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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SWALWELL of California).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 10, 2019.

I hereby appoint the Honorable ERIC SWALWELL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2019, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

HOW CLOTURE KILLED THE 115TH CONGRESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, 2 weeks after the 2016 election, I warned on this floor that the greatest obstacle to the success of the Republican Congress and the Trump Presidency was the Senate's cloture rule.

Cloture is the Senate rule that requires 60 votes before a bill can be considered. It was originally designed to

protect the minority's right to debate, but it has now degenerated into a very effective way for the minority to prevent any debate. Today, it gives minority Democrats in the Senate the power to summarily reject almost every measure brought to the Senate.

In 2016, the American people elected a Republican President and Republican majorities in both houses of Congress with a simple plea: Make America Great Again. As a practical matter, this meant reviving the economy, balancing the budget, securing our borders, and rescuing our healthcare system. Having given us all the necessary tools, it had every right to expect action.

If the Republican Congress had proven worthy of this trust, history would have looked back on the last 2 years as the turning point when America reclaimed its greatness and entered a new era of prosperity, solvency, and security. The new 116th Congress would be taking office with a clear mandate to build on that success.

Well, the American people got action from the President. They also got action from this House. We sent the Senate over 1,300 bills, fulfilling every promise made to the American people. The Senate acted on fewer than 300.

Now, did the Senate, which absurdly boasts to be the greatest deliberative body in the world, carefully and meticulously deliberate over these measures and ultimately reject them? No. The greatest deliberative body in the world never took them up at all—all for lack of cloture.

That is not the fault of Senate Democrats, who radically abused this rule as part of the resistance. It is the fault of Senate Republicans who let them.

The only major accomplishments were due to rare instances when cloture could be bypassed. The appointments of Neil Gorsuch and Brett Kavanaugh to the Supreme Court occurred only after Senate Republicans

changed this rule, but only for Supreme Court nominations.

The landmark tax reform bill could be taken up and passed in the Senate only by misusing a budget process called reconciliation, which avoids the cloture rule.

Reconciliation is a once-a-year bill designed to control spending. It isn't subject to the 60-vote requirement, but it can only change laws to conform to spending levels set by the budget.

Even then, this proved a mixed political blessing for Republicans. The limits on deducting State and local taxes were all placed in the bill, solely to conform to reconciliation requirements. Republicans got clobbered in the high-tax States where these provisions proved so unpopular.

The tax cuts triggered such dramatic economic growth that Federal revenues increased, yet the deficit continued to widen. Why? Well, spending exploded, in part because House leaders hijacked reconciliation, the most potent tool to control spending, in order to get around the Senate's cloture rule.

Cloture turned healthcare from a winning to a losing issue for Republicans. House Republicans had proposed comprehensive healthcare reforms that rescued Americans from the bureaucratic labyrinth of ObamaCare, restored their freedom of choice, protected those with preexisting conditions, and provided a supportive tax system to guarantee an affordable health plan for every family.

Yet cloture made a comprehensive bill DOA in the Senate, forcing the House to concoct a hodgepodge measure that could fit within the narrow rules for budget reconciliation. This mangled product that resulted couldn't even muster a Senate majority. Since the replacement bill was never enacted, Democrats could portray it any way they wanted. The same story can be told of border security and funding for the long-promised border wall.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Though majorities in both houses favored funding, cloture gave Senate Democrats the power to run out the clock toward a government shutdown and produce the impasse that we now face today.

Ironically, the political demographics of Senate elections allowed Senate Republicans to increase their majority, while voter frustration decimated their House colleagues.

The 115th Congress now passes into history as Democrats take control of the House and end any chance to fulfill the hopes of 2016. All that is left is Whittier's sad lament: "Of all sad words of tongue and pen, the saddest are these, 'It might have been.'"

END THE SHUTDOWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. BROWN) for 5 minutes.

Mr. BROWN of Maryland. Mr. Speaker, there is a crisis in our country, but it is not at our southern border. There is a crisis mounting at every airport, every national park, in the homes of furloughed Federal employees and stop-work Federal contractors across this country, from Los Angeles through Kansas City to Baltimore. It is a crisis that is hurting the lives of countless Americans whose food won't be inspected, whose water may not be clean, whose flight may not be safe, and whose bills may not be paid. It is a crisis of the President's own making.

Right now, we are on the verge of the longest government shutdown in our Nation's history, a shameful display of what happens when the President governs solely to appeal to his political base, rather than on behalf of all Americans.

Why are we here, Mr. Speaker? Because the President has committed himself to a wall that many experts say is ineffective. It is ineffective; it is expensive; and it is downright absurd. It has become a vanity project that began as an applause line in a campaign speech in which then-candidate Trump deemed the entire migration of people from the south rapists and criminals.

It is clear, the wall is the only policy objective that matters to the President, and he is willing to say or do anything to get it. He will push hundreds of thousands of American families into suffering for his wall, and he has gone so far as to threaten us with a declaration of national emergency if he doesn't get his way, a declaration of national emergency not because we are in the middle of one, but, rather, as the President put it, because he can't make a deal.

What is this national emergency on the border that the President is so concerned and afraid of? The past 2 years have seen border crossings drop to a historic low. Most undocumented immigrants in this country are visa overstays.

Mr. Speaker, 0.1 percent of all Border Patrol arrests in 2018 were members of

MS-13. Yes, that is a problem that we are sadly and tragically familiar with in Maryland, but that doesn't make it a national emergency.

Most drugs smuggled through the southern border come through official ports of entry, not between them. And despite the President's false claims, there aren't thousands of terrorists coming across the border.

Customs and Border Protection, an agency in which the President has considerable confidence, said they encountered six people with names that are like those on the terrorist watch list. Last year, more suspected foreign terrorists were apprehended at the northern border than at our southern border.

Sure, we need strong border security, and not just at our southern border. But the President knows this isn't a national emergency but, perhaps, an alarm to his own political future.

What will hurt our security and create a real crisis is if he takes money away from the Armed Forces to fund the wall. If the President used funding from the military construction budget, facilities used by our men and women in uniform—like shipyards and aircraft hangars, ammunition supply points and training ranges, and childcare centers and family housing—those would continue to slide into disrepair. This would impact military readiness and the quality of life for our military families.

Or the President could decide to use money from infrastructure projects from the Army Corps of Engineers, projects meant to protect cities like Houston or Ellicott City in Maryland from flooding and would threaten tens of thousands of Americans who may find themselves in a real emergency during the next hurricane season.

The use of these authorities, like the deployment of our troops to the border, is irresponsible, unnecessary, and misguided.

Mr. Speaker, we don't have a crisis on the border. We have a crisis in the Oval Office. To President Trump, the wall, his symbol of division, matters more than substantial improvements to border security and true comprehensive immigration reform.

If President Trump wants to address the real crisis in our country, let's end this shutdown and pay the people who work for the people. Let's reduce our silent backlog, protect Dreamers, and fix our dysfunctional immigration system. We need real action and a bipartisan solution.

EXPRESSING SUPPORT OF SMALL BUSINESS DEVELOPMENT CENTERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of the small business development centers located throughout my district and

throughout the country. These development centers are Statewide, nationally accredited programs that provide one-on-one consulting, training, and information resources to empower new and existing small businesses.

They are a public-private partnership between the Small Business Administration, the Pennsylvania Department of Commerce and Economic Development, and universities and colleges across the Commonwealth.

Clarion University and Penn State both have fantastic small business development centers whose mission is to provide entrepreneurs with the knowledge needed to make smart decisions and to see their businesses grow and prosper.

Over the past few months, I have received many letters in support of small business development centers from constituents who have utilized these services to start or maintain a small business of their own.

Lisa from Smethport wrote that, after growing up working in her family's restaurant, it had always been a dream to operate her own restaurant. Through the help of the Clarion University Small Business Development Center, her dream became a reality.

Joseph from Punxsutawney worked with the center to help manage his business's financial records and receive a line of credit. He wrote that the information and advice they provided helped him make critical business decisions with confidence.

And Emily from Franklin recently opened up a charming bed and breakfast after working with the development center staff to write up a business plan and organize the financial aspects of her business. She hopes to continue working with the development center and said she truly feels as though they want her to succeed.

Mr. Speaker, these are just some of the stories I have received, and I thank all of my constituents that took the time to share their stories with me. The success stories of small business owners that work with development centers are endless. They have greatly helped economic progress in my district.

The Clarion University center helped start up 55 new businesses in 2017 and supported more than 500 constituents.

Nationally, small businesses make up 99.7 percent of U.S. employer firms. In 2018, there were more than 30 million small businesses that employed 58 million people.

The development center program, operated through the Small Business Administration, was allocated \$130 million for fiscal year 2018. Through the continued funding of small business development centers, paired with the passage of probusiness legislation like the Tax Cuts and Jobs Act, entrepreneurship can continue to thrive in Pennsylvania and all across this country.

Mr. Speaker, that is something every American can applaud and that we should be proud of.