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Senate

The Senate met at 10:03 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

PRAYER

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

Let us pray.

O God, who has stretched out the heavens and marches on the waves of the sea, Your great works are too marvelous to understand. Thank You for the glory of the sunrise and the majesty of the sunset, for Your miracles that are without number and for Your providence that sustains us.

Strengthen our lawmakers. Empower them this day to mount up on wings like eagles, running without weariness and walking without fainting. May their consistent communion with You be expressed in their thoughts, words, and actions. Lord, make them one in the common cause of justice, righteousness, and truth.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 11, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER.

The PRESIDING OFFICER. The majority leader is recognized.

BUSINESS BEFORE THE SENATE

Mr. MCCONNELL. Madam President, I think it is time the Senate subject itself to a bit of a reality check. Today is December 11. Here are just some of the things the Senate needs to accomplish before this Congress adjourns:

We need to confirm more of the President's nominees for the judiciary and for the executive branch, such as the well-qualified nominee to be Deputy Secretary at the Department of Treasury, whom we are currently considering.

We need to reach an agreement to fund the remaining one-fourth of the Federal Government that was not covered by regular appropriations.

We need to make a substantial new investment in the integrity of our borders and the security of American families.

We need to take up and pass the conference report for the farm bill to honor our commitments to our Nation's growers and producers.

This week alone, we need to dispense with the debate pertaining to the situation in Yemen and an attempt by some of our Democratic colleagues to undo reforms that protect Americans' private, personal information as they exercise their First Amendment rights.

In addition, at the request of the President and following improvements to the legislation that have been se-

cured by several Members, the Senate will take up the recently revised criminal justice bill this month. I intend to turn to the new text as early as the end of this week.

As a result of this additional legislative business, Members should now be prepared to work between Christmas and New Year's if necessary in order to complete our work. Let me say that again. Unless we approach all this work in a highly collaborative, productive way and take real advantage of unanimous consent to expedite proceedings, it is virtually certain that the Senate will need to be in session between Christmas and New Year's in order to complete this work.

The Senate is a consent-based institution. Expediting this work would require an extraordinary degree of collaboration from everyone. So Members should either prepare to cooperate and work together or prepare for a very, very long month.

In just a few hours from now, we will receive an indication of whether that cooperation will begin to take shape. My friend the Democratic leader and his counterpart in the House are scheduled to meet with President Trump at the White House later today.

For the Nation's sake, I hope my Democratic friends are prepared to have a serious discussion and reach an accommodation with the President on funding for border security. Otherwise, circumstances are beginning to resemble a movie we have seen before. It was only this past January when Democrats chose to manufacture a government funding lapse over the issue of illegal immigration. It didn't work out very well.

The reality is that the President's request is entirely reasonable. And before today's partisan considerations set in, I bet it might have looked reasonable to many of the majority of the Senate Democrats who joined in support of physical border security legislation back in 2006—some 12 years ago.

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



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Senate Republicans are working with the President and his homeland security team on \$5.02 billion of targeted funding to bolster security measures in specific places where the Department of Homeland Security determines it is most needed. And make no mistake—the need is great. In fiscal year 2018, Customs and Border Patrol reported a 30-percent increase in apprehensions at the U.S.-Mexico border. Looking further back, the monthly apprehension total this past October reached its highest level in 4 years—4 years. CBP has observed over the past year a 50-percent increase in apprehensions of known gang members and a 115-percent increase in seizures of fentanyl narcotics.

Clearly, delivering border security funding must be a priority. That is because the men and women of the Border Patrol deserve to be a priority. American communities deserve to be a priority as they face down the threat of gang violence. American families deserve to be a priority as the flow of lethal drugs fuels an epidemic of addiction.

This is the right investment in the right place at the right time. There is no reason why the Democratic leader and the House Democratic leader should put the demands of far-left special interests ahead of the safety of American families. There is no reason for my Democratic friends to end this year the way they began it—with a government shutdown. It would be truly bizarre for them to decide they would prefer a partial government shutdown to reasonable funding for national security. It would signal that their party is more committed to political spite for the President than to the public interest.

I will be watching eagerly this morning to see if the Democratic leaders approach these negotiations with the productive and good-faith spirit they deserve.

LEGALIZING HEMP

Mr. McCONNELL. Madam President, on another matter, as I mentioned a moment ago, one key piece of our unfinished business is the farm bill. Last night, I used my very own hemp pen to sign the conference report, clearing the way for the House and Senate to pass legislation and send it to the President's desk. I am proud that the bill includes my provision to legalize the production of industrial hemp. It is a victory for farmers and consumers throughout our country.

Fighting for Kentucky hemp has been a long struggle. My State was once the national leader in the growing and production of industrial hemp, but then, for decades, a Federal ban halted that progress and shut American farmers out of the hemp field. Don't get me wrong—Hemp could still be found all over our country in all kinds of products. The problem is that it is all being grown somewhere else and imported

into America. It is time to let American growers get back in business with this versatile crop once again.

The farmers, processors, and manufacturers in my State and across the country are ready for the hemp comeback. It began in 2014 when I secured the establishment of a hemp pilot program with the help of then-agricultural commissioner Jamie Comer. States like Kentucky got the chance to explore the plant's potential and show us just what hemp could do, and the results have been nothing short of extraordinary. Now, American-grown hemp can be found in your food, your clothes, and even in your car dashboard. The results mean jobs, economic growth, and new opportunity. Last year alone, hemp products contributed more than \$16 million to Kentucky's economy, and that was just from the pilot program—just from the pilot program.

At a time when farm income is down and our growers are struggling, industrial hemp is a bright spot of agriculture's future.

My provision in the farm bill will not only legalize domestic hemp, but it will also allow State departments of agriculture to be responsible for its oversight. In Kentucky, that means that Commissioner Ryan Quarles—another champion of hemp—will be able to help farmers thrive. And I know the occupant of the Chair is familiar with Commissioner Quarles.

When the Senate votes on this legislation in the coming days, we will also be voting to give farmers throughout the country the chance to tap into hemp's potential and take part in its future. I have been proud to work with my colleagues in Congress, such as Senator RON WYDEN, and with hemp advocates in Kentucky to get to this point. Obviously, I will be proudly voting for this bill.

PRIVACY REFORM

Madam President, now on a final matter, the Senate will soon vote on an attempt by some of our Democratic colleagues to unwind an important privacy reform the Treasury Department enacted earlier this year.

We need to stand up for privacy, stand up for the First Amendment, and reject the Democrats' resolution.

The question at hand is whether the IRS should have special power to demand that certain nonprofit organizations hand over the list of their contributors.

This raises the question: Why should the IRS have this private information? Is it for accounting purposes? No. The regulation requires tax-exempt nonprofits to maintain books, but individual donations are not tax deductible so there aren't accounting reasons why the IRS would need to track donors.

Is it for transparency purposes? No. The personal information in question is not part of any public inspection requirement. In fact, the IRS is required

to redact this information when releasing a nonprofit's public tax filings. The guidance does nothing to affect the information that is publicly available.

So why does the IRS need to stockpile this information? For safekeeping? Hardly.

Several years ago, the IRS had to settle a lawsuit. A worker broke the law and leaked an unredacted copy of a group's confidential forms. Of course, that information ended up in a leftwing organization on the opposite side of the issue.

A few years before that, California, which had begun demanding its own copy of this private information, accidentally published the private information of donors to over 1,000 nonprofits registered with that State.

These aren't isolated incidents. They are part of a disturbingly hostile climate for certain kinds of political expression and for the free exchange of ideas.

We have seen angry activist mobs deal out personal harassment and professional sabotage to individuals with whom they have a disagreement. We have seen the last administration's IRS focus hostile treatment on certain organizations whose political views ran afoul of the bureaucrat's own opinions.

This is the backdrop which makes Secretary Mnuchin's pro-privacy decision so important. The Democrats want to overrule Secretary Mnuchin's guidance. They want the IRS to resume packing filing cabinets full of the names of Americans who support different causes—even though they can't say why.

That is today. What about tomorrow? Forty-five Senate Democrats are already signed on to a more sweeping piece of legislation known as the DISCLOSE Act, which would amplify and expand this chilling effect in numerous other ways.

For one thing, this bill would cut out the middle man of the leaky IRS and enable direct ideological harassment, increasing disclosure of this private information straight to the public. That is just one example. It would also give the FEC more power to regulate Americans' speech about important issues and many public officials.

So get ready to hear a lot of lofty rhetoric about restoring democracy from the Democratic leader in the House and her allies here in the Senate, but underneath that rhetoric, get ready for legislation that will do more to undermine our constitutional freedoms and chill their exercise than any other bill I can think of in recent memory.

Let's not walk down this road. Let's not chill Americans' exercise of the First Amendment. Let's defend these freedoms today and stay vigilant tomorrow.

UNANIMOUS CONSENT AGREEMENT

Mr. McCONNELL. Madam President, I ask unanimous consent that the vote