

The way to deal with it is obvious: open up the government so we can resume these functions. In the U.S. Senate, the fastest and best way to open up the government is to have a vote—to have a vote on the bill that is on the Senate calendar that has already received broad bipartisan support in the U.S. Senate.

I want to talk a minute about Homeland Security. The Trump administration's request for this portion of border security funding was \$1.6 billion. That is what is in their budget. You can look at their budget online. They requested \$1.6 billion. I serve on the Senate Appropriations Committee, and the Senate Appropriations Committee provided that request—provided that request for strengthening barriers. We did say you can't use that money to build that sort of new, huge wall the President used to talk about, but we provided \$1.6 billion. That was going to work out fine in the long run.

Then, of course, in December, the President said: Oh, I need this \$5.7 billion for a big wall.

I think all of us who follow these issues closely know that even before President Trump was elected, we had 700 miles of barriers and fencing along certain strategic parts of the border, and we have provided funds to reinforce and strengthen some of those barriers. So this is a totally manufactured issue by the President of the United States in terms of all of a sudden demanding more funds than the President himself in his budget requested.

So we should have a serious conversation on border security and immigration issues, and we can have it now, but what we cannot do is continue to allow the country to be held hostage through this government shutdown. As I said at the beginning of my remarks, it was the President of the United States who said on December 11 of last year, he would be "proud" to shut down the government if he didn't get things his way. Well, that is just not how things work, especially not how things work in an era of divided government. So I appeal to my colleagues, my Senate Republican colleagues to work with us to find a way out. Obviously, the fastest way out is to vote on the bills that already have bipartisan support. We should have the conversation, but what I do find to be a very sad reflection on this body, is if we move forward and have a vote only on the proposal the President of the United States wants and not also a vote on the bill that previously had bipartisan support in the U.S. Senate because that would send an awful message. It would send the message that the majority party has allowed an independent and coequal branch of government to be totally hijacked by the President of the United States, as opposed to doing our job as a separate branch of government under article I.

If we are going to take the position that this Senate, with 53 Republicans

and 47 Democrats, is only going to vote on a proposal from the President of the United States, then we simply have become a vehicle—an agent for the President. That would be a great shame on this body.

If we are going to have a vote on that bill—and I am fine to have a vote on that bill. We should have votes. In the light of day, we should have transparency and accountability, but what would be outrageous is to say: OK. We are only going to vote on the bill the President of the United States wants and not on another measure that has already received broad bipartisan support. That would be a dereliction of duty in the U.S. Senate as a separate and coequal branch of government.

Let's end this shutdown. We have it in our power to vote now. Let's do our job. The President can do what he wants, but let's do our job under the Constitution and let's do it and be held accountable by the American public. Let's not use procedural devices to only allow votes on what the President wants and not votes on bills we voted on before.

I am hoping this Senate will do its job and do its duty and hold that vote to reopen government and not just on the President's proposal but on the other proposals as well. In the meantime, we should continue to have serious conversations about the most effective and cost-effective way to provide border security and how we can deal with other immigration issues, but nobody should send the signal that shutting down the government is a good way to do business. I would hope that neither Republican nor Democratic Senators would want to send a signal to the Executive that they are going to be rewarded for shutting down the government—now 32 days long, a real shame for the country, and something nobody should be proud of. No matter what the President of the United States says, this is nothing for anybody to be proud of.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOZMAN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 268

Mr. McCONNELL. Mr. President, I ask unanimous consent that it be in order to move to proceed to H.R. 268.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT, 2019—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to H.R. 268.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to the consideration of H.R. 268, a bill making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

Mr. McCONNELL. I know of no further debate on the motion to proceed.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the motion to proceed.

The motion was agreed to.

SUPPLEMENTAL APPROPRIATIONS ACT, 2019

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 268) making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 5

(Purpose: Of a perfecting nature.)

Mr. McCONNELL. Mr. President, I call up the Shelby amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] for Mr. SHELBY proposes an amendment numbered 5 to H.R. 268.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The minority leader is recognized.

AMENDMENT NO. 6

(Purpose: Of a perfecting nature.)

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up my amendment, No. 6.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 6.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I further ask unanimous consent that notwithstanding rule XXII, it be in order to file cloture on amendment

Nos. 5 and 6 during Thursday's session of the Senate and that cloture motions filed on both amendments during Thursday's session of the Senate be treated as if they were filed during today's session of the Senate and ripen at 2:30 p.m. on Thursday, January 24, 2019, in the order filed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

STRENGTHENING AMERICA'S SECURITY IN THE MIDDLE EAST ACT OF 2019—MOTION TO PROCEED—RESUMED

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate resume consideration of the motion to proceed to S. 1.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to the consideration of S. 1, a bill to make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes.

ORDERS FOR WEDNESDAY, JANUARY 23, 2019

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 11 a.m., Wednesday, January 23, 2019, and that following the prayer and pledge, the time for the two leaders be reserved for their use later in the day.

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

ORDER FOR RECESS

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess, under the previous order, following the remarks of the Democratic leader.

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

GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, I thank the Republican leader.

The Republican leader has just announced an agreement we have reached about the schedule for the two votes on Thursday, both of which will be amendments to the House-passed continuing resolution. First, the Senate will vote on the President's proposal, and then we will vote on an amendment that is identical to the underlying bill.

The President said his proposal was a reasonable compromise. In fact, it is neither reasonable nor a compromise. There was no serious negotiation with any Democrat about what went into the proposal. That is because the proposal was never intended to pass. It is only a thinly veiled attempt by the President to save face. Anyone who

looks at the legislation can tell it was designed to fail. In exchange for the wall, the President offers only limited temporary protections for DACA and TPS—protections he single-handedly removed. So it is sort of like bargaining for stolen goods. On top of that, he has proposed new, radical changes to our asylum system without consulting any Democrats—changes that controvert our Nation's most fundamental and precious values. I hope that it will be roundly defeated on Thursday.

The good news is that after that vote, we will have a second amendment that could break us out of this morass we are in. The Senate will proceed to an amendment to the House bill that is identical to the underlying legislation. In other words, for the first time, we will have a vote on whether to open up the government without any decision, one way or the other, on border security. The proposal also adds necessary disaster aid to several States that were recently ravaged by natural disasters.

People are asking: Isn't there a way out of this mess? Isn't there a way to relieve the burden on the 800,000 Federal workers who are not getting paid? Isn't there a way to get government services open first and then to debate what we should do for border security?

There is a way, and that will be the second vote that will occur on Thursday. It would reopen all of the portions of the government until February 8—open them briefly, but open them it will—and it would allow workers to get paid and get their backpay. It would allow us to then debate—without hostage-taking, without temper tantrums, without anything—how we can best do border security. We would get that done, hopefully, by February 8 and keep the government open.

If you are looking for a way to open up the government, this is the way. I hope my Republican colleagues—many of whom were circulating a letter that does, basically, the same thing as does this proposal but without the disaster aid—will sign, will vote yes. The American people are looking for a solution. I am glad that we will have a vote that will bring us nearer to that solution, much closer to that solution. That will be the second vote here, which will open up the government and then will allow us to debate border security.

Again, I urge enough of my Republican colleagues to join us Democrats in voting for the proposal, which has already passed the House, that could open up the government.

I yield the floor.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 268. An act making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-141. A communication from the Director, Bureau of Consumer Financial Protection, transmitting, pursuant to law, a legislative proposal entitled "Consumer Financial Protection Bureau Amendment to the Consumer Financial Protection Act to Clarify Bureau Authority to Exercise Its Supervisory Authority to Assess Compliance with the Military Lending Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC-142. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Elimination of Form 80 and Revision of Regulations on Recreational Opportunities and Development at Licensed Hydropower Projects" (Docket No. RM18-14-000; Order No. 852) (RIN1902-AF51)) received in the Office of the President of the Senate on January 17, 2019; to the Committee on Energy and Natural Resources.

EC-143. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Financial Resources, Department of Health and Human Services, received in the Office of the President of the Senate on January 17, 2019; to the Committee on Finance.

EC-144. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, received in the Office of the President of the Senate on January 17, 2019; to the Committee on Finance.

EC-145. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to Japan to support the integration, installation, operation, training, testing, maintenance, and repair of the IBIS III System in the amount of \$100,000,000 or more (Transmittal No. DDTC 18-063); to the Committee on Foreign Relations.

EC-146. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license amendment for the export of defense articles, including technical data and defense services, to Belgium to support the design, development, integration, and installation for the North Atlantic Treaty Organization (NATO) Alliance Ground Surveillance (AGS) program in the amount of \$100,000,000 or more (Transmittal No. DDTC 18-055); to the Committee on Foreign Relations.

EC-147. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of firearms abroad controlled under Category I of the U.S. Munitions Lists of 5.56mm rifles to Qatar for use by their Internal Security Force in the amount of \$1,000,000 or more (Transmittal No. DDTC 18-061); to the Committee on Foreign Relations.

EC-148. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to