

Korean Government to take another look at the case, and the conviction was reversed. The airman returned to serve with distinction in San Antonio, thanks in part to the amazing case-work skills of Joyce Sibley.

Likewise, when the earthquake hit Haiti, there were several Texans buried in the rubble at one of the local hotels. Joyce and others stayed in touch with the family members, set up regular briefings with the State Department, and kept the family closely informed until all were found and accounted for.

The Haitian Government even arrested a group of Texas missionaries and charged them with kidnapping for providing relief and housing to orphaned Haitian children. A few tense weeks followed, but they were all freed once Joyce helped to turn up the heat.

There are too many stories to list about Joyce's helping families with heartbreaking international adoption situations in Romania, Russia, Haiti, China, Korea, Guatemala, and Ethiopia.

Here is one of my favorite stories. Last fall, a heart surgeon contacted our office on a Thursday evening. He had been traveling out of the country. When he was coming back to Houston, he realized he had lost his passport. He was supposed to travel to Houston overnight and go straight to the hospital to perform several surgeries. Joyce, working with other members of our staff, was able to get a government official to meet his plane to confirm his identity and to get him through customs at 6 a.m. on Friday morning.

He called me when he was on the way to the hospital and said that thanks to our office, thanks to Joyce, he was able to make it there on time to perform lifesaving surgeries.

There are quite literally thousands of Texans whose lives have been made better by Joyce's decision to stay in Texas and to devote her professional time to helping families who needed help, often in times of great stress. Dealing with the Federal Government, the often maddening leviathan of Federal bureaucracy, Joyce was an expert at getting that leviathan to move and helping Texans who were frustrated and needed relief.

Whether it has been handling an international crisis or ensuring that a veteran gets his or her paycheck, Joyce has been tireless on behalf of Texans in need of help and guidance. The hallmark of a great caseworker is knowing the system, having great contacts at the multitude of Federal Agencies, and pushing back whenever she heard the word "no." Instead, she would ask, isn't there something else we could do to help this soldier, to help this veteran, to help this Texan? So many times, thinking of the "something else we can do" was exactly what was needed.

Joyce has been an irreplaceable asset to the U.S. Senate and to the people of Texas. The good news is that everyone who has worked with her has her spirit

in their blood now, has been trained directly, hands-on, by Joyce. It is in their DNA now to go that extra mile and to try to get to yes, no matter the obstacles, when they are looking out for and fighting for Texans. That is her legacy—a team inspired by her leadership. And I know that legacy will endure.

Joyce starts a new adventure at the end of this month as she begins her well-earned retirement. My team will be a little bit poorer for having lost her, but the Senate, the people of Texas, and thousands of families she has assisted over the course of nearly five decades are much richer for having had her on their team.

Thank you, Joyce, for your work, your passion, your patriotism, and most of all, your shining heart. It has been a pleasure, an honor, and a privilege to serve the people of Texas alongside you. God bless.

I yield the floor.

Mr. President, 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.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. 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 S.J. Res. 2, a joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation.

John Thune, Mike Crapo, Tom Cotton, Todd Young, John Cornyn, Jerry Moran, John Boozman, Deb Fischer, John Hoeven, Susan M. Collins, Cory Gardner, Dan Sullivan, Marco Rubio, Richard Burr, John Barrasso, Pat Roberts, Roger F. Wicker, Thom Tillis, Shelley Moore Capito, Mitch McConnell.

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 S.J. Res 2, a joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

The PRESIDING OFFICER (Mr. ROMNEY). Are there any other Senators in the Chamber wishing to vote or to change their vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—57

Baldwin	Gillibrand	Murray
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Hawley	Rosen
Boozman	Heinrich	Rubio
Brown	Hirono	Sasse
Cantwell	Jones	Schatz
Cardin	Kaine	Schumer
Carper	Kennedy	Shaheen
Casey	King	Sinema
Collins	Klobuchar	Smith
Coons	Leahy	Stabenow
Cortez Masto	Manchin	Tester
Cotton	Markey	Udall
Daines	McSally	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Moran	Whitehouse
Gardner	Murphy	Wyden

NAYS—42

Alexander	Fischer	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Scott (FL)
Capito	Isakson	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	Murkowski	Toomey
Enzi	Paul	Wicker
Ernst	Perdue	Young

NOT VOTING—1

Sanders

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, cloture not having been invoked, S.J. Res. 2 is returned to the calendar.

The Chair recognizes the majority leader.

NO TAXPAYER FUNDING FOR ABORTION AND ABORTION INSURANCE FULL DISCLOSURE ACT OF 2019—Motion to Proceed

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 11, S. 109.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 109, a bill to prohibit taxpayer funded abortions.

CLOTURE MOTION

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

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

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 proceed to Calendar No. 11, S. 109, a bill to prohibit taxpayer funded abortions.

Mitch McConnell, Mike Crapo, Mike Rounds, James M. Inhofe, John Barasso, David Perdue, John Kennedy, John Thune, Thom Tillis, James E. Risch, Cindy Hyde-Smith, Pat Roberts, John Boozman, James Lankford, Michael B. Enzi, Roger F. Wicker, John Cornyn.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming.

#### BORDER SECURITY

Mr. BARRASSO. Mr. President, following the September 11, 2001, attacks on the United States, the National Institutes of Health, which is the Nation's medical research Agency in Bethesda, MD, needed to secure its campus. The NIH's grounds were always open to the public before that. Anybody could walk or drive through the 300-acre campus and could do it freely, but in its facing heightened threats, officials planned to restrict public access and to build a wall. It was completed in 2005. The wall, with the black metal perimeter fence with guarded checkpoints, became the centerpiece of NIH's new perimeter security system. Signs were posted that said "No Trespassing."

On its website, NIH states that the purpose of this border barrier is "to ensure the safety of our patients, employees, guests and facilities."

NIH wasn't alone in building a barrier after the attacks in 2001. Across the street, the National Naval Medical Center, now known as Walter Reed National Military Medical Center, also walled off its 243-acre campus. These walls have worked. Both NIH and Walter Reed remain safe and secure.

Now we need to deal with a security crisis at our southern border. President Trump has requested \$5.7 billion—it is about one one-thousandth of the Federal spending. The President wants to build more physical barriers—a proven border security solution. Thirty percent of the border already has a secure barrier.

Congressional leaders from both parties have supported a border wall in the past. In 2006, Senate Democrats, including then-Senator Barack Obama, Senator Hillary Clinton, Senator Joe Biden, and Senator CHUCK SCHUMER voted to construct a physical barrier on our southern border. But Democrat leaders now refuse to back the President's border security effort, prolonging the partial government shutdown that is going on today.

Meanwhile, the Democrats and media fact-checkers are out in force to attack President Trump. They insist there is no border crisis. The facts are that this January 10 Investor's Business Daily editorial says: "Yes, There Is A Crisis At The Border—The Numbers Show It."

First, in terms of how the numbers show it is that illegal crossings are climbing, last year, Border Patrol stopped more than one-half million people trying to enter the country illegally—more than 100,000 in October and November alone this past year. That is a huge increase from the same 2 months in 2017.

Second, apprehensions don't account for all illegal crossers. The Homeland Security Department estimates that about 20 percent of our crossers enter, which means about 104,000 illegal immigrants entered in 2018 alone.

Third, the U.S. illegal immigrant population right now is massive. Currently, over 12 million illegal immigrants reside here, comparable to the entire population of countries like Chile, the Netherlands, and Syria.

Fourth, illegal crime levels are higher than expected. The Center for Immigration Studies has found that noncitizens accounted for more than 20 percent of Federal convictions, although they represent only 8.4 percent of the population.

Fifth, Presidents Reagan through Obama have acknowledged the crisis. In 2005, then-Senator Barack Obama said: "We simply cannot allow people to pour into the United States undetected, undocumented, unchecked." In 2014, President Obama described the border situation as a crisis, but he failed to fix it.

Even President Obama's last Border Patrol Chief, Mark Morgan, supports President Trump. He was actually on television just today. Trump didn't keep him in the job, but Morgan says that building the wall is key to solving the security crisis, and the President should, as he says, "stay the course."

Still, Democrats refuse to negotiate with this President, so we can't reopen those Federal Agencies that have been closed for more than 3 weeks.

Here is the Homeland Security Department's latest assessment of the southern border situation. They say that each month, 60,000 illegal immigrants reach the border. Drug smuggling spiked in 2018, with a 38-percent increase in methamphetamine, a 22-percent increase in heroin, and a 73-percent increase in fentanyl. We also saw a huge surge in arrests of dangerous criminals, including 17,000 adults with criminal records and 6,000 MS-13 and other gang members.

In 2018, 60,000 unaccompanied children and 161,000 families reached the border—a dramatic increase from 2017. Many were victimized on their journey.

Border Patrol areas that have enhanced or expanded physical barriers have actually seen a dramatic decrease in illegal traffic. That is why the President has requested additional funds to construct more barriers.

The facts are the facts. We have a national security and humanitarian crisis at the southern border. The problem is the rise in illegal entries. We need to solve it. Walls work.

The question is this: Do U.S. citizens living in at-risk border communities

deserve the same protection as NIH patients and the staff in Bethesda, MD?

All Americans want a healthy immigration system that enforces the law and keeps families together. Democrats shouldn't be playing politics with border security. It is time to work together to secure the border, reopen the government, and protect the American people.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### GOVERNMENT FUNDING

Ms. WARREN. Mr. President, today is the 26th day of the longest government shutdown in American history.

Weeks ago, the Senate voted unanimously to keep the government open. The House has now passed multiple bipartisan bills to end the shutdown, but President Trump refuses to come to the negotiating table, and Leader MCCONNELL refuses to let the Senate vote on these bipartisan bills. As a result, over 800,000 people across this country have been sent home or are working without pay.

Senate Democrats are here to share the stories of people whose lives are being upended. I want to thank Senator MURRAY for organizing these speeches and Leader SCHUMER for leading our efforts to reopen the government.

I am speaking today on behalf of 8,200 Federal workers in Massachusetts who have been affected, including TSA workers at Logan airport, servicemembers, air traffic controllers, healthcare providers, and staff at our national parks.

Janelle, one of my constituents, works at Native American Lifelines of Boston, an urban Indian health program. This program does crucial work helping to meet the health, dental, and behavioral health needs for Native people in the Boston metropolitan area. It is a contract site with the Indian Health Service, an Agency whose funding has been cut off by the shutdown.

Janelle loves her job, and she cares deeply about the people she serves. She doesn't want them to go hungry. She doesn't want them to miss their appointments. She doesn't want them to be unable to fill their prescriptions, but she worries about what will happen if the government doesn't open up soon. A prolonged shutdown would be a major hardship for Janelle, but it could mean a health emergency, even life or death, for her clients.

Don, another constituent, is helping Coast Guard families in Massachusetts make ends meet. His organization, the Massachusetts Military Support Foundation, has distributed over 5,200 pounds of food since the start of the shutdown. He knows that if the shutdown continues, he will have to start draining his organization's budget, and that could mean he will not be able to help military families afford food supplies come September.

Janelle's and Don's stories are just two examples of how President Trump

is holding Massachusetts families hostage while he demands a border wall.

Let's be perfectly clear about what the President is doing. The shutdown is not about border security. It is not about protecting anyone. It doesn't make us any safer that President Trump has padlocked the doors at the Department of Homeland Security or that he is asking our Coast Guard, our FBI agents, our airport security, and even our Border Patrol agents to work without pay.

No, this shutdown is a manufactured crisis that the President is using to fan the flames of racism and bigotry—all so he can distract the American people from demanding a government that works for them.

This isn't a new playbook. It is one the Republicans and the President have been using for years. Over and over again, they try to pit White working people against Black and Brown people, gay people against straight people, young people against older people, people born in the United States against people who came here in search of a better life—pit them all against each other so they don't band together, so they don't demand real change.

Here is the deal: The American people are onto this twisted strategy. They know that this government works just great for the rich and the powerful but not for everyone else.

Across this country, people are insisting on a government that is not just open for business but a government that actually works for them—a government that expands healthcare coverage instead of ripping it away from grandparents and newborns, a government that tackles the skyrocketing cost of prescription drugs instead of selling out to giant drug companies that put profits ahead of patients, a government that ends the stranglehold that money has on Washington instead of stacking the government with public officials who are more interested in lining their own pockets than serving the public. I could go on and on with this list.

I came to the U.S. Senate 6 years ago to fight for working families and to tackle these problems head-on, to end a rigged system that created two sets of rules—one that applies to the rich and the powerful and one for everybody else.

Republicans are trying to divide Americans in order to stop us from getting to work ending this rigged system, but we are onto their game. The President and Republicans must end this shutdown now so that hundreds of thousands of Federal workers can get their paychecks and get back to work. If they don't, hard-working people like Janelle, Don, and thousands more across Massachusetts will continue paying the price.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### TAXES

Mr. GRASSLEY. Mr. President, tax filing season is just around the corner. This has never been anyone's favorite time of the year, paying taxes, but the uncertainty created by the current partial government shutdown has understandably created a bit more angst than in a usual tax filing season.

The Treasury Department and IRS have been proactive in taking steps to minimize the burden of the shutdown on taxpayers. They recently announced that tax season will start as planned, on January 28. The IRS has confirmed that taxpayers can expect refunds to be sent out as usual should this shutdown drag on. Of course, this is the right conclusion, legally, and the right call for the taxpayers, as I had an opportunity to tell IRS Commissioner Rettig when we spoke recently.

Congress has explicitly provided for a permanent appropriation for the IRS to pay tax refunds. This makes common sense. A tax refund represents the taxpayer's money—not Congress's, not the government's but the taxpayers'—despite what some people in Congress seem to think; that this money belongs to the government. It should be returned then in a timely fashion and, thank God for their decision, that is going to be the case.

With around 75 percent of individuals receiving a tax refund on an annual basis, many have come to look to their refund to make important purchases, whether that is to replace an old water heater, make a downpayment on a reliable vehicle to get them to work, or just to make ends meet generally. It would be wrong for the government to impose undue financial strains on families across the country because Congress and the President can't get their act together.

As we continue to work through our differences, the least we can do is return to taxpayers their own money.

This tax season, of course, is a little different, not only because of the shutdown but also because it is the first tax filing season under the tax reforms and tax cuts enacted in the Tax Cuts and Jobs Act. A lot of work has gone on to get us here. Treasury and the IRS have been working diligently and swiftly to ensure taxpayers have the information they need. In a little over a year, they have put out 16 proposed regulations, 2 final regulations, 45 notices, 21 revenue procedures, and updated countless forms, publications, and other guidance—all of this geared toward implementing the law and addressing taxpayer questions.

Right out of the gate, Treasury and IRS went to work updating the annual withholding tables so taxpayers could immediately begin seeing the benefits

of lower taxes in their paychecks. Of course, whether a taxpayer had less or more withheld from their paycheck is not the final word on whether one received a tax cut.

Also, due to changes in withholding, a smaller or larger refund than usual may not tell the whole story. I encourage taxpayers to compare their 2019 tax return with that of the previous year to see the difference. At the end of the day, the vast majority of taxpayers will see that less of their hard-earned money is going to the government.

A chief priority for the new withholding tables was, of course, accuracy. Extensive analysis was done to help taxpayers get the right amount withheld from their paycheck—not too much, not too little. However, as we all know, no withholding table will ever be perfect. Every taxpayer may be affected a little differently under the new law based on their personal circumstances. The IRS continues to consider whether future improvements to the withholding structure may be necessary, which I support and will be monitoring as chairman of the Finance Committee.

The IRS has also embarked on an extensive campaign to alert taxpayers to check and update their withholding. This included establishing an online withholding calculator to help taxpayers determine what, if any, adjustments to their withholding may be necessary.

That said, there are still going to be some taxpayers who may discover that they were underwithheld due to changes in the law and owe taxes at the end of the year. A subset of these taxpayers could be subject to a penalty for underpayment.

The ranking member of the Finance Committee, Senator WYDEN, raised this concern in a letter to Commissioner Rettig on January 3, requesting that penalty relief be granted. I generally agree with the ranking member and have encouraged the IRS to be lenient on penalties, especially with this first time through a filing season under the new tax law. If a taxpayer has underwithheld as a result of the changes in the law, and not through the fault of their own, the IRS should consider what actions the Agency can take to provide penalty relief, but the issue of underwithholding due to the passage of tax reform should not be exaggerated. Yes, as the ranking member claims in his letter to the Commissioner, it is estimated that as many as 30 million taxpayers may have had taxes underwithheld from their paychecks, but what hasn't been said is that 30 million is actually only about a 3-percentage point increase from how many taxpayers would be underwithheld under the old law.

Moreover, just because a taxpayer was underwithheld during the year does not automatically mean they will be subject to a penalty tax. Safe harbors have long been in place to protect taxpayers whose withholding is slightly off from being penalized.

It is quite possible that some issues will arise this filing season that we did not anticipate and will need to be fixed as we go forward. We already identified a number of those issues, which I am hoping my Democratic colleagues will allow us to fix to further help as many more constituents as possible.

That doesn't detract from the fact that we have delivered real tax relief to middle-income families, small business owners, and the family farmer, nor does it undermine the fact that we modernized our outdated international tax system and improved America's business competitiveness in the global economy. Of course, that is going to benefit the American worker.

These efforts have contributed to a strong and growing economy. The unemployment rate is at a half century low. Wages are rising at the fastest rate in nearly a decade. Workers, employers, and small business owners are all more optimistic than ever.

Unfortunately, I hear increasing calls from the new House majority pledging to erase the progress made with the tax cuts and reforms that we enacted 13 months ago. At least one new Democratic Member has suggested bringing back top tax rates as high as 70 percent to pay for a wish list of far-left, Big Government programs. Such a confiscatory tax rate targeted at a relatively small number of wealthy taxpayers would barely make a dent in the cost of programs they wish to implement.

Policymakers across the globe abandoned such punitive tax rates over the past several decades for their negative effect on economic growth, investment, and incentives to work. While tax rates at 70 percent or higher may have been fairly common in the 1960s, today, not a single OECD country boasts such high rates. How soon people forget about the prolonged economic stagnation and high unemployment of the 1970s when we last had tax rates as high as 70 percent.

I am going to detract here to show a chart. How soon we forget that just raising tax rates doesn't automatically bring in more money. For the benefit of my colleagues and for the benefit of the public watching on C-SPAN, I should have had this blown up. I doubt it is going to do much good for me to just hold up a small sheet of paper.

This goes back to the year 1955, ending in 2017. The blue line shows the marginal tax rates over a period of about 60 years. You can see high tax rates in the 1960s, going down, up, generally down, generally down, staying pretty low in recent years. You can see that the red line is the amount of money that comes in from taxes, whether you have high tax rates or low tax rates, which kind of tells me that the taxpayers are a lot smarter than the Congress of the United States because when you talk about high marginal tax rates, they want you to believe more money is going to come in. They are probably going to take the position that if you lower tax rates,

less money is going to come in. But you see, in the 1950s top rate was 90 percent. Can you imagine Americans being dumb enough to work hard to only keep 10 percent of their income? No. What you do is you change people's behavior. They decide, I am going to work only so much. Why should I work harder and give more money to the Federal Government? You see, higher tax rates don't do what a lot of people want you to believe they are going to do.

I would like to give a little history on this, because you kind of think that if we have lower marginal tax rates, and Republicans are the ones who want lower tax rates, that you would give Republicans a lot of credit for reducing these marginal tax rates. I can remember the work of Senator Bill Bradley of New Jersey—probably at least a moderate Democrat. He was probably as responsible as anybody in the 1980s for reducing these marginal tax rates, because Republicans didn't have guts enough to do it, and we might not be where we are right now. So it is not just Republican thinking that got these marginal tax rates down. It is not just Republican thinking that has kept this red line where it has been for 60 years, at approximately 16 to 20 percent of gross national product—the amount of the economy that is coming into the Federal Government.

I hope the talk of such confiscatory taxation truly is a talk of a few rogue Members and not representative of things to come. I wish to think there will be opportunities for us to work together in a bipartisan way.

I am firmly in the camp that the tax reform and tax cuts enacted by the last Congress represent important revisions to our tax laws, but I also understand that no major piece of legislation is entirely perfect. To the extent there is legitimate interest in improving tax laws, as chairman of the Finance Committee, I am going to be all ears.

When it comes to making modifications to tax reform, our first order of business should be focused on examining how the law affects individuals, families, and the businesses in our States that provide the jobs and benefits they rely on. When necessary, we should work together to take action and ensure that the law is fulfilling its potential. A key part of this discussion should be enacting technical corrections to the tax law—revisions to ensure that the bill does what Members thought it did when they voted on it. Some of these are related to just poor drafting, honest mistakes that were made.

I also hope that there will be plenty of opportunity to work on a bipartisan basis on tax issues involving everything from education, to renewable and alternative energy, to consumer-directed healthcare options.

However, I fear opportunities to work together could be put at risk should my colleagues become fixated on tearing apart tax reform, hiking taxes, and,

of course, going after the President's tax returns.

I want to put my Democratic colleagues on notice that I have no intention of undoing structural changes implemented as part of the tax reform. This would include the lower tax rates and family benefits, such as the increased child tax credit and standard deductions.

I am also not interested in eliminating the cap on the deductibility of State and local taxes, backtracking on our move toward a more territorial tax system, or raising tax rates on pass-through business owners and farmers or corporations, all of which provide critical jobs and contribute to economic growth across the Nation.

For the first time in probably about 30 years, our businesses are competitive with the rest of the world. When we have a 35-percent tax rate—as we did for decades—on corporations, and the world average is about 23 percent, how can we expect American corporations to compete? We are now at 21 percent. It wasn't long after we went to 21 that we read about China maybe feeling they were uncompetitive and were going to have to lower their tax rates. Other countries are thinking about doing it as well. Just like with the Reagan tax cuts of the 1980s, the United States is plowing ahead, setting a standard for the rest of the world.

Lower tax rates, with businesses and individuals making decisions on where they earn their money, how much they are going to spend, and how much they are going to save, is a heck of a lot better than 535 Members of Congress making that decision. When we make decisions about stuff like this, they are political decisions. When most of the individual taxpayers and the corporations of America make decisions, it is strictly economic and does much more economic good.

Another one that I don't want to mess with is efforts to weaponize the authority of tax-writing committees to access tax returns for political purposes. Such an action would be unprecedented.

I am optimistic that we can continue to make progress helping Americans improve their lives by keeping more of their hard-earned wages, taking the chance of starting a new business or continuing to expand an existing one—in short, building an opportunity economy. I invite my colleagues to join me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### GOVERNMENT FUNDING

Ms. CANTWELL. Mr. President, I come to the floor to join my colleagues who were speaking earlier today about the many U.S. citizens who are Federal employees who are impacted by the shutdown. Coast Guard PO2 Amy-Erin Hamilton, stationed in Seattle, WA, is one of those individuals. She is the mother of three children: Sienna, age 10; Tucker, age 9; and Annabella, age 5. Amy-Erin is married to Dan Hamilton, who is also an Active-Duty member.

Amy-Erin is a shining example of the service and leadership we see in our Coast Guard today. In December, she was given a meritorious advancement, which is rare and an incredible honor. Despite this, though, she is working without pay and has had to seek outside income to support that family I just mentioned.

This is the 26th day of a Federal Government shutdown. Yesterday, 55,000 Coast Guard personnel did not receive their midmonth paychecks. The Coast Guard Commandant issued a letter to the workforce explaining what was happening, explaining that this is the first time that a branch of our military has not been paid during a government shutdown.

There are 41,000 Active-Duty members, 6,200 Reservist members, 8,500 civilians, and 50,500 Coast Guard retirees. That is the U.S. Coast Guard family. Thirty-one percent of the Coast Guard families do not have enough emergency savings to make it through the shutdown. A junior enlisted Coast Guard member with less than 2 years of service makes only \$23,200 a year in base pay. That is below the poverty level. Coast Guard members are currently being deployed overseas—they could be in a combat zone—and these members are not receiving pay.

I hope our colleagues will take into consideration this issue with our Coast Guard families. They are working hard to provide great care for us throughout our country and overseas. When I think about the fact that a Coast Guard member could be deployed overseas in an area that has seen combat, an unstable region of the world, and that they are not even receiving the childcare subsidy and support to make sure their families are taken care of while they are gone taking care of us, that is just wrong.

So I come here to join my colleagues who were here earlier today on the floor giving examples of Americans throughout the United States who are working hard for us. It is time we go to get them their paycheck and continue to support them so they can support us.

I know my colleague from Connecticut is here and would like to speak as well, and I thank him for allowing me to fit in this time to talk on behalf of the Coast Guard families.

I hope the Commandant's letter can now be seen as an example of why we need to act. We need to act to give these Coast Guard families their pay and to make sure we are addressing the shutdown and reopening government.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to follow the Senator, our neighbor from across the country. We share a common interest and commitment to one of the great military services in this country, the U.S. Coast Guard.

Connecticut is proud to be the home of the Coast Guard Academy and nu-

merous Active-Duty-serving Coast Guard men and women. Not only are we proud of them, but we are deeply mindful of the debt we owe them. It is a debt that is immeasurable in dollars and cents. It is a debt we owe them for the safety and security they provide this country and the blood they have shed in defense of the country.

Failing to pay them is a moral failure, and that is why I am proud to be joining the Senator from Washington as well as Senator THUNE in a measure to provide payment for the Coast Guard, and I hope we will meet this obligation as soon as possible.

We also have an obligation to other Federal workers because they are suffering and sacrificing during this shutdown, now 26 days long.

One of them, among the workers I met just last Monday, is Adrian Pellot. He served in the Air Force. He has worked as a behavior detection officer for more than a decade. He is also one of the TSA workers at Bradley not receiving pay.

He said to me:

We have no income right now. We are bleeding money. Just day-to-day things. Food. I still have to pay the bills. The electric company, the cell phone company—they don't care. They are brutal. To feel like we are poker chips or leverage is very, very infuriating. We are people—we have lives—not just a number to throw around. I want the government to reopen.

Nothing I say here expresses more eloquently and powerfully the obligation we are failing to meet.

I will be proposing legislation to provide workers like Adrian unemployment benefit compensation. States like Connecticut now must seek approval from the Department of Labor of the United States to provide unemployment compensation for workers who are on the job but unpaid.

The workers who are furloughed and unpaid can receive that compensation. The folks showing up to work, keeping us safe in the skies, assuring that our security is met at the TSA lines, are unpaid, and they are uncompensated out of the State workers' compensation system, and they should be.

That is why I will propose legislation for fundamental fairness and necessary benefits for workers like Adrian and his partner, Sarah Small, who has been a TSA officer for over 11 years. She currently works part time at Bradley as a TSA officer, and she is in nursing school.

She said to me: "It's more nerve-racking because of the fact that if this shutdown lasts any longer, one of us is going to have to find something."

They are just two examples of thousands across the country. My colleagues, every one of you has an Adrian Pellot or a Sarah Small or a Coast Guard service man and woman or someone like them who are working without unemployment compensation, having to pay bills, mortgages, put food on the table. They are unable to do it because the government is shut down.

Let us reopen the government. Let us meet our obligation. Let us do our job, and the man down the street on Pennsylvania Avenue in the White House ought to be doing his job too.

In the meantime, let's help them meet their bills and save them from debts much as we do servicemembers with their relief fund; another legislative measure I will be advocating and advancing. We owe it to them. We owe it to the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### MARCH FOR LIFE

Ms. ERNST. Mr. President, I am pleased to be joined on the floor by Senator BLUNT, Senator WICKER, and Senator FISCHER to speak about the importance of protecting and celebrating life.

This Friday, Americans from every State in our Nation, from our tiny rural towns to our bustling urban cities, will gather in our Nation's Capital to participate in the 46th annual March for Life.

Each year, I am amazed and inspired by the immeasurable strength, compassion, and support demonstrated by the pro-life community, as hundreds of thousands of its members come to Washington, DC, and tirelessly work to protect the most vulnerable in our society—the unborn.

As members of the Senate Values Action Team, throughout the year, we are blessed with the opportunity to work with and hear from so many who are committed to protecting human life at all stages.

I thank my colleagues for sharing this message of life today, and at this time I would like to yield to the Senator from Missouri.

Mr. BLUNT. Mr. President, I want to thank Senator ERNST for yielding and for her leadership in these issues.

All of us here today are here at a time when thousands of people from around the country, including hundreds from Missouri, will be here to participate in the annual March for Life. They see it, as we do, that an unborn child is not a potential person, but it is a person with potential, a whole living, distinct human being.

Polling reflects that the American people understand that in a significant way. It is not a celebration but a powerful reminder that we value life as people come here this time of year. More Americans are coming all the time to support life. We just had a meeting with someone who was going through the recent Knights of Columbus and Marist poll. Three in four Americans say abortion should be limited to, at most, the first 3 months of pregnancy. These numbers continue to move in the direction of understanding that life begins at conception, and more and more people believe that life deserves to be protected just like any life would.

A majority of Americans oppose using taxpayer dollars to pay for any

abortion at any time. Seventy-five percent of Americans oppose using taxpayer dollars to fund abortion overseas. This includes 64 percent of self-identified, pro-choice Democrats who say they are not for spending taxpayer dollars to fund abortions overseas. Fifty-six percent of Democrats and 80 percent of Independents comprise that as well as, as I said before, 64 percent of pro-choice individuals collectively say they are not for that.

Preventing taxpayer funding for abortion has been longstanding law and has had a bipartisan consensus until just recently. Now, this is an important issue that the country disagrees on, but the one thing we reached agreement on is, those people who think there is nothing wrong with abortion shouldn't force the tax dollars of people who believe it is the most fundamentally wrong thing you can do to be used for abortion.

So the Hyde amendment prevents taxpayer funding of abortions or abortion coverage in various Federal healthcare programs, including Medicaid and Medicare and the Children's Health Insurance Program. All of those programs are, in effect, walled off from Federal support if abortion is involved.

A bill I initially passed as chairman of the Labor, Health and Human Services Appropriations Committee, renewed again this year the Hyde amendment, as it has been renewed every year since 1976 and signed into law in every year since 1976 by Republicans and Democrats in the White House.

Recent calls to appeal the amendment, however, in the Democratic Party platform and from a number of my friends on the other side of the aisle, are just simply out of touch with where a majority of Americans are and where 100 percent of the people coming here for the March for Life are.

Instead, far from being repealed, the Hyde amendment, in my view, needs to be made permanent, and it needs to be applied across the entire Federal spending spectrum, as it was initially anticipated. I am proud to be an original cosponsor of the No Taxpayer Funding for Abortion Act, which would do just exactly that.

I also want to take a moment to recognize the efforts of what has become one of the most pro-life administrations in our Nation's history.

One of the first Executive orders President Trump signed was to reinstate and expand the Mexico City policy. In fact, he wanted to expand it to the point that he even wanted to retitling it to the Protecting Life in Global Health Assistance policy. The policy prevents Federal tax dollars from funding foreign NGOs—foreign nongovernmental organizations—that perform or promote abortion.

I also want to call attention to the efforts the administration has taken proposing regulations that would first of all prevent title X family planning grantees from colocating with abortion clinics or from promoting or referring

clients for abortions. None of that money was ever to be used for those purposes, but it is pretty hard when you are in the same facility, funded by the same overall group, not to suggest there is some connection.

President Trump and his administration have said that would not be allowed. They have passed regulations to further protect the right of conscience. In a famous letter written in the last year of his Presidency, President Jefferson said that the right of conscience—the right to fervently believe what you believe is the right thing—should be the right we hold the most dear, and the President is trying to be sure that applies in every possible case to Federal law as well.

They also voted to separate payment requirements from abortion coverage in ObamaCare and have really continued to do exactly what the President said he would do in these areas.

I know we all also want to encourage those who are participating in the March for Life on Friday. Every human life matters. The advocacy of people who come here year after year or perhaps are coming for the very first time makes a difference.

So for the efforts of the thousands who defy the weather—and the anniversary of the decision just happens to be in what almost always turns out to be the worst weather we have in Washington during the year, but that doesn't seem to deter those who are marching here or those who are speaking to those who come here to defy the weather and to March for Life.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. On the Senator from Iowa's time, let me join her and the Senator from Missouri, and I associate myself with their remarks and their support, not only for the March for Life, which will occur on Friday, but also for the No Taxpayer Funding for Abortion Act, which I am proud to be the principal cosponsor of and which will, we hope, have a vote on the Senate floor by tomorrow afternoon.

I was a pretty young staffer for then-Congressman Trent Lott in 1981 when I first became aware that there was such a thing as the March for Life. I can assure you that it will be much more massive this year than it was back in those early days when Americans were struggling with what *Roe v. Wade* meant and when they weren't quite so sure about what the science was about this practice of abortion.

As each year passes, as more and more parents see that sonogram, as more and more grandparents—and I am a grandparent to six now; I am buddy to six beautiful grandchildren—see the sonograms early on and we see the feet and we see the heartbeat and we see the faces of these children, we realize as Americans—and more and more Americans are coming to the realization—that this is a living human that deserves protection.

Senator BLUNT was accurate in saying we have good polling. Polling is

coming around to our way. Even if some people consider themselves to be pro-choice, when you delve down into the figures and ask them the questions, it turns out they are not quite so pro-abortion as we might think.

When we ask the question that the No Taxpayer Funding for Abortion bill goes to centrally—Do you support taxpayer funding for abortion?—the polls show that 24 percent oppose and 30 percent strongly oppose. A majority, or 54 percent of Americans—some of whom would actually check the box and say they are pro-choice—say no, we shouldn't go so far as to provide taxpayer funding for abortions. That is what this legislation, which tomorrow afternoon will be considered on the floor of the Senate, would do.

When asked another question: Should abortions be banned after 20 weeks, with the exception of risking the life of the mother? And 59 percent of Americans say yes, they strongly support that or support banning abortions after the 20th week.

So I would say that the March for Life is working, year after year, step after step, and I hope we get a good vote on the floor of the Senate tomorrow.

Do I think this is going to sail through the House of Representatives and be sent by NANCY PELOSI's House to the President for signature? Probably not, but we make the case. We warmly welcome these marchers for life each and every year, and we appreciate what they have done to move the needle of public opinion and to protect those innocent people who have no way of protecting themselves.

I see that we are joined by my distinguished colleague, the senior Senator from Nebraska, and perhaps she might have some remarks to say.

I will yield the floor at this point.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I rise today in support of the thousands of people who will travel to our Nation's Capital this week to join us in the March for Life. Marching proudly among them will be many, many Nebraskans—families, neighbors, student organizations, and church groups. They are going to brave the snow and freezing temperatures to march along the National Mall as part of a peaceful rally that draws attention to pro-life and pro-women policies.

Since I first started my career in public service, I have supported commonsense pro-life measures that protect women and unborn children. All too often, women are faced with unplanned pregnancies, and they experience condemnation instead of compassion. These women shoulder despair, pain, and judgment when they should receive comfort, assistance, and reassurance. These mothers should always know that they have support as they face challenging years ahead.

In the Senate, I am proud to pledge my support for several pro-life bills.

This afternoon, I would like to highlight a few of them.

Once again, I am cosponsoring the Pain-Capable Unborn Child Protection Act. This legislation would prohibit abortions after 20 weeks unless it is necessary to save the life of the mother or the pregnancy is a result of rape or incest. Twenty weeks, as advances in science and medical technology tell us, is the point at which an unborn child is capable of feeling pain.

When I served in the Nebraska Legislature, we passed the first ban on abortions after 20 weeks. Republicans and Democrats, pro-choice and pro-life Senators, voted in its favor because it is sound policy. We should enact this commonsense legislation at the Federal level as well.

I am also a cosponsor of the Protect Funding for Women's Health Care Act. This bill would prevent the Federal funding of Planned Parenthood or any of its affiliates. In 2016, Planned Parenthood received nearly \$544 million from the Federal Government. I believe that Congress must redirect this funding to where it belongs, and that is to our community health centers.

In Nebraska we have seven community health centers, with 44 clinic sites all across our State. I have had the opportunity to visit these sites, and I have seen firsthand the high-quality, compassionate care they provide to women in need. Our patients in Nebraska would be better served if this Federal funding were directed toward these centers and also these clinics, which serve all Nebraskans—all Nebraskans everywhere in our State—not Planned Parenthood.

The Protect Funding for Women's Health Care Act is another commonsense solution that will protect life and help provide comprehensive healthcare for women. Finally, I will once again support the No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act, introduced by the senior Senator from Mississippi. Since the 1970s, the Hyde amendment has prohibited Federal funds for abortions, but it requires a yearly passage through Congress. This measure would permanently establish in statute the protections of the Hyde amendment. These are a few of the important pro-life policies that I am working on in the Senate.

Again, I want to welcome all of the Nebraskans who are traveling over 1,000 miles to take part in the March for Life. It is great to see the pro-life movement building such momentum. More and more young people are joining the cause and standing tall for this timeless value, and I want to thank each and every one of them for their courage and for taking a stand for what they believe in and for what science tells us.

They march not with anger or condemnation, but with love and hope. They will be living out the direction of Mother Teresa, when at the 1994 National Prayer Breakfast she said:

A sign of care for the weakest of the weak—the unborn child—must go out to the

world. . . . then really you will be true to what the founders of this country stood for.

So to all of the Nebraskans and to all Americans who will gather here in Washington for the March for Life, please know that I support your every step.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

(The remarks of Ms. ERNST pertaining to the submission of S. 141 are printed in today's RECORD under "Submitted Resolutions.")

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

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

Mr. SASSE. Mr. President, I am going to speak again shortly from the floor, but, very briefly, I want to associate myself with the comments of my senior Senator, DEB FISCHER from Nebraska, who just spoke and welcomed Nebraska's pro-life students to the Capitol over the next 3 days. It is wonderful to be associated with a movement that is fundamentally about love and is about the dignity of every baby. So I join my senior Senator in welcoming Nebraska's pro-life students to the Capitol and to Washington, DC, for the March for Life on Friday.

I thank the President.

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

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

#### GOVERNMENT FUNDING

Mr. MERKLEY. Mr. President, I was just over in the Russell Senate Office Building, and a group of freshmen from the House intercepted me and handed me this piece of paper, this document, and asked that it be made part of the RECORD of the Senate, and I have come to do that.

Let me explain that these freshmen House Members want to see the Senate engaged in debate on how to end this shutdown of our government. They see in their home districts across this country tremendous damage occurring in all kinds of fashions—damage to security; damage to the economy; damage to families trying to get a home mortgage, and they can't get their FHA approval; damage to farmers who are seeking that loan that is necessary to prepare for the next farming season; damage in the preparation for next summer's forest fires.

I have been hearing about this from my home State. In Oregon, we just had

a training for fighting fires canceled. We have prescribed burns that need to be done during the winter that are being canceled. We have thinning, which makes the forest more fire-resilient, that is being canceled. We have the reduction of fuels on the forest floor that add to the intensity of fires—the removal of those—being canceled. These just add more to the list of so many ways that folks are being affected across the country.

I am going to share this letter with the Presiding Officer and our colleagues. It says:

Dear Senator McConnell:

We write as Members of the Freshman Class of the 116th Congress, an historic group that has the distinction of being the first Congress to be seated in the midst of a partial government shutdown.

We as a legislative branch have the power to end this shutdown now. In December, the Senate unanimously passed legislation that would have kept the government open. In January, the House then passed those same bipartisan bills and sent them to the Senate. If the Senate were to pass these bills, we would be able to reopen the government and then proceed to debate about immigration reform and border security.

However, it is impossible to have a meaningful policy discussion while the executive holds public servants hostage. We respectfully request that you allow the Congress to work its will and allow a vote on this bipartisan legislation to end this shutdown so that we can end this manufactured crisis and allow our devoted federal workers to get back to work for the American people.

Sincerely Susie Lee, Member of Congress; Abby Finkenauer, Member of Congress; Mikie Sherrill, Member of Congress; Mike Levin; Jahana Hayes; Lori Trahan; Katie Hill; Ayanna Pressley; David Trone; Ed Case; Gill Cisneros; Rashida Tlaib; Kendra Horn; Angie Craig; Joe Cunningham; Chris Pappas; Andy Levin; Susan Wild; Sylvia Garcia; Katie Porter; Debbie Mucarsel-Powell; Ilhan Omar; Madeline Dean; Haley Stevens; Greg Stanton; Josh Harder; Lucy McBath; Abigail Spanberger; Chrissy Houlahan; Donna Shalala; Lauren Underwood; Alexandria Ocasio-Cortez; Veronica Escobar; TJ Cox; Dean Phillips; Jahana Hayes; and then a few more people who have added their names in script that I may not be able to read accurately.

In total, there are an estimated 46 signatures on this letter addressed to Senate Majority Leader MITCH MCCONNELL.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONGRESS OF THE UNITED STATES,

Washington, DC, January 16, 2019.

Hon. MITCH MCCONNELL,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: We write as Members of the Freshman Class of the 116th Congress, an historic group that has the distinction of being the first Congress to be seated in the midst of a partial government shutdown.

We as the legislative branch have the power to end this shutdown now. In December, the Senate unanimously passed legislation that would have kept the government open. In January, the House then passed

those same bipartisan bills and sent them to the Senate. If the Senate were to pass these bills, we would be able to re-open the government and then proceed to a debate about immigration reform and border security.

However, it is impossible to have a meaningful policy discussion while the executive holds public servants hostage. We respectfully request that you allow the Congress to work its will and allow a vote on this bipartisan legislation to end the shutdown so that we can end this manufactured crisis and allow our devoted federal workers to get back to work for the American people.

Sincerely,

Susie Lee, Abby Finkenauer, Mikie Sherrill, Mike Levin, Jahana Hayes, Lori Trahan, Katie Hill, Ed Case, Gil Cisneros, Rashida Tlaib, Kendra Horn, Angie Craig, Chris Pappas, Andy Levin, Susan Wild, Sylvia Garcia, Katie Porter, Ilhan Omar, Madeleine Dean, Josh Harder, Debra A. Haaland, Lucy McBath, Abigail Spanberger, Chrissy Houlahan, Donna Shalala, Lauren Underwood, Alexandria Ocasio-Cortez, Veronica Escobar, TJ Cox, Dean Phillips, Elaine G. Luria, Tom Malinowski, Steven Horsford, Sharice Davids, Joe Neguse, Cynthia Axne.

Mr. MERKLEY. Mr. President, the freshmen of the House are speaking a lot of common sense in this letter. They are saying: Here we are, looking at bills that the Senate passed under Republican leadership and that the House has passed under Democratic leadership. That is the foundation for going forward. Let not the Senate leadership be the obstruction to common sense. Let not this Chamber sit empty, sit quiet, and sit without votes on these bills to put our government back to work.

They want to see the Senate have the courage to take positions, to be here and argue, to say yes or no, but we don't say yes or no if there is no bill before us, and that must confound these 46 freshmen, who kind of expected that after more than 200 years of organizing, we would have a Senate that could actually operate as a legislative body, not sit here vacant and quiet in the midst of a national catastrophe—a catastrophe of the Trump shutdown affecting so many families.

There are 800,000 families of Federal workers, hundreds of thousands more families of contractors, millions of Americans who simply want a core government service so that they can proceed with their lives—a business permit, a home mortgage, an agricultural loan, work being done to prevent forest fires, and a compromise to our national security in terms of our Coast Guard and our TSA agents. It makes no common sense for us to sit here without action.

I praise the House freshmen for bringing a fresh, intense, commonsense view to the conversation on Capitol Hill. Let their words be heard in this Chamber.

Thank you.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF WILLIAM BARR

Mr. WYDEN. Mr. President, I come to the floor today to discuss the nomi-

nation of William Barr to be Attorney General.

Today, I want to make clear that I will be opposed to this nomination for several reasons. I am just going to outline some of my key concerns that really haven't been addressed much over the last few weeks.

I am specifically concerned about his view that the President of the United States is effectively royalty, in his book, and he seems to believe that the President is unaccountable to the laws of our Nation or to the normal constraints imposed by the Congress. Today, I am going to focus on what I consider to be Mr. Barr's dangerous views on surveillance and his contempt for surveillance laws and the Fourth Amendment.

It is my view this is not a partisan issue. There has been, for some years, a bipartisan coalition in the Senate that has battled to protect the privacy and constitutional rights of Americans, but Mr. Barr's views, after I have laid them out today, ought to frighten every Member of this Senate. What Mr. Barr has said is that whether the Congress supports broader or narrower surveillance authorities and regardless of whether Congress votes for more checks and balances and oversight, it really doesn't matter. He has made the judgment, based on the proposition which he has stated very clearly, that the President can essentially do what he wants.

This nominee, in my view, poses a unique threat to the rule of law and the Fourth Amendment. His long-held views, which presumably he would put in practice if confirmed, threaten the very notion that Congress or the courts have any say in who in America gets spied on. If he is confirmed as Attorney General, he could take us back—and not just 12 years to an era of warrantless wiretapping. As Mr. Barr himself has made clear, he would be taking us back 40 years, to an era before the Church Committee, when neither Congress nor the courts had any role at all in checking or overseeing an abusive, out-of-control government.

Before the reforms of the 1970s, as has now been well documented, the government committed one horrific abuse after another. It spied on hundreds of thousands of innocent Americans. It spied on Dr. Martin Luther King, Jr. It spied on activists. It spied on Congress. When these abuses finally came to light, Congress acted by passing the Foreign Intelligence Surveillance Act, which established a secret court to issue warrants against spies and terrorists.

Unfortunately, as we now know, the government violated the law when it implemented its warrantless wiretapping program in 2001. The program included warrantless collection of the content of private communications, including through warrantless targeting of phone numbers and email addresses of people in our country. The program also included the bulk collection of

phone and email records of enormous numbers of innocent, law-abiding Americans. All of this occurred in secret, without warrants or any judicial oversight at all, and almost no one—no one in the Congress, nor even most members of the Intelligence Committee—knew anything about it.

The secrecy didn't even end when the bulk phone and email record programs were moved under the Foreign Intelligence Surveillance Act. The Obama administration, just like the Bush administration, kept this abusive program and the secret legal interpretations behind it from the American people, even lying about it in public testimony.

How did these abusive and illegal programs get their start? With secret determinations made at the Department of Justice that the law didn't matter and that the President can do what he wants.

That brings us to Mr. Barr. His dangerous views on Executive power have long been consistent—consistent—throughout his career, from his writings at the Department of Justice in the late 1980s to the present, but in October of 2003, he laid out in public testimony his position that, in Mr. Barr's view, the President is not accountable to surveillance laws and that the President enjoys huge loopholes in the Fourth Amendment.

October of 2003 was shortly after Congress had passed the PATRIOT Act, legislation that many in Congress have come to view as granting too much authority with too little oversight, but from Mr. Barr's perspective, the PATRIOT Act was too limiting and too constraining, and that wasn't even the most troubling part of his testimony. Right up front, he asked himself the question of whether the law was adequate to fight terrorism. Here is what he said. He said he wasn't worried about the law, and this is a direct quote: "The critical legal powers are granted directly by the Constitution itself, not by Congressional enactments." In other words, Mr. Barr's view of surveillance is that the laws passed by Congress do not matter. If the President wants to violate them, it is Mr. Barr's position that he can just go out and say he has constitutional authority and do it.

Here is a direct quote from Mr. Barr's testimony. Talking about laws going back to the 1970s, he said: "Numerous statutes were passed, such as [the Foreign Intelligence Surveillance Act], that purported to supplant Presidential discretion with Congressionally crafted schemes whereby judges become the arbiter of national security decisions."

I am going to unpack that sentence for a minute. From Mr. Barr's perspective, decades of laws passed by the U.S. Congress are nothing but schemes—schemes. He is talking about the Foreign Intelligence Surveillance Act, a fundamental framework of checks and balances that Congress has relied on



for four decades to ensure congressional and judicial oversight of surveillance. He is talking about every modification of the Foreign Intelligence Surveillance Act, from the PATRIOT Act to what is called section 702, reauthorized last year, to the USA Freedom Act, which was intended to stop the collection of millions of innocent Americans' phone records. Whatever you think of these statutes, they are how Congress determines the extent of the government's surveillance powers and exercises its responsibility to protect the rights of Americans. Mr. Barr notwithstanding, these duly enacted laws of Congress are not mere schemes.

Worse still, it is Mr. Barr's contention that all of these laws only purport to have any effect. The President, says Mr. Barr, has the discretion to ignore them. By definition, if you are saying that the President can just ignore the laws, in effect, that is a position that is in favor of tyranny. This is as dangerous a position as I have heard in congressional testimony. It is very similar to the language that was concocted in the Department of Justice to justify warrantless wiretapping—and these are the views coming from the man who might be Attorney General of the United States.

Mr. Barr is correct that the Foreign Intelligence Surveillance Act gives judges some say in when the government can spy on Americans. It is a secret system, one that greatly advantages the government and almost always precludes challenges from those who are spied on. The Foreign Intelligence Surveillance Act has been abused through secret interpretations of law, but the Foreign Intelligence Surveillance Act does involve judges considering the Fourth Amendment rights of Americans, and that is what Mr. Barr objects to.

Based on his own testimony, it is clear to me that Mr. Barr has fundamental problems with the Fourth Amendment or at least its application to anything the President might unilaterally decide involves national security. He believes that if the government determines there is a threat, there is no need to ask a judge for a warrant.

The Fourth Amendment protects the rights of the people to be secure against unreasonable searches and seizures unless there is a probable cause warrant. That is what the Constitution says. Mr. Barr, however, has found two very big loopholes in the Fourth Amendment.

First, he insists that if the government decides a foreigner in the United States is "apparently acting as a terrorist," then he or she is not one of the "people," and the government can just throw out the Fourth Amendment.

Second, Mr. Barr argues that so long as the government says there is a threat, a warrantless search is not unreasonable, and the warrant requirement under the Fourth Amendment simply doesn't apply.

At the core of Mr. Barr's philosophy is that no one—not Congress and certainly not judges—has any business assessing the government's assertion about threats.

Here is another quote from Mr. Barr: These are "assessments judges are not competent to make or responsible for making under the Constitution."

For 40 years, judges of the Foreign Intelligence Surveillance Act Court have been making these determinations, but, from Mr. Barr's perspective, the courts are not competent to decide who gets spied on; only the President gets that power.

Some might ask whether Mr. Barr has had a change of heart, particularly since Congress has passed additional surveillance authority in the year since his testimony. I hope we see in the days ahead where he stands, whether he now believes that spying on Americans and people in the United States has to be consistent with the laws passed by Congress, but his 2003 testimony suggests that even new, sweeping, bipartisan laws that have passed wouldn't satisfy him.

A little over a decade ago, Congress created section 702 of the Foreign Intelligence Surveillance Act. That allows for warrantless spying on foreigners overseas. I have said our country faces real threats from foreigners overseas, so I stipulate that is something that is important to the safety of the law-abiding people whom we all represent. I have had serious concerns about the number of innocent Americans whose communications are being swept up under section 702 collection, but at least the targets of the surveillance are overseas.

Mr. Barr would go further in his testimony, calling for the warrantless targeting of people inside the United States. According to Mr. Barr, there are individuals right here in the United States who have no Fourth Amendment rights. This is an important issue today, and it will become more important in the days ahead.

I have already stipulated that I think there are serious threats to our country overseas. What troubles me is, as telecommunication systems around the world become more globally interconnected, more and more innocent Americans are going to get swept up in these searches. To me, when you are talking—as Mr. Barr seems to be doing—that there are individuals in our country who have no Fourth Amendment rights, that is why I think all Senators should be troubled about these positions he has long espoused.

There is also the matter of collecting business records, sensitive information about Americans that are in possession of a third party. Here, we are talking about your purchases, who you are communicating with, where you are located at any time of the day.

Mr. Barr believes that the Fourth Amendment doesn't apply to any records held by a company or other third party, no matter how sensitive

that information is. This view has actually been rejected recently by the U.S. Supreme Court. What Mr. Barr has been saying is actually out of sync even with the current thinking of the Supreme Court. The Supreme Court most recently held that the Fourth Amendment does apply to the government's collection of location data from wireless carriers.

Apparently, yesterday Mr. Barr said he had not read that Supreme Court decision. Colleagues. I think that ought to be really troubling to the Members of this body. We are talking about location data. Location data can be a personal safety and national security nightmare.

We saw what happened just last week. In 2018, the wireless companies all made promises to me that they wouldn't make available precise location data to hedge funds, bail bondsmen—all kinds of bottom feeders just looking to make a buck. What happened was, in 2018, those wireless companies said they wouldn't make that data available any longer to these location trackers and bail bondsmen and the like, and then last week, a bounty hunter got 300 bucks and found out those 2018 promises to me meant nothing. So last week, the wireless companies promised again that they wouldn't make location data available to all of these financially interested parties. I appreciate their saying it, but I will tell you, I will believe it when I see it, because we got a promise in 2018 that they would be serious about protecting location data, and we saw last week that they weren't.

We have the Supreme Court now making it clear that the Fourth Amendment applies to the government's collection of location data from wireless carriers, but the person who is up for nomination, Mr. Barr, has not been willing to or doesn't find it important enough to even read the Supreme Court decision on this case.

The government's collection of business records is authorized by section 215 of FISA, which was part of the PATRIOT Act. There are serious concerns about 215. It was abused for years to carry out a secret program that swept up the phone records of millions of innocent, law-abiding Americans. Even after the USA FREEDOM Act, which was intended to end bulk collection, it has been used to collect hundreds of millions of phone records. All the government needs to collect these records is to show the FISA Court that the records are relevant to an investigation. There is no requirement for a probable cause warrant.

This important law sunsets this year, so the Congress will have a debate about whether these authorities are too broad, whether there is a need for more checks and balances. I see my colleague from Texas, who also serves on the Intelligence Committee. We are going to have a debate on it. That is the way it ought to be.

Today, we are talking about what I consider to be dangerous views espoused by Mr. Barr. What Mr. Barr believes is that the government shouldn't have any court oversight at all when it comes to collecting the records on Americans. He thinks the government should just unilaterally issue a subpoena and collect those records and that there would be no oversight whatever. The foundation of Mr. Barr's beliefs when it comes to surveillance is that the President can do whatever he wants if he believes national security is at stake.

I am going to close by simply talking for an additional minute or two about what it will mean if Mr. Barr is confirmed as Donald Trump's Attorney General.

Right now, the President is openly considering a declaration that he, Donald Trump, has emergency powers to override the will of the Congress, and he is doing this while relying on a baseless assertion that there is a national security crisis.

Until he was fact-checked, he was making very far-fetched claims about terrorists coming over the border. He also regularly calls journalists "enemies of the people" and calls for investigations of his political enemies.

I would oppose the nomination of anyone with William Barr's views on Executive power regardless of who was President, but the kinds of threats I am talking about are too serious to ignore.

Donald Trump has openly said and said specifically how much he would enjoy unchecked surveillance power. During the 2016 campaign, when the Russians were hacking his opponents, the President of the United States, our current President, said: "honestly, I wish I had that power. I'd love to have that power."

If Donald Trump decides that national security is at stake and William Barr is the Attorney General, it would be Mr. Barr who might give him that power—power he could use with no oversight from the courts and without regard to what Mr. Barr has dismissed as "the schemes"—our laws—of Congress.

In case anyone thinks Mr. Barr would himself serve as a check on the President, he has also written that that is not the Attorney General's job. Just last year, he wrote that all Executive power rests in one and only one person—the President—and that the President doesn't have to convince his Attorney General that his orders are legal.

Let me be clear. The issues I have raised with respect to Mr. Barr's views on surveillance are not kind of conjecture or possible theories. What I have been talking about this afternoon are the views outlined in Mr. Barr's own testimony. I hope every Member of this body will take the time to read Mr. Barr's testimony and consider what is at stake.

There are Members in both political parties in this Chamber who have long

been concerned about the expansive surveillance authorities under the Foreign Intelligence Surveillance Act and the possible abuse of that law. Those concerns are, in my view, small potatoes compared to what Mr. Barr has proposed, which is that the law need not constrain the President whatsoever. For example, some Members of this body have expressed concern about Foreign Intelligence Surveillance Act warrants in connection with the Russia investigation and whether all relevant information has been provided to the FISA Court. Consider a world in which the government doesn't need a warrant and doesn't have to justify its surveillance to any court. Consider the possibility of abuse in that world. That is the world Mr. Barr has testified he wants.

I also would appeal to my colleagues with whom I have had some pretty vigorous debates over the years about surveillance and who may have no concerns about the current framework of our laws. We can have our disagreements about how to write the law. Here in the Senate, we do agree that the laws passed by the Congress mean something. They are binding, and they are not, as Mr. Barr has stated, "schemes" that the President can just ignore whenever he feels like it.

This nominee has been more than clear about where he stands. He believes that the President alone decides when there is a threat and that when he does, he doesn't have to worry about Congress, judges, or the laws, or the Constitution. In my view, that is a prescription for trouble, a prescription for more abuses—abuses that Congress may or may not even be told about. But we have been warned. We have been warned by Mr. Barr's testimony.

I also would like to note that I have concerns about Mr. Barr that relate to classified matters, and I am currently seeking declassification of those matters and hope that this will be resolved prior to any votes on the nominee.

I see colleagues are waiting.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, yesterday the Senate Judiciary Committee began to hear witnesses on the nomination of Bill Barr to be the next Attorney General of the United States. We heard first, of course, from Mr. Barr himself all day yesterday and today from additional witnesses.

By any standard, Mr. Barr is an exceptionally qualified individual, in part because 27 years ago, he was Attorney General, nominated and confirmed unanimously—nominated by President George Herbert Walker Bush. Under his leadership at the time, the Department of Justice focused on some of the most important law enforcement challenges facing our country at that time. They worked to fight violent crime and combat the drug epidemic, both of which continue to do great harm to communities across the country still today.

As significant as the work done under his leadership was, I was more impressed with the fact that after 27 years, he was willing to take on the task of becoming Attorney General once again. He said he was sort of semiretired. He and his wife were looking forward to spending more time with their children and grandchildren. But he answered the call to public service, and I am grateful that he did. He knows that our Nation needs a strong law-and-order Attorney General at the Department of Justice.

When he spoke at his confirmation hearing more than 2½ decades ago, he said:

The Attorney General must ensure that the administration of justice—the enforcement of the law—is above and away from politics. Nothing could be more destructive of our system of government, the rule of law, or the Department of Justice as an institution, than any toleration of political interference with the enforcement of the law.

He repeated that commitment yesterday, and I think the need for that sort of strong statement is more important today than ever.

I believe Attorney General Barr will be a good Attorney General, assuming what is one of the most challenging positions in the Cabinet because you are a political appointee but you are also the chief law enforcement officer in the country. That sometimes can be difficult to navigate.

As the nominee noted, doing the job and doing it well sometimes requires being prepared to burn your political capital in order to preserve the rule of law. I believe this is the most fundamental quality of a good Attorney General, and having a leader at the helm of the Department of Justice with the right temperament and a fundamental understanding of this responsibility is critical now and forever. In recent years, we witnessed some Attorneys General carrying out actions that repeatedly toed that political line, sometimes crossed it.

Under the Obama administration, the Department of Justice began to veer increasingly away from the impartial administration of law and toward politics. That shift undoubtedly occurred at the hands of President Obama's Attorneys General who were in the driver's seat during his administration, Eric Holder and Loretta Lynch.

Both Holder's and Lynch's conduct has come under a great deal of scrutiny—even now, after they have left—and for good reason.

For example, under then-Attorney General Holder, there was something called Operation Fast and Furious in which the Bureau of Alcohol, Tobacco, and Firearms and the Department of Justice purposefully allowed the illegal sale of firearms in Mexico in the hopes of being able to track them. Unfortunately, there were a number of casualties, including Border Patrolman Brian Terry, who was killed with one of those firearms in 2010. Attorney General Holder never accepted responsibility

for Brian Terry's death or ever admitted that allowing these guns to walk into Mexico, into the hands of some criminal organizations, was a terrible mistake.

Under his watch, the IRS targeting controversy occurred in which politically aligned groups applying for tax-exempt status faced official oppression based upon their political affiliation.

Then, of course, more recently, let's not forget then-Attorney General Lynch's handling of the Clinton email scandal—something even James Comey, the FBI Director, objected to—along with her famous so-called tarmac meeting with former President Bill Clinton when his wife was under an active FBI investigation. The conduct of both Holder and Lynch undermined the public's confidence in the impartial administration of justice and law at the Justice Department.

Under the leadership of my friend and our former colleague, Jeff Sessions, the Department of Justice has begun to right the ship and again separate politics from the impartial administration of the law, and I am confident that Mr. Barr will continue to do the same.

During his confirmation hearing, Mr. Barr reaffirmed that politicians should not interfere with criminal investigations, and he likewise committed not to interfere with the special counsel's investigation. He assured us that his allegiance will be to the rule of law, to the Constitution, and to the American people, and that, above all else, he will work to protect the professionalism and integrity of the Department of Justice and the thousands of dedicated public servants who work there.

Not only is Mr. Barr exceptionally qualified for the job, he is prepared on day one to step in and lead with distinction.

The Senate unanimously confirmed his nomination to three different positions at the Department of Justice, and I hope we can work expeditiously to get this fine man to the Department of Justice once again.

I thank Mr. Barr and his entire family for agreeing to bring his talents and his temperament to the Department of Justice at a time when those qualities are so desperately needed, and I look forward to voting yes on his nomination.

#### REMEMBERING HERB KELLEHER

Mr. President, on another matter, I want to share a few words about the passing of one of the airline industry's most unconventional and most successful executives. That would be Herb Kelleher, who cofounded Southwest Airlines.

Herb was born in 1931 in New Jersey, and his young life and early career kept him on the east coast. He graduated from Wesleyan University and New York University School of Law and served as a law clerk for 2 years at the New Jersey Supreme Court and then joined a law firm in Newark. But as fate intervened in this promising

young lawyer's career, he met his wife Joan, a native Texan, and they decided to move to the Lone Star State, something he later referred to as the greatest business decision he ever made.

Building America's largest domestic airline carrier was never on Herb's to-do list. In the late 1960s, he was an attorney in San Antonio, when one day his client approached him with an idea about a low-fare airline serving three Texas cities. Tired of spending so much time in the car traveling between San Antonio and Houston and Dallas, he believed they could make point-to-point intrastate travel faster and much cheaper by flying, and also cheaper than other airlines.

Getting their innovative idea off the ground wasn't easy. These men who founded Southwest Airlines slogged through years of legal battles before the airline operated its first flight. Their vision not only led to the creation of a budget airline but also drove down the cost of their competitors, as competition will do.

To maintain their edge, Southwest tried some interesting ideas along the way. After another airline ran an ad calling Southwest a cheap carrier, Herb responded by filming a commercial where he wore a brown paper bag over his head and promised that the airline would gladly provide one to any customer too embarrassed to be seen flying on Southwest Airline.

At one point, to compete with the low fares of other airlines, Southwest started a program to keep customers, and they said: You can either pay the lowest fare or pay full fare and get a full premium bottle of liquor in the process. Well, apparently it worked, and for a short time, I am told, Southwest was the largest liquor distributor in the State of Texas.

I think one of the most distinctly Herb Kelleher stories is of a battle called "The Malice in Dallas."

In 1992, Southwest Airlines and another company realized their slogans—"Plane Smart" and "Just Plane Smart"—were similar. Rather than settling the matter in court, they settled it by holding a public arm wrestling match.

The 61-year-old, with the cigarette fixed between his teeth, gave his much younger competitor a run for his money, but he couldn't pull off a win. At the end of the match, the two men made donations to each other's chosen charities. They agreed to share the slogan and called it a day.

Each of these stories has Herb Kelleher written all over it. He was known for his gregarious personality, his incredible work ethic, and his penchant for the nontraditional, not to mention his affinity for Wild Turkey.

I first met Herb when I represented him in a lawsuit early in my legal career in San Antonio. He had a larger-than-life personality, and it was a pleasure to know him.

We can all learn a lesson from Herb about the importance of working hard,

treating people with respect, and not being afraid to have a little bit of fun along the way. His entrepreneurial spirit was credited with democratizing the skies by disrupting the airline industry, and I believe he was one of the most consequential leaders in American aviation, and we have all benefited from that.

So I join Herb's wife Joan, his children, his grandchildren, his many friends, and, of course, his beloved Southwest Airlines family in mourning the loss of this larger-than-life figure.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

#### MENTHOL CIGARETTES

Mr. BARR. Mr. President, I also mourn Herb's loss. It is odd that I would be here to protect his ability to have that cigarette in his mouth as he was negotiating.

I rise today to discuss the recent announcement by the Food and Drug Administration to move forward with a ban on menthol cigarettes. This announcement, to say the least, is surprising. In an administration claiming to decrease regulation on the American people, this announcement works completely counter to that goal—increasing regulation and decreasing the choices for adult consumers in America.

Making matters worse, the announcement comes from an Agency that the American people trust. They trust them to make decisions based upon the most sound and reliable science available. Unfortunately, the FDA has not provided a sound scientific argument to move forward with the ban on one type of product that Americans consume understanding fully the risk.

On November 30, 2018, I raised this concern with the Food and Drug Administration. As a part of their announcement, the FDA claimed that their regulatory actions are based on information released by the Centers for Disease Control and Prevention, or CDC.

When I asked for the data supporting this menthol decision, I was informed that this data would be made available later this year. I also asked the FDA to explain to me whether the Agency has determined that menthol cigarettes make more children try smoking or whether these products make it more difficult for children to stop smoking.

I pause here because I am sure the Presiding Officer is remembering that it is illegal for people under 18 to purchase tobacco products.

The FDA simply informed me that the information I requested would be part of a proposed rule available for stakeholder comment.

Now, I think you would agree that it is highly unusual for a science-based Agency to refuse to provide the data informing its regulatory decisions to a seated Member of the U.S. Congress. This should set off alarm bells. Any product regulated by the FDA might

fall into this category of “no Member of Congress being able to know.”

Well, it may seem odd, but the FDA regulates 25 cents of every dollar of the U.S. economy—no wonder it takes so long and costs so much for new drugs and devices to come to market.

As a result, I did my own research. The chart behind me, with 2017 data from the CDC, shows that children’s use of traditional menthol cigarettes has decreased 3 percent since 2011. Let me say that again. Since 2011, usage by youth in America of menthol cigarettes has reduced from 5.8 percent to 2.5 percent.

This data runs counter to the need for increased regulation and decreased choices for consumers and calls into question the FDA’s own decision.

In 2009, Congress debated the regulation of tobacco products. I was here for the entire debate and was an active participant in the dialogue. I alone provided over 16 hours of remarks on the Senate floor so that my colleagues understood my concerns with this type of legislation and to ensure, quite frankly, that the voice of North Carolinians was clearly and deeply understood in the U.S. Senate.

One issue discussed during that debate was actually the banning of flavors in cigarettes, including menthol. Congress struggled to come to a consensus on this issue, offering many iterations at the time of the legislation, taking different approaches to the ban of any, all, or none of the flavors available in cigarettes at the time.

Ultimately, the decision was made for the FDA to thoroughly study the effects of menthol cigarettes.

The Agency issued its report in 2011 and commissioned a third-party entity to study the science behind menthol cigarettes, for which a report was issued in 2013.

Now, what resulted from the results of that study?

For the remainder of President Obama’s terms in office, which ended in 2016, their FDA never attempted to move a menthol ban. Why? Because the results of that information—that scientific data—did not substantiate what, in fact, that would accomplish.

In the 5 years since the publication of these studies, the science has not changed to justify the ban of an entire product category by the FDA.

Each year, the CDC issues the latest data from the National Youth Tobacco Survey. This survey asks about 20,000 children about their tobacco use, and it has been conducted since 1999. This survey covers details of middle and high schoolers’ use and exposure to a variety of tobacco products, and it includes specifics on the use of different product categories, like traditional cigarettes and e-cigarettes, as well as data on the percentage of survey participants who tried menthol.

The CDC data shows that there has been a 12-point decrease in the percentage of children trying traditional cigarettes since 2011.

Let me state that again.

The CDC’s own data shows that there has been a 12-percent reduction in the percentage of children trying traditional cigarettes since 2011.

Now, this is good news. The use of cigarettes among children is decreasing, showing that our education and our public health efforts are, in fact, working.

As I mentioned before, the survey shows that the use of menthol cigarettes by children has also declined, decreasing 3 percent since 2011.

Even the FDA’s own data shows the decline in children’s use of traditional cigarettes.

Now, this chart I have basically shows that traditional cigarettes have fallen 12 percent since 2011, compared to the latest survey data of 2017. It is probably difficult for some to see, but the red arrow pointing down certainly indicates a decrease. The red arrow pointing up shows an increase. Now, that should be alarming, and it is an area that we will talk about in a second.

But the solution here is simple. Data released by the CDC and the FDA provide a clear marker that the FDA’s focus should be on areas where children’s use is increasing rather than in areas where we are already making significant progress.

I might pause and say that if a product is illegal for somebody under 18, I don’t know how you ban a product and believe that it wasn’t already banned if it was illegal.

The FDA’s decision does not pass the commonsense test. It is time for the FDA to focus on the things where there is an increase for children. I give them examples: marijuana, opioids, fentanyl, meth. We have debated it on the floor of the Senate. While we are looking at one thing and the FDA has got us focused on it, look at how many children’s lives are devastated in this country—again, with illegal products.

One can only conclude by what we are doing, which is banning menthol, that we are emulating Canada. Several years ago they banned menthol, and last year they legalized marijuana. That may be the route we are on. I am not sure. Nothing surprises me anymore in Washington.

June of this year will mark the 10th anniversary of the Tobacco Control Act, which provided the FDA regulatory authority over tobacco products. The law gave the FDA broad authority to regulate these products and was intended to provide a path forward for innovative products—tobacco products, as well—placing hope in advancements in research and development to provide new options for American consumers that are down the continuum of risk for those individuals who choose, potentially replacing their use of combustible cigarettes with electronic ones.

The FDA does not have a single governing regulation for the review and the approval of the products Congress

put under its regulatory watch. Almost a decade after enactment and more than \$5 billion later, the FDA has failed to issue one foundational regulation governing the viable review of any tobacco product.

Let me state that again. Almost a decade after enactment and \$5 billion later, the FDA has failed to issue a foundational regulation governing the viable review of any tobacco product. This failure would be unacceptable from any other regulated industry. The Center for Tobacco Products receives hundreds of millions of user-fee dollars each year and is still falling behind the other product review centers at the FDA. The FDA has a responsibility to develop clear rules of the road for innovation and potentially less harmful tobacco products—some of the very products that are under scrutiny today because they are in regulatory limbo 10 years later. The Agency has had ample time to act and, instead, focused its efforts and resources on banning a legally marketed product without the data to support their own actions.

I urge my colleagues to take a serious look at the FDA’s decision to ban menthol cigarettes. The FDA chose to decrease choices for the American consumer while their counterpart, the CDC, continues to show a decline in children’s use of menthol cigarettes. These two Agencies should, in fact, be in alignment, using the CDC’s highly regarded public health data to fully inform the FDA’s approach to regulate these products. The information it released on November 18, 2018, shows a steep increase in the use of all tobacco products. However, the FDA has not provided the data to show that traditional cigarettes have contributed to this increase from 2017 to 2018 in any way or that menthol played a part in this increase. If it had—I will take you back to the original chart—we would see a significant change in the trend line of menthol usage of youth.

I would bet my colleagues today that when you get to 2018, you will continue to see a decline in menthol. It begs the question of whether the leadership at FDA is making decisions with any regard for years of public health data, coming at the cost of choices for the American people.

This argument comes down to whether you believe Americans have a right to choose. As long as I am an elected official, I will advocate for adult consumers to have these choices.

I realize this is the floor of great debate, and I am not scared to have a debate on whether tobacco is a legal product. As long as it is a legal product, why would we encumber the consumer with choice when, in fact, we see a trend line like this as it relates to youth?

So I say to the FDA and I say to my colleagues: Don’t hide behind our children and tell us that is the reason, because the data doesn’t support it. The data says that what we are doing in education, what we are doing as parents is convincing the next generation

that this is not a product they want to use. But when you ban menthol cigarettes, you take many adults who choose to purchase and to use a legal product with full understanding of the risk and tell them: No, we are going to eliminate the choice of this product.

That is wrong. It is wrong for Congress to do; it is wrong for a regulatory Agency to do; and it is a blemish on this administration to announce that they are reducing regulation when, in fact, they are going out and instituting some of the most onerous regulations on America's consumers, the American people who choose.

I urge my colleagues to become educated on this. I will give them an opportunity on multiple occasions for the balance of this year to hear more about this industry.

I yield the floor.

The PRESIDING OFFICER (Mrs. BLACKBURN). The assistant Democratic leader.

#### GOVERNMENT FUNDING

Mr. DURBIN. Madam President, last Saturday was a historic day in Springfield, IL, my hometown. It was the biggest snowfall in one day in our city's history. I spent that Saturday not shaking hands with my constituents but shaking hands with my shovel, trying to shovel snow away. It was a historic day in Springfield but, sadly, it was a historic day for America too.

Saturday marked the longest shutdown of the U.S. Government in the history of the United States. As of today, the shutdown has continued for 26 days. Day by day, the harmful effects of this government shutdown are getting worse. Alarming, the President seems not to really understand or appreciate the real-life impact this shutdown is having on many Americans.

In all, more than 8,000 Federal workers in my home State of Illinois are going without a paycheck during this shutdown—8,000 people who are concerned about paying their bills, as most working families are. These are hard-working Americans.

I want to show you a photo of one of them. He happens to be a friend of mine. His name is Toby Hauck. This is Toby here. Toby is a veteran of the U.S. Air Force. His job in Aurora, IL, is to make sure that my plane, when it arrives at O'Hare, lands safely. Toby Hauck is an air traffic controller. Air traffic controllers have some of the most important and most stressful Federal jobs in America, and this shutdown is a kick in the gut to Toby Hauck and all of these air traffic controllers.

Many air traffic controllers, like Toby, are already working 6 days a week. I am not happy to report that. Pushing them to the limits of physical exhaustion isn't in the best interest of safety when it comes to our aircraft, but because of staffing shortages, that is what they are faced with, working 6 days a week. The shutdown is making staff shortages in the air traffic control

facilities across the United States even worse.

The shutdown has closed down the FAA academy where new air traffic controllers are trained and has stopped training in each facility to implement new procedures and new equipment.

Toby's father and grandfather, incidentally, served in the U.S. military, as he did. This picture depicts his great son and Toby's granddaughter. I wanted to bring another point home. Toby's son is deploying overseas this month. Toby and his wife will be looking after their 2½-year-old granddaughter during the 10-month deployment. Toby's lack of a paycheck since December 31 of last year adds stress to an already hectic life.

Toby says:

Veterans are very proud of our heritage and what we have done for the country. And those of us who continue to serve the Federal Government as Federal employees continue that pride throughout their careers.

Toby says:

We are hardworking, proud American employees doing a job for the American public that is essential as an air traffic controller. It's not acceptable as a veteran, as a federal employee, as an air traffic controller to use my profession and my livelihood as a political football.

Toby doesn't stand alone as a veteran working for the Federal Government. Veterans are some of the hardest hit Federal employees of the Trump shutdown. Today as many as 250,000 Federal workers and Federal contractors are going without pay during the shutdown. According to the Office of Personnel Management, as of the end of fiscal year 2016, veterans represented 31 percent of the Federal workforce. This is more than a 5-percent increase since 2009, when President Obama encouraged veterans to apply for employment with the Federal Government to boost the hiring of men and women who served our country in uniform.

In Illinois, we have 50,000 Federal workers, and almost 28 percent of them are veterans. More than one-quarter of all veterans working in the Federal Government also have a Department of Veterans Affairs disability rating.

For example, if SNAP, the food stamp program, runs out, 38 million Americans could lose their food stamp benefits. That includes veterans living in households that participate in SNAP. You don't think about that very often, do you? Do you mean there are veterans on food stamps? The figure has averaged about 1.4 million veterans a year between 2015 and 2017, according to the Census Bureau. Illinois is home to nearly 50,000 veterans who are beneficiaries of food stamps and HUD rental assistance programs on an annual basis as well. So the very programs that are going to be hampered, slowed down, and stopped because of the Trump shutdown affect veterans across my State of Illinois and across the Nation. About 1,150 contracts under the project-based rental assistance program have lapsed, with hundreds more

scheduled to expire because of this shutdown. People are suffering around the country.

Federal workers are suffering. Their workers are suffering and veterans are suffering because of this Trump shutdown. More than 380,000 Federal workers have been furloughed; 450,000 or more are being forced to work without pay. These are hard-working Americans like the TSA officers I met last week at O'Hare and met just a few days ago when I flew to St. Louis Lambert Airport. They go to work every single day, and their job is to make sure that dangerous people don't get on the airplanes with you, your children, and your family. They can't afford to have their paychecks held hostage by a manufactured crisis.

These families of Federal workers have bills to pay. A worker at the Environmental Protection Agency, Cynthia Colquitt, is going without a paycheck after serving 26 years as a Federal employee. How hard is it? She is a single mom, and she says, quite honestly: I get by paycheck to paycheck. She has never missed a mortgage payment; she is very serious about those things. But now she is worried the shutdown will impact her credit rating if she doesn't have a paycheck to pay her bills on time.

Shutdowns not only hurt our Federal workers, but the impact is also felt by small businesses around the country that rely on the business of Federal workers and the government. This shutdown is hurting our economy and only adding to economic uncertainty. Remember what happened in December? If you happen to have a retirement account with investments in stocks, you noticed that December was a pretty horrible month. There was an 8.7-percent drop in the stock market in December—the worst December for the stock market since 1931, during the Great Depression.

The CEO of JPMorgan Chase is now warning that if this shutdown lasts another several weeks, it could reduce our Nation's quarterly growth to zero. The victims of the shutdown will not be the Federal employees; it will affect the entire economy because the input into the economy—the things they buy and pay for—will be diminished.

Just why are we in this mess? Well, as the President said several weeks ago on camera in the Oval Office, it is his shutdown and he is very proud of it. He said that he was going to hold the hard-earned paychecks of Americans hostage in an attempt to fulfill his campaign promise to build a wall on the southern border of the United States, a concrete wall, as he described it, "from sea to shining sea," which, incidentally, he promised would be paid for by the Mexicans.

Let me say that again. All of the pain of this shutdown is caused because the President made a campaign promise to build this almighty wall. Well, we know something about walls. They don't work very well. We know it

might have been a great response several hundred years ago to build a wall—not so much today. There are better ways to make America safe, other than building a wall. Yet the President said: It is my wall or a shutdown.

If we have a debate about border security, I want to be a part of it, but we shouldn't do it while holding the Government of the United States hostage. Every day of the government shutdown is another day that President Trump is harming innocent Americans, preventing hundreds of thousands of Americans from getting their paychecks and millions more from getting access to vital Federal services.

We should reopen this government and we ought to do it this afternoon and we can. One phone call from the President to Senator MITCH MCCONNELL, Republican leader of the Senate, is all it takes. NANCY PELOSI, the new Speaker of the House, has already passed the spending bills to open the government. She did it last week. She sent them over here. They are sitting at the desk up here. We are not touching them because Senator MCCONNELL said: I am not going to solve this problem until the President gives me permission. A little reminder to my colleague Senator MCCONNELL, under the Constitution, we are a separate branch of government. We don't wait for a permission slip from the President of the United States to do the job we were elected to do.

Today we had a vote earlier, and I looked at the other side of the aisle and talked to a number of my Republican colleagues. I wasn't a bit surprised to find so many of them fed up with this government shutdown. They want it to end today, and so do I. Then we can sit down and negotiate border security and do it the right way, not with a gun at our head—I should say, a gun to the head of 800,000 Federal employees. Let's reopen the government and then continue to negotiate. House Democrats have given us the bills we need to do that. Now it is up to Senator MCCONNELL. Will he come forward through that door onto the floor, call these bills, and end this shutdown before 5 p.m. today?

He could. He has the power to do it. He can pass the spending bills. He warns us that President Trump may not sign these bills. Well, Senator MCCONNELL has been around the Senate for decades. He has been around so long that I am sure he is familiar with our Constitution. Do you know what? If the President vetoed these spending bills, we have the constitutional authority and opportunity to override his veto—to come up with 67 votes in the Senate, two-thirds in the House to override any Presidential veto. I think the votes are there, and I think that is the reason Senator MCCONNELL is afraid to call the bills.

It is time for the Senate to act. Let's not wait for a permission slip from President Trump. Let's do what we

were elected to do. Let's spare Toby Hauck and 800,000 Federal employees, including many veterans, the hardships their families are facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### NATIONAL DEFENSE

Mrs. FISCHER. Madam President, I rise to discuss the state of our national defense. First, I want to recognize the brave Americans who were killed in a suicide attack in Syria today. Our deepest sympathies are with the families of those killed and the injured. We are so grateful to these Americans for their service and for their sacrifice.

As I enter my seventh year on the Senate Armed Services Committee, I can't help but reflect on our past successes. I am proud of what we have accomplished by working together to fulfill the first responsibility of our Federal Government to provide for the common defense. Together, we have continued the committee's long-standing bipartisan tradition of working to strengthen our military, and we have been effective on a variety of fronts.

We have provided our brave men and women in uniform with the resources they need to carry out the missions we give them every year through the National Defense Authorization Act.

Importantly, for the last 2 years, Congress and the administration have worked together to rebuild the Department of Defense and reorient it to today's threats. As the administration's National Defense Strategy correctly identifies, the primary challenge to U.S. interests today comes not from terrorist groups but from Russia and China.

In recognition of this fact, Congress increased funding to restore readiness and expand force structure from near-historic lows. While progress has been made, significant challenges remain.

The bipartisan support for increased defense spending must continue, and Congress must ensure our service men and women have the necessary training and equipment for the great power competition that defines the current geopolitical landscape. As part of this effort to ensure our military is prepared for the new threat environment, we must continue modernizing our nuclear forces.

Once again, this Congress I will chair the Armed Services Committee's Subcommittee on Strategic Forces, and this issue will be my top priority. Since the end of World War II, our nuclear deterrent has formed the bedrock of our Nation's security. With Russia and China increasingly seeking to challenge U.S. interests and to reshape the geopolitical landscape in their favor, the unique role our nuclear forces play in deterring conflict and preventing war is becoming increasingly important.

Meanwhile, our warheads and delivery systems age toward obsolescence, as does the infrastructure that main-

tains our deterrent. Many of these systems have aged far beyond their designed lifetimes. They cannot be sustained indefinitely. Put simply, as our nuclear deterrent becomes more important to our Nation's defense, the need for nuclear modernization only grows.

This conclusion is echoed in the administration's National Defense Strategy, its Nuclear Posture Review, and the bipartisan National Defense Strategy Commission, which described nuclear modernization as a "critical imperative."

The previous administration, under President Obama, also recognized the need for modernization and began an effort to recapitalize our nuclear forces. Right now, major programs are underway to replace our legacy systems. This includes the B-21 bomber, which will replace the B-52 and B-2 bombers, and the long-range standoff weapon, which will replace the existing nuclear-armed, air-launched cruise missile. The ground-based strategic deterrent is replacing the Minuteman III intercontinental ballistic missile. Finally, the Columbia-class submarine will replace the Ohio-class submarines that are currently in service.

The command and control networks on which our nuclear forces rely are also in need of replacement, as is the scientific infrastructure that maintains our stockpile of aging warheads.

In some cases, such as with the production of plutonium pits—essentially the cores of our nuclear weapons—we must reconstitute lost capabilities. Adding to the challenge, as a result of decisions to delay and defer funding, there is no margin for error in the schedule.

This is the position we find ourselves in. Our existing platforms are simultaneously aging out just as their replacements are scheduled to be ready. Something General Selva, the Vice Chairman of the Joint Chiefs of Staff, refers to as just-in-time modernization. That means any delay, any error, could put at risk our ability to field an effective nuclear deterrent in the future. We cannot allow that to happen. In the face of growing threats, our deterrent must remain strong.

As chairman of the Strategic Forces Subcommittee, I understand I carry the solemn responsibility to make sure the nuclear forces that have deterred conflict, safeguarded our livelihoods, and preserved our Nation's power for decades continues to protect the next generation of Americans. While U.S. Strategic Command is located in Sarpy County, NE, it is a national asset with a global mission—over 180,000 soldiers, sailors, airmen, marines, and civilians are working every day around the world in support of the command's mission.

During this Congress, I am looking forward to working with my colleagues on both sides of the aisle on this key priority and continuing our work in providing for a strong national defense.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

GOVERNMENT FUNDING

Mrs. MURRAY. Madam President, we are 26 days into President Trump's completely unnecessary government shutdown—26 days of pain and uncertainty; 26 days of missed paychecks and missed bills—26 days, the longest in our country's history.

I have heard from so many constituents in my home State of Washington who have been impacted by this shutdown. These are heart-wrenching stories of workers who do not know how much longer they can make it without a paycheck. Members of our U.S. Coast Guard—the very men and women who stand ready 24/7 to make harrowing rescues and keep our country safe—didn't get paid yesterday. They did not get paid yesterday, marking the first time ever that servicemembers have not been paid because of a shutdown.

There are small business owners who don't know when their SBA loans will come through; people who are dedicated to our national parks—our national treasures—who are in despair as they hear about trash piling up and irreparable damage being done; people waiting in lines at airports; people worried about food inspections; worried about losing their homes or their cars or their jobs. Entire families, entire communities are impacted, uncertain, and scared.

In my home State of Washington and in every State in this country, I have come to the floor time and again to share these stories, along with many of my Democratic colleagues. We have called on Republican leaders to stand with us, stand with their constituents, and schedule a vote to end the shutdown. All it would take is a vote. We know it would pass, and we can move it through the House and send it to the President.

S. 109

What have Republican leaders done, instead of scheduling a vote to help workers and families and small business owners and our economy; what have they done, instead of standing with their constituents to reopen this government and end this madness? Well, they have done what they have always done when they don't know what else to do. They scheduled a vote to attack women and their healthcare.

I almost couldn't believe it when I heard it. This government is shut down. People are hurting. They want solutions. They want the government to open, and Republicans are going to vote to effectively ban abortion coverage. That is the business on the floor.

Instead of voting to pay Federal workers, they are trying to tell women what kind of health insurance they can or can't have. Instead of working to make sure our airports are secure, they want to undermine women's access to the healthcare they choose. Instead of ending the chaos and dysfunction and getting our country back on track,

they want to chip away again at every woman's constitutionally protected right to make her own healthcare decisions. Instead of working with us to end the shutdown and then having a debate on border security or anything else they want to talk about, they are planning a vote that will not do anything but tell women across the country what they already know: Republicans in Washington, DC, think they know better than you about your healthcare.

Let me be clear. They don't.

This is disgusting. Women and men across the country are not going to stand for it. We can vote right now to open the government. We can vote right now to help our workers and our families. We can vote right now to end governing by Presidential tantrum. If Republicans don't do this—if they choose, as they have, to attack women and to throw their healthcare under the bus instead of doing their basic jobs—then the people across this country are going to see exactly where they stand—not with them, not with their families, not with their constituents, and certainly not with women.

I urge the Republicans to end this madness—to pull this anti-women health vote—and to, instead, schedule a vote to reopen the government. That is what we should be focused on. That is what Americans want us to do. We need to end this. Let's reopen the government, not attack women one more time.

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

The PRESIDING OFFICER (Mr. CRAMER). Without objection, it is so ordered.

MARCH FOR LIFE

Mr. INHOFE. Mr. President, more than 100,000 people and families will join together in the March for Life in Washington that is going to take place tomorrow. They will brave the cold—there is supposed to be sleet and bad weather—for one simple reason, to give voice to the voiceless, the unborn, our most vulnerable among us but are still deserving of the right to life.

Jeremiah 1:5 says:

Before I formed you in the womb I knew you,

Before you were born I sanctified you.

To everyone who comes to the March for Life, know that we hear you, and we are standing with you, just as we have in the past.

This is not a new topic, not for me to speak on either. Twenty-five years ago, I came down to tell a story. At that time, I was in the House. This has been going on for a long period of time. I came down here to tell the story of Hannah Rosa Rodriguez. This is a quote from 1992:

Mr. Chairman, there is a big misconception regarding abortion and the issue of women and their right to protect their bodies. It is not that right that I object to but the right that is given them to kill an unborn fetus—an unborn child.

I want to share with you a story that my colleague CHRIS SMITH told me some time ago on this floor. That was 1992.

Ana Rosa Rodriguez is an abortion survivor. This is another group of people we haven't talked about very much on the floor. At birth, she was a healthy 3-pound baby girl, except for her injury; she was missing an arm. Ana survived a botched abortion.

Her mother attempted to get an abortion in her 32nd week of pregnancy when she was perfectly healthy—8 weeks past what New York State law legally allows. In the unsuccessful abortion attempt, the baby's right arm was ripped off. However, they failed to kill Ana Rosa. She lived. Pro-life supporters agree that nightmare situations like the Rodriguez case are probably not common, but abortion-related deaths and serious injuries occur more frequently than most people are aware.

It is amazing that we can pay so much attention to issues such as human rights abroad and can allow the violent destruction of over 26 million children here at home. We are fortunate that Ana was not one of those children. She survived.

That was 1992, but today we still don't have Federal protections for the babies who survive the brutal abortion process. I am working with Senator SASSE, who is leading the effort this year to reintroduce the Born Alive Abortion Survivor Act, which would ensure that a baby who survives an abortion will receive the same treatment as any child naturally born premature at the same age, without prescribing any particular form of treatment. That is just morally right, and I don't see how anyone could vote against something like that. We will find out.

Just a few years later, in 1997, I was on the floor of this body, the U.S. Senate, with my good friend former Senator Rick Santorum, to try to pass the partial birth abortion ban and end the horrific practice of late-term abortions. I remember how active Senator Rick Santorum was at that time, a real leader in the pro-life cause. I spoke then, 1997, on the floor:

I thank the Senator from Pennsylvania for yielding time. I think he made one of the best presentations I have heard on the floor of this body. I want to say that, when he deals with the facts, he is dealing with the facts but, you know, we are also dealing today with perceptions.

I tried to make a list of those things I have heard over and over. There is a lot of redundancy on this floor, but there are some things that have not been stated. I would like to share a couple of those with you.

I am going to do something that is a little unusual because I am going to read some Scriptures to you. It is not totally unprecedented in this body. In fact, I have done it many, many times. The distinguished Senator from West Virginia does it quite often.

I was talking about Bob Byrd. We remember Bob Byrd. He is deceased now, but this was 1997, and he read Scriptures every day on the floor of this Senate.

So I would like to read a couple of Scriptures, just for those who care. Anyone who does not, just don't listen.

First of all, I have used this a number of times. Jeremiah 1:35 says: "Before I formed you in the womb I knew you; before you were born I sanctified you." The 139th Psalm, no matter which interpretation you use, makes it very clear when life begins. Life begins at conception.

Then I was, not too long ago, at the U.S. Holocaust Memorial Museum. I had been to the museum in Jerusalem, and I found the same thing was printed on the last brick as you are going through. This is Deuteronomy 30:19. It said: "I call heaven and earth as witnesses today against you, that I have set before you life and death, blessing and cursing; therefore choose life, that both you and your descendants may live."

Last, I am also concerned that something that is as dramatic and as significant as this issue is going to go unnoticed; that maybe there are Senators out there who are not really into this issue, and they might want to vote the party line or they might want to say, well, maybe there aren't as many of these procedures out there, so they just really are not knowledgeable on the subject. So I will read Proverbs 24:11-12:

Rescue those who are unjustly sentenced to death; don't stand back and let them die. Don't try to disclaim responsibility by saying you didn't know about it. For God, who knows all hearts, knows yours, and He knows you knew.

That is pretty specific.

Mr. President, I was listening to the Senator from Massachusetts who said it does not do any good if we pass this because the President is going to veto it anyway.

That was actually in 1997. The President, if you remember, at that time, I advised the chairman, was Bill Clinton.

But I suggest to you that the President may not veto it, and if he does veto it, maybe some people will come over who were not here a year ago on this side of the aisle.

See, this was 1997. It was pretty close back then. It could have gone either way.

One individual at the time was Ron Fitzsimmons, who just last year insisted that the number of partial birth abortions were a relative handful now admits: "I lied through my teeth." He was lying. So if the President is predicating his decision to veto this ban on the basis of what was told to him by

Ron Fitzsimmons, there is every reason to believe he could turn around on the issue. I suggest also that we are talking now not just about a procedure but a culture.

I have a very good friend by the name of Charles Colson. We all remember Chuck Colson. He is the guy who started the Campus Crusade for Christ. He gave these remarks upon winning the prestigious Templeton Prize for a contribution to religion. Listen very carefully. He puts it all together, not isolating one procedure or one issue. He said:

Courts [like to] strike down even perfunctory prayers, and we are surprised that schools, bristling with barbed wire, look more like prisons than prisons do. Universities reject the very idea of truth, and we are shocked when their best and their brightest loot and betray.

Celebrities mock the traditional family, even revile it as a form of slavery, and we are appalled at the tragedy of broken homes and millions of unwed mothers. The media celebrate sex without responsibility, and we are horrified by plagues. Our lawmakers justify the taking of innocent lives in sterile clinics, and we are terrorized by the disregard for life in blood-soaked streets.

I think that puts into context what we are now approaching—that it is not just a normal type of abortion.

I have a great deal of respect for one of the most intellectual Members of this body. Keep in mind that this is 1997. His name is Patrick Moynihan—a very good man. He is from New York. Not many people know that he actually lived in his early years as my neighbor in Tulsa, OK. Again, at that time, nobody knew it until I mentioned it.

He was a self-proclaimed pro-choice Senator. He said: "And now we have testimony that it is not just too close to infanticide; it is infanticide, and one would be too many."

That is Patrick Moynihan. He is thought of and respected as one of the great liberal scholars of this body.

This is where we get the numbers game. I heard it said on the floor many times that we are talking about maybe 1 percent or that maybe talking about those who are in the ninth month may be an infinitesimal number, but in fact, one is too many. It was said on the floor that we may be only talking about 200 lives being taken during the normal delivery process. That is when a baby is given a natural birth and, yet, they take the life by using this barbaric procedure. We have all kinds of documentation that it is being done in the ninth month and during the normal birth process. They say only 200—only 200 lives are taken.

I agree with Patrick Moynihan. I am totally in a different philosophy than he is, but one is too many.

I am from Oklahoma, and some of you remember that we lost 168 lives in the Murrah Federal Office Building bombing. This was the largest domestic terrorist attack in American history. Did anybody say that is only 168 lives that were lost in Oklahoma City? No,

the entire Nation came with compassion and mourned with us.

One life—I agree with Senator Moynihan—is too many.

One other issue that has not been discussed in this debate this year—keep in mind that is 1997—is that of pain. Rather than go into it—I do not think anyone refutes the fact that a small baby, if that baby is certainly past the second trimester, feels pain every bit as much as anybody who is in here, as any Member of the U.S. Senate would feel pain.

There was a study conducted in London, and I have the results here, but I think everyone understands that this is something that is very real—that these babies do feel pain.

My junior Senator gave an excellent speech on the floor, and he talked about all of these issues in a different way, but he is doing it currently, and we are talking about now quite a number of years ago.

I have a picture of a good friend of mine with me. His name is Jase—James Edward Rapert.

Back when people our age were having babies—I am talking about myself now. Kay and I have been married 59 years. We have 20 kids and grandkids. We know a little bit about this. Back at that time when they were having babies, they wouldn't even let you in the hospital, let alone the delivery room.

When my daughter Molly called up and said, "Daddy, the time is here; could you come over," I went over to the hospital, and she said: Would you like to come into the delivery room?

I said: Yes, I would.

I saw for the first time what many of you in this room have seen and many of the women have experienced firsthand. I was there when this little guy was born. It is hard to describe to some of the men here who have not been through that experience of seeing this wonderful life begin, and I can remember when, in that room where the delivery took place, it occurred to me that when baby Jase, my grandson, was born, that is the moment when they could have used this procedure inflicting all of the pain you have heard described so many times: going into the cranium with the scissors, opening the scissors, sucking the brains out, and the skull collapses.

That is pain, and there are individuals who want to keep a procedure like this legal. If you did that to a dog, they would picket in front of your office. Somehow, we have developed a culture that puts a greater value on the lives of critters than human life. I watched baby Jase being born. I suggest to those of you who are concerned about choice that this is really the choice. It is either that choice or this choice, and these choices we are facing today.

This is something on which I agree with the Senator from Pennsylvania. I was talking at that time about Rick Santorum.

We should not be having to talk about it. To think that 100 years from



now they may look back and talk about that barbaric society that killed their own young, and here we are just trying to save a few lives from a very painful death. Nonetheless, that is the issue we are faced with today.

I gave that speech in 1997 and again in 1998 and year after year until we won the battle and finally ended the practice of partial-birth abortion in 2003—a ban that was upheld by the Supreme Court in 2007. There is still much more that needs to be done to end abortion on demand culture.

President Trump gets this. He was the first sitting President to speak at March for Life, and his administration has made real progress to advance the pro-life agenda. He has reinstated the Mexico City policy. We remember what that was. It was the one that bans taxpayer money from funding abortions abroad and directed the Justice Department to formally investigate Planned Parenthood.

President Trump also directed the Department of Health and Human Services to expand religious and conscience exemptions to protect individuals' religious liberty.

I am working in Congress to end the practice of abortion on demand that strips opportunity away from unborn babies and deprives them of the right to life.

This week I have joined my colleagues in introducing five common-sense bills—this is taking place right now, as we speak—in addition to the Born Alive Abortion Survivors Act, by Senator SASSE, which I mentioned earlier in this presentation. The No Taxpayer Funding of Abortion Act, working with Senator WICKER, would establish a governmentwide statutory prohibition on taxpayer subsidies for abortion and abortion coverage—simple enough. I am pleased that Majority Leader MCCONNELL has set up a procedural vote for this bill today.

There is the Life at Conception Act, which Senator PAUL has, which would recognize that life begins at conception.

The Title X Abortion Provider Prohibition Act, led by Senator BLACKBURN—one of our brand-new freshman Senators—would prohibit title X family planning funds. Those are taxpayer funds now being used to subsidize abortions.

You might be wondering how that is different from the one just talked about. Here is how. Every year, Planned Parenthood receives nearly \$60 million from the American taxpayer through title X family planning program. The program is intended to assist low-income women with family planning services. Unfortunately, this money is being used to subsidize massive organizations that engage in abortion activities, such as Planned Parenthood, and we need to stop that.

The Protect Funding for Women's Health Care Act, led by Senator ERNST, would prohibit all Federal funding of Planned Parenthood.

I also cosponsored the Child Interstate Abortion Notification Act, led by Senator RUBIO, which would prohibit individuals from taking minors across State lines where they have lax laws just to have an abortion, stopping their States from having the jurisdiction.

Finally, and perhaps most importantly, I am cosponsoring Senator GRAHAM's Pain-Capable Unborn Child Protection Act, which would prohibit abortions from being performed on unborn babies after 20 weeks, when we know they can feel pain. Only five countries allow abortions after 20 weeks, including the United States and North Korea, and that is unacceptable.

I wish to acknowledge a very important day. Religious Freedom Day is today. It is clear that our Founding Fathers recognized and enshrined the importance of religious liberty—one of our most precious and foundational religious freedoms, which allowed them to live their lives according to the teachings of the Bible.

I have long been a strong advocate of the basic human right to freely worship, and I am glad we can take a moment today to recognize that.

Anyway, all from speeches from 1992 and 1997—it is as true today as it was then. We are ready to start saving lives instead of taking the most vulnerable little lives, and we are ready now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### GOVERNMENT FUNDING

Mr. WYDEN. Mr. President, a few minutes ago, I got off the phone with Jasmine Tool, who is an Oregonian living with an inoperable brain tumor. As the shutdown lingers on, I want to share her story because she has been bearing the unthinkable consequences of her illness.

I am going to start today by asking: How can a country as rich and good and strong as the United States of America let Jasmine Tool suffer this way?

She is a 34-year-old mother of two young children. She lives in Lake County, a rural community in south central Oregon. She is a public servant, an employee of the U.S. Fish and Wildlife Service. She has been living with an inoperable brain tumor. The cancer has caused related debilitating conditions. She is in and out of hospital emergency rooms. Her digestive system is impaired. With the invaluable care provided by a home health worker, she takes in liquids and nutritional infusions through tubing that is plugged into her abdomen.

Because she lives in a rural area, her treatment can require long-distance travel. That is hard to deal with when you are suffering from the flu. Just imagine how hard it is with a brain tumor, a broken digestive tract, and feeding tubes attached to your body that prevent you from eating or drinking normally.

She is confronting this health challenge with remarkable bravery, and I

don't believe there is a single Member of the U.S. Senate who would wish Jasmine's struggle on their very worst enemy.

Then comes the government shutdown.

Jasmine was due to travel to Nevada this month for treatment related to her tumor, but last week, as she was prepared to go, she was informed that her health insurance had lapsed. Initially, she thought it might be—we all know with insurance—kind of a recent hiccup or recent problem, something that could be corrected quickly.

This week, she learned that it lapsed in October—October, months ago—and her insurance company told her that only her employer could fix it.

Jasmine's employer is shut down. Nobody is answering the phones. Right now, Jasmine Tool is suffering—this mother of two—and is unable to determine what caused the lapse in her coverage or what can be done to get it fixed.

The most immediate threat is this: Jasmine was told that her home health assistant cannot continue to help her if she doesn't have insurance. That means that within days this 30-year-old mom will not be able to get the infusions she needs to stay alive.

Now, if that isn't enough, Jasmine has been failed by the government on multiple occasions. Shortly after she went on medical leave in early 2017, she began the process of applying for disability—disability retirement. She worked with the appropriate human resources official to prepare the paperwork to send to the Office of Personnel Management. She thought, as anybody would, that the process was underway and she would hear back soon about the results of her application.

She just learned recently that the official who prepared the documents retired without sending them in. For a year and a half, while Jasmine fought cancer and was just hoping to get some positive news, her disability paperwork sat in an unused office—just sat there collecting dust.

She had to travel to that office against her doctor's orders to finalize the paperwork once more and prevent a loss of benefits. But the Office of Personnel Management—that is shut down too. Jasmine hasn't been able to learn where her benefits stand.

It is too cruel already that thousands and thousands of American workers are going without paychecks. This shutdown is making victims of those who do public service. But consider what it is doing to this young mother of two, a woman who is currently fighting for her life right now.

Because of this shutdown, she can't figure out how to restore her health insurance. She can't get the status of her disability application. She could be cut off—I just talked to her—from her nutritional supplements in a matter of days. That means Jasmine could starve. That is what she just told me.

So I have been talking to people who have suffered from health challenges

for a long time—director of the Grey Panthers about 7 years at home. I listened to Jasmine and I just said: How can it be that there is no outbreak of conscience here—no outbreak of conscience here in this Senate? How can a country as rich and powerful as ours fail Jasmine in such a shameful way?

Our country is going to spend \$3.5 trillion on healthcare—\$3.5 trillion on healthcare—this year. It is not a lack of money that is causing this nightmare for Jasmine Tool in rural Oregon.

With the government reopened, things would be different. Things would be very different for Jasmine. There would be somebody on the other end of the phone line to tell Jasmine what happened to her insurance, and because of the professionalism of those in these positions, I think they could tell her how to renew that insurance. There would be somebody to tell her what is happening with her disability application. Jasmine could bring back her home health aide and get the infusions she needs to survive.

So I am asking the Senate, how can this be allowed to continue? How can this be allowed to continue? The Senate passed a bipartisan government funding bill by voice vote just 2 weeks ago in the previous Congress.

I see Senator COLLINS. She has a longstanding interest in these healthcare issues. Senator SASSE also, I know from our conversations, has a heart and cares about people.

The House passed this legislation. The pathway out of this shutdown is right in front of us if the majority leader would decide when to bring up the legislation again, and we could do it tonight. Jasmine Tool could get the lifesaving healthcare that she needs, based on our conversation, by week's end, so she will not starve.

Otherwise, unless the majority leader calls it up, it seems to me the White House has no plan to end this shutdown. So I just think it has to end right here—right here in the U.S. Senate, where all of us say: This cannot go on any longer.

I just spoke to a young mom in rural Oregon who is in a fight for her life, a fight for her survival.

Colleagues who are here, I am sure Jasmine is not the only such case in America. Jasmine Tool—my guess is, there are plenty of others in communities across the country. Jasmine Tool does not have the luxury of time.

I am going to go back to my office. My staff here, my staff folks in Oregon—we are just going to be pulling out all the stops now because it really is a matter of hours to get Jasmine the help she needs. We do it recognizing that there is only one immediate solution: The shutdown must end, and it must end now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, government shutdowns are never the answer. No matter how difficult the problem,

we should never resort to shutting down government. It harms too many innocent Federal employees—in this case, 800,000 Federal employees and their families—and it hampers the ability of American citizens to deal with their government.

At the same time, we do have a problem at our southern border. We do need to strengthen our border security and fix our broken immigration system. We need to address the issue of the Dreamers population, those young children brought to this country through no decision of their own who are now, often, young adults and who are going to school or working or otherwise serving in the military or contributing to our country.

The outlines of a compromise are evident, but in order to get there, I believe we need to assure the President that we will seriously consider his supplemental request for border security, a request that includes not just funding for additional physical barriers to supplement the more than 600 miles of physical barriers—walls, fences—that were built during two previous administrations but also includes \$800 million to meet the humanitarian needs of those who are crossing the border. It also includes additional funding for Border Patrol agents and for Immigration and Customs and Border Enforcement.

This simply cannot continue. We need to come together in good faith, reopen government for a limited period of time at least, and negotiate a package that will strengthen security on our borders, and that is what I would urge the President, his administration, and my colleagues on both sides of the aisle to do.

In the meantime, we also need to get back to the work of the Senate. That, too, is important, and today I rise to introduce a bill that would help Americans who are struggling with high healthcare expenses. The tax deduction for certain unreimbursed, out-of-pocket medical expenses affects many taxpayers significantly.

Regrettably, the threshold to claim this important tax deduction rose from 7.5 percent to 10 percent of income at the end of 2018, ending its value for many American taxpayers who simply will no longer qualify.

Today, I reintroduce legislation, which I have sponsored with my colleague Senator CANTWELL, that would reinstate and make permanent the lower income threshold for the medical expense deduction. Our bill, the Medical Expense Savings Act, would once again allow taxpayers to deduct unreimbursed healthcare costs that exceed 7.5 percent of their income.

For those who suffer from preexisting medical conditions, have chronic illnesses, experience unexpected sickness or injuries, or require long term care, out-of-pocket healthcare expenses can quickly become an unbearable burden. Too many Americans are forced to choose between medical services and

other equally necessary expenditures or they find themselves going deeply in debt.

The Affordable Care Act increased the income threshold for taxpayers to deduct their medical expenses from 7.5 percent to 10 percent. I very much opposed that provision of the ACA. For individuals under 65, the increase went into effect in 2013, but for those over 65, individuals would have been exposed to this higher threshold for the first time in 2017. Fortunately, we were able to remedy that for those over age 65.

When the ACA increase was phased in, many individuals struggling with serious health conditions saw their financial health worsen. For example, a 2016 study estimates that parents, including many with limited means, already provide nearly \$36 billion annually in uncompensated medical care at home to children with special healthcare needs, such as muscular dystrophy and cystic fibrosis.

A 2016 survey of cancer survivors showed that one-third go into debt, and of those, more than half incurred more than \$10,000 in unreimbursed expenses.

For seniors with significant long-term care needs, the deduction helps with the cost of home health or personal care services or, when needed, the cost of a long-term care facility, such as a nursing home. The deduction can also be used for other expenses that Medicare generally does not cover, including dental treatment, vision care, and certain transportation costs. Seniors can also use the medical expense deduction for expenses like wheelchair ramps, installing railings and support bars in bathrooms, and lowering or modifying kitchen cabinets and equipment and other home modifications made for medical reasons. These improvements can allow seniors with medical conditions or disabilities to live at home in the safety, comfort, and familiarity of their own home.

Some seniors find that their savings become rapidly depleted. They may spend down their financial resources in order to receive the services and support they require through the Medicaid Program. According to Genworth's 2018 Cost of Care Survey, home health aide services can cost \$50,000 annually, while a private room at a nursing home can cost nearly \$100,000. By retaining a lower threshold for the medical expense tax deduction, some families would be able to continue to pay these essential costs themselves.

Some erroneously believe that this deduction only benefits the wealthy, when, in fact, it is mainly lower and middle-income Americans who have been hurt. According to AARP, nearly 70 percent of taxpayers taking the deduction in 2014 reported income of \$75,000 or less, and nearly half reported incomes of \$50,000 or less. In Maine, according to AARP, almost 36,000 of our residents claimed this deduction in 2014, and nearly 19,000 of these individuals reported an income of \$50,000 or less.

That is why, during the tax reform debate in 2017, I introduced a successful amendment that rolled back the income threshold to 7.5 percent for taxpayers to deduct their medical expenses in 2017 and 2018. My amendment expanded upon the efforts of Senators ROB PORTMAN and SHERROD BROWN, who had worked to prevent this increase from going into effect for individuals over 65. As I said, my amendment was incorporated into the new tax law, and thus, for 2017 and for 2018, the threshold for deducting these out-of-pocket medical costs was 7.5 percent of income. But at the end of last year, that expired.

The AARP and 44 other consumer groups have strongly endorsed the effort undertaken by Senator CANTWELL and me, stating that “it provides important tax relief which helps offset the costs of acute and chronic medical conditions for older Americans, children, pregnant women, disabled individuals, and other adults as well as the costs associated with long-term care and assisted living.”

This is a step we can take to reinstate an expired tax deduction that will make a real difference to people who are struggling with high out-of-pocket medical costs.

I urge my colleagues to support our legislation that will help our families cope with high medical costs by making sure that this important deduction remains available for future tax years.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from AARP dated January 15, 2019, endorsing the Collins-Cantwell legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,

*Washington, January 15, 2019.*

Hon. SUSAN COLLINS,  
*U.S. Senate, Washington, DC.*  
Hon. MARIA CANTWELL,  
*U.S. Senate, Washington, DC.*

DEAR SENATORS COLLINS AND CANTWELL: On behalf of our members and all Americans age 50 and older, AARP is writing to thank you for introducing the Medical Expense Savings Act (S. 110), legislation to permanently extend the 7.5 percent income threshold for the medical expense deduction AARP, with its more than 38 million members in all 50 states, the District of Columbia, and the U.S. territories, represents individuals seeking financial stability while managing their health care and every effort should be made to keep the threshold for the deduction as low as possible to help protect those with high medical costs.

The medical expense deduction provides important tax relief that helps offset the cost of acute and chronic medical conditions for older Americans, children, and individuals with disabilities. For many, the medical expense deduction can help offset high out-of-pocket expenses—expenses that qualify include money paid for diagnosis, treatment, equipment, long-term care services, and long-term care insurance premiums.

The tax filers who claim the medical expense deduction have historically been age 50 or older and living with a chronic condition or illness. The average Medicare beneficiary spends about \$5,680 out of pocket on medical

care. The medical expense deduction makes health care more affordable for people with significant out-of-pocket expenses.

Furthermore, older Americans often face high costs for long-term services and supports—which are generally not covered by Medicare—as well as hospitalizations and prescription drugs. The median cost for a private room in a nursing home is over \$97,000 annually, while the median cost for even more cost-effective home-based care is still over \$30,000 per year (for 20 hours of care a week). In 2013, roughly 25.8 million beneficiaries in traditional Medicare spent at least 10 percent of their income on out-of-pocket health care expenses. Tax relief in this area can provide needed resources, especially important to middle income seniors with high long-term care and medical costs.

The medical expense deduction is a critical tool in managing health care cost for Americans with high out-of-pocket expenses. For these reasons, we are pleased to endorse this legislation and look forward to working on a bipartisan basis with you to enact this legislation into law. If you have any questions or need additional information, please feel free to contact me or Jasmine Vasquez.

Sincerely,

JOYCE A. ROGERS,  
*Senior Vice President,*  
*Government Affairs.*

Ms. COLLINS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

EXPRESSING THE SENSE OF THE SENATE THAT DISQUALIFYING A NOMINEE TO FEDERAL OFFICE ON THE BASIS OF MEMBERSHIP IN THE KNIGHTS OF COLUMBUS VIOLATES THE CONSTITUTION OF THE UNITED STATES

Mr. SASSE. Mr. President, I rise today to offer a very basic resolution. I want Senators to unanimously reaffirm our oath of office to a Constitution that explicitly rejects religious bigotry.

It is useful to regularly remind ourselves that Americans are First Amendment people. Each of the five freedoms in the First Amendment—speech, press, religion, assembly, and protest—defines who we are. In America, we talk, we read, we argue, and we march and worship without fear. Because of this fundamental celebration of human dignity and human freedom, America is big enough to welcome a whole bunch of meaty and messy fights on everything from whom you vote for to whom you call God.

Just as the First Amendment prohibits the government from dictating anyone’s religious beliefs, so, too, the Constitution explicitly rejects religious tests for Federal office. Our Constitution explicitly rejects religious tests for Federal office. This isn’t a Republican belief; this isn’t a Democratic belief; this is an American belief. But, tragically, over the last couple of years, some strange things have been happening in this body, and we seem to be forgetting some of those basic 101 American civics truths.

I want to tell you a story. Brian Buescher from my State was recently

nominated by the President to be a Federal judge for the District of Nebraska. This is an honor for him and his family, a celebration of his brain, work ethic, and his integrity. By the way, Brian is also Catholic and an active member of the Knights of Columbus.

The Knights of Columbus, for those of you who don’t know, is the largest Catholic fraternal service organization in the world. The Knights’ 1.6 million members of the organization raise millions of dollars for charity every year, and they contribute millions of hours of volunteer service.

Like a lot of guys back in Nebraska, Brian joined the Knights of Columbus to give back and to also be involved in a bunch of fish fries. This is not the stuff of headlines, but it is the stuff of basic neighborliness.

This is where the story gets weird because at Brian’s confirmation hearing before the Senate Judiciary Committee a few weeks ago, one of my colleagues on the Judiciary Committee called the Knights of Columbus “an extremist organization.” Huh? It got worse. Brian then got a letter from a Member of this body asking him if he would resign his membership in the Knights of Columbus if he were confirmed to the Federal bench to “avoid the appearance of bias.”

This is nuts. We are talking about the largest Catholic fraternal organization in the world being called an extremist organization and a nominee for the Federal bench being asked to resign from this organization so that he can serve without the appearance of bias. The clear implication here was that Brian’s religious beliefs and his religious affiliations—in this case, an affiliation with a Catholic organization that invests countless hours and millions of dollars annually serving special needs kids—Brian was supposedly therefore potentially unfit for Federal service. This is the same kind of garbage that was thrown at a Member of this body, John F. Kennedy, 60 years ago when he was campaigning for the Presidency.

So today I have introduced a resolution—a 101-level, basic resolution—that simply reaffirms the belief of this body in American religious liberty. The resolution simply says that it is the sense of the Senate that disqualifying a nominee for the Federal bench or any Federal office on the basis of his Catholic beliefs or membership in the Knights of Columbus violates the no religious test clause of the Constitution. It seems obvious on its face.

In this resolution, we are simply reaffirming with President Kennedy and with countless other Americans across 230 years—Protestant, Catholic, Jew, Muslim, Hindu, Buddhist, Agnostic, Atheist and others—we are simply reaffirming the idea that America is big enough for disagreements. Stated differently, we are saying that we believe the U.S. Government is not in the business of trying to resolve debates about