

Mr. Barr is extremely smart and eminently qualified. He would be a judicious, thoughtful, and independent Attorney General, whose allegiance would be to, as he said, “the rule of law, the Constitution, and the American people.” I hope the Senate will quickly confirm him in a bipartisan fashion.

GOVERNMENT FUNDING

Mr. President, the final order of business this week is funding the government. I am very pleased and encouraged that Chairman SHELBY and his counterparts have reached an agreement “in principle” to fully fund the government and fund important border security measures.

No one wants another government shutdown. I am very glad Democrats abandoned their efforts to force a cap on the number of individuals that Immigration and Customs Enforcement could detain in the interior of the country. If Democrats’ enforcement cap had been adopted, Immigration and Customs Enforcement would have been forced to release criminals already in detention onto our Nation’s streets. I am pleased that Democrats decided to separate themselves from the radical anti-border-security wing of their party. Instead, the deal will now give Immigration and Customs Enforcement the flexibility it needs to address surges of illegal immigration at our southern border.

I am also very glad Democrats moved from their insistence on zero funding for physical barriers at the border. Barriers are an essential element of border security, and I am pleased this compromise will allow 55 new miles of physical barriers in the Rio Grande Valley’s sector, which is a high-priority area for the Border Patrol. That is double the number of new miles provided in fiscal year 2018 and nearly three times as many as would have been available under a continuing resolution.

I thank Chairman SHELBY and Members of both parties who have been working on a funding and border security deal, as well as the staffers who have worked nights and weekends, to help develop this agreement. I look forward to reviewing the final language and voting on a final funding and border security package later this week.

I yield the floor.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GOVERNMENT FUNDING

Mr. WARNER. Mr. President, I appreciate the bipartisan conversation that is going on with the chair, and I hope more of that will go on. That really is a little bit of why I rise today, because I hope and pray that if there—while we have many legitimate policy dif-

ferences in this body, one thing we ought to have absolute, complete agreement on is that the United States of America cannot afford another government shutdown.

The last shutdown, which President Trump was so proud to initiate, cost our economy—and this is the lowest estimate we could find so we don’t look like we are overstating—an estimated \$6 billion.

The truth is, that number hardly reflects the human cost of this self-inflicted disaster our country was led into. A recent survey found that 62 percent of Federal workers depleted most or all of their emergency savings, 42 percent of Federal workers took on debt to pay bills or other expenses, and 25 percent tapped their retirement accounts. If you tap your IRA, you pay tax penalties, and you get none of that reimbursed.

Listen to this: 25 percent of our Federal workers who were the victims of this shutdown—25 percent of our Federal workers, during this shutdown, had to visit a food bank. If you work for the United States of America, the greatest Nation in the world, and you are asked to show up to work without pay, you should not have to visit a food bank.

I spent most of my career in the private sector, and I am proud of those activities, but I know very few folks who work for any of my companies who would have continued to show up day in and day out to do their jobs if they were going for 35 days without pay—and 35 days without pay where, frankly, you had some Members of the so-called board, the Congress, who showed no appreciation at all for their suffering and many who said they didn’t mind if that shutdown continued indefinitely.

Those fellow Americans are Federal workers, contractors, private businesses that support Federal installations or the campground outside the Shenandoah National Park or the restaurant outside Petersburg National Battlefield—not just Federal employees, folks in the private sector as well endured tremendous hardship because the President decided to use their livelihoods as a bargaining chip. That can’t happen again.

While I want to always try to be optimistic and appreciate the bipartisan agreement that has been reached by the budget negotiators, unfortunately, we find ourselves in the same spot right now—potentially just days away from another Trump shutdown.

The President said he is not happy, but he won’t say whether he will sign the bipartisan deal that came from the conference committee. Let’s be clear. The uncertainty itself is having a negative impact on the operation of the Federal Government and costing taxpayer dollars each and every day that this cloud hangs over the government. Agencies are already interrupting investigations and canceling trainings and meetings. They are being forced to

act as if the government will once again be shut down at the end of this week. This is just plain mismanagement of government by the Trump administration. It is another example of the disrespect this White House has shown to our Federal workforce.

In Virginia, over the past few weeks, Senator Kaine and I have spent a lot of time listening to Federal workers. We heard from Federal workers who had to pull their kids out of daycare and send them away to relatives because they couldn’t meet those daycare expenses if they weren’t getting paid and folks who missed student loan payments or literally had to choose between their medications and paying rent. Now, these workers have started to receive some of their backpay, and many of them have not received all of their backpay from the shutdown.

The truth is, those Federal workers who drew down their savings or incurred a tax penalty from taking money from their IRA or who took an advance on their credit card are not made whole by receiving backpay because they have incurred penalties that will never be made up, beyond the psychic damage that is taking place with their families.

But even if we accept that most of the Federal workers will ultimately get their backpay, that is not the case for thousands of Federal contractors in Virginia and around the country. Quite honestly, the nightmare is not over.

The President’s decision to finally reopen the government didn’t magically undo 35 days of missed pay. Unfortunately, no one from the White House could be bothered to meet with any of these folks, whether it be Federal workers or contractors who were hurt by this government shutdown. If they had, they would know how much pain this President’s shutdown continues to inflict on Federal contractors, particularly low- and middle-income workers. I spent the last couple of months, the last month and a half listening to these folks describe the anxiety of not knowing when their next paycheck will come or if it will come at all.

Sometimes when we think about Federal contractors, we think about high-priced folks, many of whom do a good job working for our government, many in my State. Sometimes that is the image of a Federal contractor. I wonder if most of the Members of this body realize that the people who clean the toilets at the Smithsonian or serve the food at the cafeteria in the Smithsonian are Federal contractors, and for the 35 days of the government shutdown—they have no recourse at this moment in time. They are struggling as we speak, and they will continue to struggle if Congress doesn’t take advantage of this opportunity—if we get this deal signed by Friday and keep the government open—to make good on our commitment to those contractors as well. If we end up with the alternative and the government shuts down again, these folks’ lives—at least their economic lives—will be in jeopardy.

A number of small businesses—women-owned businesses, minority businesses, veteran-owned businesses—that tried, through this last 35-day shutdown, to keep their workers on payroll had to take that money out of their business pockets to try to make ends meet. But after a couple of weeks, a lot of them couldn't afford to do that. Those businesses have shut down. Years and in certain cases decades of work down the drain, not because they did something that was mismanagement, not because they did something that was irresponsible, not because they weren't providing the taxpayers with the full value of their work, but because we here in Congress and the White House couldn't come to a common agreement on the most basic responsibility of government, which is to keep the doors open and the lights on.

I held a roundtable recently with a contractor in Springfield, VA. A contractor there named Barbara told me she is behind on her rent and had to take her granddaughter out of daycare because she can't pay the bills. Now, she is glad she is back at work, but that 35 days with no pay—unless we rectify that with this deal that may come to pass before the weekend, she is still left in the cold. Another at that same roundtable told me she had to choose between food and medicine.

A couple of weeks ago, I met a contractor named John, an Afghanistan veteran, who was picking up groceries at the food bank in Arlington because the shutdown wiped out his savings. We had some press, but John didn't want to go on camera. He was a little bit embarrassed that he had to pick up food at the food bank. This is someone who is a veteran. This is someone who continued to serve in terms of protecting the country. Thirty-five days without pay. With the status quo—he will never get those lost earnings back if we don't rectify that this week.

Another contractor named Joseph, who works as a custodian at the Department of the Interior, told me this:

We work just as hard as anyone else. We need our backpay so we can catch up on our bills and survive.

The remarkable thing is, for some of these janitors and custodial workers, on buildings that were open, they had to continue to work and still don't get backpay.

One of the most heartbreaking things was listening to these contractors talk about the shame—the shame of being treated as if their work does not have value. The truth is, these folks take pride in their work because they love their country. That same contractor, Joseph, says he thinks of the building he cleans as the President's house, and he works hard because he wants to make it shine every day. What a disgrace that this government can't even honor his service with back wages so that he can pay his bills and get his personal finances in order.

Many other contractors take pride in their work because it represents their

independence. Over 45,000 disabled Americans work as Federal contractors through the AbilityOne Program. I know this program is very successful in Delaware. The Senator from Delaware will speak on it shortly.

I have met contractors who are double amputees, veterans with PTSD, and folks with physical and intellectual disabilities. They are able to live normal lives and contribute to society because of these Federal contractor jobs. For many of them, these jobs are more than about pay. It is about respect. It is about being valued and part of a community, part of a team at the offices they work in. They suffer more than just about anyone when their life-line—that source of income, independence, and dignity—is cut off because of a government shutdown.

I will close with something a Federal contractor named Constance told me last week. Even though she and her team of custodians still face tremendous financial hardship, she told me that she remains hopeful. She is hopeful because she and her coworkers are now back to work, and she is hopeful because people in this Chamber are finally starting to listen to folks like her.

I share her hope that the Senate will have the decency and the basic humanity to make sure, one, that we don't close down this government come Friday, and two, that when we come to this deal, we take that moment—and I see colleagues from both sides of the aisle. We have gotten the CBO score. It is scored to make sure the backpay for the contractors, with an emphasis toward low-income contractors, under \$50,000—the cost would be at \$1 billion. That is the CBO score. We ought to make sure that these people's lives—that the work they do is valued.

I hope, as we have this bipartisan deal to avoid the shutdown, that we can also make it right for the folks who oftentimes many of us don't see—who clean the buildings, serve the food, many folks from the disabled community—who rely upon us to do the right thing.

Congress should pass this backpay for Federal contractors legislation. The President should sign it, and if the President doesn't, the Congress should override his veto.

Let's make sure, as we did with Federal workers, that they will always be assured that they will get their backpay. Let's make sure that contractors get that same decency. It is time to do the right thing.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATION OF WILLIAM BARR

Mr. COONS. Mr. President, I rise today to offer briefly my remarks on the nomination of William Barr to serve as Attorney General of the United States.

This past Thursday, when the Judiciary Committee of the Senate considered him, I was absent, being the co-

chair of the National Prayer Breakfast. I would like to offer my conclusions briefly here on the floor.

I have weighed carefully over several weeks William Barr's nomination to serve as the next Attorney General. Initially, I have to say, I was greatly encouraged that the President nominated a nominee whose service had included leadership roles in the Justice Department, including Attorney General of the United States.

However, I believe my responsibility to assess Mr. Barr's candidacy requires me to consider his entire record, including his recent writings, his statements, and his work, and to focus on his ability to actually meet the test of our current time. Having met with him in person, having questioned him during the Judiciary Committee's confirmation hearing, having reviewed his record, and having reviewed his written answers to questions submitted for the record, I ultimately believe Mr. Barr does not meet this test. I am not confident that he will uphold the Attorney General's critical role in defending the Department of Justice as an institution and in ensuring that the special counsel's investigation proceeds with independence and, by so doing, restores the trust of the American people in the rule of law.

In weighing his nomination, the memo Mr. Barr chose to author in June 2018—and to submit—criticizing the special counsel's investigation into obstruction of justice, I concluded was significant and could not be ignored. Mr. Barr tried to narrow or minimize the import of this memo by saying it was a specific application to a particular statute. The fact remains that his memo is rooted in and embraces an exceptionally broad theory of executive power that could threaten not only the special counsel's investigation but a lot of our current understanding of the scope and reach of Executive power.

When I asked him if he had sent other lengthy, detailed legal memos he had researched and written himself to the Department of Justice as a private citizen, he could only cite that one memo from this year, dealing critically with the special counsel's investigation.

At his nomination hearing in the committee, I sought simple and concrete assurances from Mr. Barr that he would give the special counsel's ongoing investigation the independence and separation from partisan politics it needs and deserves. In some instances I was genuinely encouraged by his answers. I was glad to hear a forceful answer from Mr. Barr that he would not fire the special counsel without cause and would resign rather than do so, if so ordered.

On other issues, however, he failed to give the sort of simple and clear commitment that former Attorney General Elliot Richardson gave at his confirmation hearing before the Senate Judiciary Committee during the period of an