

GOVERNMENT FUNDING

Mr. MORAN. Mr. President, a little earlier in the evening, we cast a vote, one that was done without a rollcall, and I want my constituents to know how I voted because, while I will put a statement in the RECORD, it will not appear as yeas and nays.

Earlier this evening we passed a continuing resolution, and I voted no. I want my constituents to know how I voted, and I want them to know why.

I indicated to my colleagues within the last 10 days that I intend to vote no on a CR because it is not the way we should be conducting business in the U.S. Senate or in the U.S. House of Representatives.

Continuing resolutions mean that we are just postponing the issues we face today, and they don't get any easier the longer we wait to resolve them.

They also mean that for the appropriations process, of which I am a part and have spent a significant amount of time this year, while we were successful in many, many ways, we have left seven bills without resolution. Because we couldn't resolve them, we are going to fund those Departments and Agencies at the same level of spending next year as this year.

What that means is after the number of hearings we had—the witnesses who were brought in and testified, the oversight we have done onsite at Departments and Agencies and facilities across the country—we are left without that input being included in decisions. It means we are not prioritizing what spending is important.

There may be a few things around here that could utilize additional resources. Maybe the resources level that we fund things at today is what it should be. Maybe there are things we shouldn't fund at all, and there are certainly some things which we could fund at lower levels. But no, we are not going to say that this is more important than this; we are going to say all things are equal. The way we have funded appropriations last year for these Agencies and Departments is exactly the right amount it should be into the future.

Unfortunately, we have done CRs long enough that we are not just talking about, is it right? What was right for last year is the same amount that it should be for the next several months. It goes back years. So what we are saying is that the decisions we made years ago are the same priorities we would have today. That is not true.

Perhaps more compelling to me is that every time we pass a CR, we lose the opportunity to utilize the power of the purse string to rein in the behavior and actions of those who work in those Bureaus, Departments, and Agencies. If Congress is always going to give a Federal Agency the same amount of money in the future as it gave in the past, there is no reason for those Agencies to pay attention to the U.S. Congress, to the House and the Senate, to article I of the U.S. Constitution, which gives

the authority for appropriating money to fund the Federal Government to this Congress. We abdicate our responsibilities, and we reduce the opportunity on behalf of our constituents—for me, on behalf of Kansans—to make certain that the things they think are important are the things we fund, the things that are constitutional are the things we fund, and we lose the opportunity to tell an Agency by using the power of the purse string that when you pursue this regulation, when you pursue this policy, when you make the decision you make—Congress isn't going to have the leverage on you to convince you to change your behavior. We lose the relationship that exists under the Constitution for us to have power over those Departments and Agencies in the executive branch.

Common sense tells us that if we determine how much money an Agency or Department receives, they are going to be much more interested in what we have to say, and if they don't listen to us, we have the ability to remove the money, to eliminate the funding.

So tonight, in my view—and I believe this strongly—we missed an opportunity. We have been in this process for a long time now. We set out with the goal of passing all 12 appropriations bills individually. The Appropriations Committee has done that. But they were not all brought to the Senate floor. In fact, for the bills we are talking about tonight, a continuing resolution was passed for them several months ago, taking us to December 8.

At this point in time on December 8, we continued them until this Friday, and now, tonight, we have continued the continuing resolution with the same funding in the future as last—now for the third time in 2 months—to February 8. We are not doing what we are supposed to do, and in this process, in my view, the opportunity existed.

We were very close to reaching an agreement. President Trump has strong feelings about border security. President Trump was willing to work with Congress to find a solution. Somewhere along the line—and there are lots of folks who want to say where the blame lies—maybe it was with Speaker-elect Pelosi; maybe she just is unwilling to allow anything but a continuing resolution to pass. But the amount of dollars we were apart is so minimal, and the policy issues had been resolved. Yet, for some reason, we walked away. If she is the Speaker-elect of the House, I urge her to deal with this issue of appropriations. It is the power of Congress. Republicans and Democrats ought to work together to fill our constitutional responsibilities.

Where are the days in which the Congress—Republicans and Democrats, House and Senate—exhibited their prerogatives, not because we want power but because the Constitution gives us the authority—the responsibility, in fact—to make decisions about spending?

There is no glory in making a decision on spending when we say that to-

day's dollars are fine next week; they are fine the next week; they are fine the next month. We were so close to coming together this year, and it is disappointing that the end result is now a continuing resolution until February 8.

I want my constituents to know that we have done this too many times. Yes, there may be a time in which we want to have just a few days to resolve the final differences. A few days is not February 8; a few days is not now, for the third time. What we needed to decide months ago, we pursued weeks later. What we should have decided weeks later, we failed to address a week ago. Tonight, we failed once again to address the issues of the proper amount of funding. Twelve appropriation bills should march their way across the U.S. Senate floor, should march their way across the House of Representatives floor, and should be sent to a President for his or her signature or his or her veto.

The process that was exhibited this evening failed to allow me to have my vote recorded as it normally is, and it is important for me, for Kansans, and for Americans to know that I oppose the way we are doing business tonight. It needs to change. We have said it before, and if we always say that we can wait another 2 weeks, we can wait another 3 weeks, we will never get back to doing the work we are hired to do by the American people.

I have voted no. It is the right vote. Ms. CANTWELL. 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. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

REMEMBERING JOHN JOSEPH CASSIDY

Mr. HATCH. Mr. President, what can you say about a dear friend who has passed away? That he was brilliant? And supremely accomplished? That he loved family and church? And the law? And people from all walks of life?

To say these things does not nearly capture the full measure of the man, the much-beloved lawyer John Cassidy, a wonderful and humble person who rose to the top of his field, who advised Washington dignitaries from Presidents on down, indeed so many in this body; a man who was friends to celebrities, business leaders, and politicians

alike, to busboys, cabbies, and store clerks as well; a man who lived life to the fullest and yet always had a kind word for whomever he encountered in the wide, wide world he so loved to explore.

We lost our friend John Cassidy on October 21. While some might be tempted to say at 88 years John lived a long life—his incredible vigor, his youthful enthusiasm, his passion for life, his ready smile, and the twinkle in his eye—all underscore how the world was robbed by the sudden death of John Cassidy.

And so I wish to pay tribute to John Joseph Cassidy, a writer and painter, a gardener and chef, a legal scholar and mentor to decades of young students, and most of all, a devout family man whose definition of “family” embraced so many beyond his cherished wife Cynthia, his daughters Susan Ross Cassidy of Newton, MA, Carrie Elizabeth Goertz of Anchorage, AK, and Alice Madeline Meyre of Richmond, VA, and his six grandchildren John, Ned, Jennifer, Kate, Margaret, and Thomson.

I was proud to be part of that large extended family, and I mourn his loss.

Cassidy—how he invariably identified himself on the phone—was a native Washingtonian, a rarity here in the Nation’s Capital. John graduated from Georgetown University and then its law center and maintained a lifelong allegiance to both institutions, including service on the university’s board of directors and the law center’s board of visitors. That type of unflinching allegiance is vintage John Cassidy, as I came to learn over the decades of our close friendship.

Even as a young lawyer, Cassidy became active in civic affairs, serving as vice chairman of Montgomery County’s Law Enforcement and Criminal Justice Commission and as chair of the town council of Chevy Chase Section 4. He served in the Army’s JAG Corps where, in his typically self-deprecating style, he described his several years in Iceland as time honing his salmon-fishing technique with visiting senior officers.

Upon his return to the United States in the early 1960s, John served as executive assistant to the board of monitors appointed by the court to oversee the Teamsters as part of a Department of Justice settlement with the union concerning charges for corruption. He became a trial attorney in the Justice Department and a trusted aide to Attorneys General Robert Kennedy and Nicholas Katzenbach.

To be with Cassidy was to be with history. I remember once, when I walked him out of the Russell Building by my office in SR-135, he looked out at the Upper Senate Park extending down to where the Teamsters building stood. John gazed over and said, “Hoffa used to call that the ‘Trail of Tears’ as he came up to testify in the Senate.” With that, he was off to Constitution Avenue to flag a cab back to his office.

That was what life with Cassidy was like, and I will miss that so much about him.

Indeed, conversations with Cassidy were not ripped from a “Law & Order” marathon, a rapid-fire back and forth of case citations. Conversations with Cassidy were a meandering path, filled with history, commentary, a few recipes, jokes, and, yes, gardening tips. Conversations with Cassidy were an experience to be savored and long remembered.

In 1965, Cassidy left Justice, forming the Miller, Cassidy, Larroca & Lewin law firm with several of his former colleagues. Bill France, Sr., the founder of NASCAR, a major target of Hoffa’s efforts, became one of the firm’s anchor clients, a relationship that lasted for decades. Miller, Cassidy, Larroca & Lewin became a go-to law firm for public officials and business leaders under investigation for criminal offenses, a cadre that multiplied during the Watergate prosecutions and under the Independent Counsel Act that followed.

Miller Cassidy went on to represent a President, two former Attorneys General, numerous Senators and Representatives, six judges, and dozens of high-ranking executive branch officials.

When former partner Jamie Gorelick was nominated to be Deputy Attorney General in 1994, the Wall Street Journal said of the firm in an editorial that “among Beltway bigwigs, its phone number is posted right next to 911.”

For a small law firm, a remarkable number of the firm’s alumni were confirmed by the Senate to positions in the judicial and executive branches. They include a Deputy Attorney General, a Solicitor General, two Assistant Secretaries of the Treasury for Terrorist Financing, General Counsels of the CIA and Defense Department, three Federal appellate judges, and three U.S. District judges. No fewer than a dozen alumni became deans or professors at prominent law schools. Nearly all were mentored during their careers by John Cassidy.

In 2001, John called to tell me that he and most of the other lawyers from Miller Cassidy were joining the Washington, DC, office of Baker Botts, where he continued to practice until the brief illness that preceded his death. Throughout his career at Miller Cassidy and Baker Botts, John was renowned for how passionately he fought to protect the interests of his clients, many of whom remained friends for decades after their legal matters were resolved.

Former Secretary of Treasury and later Secretary of State James Baker, a senior partner at Baker Botts, said to me about John Cassidy, “John Cassidy was a great lawyer, but he was also, I think more importantly, a great friend. He had all the tools one would look for in an advocate and an advisor, and he knew how to work both the judicial process and the negotiating table to the benefit of his clients. But John also really cared about your response when he asked ‘How are you doing?’ He was truly a genuine person, and it seems we

are missing too many of his kind of people these days . . . and not only in the legal profession.”

There are so many fond memories I have of life with Cassidy. Indeed, my relationship with him started over a legal matter, but we quickly became friends, and that was true for so many of my colleagues who sought John’s capable legal advice to save us from demise.

I remember how John would interrupt tense negotiations with a quick quip or story that changed the room’s dynamic and helped bring resolution to the matter at hand. I remember how he would bring to restaurants his famous jams from his carefully tended Berry Farm in Potomac. At Ristorante Tosca, he was often seen bringing his homemade caramels or preserves into the kitchen, insisting the chef and staff partake of his food long before he ever ordered his meal.

I remember Cassidy’s love of golf led him to significant charitable work with the Tiger Woods Foundation. John and I were equally skilled as golfers, and that is not a compliment to him or me. While even on our very best days neither of us could threaten to break par, playing golf with John was an experience that ran counter to the title, but fully in the spirit, of Tom Boswell’s wryly named book, “A Good Walk Spoiled.”

Spending time with John was always a treasure.

I remember John’s vibrant pastel drawings; he often drew inspiration from his magnificent garden at the Berry Farm—garden with berries and flowers, herbs, and Mr. Stripey tomato plants ten feet high. Such was his bounty.

I rue that I will never be able to pour over his draft memoirs, surely to be one of the most interesting tomes in recent history.

Once, I asked Cassidy when he was planning on retiring. He wasn’t sure. Cindy tells me, at 65, he decided to delay the decision 5 years—at 70, another 5 years—at 75, another 5 years. I have no doubt, at 90, he would have given the same reply.

In a tribute to Cassidy, his nephew, Jim, said, “John Cassidy was a friend of motorsports, a friend of NASCAR and a friend to just about whoever made his acquaintance. And he was so much more.”

That sums it up. John Cassidy was a friend to this body, a friend to our institution, and a friend to me. His passing is a loss to his family, his many friends and colleagues, and most of all, this country that he loved so much. I will miss him.

REMEMBERING DONALD DOHERTY

Mr. DURBIN. Mr. President, McHenry, IL, lost one of its favorite sons on November 21. Donald Doherty was the mayor of McHenry from 1961 to 1973. He was a county board member for 20 years. He was a husband, a father, grandfather, a veteran of the U.S.