. I hope those who look at this bill who actually truly do believe that debt is a problem will consider saying: Enough is enough, and I am not voting for more debt.

Thank you.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I ask unanimous consent that we begin the cloture vote at this time. I believe we are only about 2 minutes away from the scheduled time.

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

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment with a further amendment to H.R. 1892, an act to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

Mitch McConnell, John Cornyn, Chuck Grassley, Tom Cotton, David Perdue, Thom Tillis, James Lankford, John Kennedy, Roy Blunt, Richard C. Shelby, Lisa Murkowski, Susan M. Collins, Steve Daines, John Boozman, John Barrasso, James M. Inhofe, Orrin G. Hatch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with amendment No. 1930, offered by the Senator from Kentucky, Mr. McCONNELL, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCain).

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

The yeas and nays resulted—yeas 73, nays 26, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—73

| | | |
|--------------|-----------|------------|
| Alexander | Hassan | Portman |
| Baldwin | Hatch | Reed |
| Barrasso | Heinrich | Roberts |
| Blumenthal | Heitkamp | Rounds |
| Blunt | Heller | Rubio |
| Boozman | Hoeven | Schatz |
| Brown | Inhofe | Schumer |
| Capito | Isakson | Scott |
| Cardin | Kaine | Shaheen |
| Carper | Kennedy | Shelby |
| Casey | King | Smith |
| Cassidy | Klobuchar | Stabenow |
| Cochran | Leahy | Sullivan |
| Collins | Manchin | Tester |
| Coons | McCaskill | Thune |
| Cornyn | McConnell | Tillis |
| Cortez Masto | Menendez | Udall |
| Cotton | Moran | Van Hollen |
| Cruz | Murkowski | Warner |
| Donnelly | Murphy | Whitehouse |
| Duckworth | Murray | Wicker |
| Durbin | Nelson | Wyden |
| Fischer | Perdue | Young |
| Gardner | Peters | |
| Graham | | |

NAYS—26

| | | |
|----------|------------|---------|
| Bennet | Feinstein | Markey |
| Booker | Flake | Merkley |
| Burr | Gillibrand | Paul |
| Cantwell | Grassley | Risch |
| Corker | Harris | Sanders |
| Crapo | Hirono | Sasse |
| Daines | Johnson | Toomey |
| Doini | Lankford | Warren |
| Ernst | Lee | |

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 26.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer with instructions falls.

The majority leader.

AMENDMENT NO. 1931

Mr. McCONNELL. Mr. President, I know of no further debate.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to amendment No. 1931.

AMENDMENT NO. 1931 WITHDRAWN

Mr. McCONNELL. I withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

VOTE ON MOTION TO CONCUR WITH AMENDMENT NO. 1930

The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 1892 with further amendment.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCain).

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

The result was announced—yeas 71, nays 28, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—71

| | | |
|--------------|-----------|------------|
| Alexander | Graham | Peters |
| Baldwin | Hassan | Portman |
| Barrasso | Hatch | Reed |
| Blumenthal | Heinrich | Roberts |
| Blunt | Heitkamp | Rounds |
| Boozman | Heller | Rubio |
| Brown | Hoeven | Schatz |
| Capito | Inhofe | Schumer |
| Cardin | Isakson | Scott |
| Carper | Jones | Shaheen |
| Casey | Kaine | Shelby |
| Cochran | King | Smith |
| Collins | Klobuchar | Stabenow |
| Coons | Leahy | Sullivan |
| Cornyn | Manchin | Tester |
| Cortez Masto | McCaskill | Thune |
| Cotton | McConnell | Tillis |
| Cruz | Menendez | Udall |
| Donnelly | Moran | Van Hollen |
| Duckworth | Murkowski | Warner |
| Durbin | Murphy | Whitehouse |
| Ernst | Murray | Wicker |
| Fischer | Nelson | Young |
| Gardner | Perdue | |

NAYS—28

| | | |
|-----------|------------|---------|
| Bennet | Flake | Merkley |
| Booker | Gillibrand | Paul |
| Burr | Grassley | Risch |
| Cantwell | Harris | Sanders |
| Cassidy | Hirono | Sasse |
| Corker | Johnson | Toomey |
| Crapo | Kennedy | Warren |
| Daines | Lankford | Wyden |
| Enzi | Lee | |
| Feinstein | Markey | |

NOT VOTING—1

McCain

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

BROADER OPTIONS FOR AMERICANS ACT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 302, H.R. 2579.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 302, H.R. 2579, a bill to amend the Internal Revenue Code of 1986 to allow the premium tax credit with respect to unsubsidized COBRA continuation coverage.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.