



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, THURSDAY, JANUARY 10, 2019

No. 5

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Eternal God, You are wisdom without end, mercy without limits, and strength beyond resistance. We praise Your holy Name.

On this 19th day of the partial government shutdown, illumine our darkness, revive our faith, and heal our wounds. Give wisdom to our lawmakers. May they transform the jarring discord of anxiety and fear into the music of Your purposes.

Lord, help our Senators to serve our Nation and world, unsullied by base motives of self-interest. Pardon and overrule what has been done unworthily or left undone or done amiss.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—H.R. 251, H.R. 264, AND H.R. 269

Mr. MCCONNELL. Madam President, I understand there are three bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 251) to extend by two years the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.

A bill (H.R. 264) making appropriations for financial services and general government for the fiscal year ending September 30, 2019, and for other purposes.

A bill (H.R. 269) to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, to clarify the regulatory framework with respect to certain nonprescription drugs that are marketed without an approved drug application, and for other purposes.

Mr. MCCONNELL. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

BORDER SECURITY

Mr. MCCONNELL. Madam President, all week I have been outlining the humanitarian and security crisis at our Nation's southern border. I have discussed the threats from the inflow of drugs and criminal aliens; I have shared career border security experts' strong support for physical barriers; and I have cited the empirical data that actually backs them up. But on day 20 of this partial government shutdown—a shutdown that has been prolonged by my Democratic colleagues' refusal to even come to the table—I

thought I might try something different this morning, so I brought a visual aid.

The chart right here behind me sums up my Democratic colleagues' past and present positions on border security.

Over here on the left, you have a border fence made out of steel bollard at the U.S.-Mexico border in Nogales, AZ. Construction on this upgraded steel slat barrier began back in 2011 at the direction, mind you, of President Obama's Department of Homeland Security—this fence over here, under President Obama, at the direction of his Department of Homeland Security.

Just 5 years prior, Senator Obama joined with then-Senator Hillary Clinton, the current Democratic leader, and several other Democrats and voted to authorize 700 miles—700 miles—of physical barriers under the Secure Fence Act of 2006.

On the right of this chart, we have an example of a barrier like those the new Speaker of the House has recently described as immoral. I would defy my colleagues to tell me what the difference is. They are exactly identical. So we went from the Obama administration, when everybody was supporting a wall that looked just like this, to the Trump administration, where now it is immoral. It is the kind of barrier that all of a sudden the Democrats are so opposed to that they would rather prolong the partial government shutdown than agree to an additional investment of approximately one-tenth—one-tenth—of 1 percent of Federal spending.

They are identical walls, exactly alike. When President Obama was there, they were for it. When President Trump is there, they are not. As I said, it is basically the same photograph twice.

I do that to underscore the point that the Trump administration is requesting funding for the same kinds of physical barriers that the Obama administration was actually proud to build and

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



Printed on recycled paper.

bragged about: fencing with spaced slats that allowed visibility, made with reinforced steel.

They are the same kinds of barriers that Customs and Border Protection experts have told us actually produce real results. You could call them walls; you could call them fences; you could call them steel slats, but what they really are is effective. That is what they are. Call them what you will, but they are effective.

According to the Government Accountability Office, after the outdated fencing in Nogales was replaced by this particular steel slat structure, the Border Patrol reported a significant drop in violent encounters with illegal immigrants. The Border Patrol is not on either side of this debate. They are just giving us the facts—just the facts.

During the 2 years leading up to the 2011 construction, 376 assaults on Border Patrol agents were recorded in the Nogales station. In the 2 years after—after—the bollard fence went up, the number of assaults fell to 71. That is 376 down to 71. That is a decline of 81 percent after the wall or fence or steel slats—whatever you choose to call it.

We have seen big success in other sectors as well. The Trump administration reports that in four border sectors where physical barriers were recently built or upgraded, illegal traffic dropped by—listen to this—90 percent—90 percent.

It is a fact that physical barriers are effective, as Democratic Senators used to understand perfectly well when there was a different occupant in the White House and, indeed, used to say publicly. They used to say that they are an essential ingredient in a balanced strategy for securing our border.

That was then, and this is now.

So why the tale of two completely Democratic Parties? Why does the Speaker of the House feel compelled to denounce as “immoral” the very kind of structures that her own party leaders recently praised as essential? Why do my Democratic colleagues and why does the Democratic leader feel the need to prolong this partial shutdown to avoid getting more of the same investments he used to vote for? What is the reason for this bizarre about-face?

Well, even these very Democrats are finding it difficult to invent a good excuse. On Tuesday, the distinguished House majority leader, Mr. HOYER, was asked by reporters how there is any real daylight between border security construction projects that Democrats have supported in the past and the ones they are now trying to block. Here is what majority leader HOYER said to those reporters. This is an honest man. “I don’t have an answer that I think is a really good answer.” “I don’t have an answer that I think is a really good answer.” That is the majority leader of the House of Representatives. Well, the reason is because there isn’t a good answer. There is no credible answer to this massive flip-flop.

We all know what the real reason is. My Democratic colleagues are oper-

ating purely on political spite directed at the President of the United States. Why else would they rather have a partial government shutdown drag on for nearly 3 weeks than get more of what they used to vote for and brag about? Why else would they plug their ears and refuse to listen to the experts out on the ground who do this kind of work, like President Obama’s own former Border Patrol Chief? Here is what he says: “I cannot think of a legitimate argument why anyone would not support the wall as part of a multi-layered border security issue.”

Remember, the proposal we are talking about today would represent one-tenth of 1 percent of Federal spending for this year—one one-thousandth.

With a straight face, Democrats are trying to convince the country that the Federal Government simply cannot reopen, that they simply cannot negotiate with the President because the sky would come crashing down if we invest one one-thousandth of Federal spending in proven border security solutions—proven border security solutions, by the way, that their own party used to support and that President Obama’s Border Patrol Chief and other security experts continue to support.

Let’s call it what it is—a flip-flop that is not based on principle or on evidence but solely on the fact that President Trump is the occupant of the White House.

So Republicans support the President’s commonsense request. The experts on the ground who actually risk their own safety to secure our Nation support it. Even the 2006 versions of President Obama, Secretary Clinton, and the Democratic leader would have supported it, but today’s Democrats now say that the same fencing and barriers that were A-OK when President Obama was in the White House are now “immoral”—“immoral”—because President Trump is the one making the requests.

This is not how you make serious policy. Partisan tantrums are no way to govern. My Democratic colleagues need to get serious about their responsibilities, seek treatment for their brand-new partisan allergy, seek some treatment for their brand-new party allergy to border security, sit down with the President, and negotiate a solution that works for everyone. That is the only way to move the country forward.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Madam President, today is the 20th day of the Trump shutdown. Tomorrow, it will tie the record for the longest shutdown in American history, and 800,000 Federal workers will miss a paycheck—TSA agents and Border Patrol, air traffic

controllers and food safety inspectors, veterans, and FEMA aides, and more. Many Federal employees—particularly, GS-3s and GS-4s and GS-5s—live paycheck to paycheck. Who is going to make the next mortgage payment for them? Who is going to put food on the table? And what on Earth do these employees and their agencies have to do with disagreements here over security down on our southern border?

The President is treating these hard-working Americans as nothing short of leverage—pawns in his political gambit to extract \$5 billion from American taxpayers to fund a border wall that he promised Mexico would pay for. This is ridiculous and cruel, and it needs to end now—right now.

The Democratic position is very simple. Let’s separate our disagreements over border security from the government shutdown, reopen all the government agencies unrelated to border security, and let’s continue to work to resolve our differences. Do not hold all of these workers as hostages, as pawns, as leverage.

That is why Democrats have passed the House legislation to reopen government that was drafted and supported by Senate Republicans. We Democrats are not trying to push down the throats of Republicans something they don’t support or they can’t swallow. Four of the bills in this package passed the Senate 92 to 6. The other two came through committee. They didn’t get to the floor. They passed 31 to 0 and 30 to 1. There is nothing—I repeat, nothing—contained in the legislation that Senate Republicans oppose.

So why aren’t we voting on it? Because Leader MCCONNELL is hiding behind President Trump, saying he will not bring to the floor a bill to reopen the government unless the President says OK.

Now, for the past 3 weeks, we have tried to get the President to “yes.” We have gone around and around and around with the White House and made little progress. Congressional leaders have now been to the White House three separate times for negotiations. Each time, the President has been intransigent and uncompromising. He refuses to back down from his position that the price to reopen the government is \$5 billion of taxpayer money for a wall that he promised Mexico would pay for.

On multiple occasions, he has refused our request to reopen unrelated parts of the government and continue negotiations on border security, revealing that he is holding the American people hostage as leverage, and he seems to be—in his words—“proud” of it. After only a short time into yesterday’s meeting, the President got up, said “bye-bye,” and left. Does that sound like someone who is working to solve this impasse?

Allies of the President pointed out that he passed out candy to start the meeting. With all due respect, President Trump, we don’t need candy. Federal workers need their paychecks.