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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Eternal Lord God, give our lawmakers this day the wisdom to seek Your guidance and to make time to consider and act on your precepts. May they not simply embrace the opinions of others but seek Your truth for their lives.

Lord, make them muscular thinkers, not merely reflectors of the thoughts of others. Help them to make pleasing you, O God, their first priority. May they serve You with such humility and gratitude that You can bless them in ways that stagger their imaginations.

And, Lord, be with the members of the illustrious Senate page class, who will be leaving us tomorrow.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SCOTT of Florida). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

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

Mr. MCCONNELL. Mr. President, I move to proceed to S. 1.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to 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.

GOVERNMENT FUNDING

Mr. MCCONNELL. Mr. President, later today—on day 34 of this partial government shutdown—the Senate will be voting on a proposal to finally end it. We will be voting on the one plan—the only one on the table—that would reopen the shuttered portions of the Federal Government. It is a pragmatic compromise that could end this impasse right away.

The choice is absolutely clear, and the Nation is watching. Members can vote to immediately reopen the entire government with a compromise package that the President will actually sign, or they can hold out for the Democratic leader's dead-end proposal that stands no chance of earning the President's signature and ending the partial shutdown.

The President's compromise would accomplish three things. First, it ends the shutdown and resumes pay for Federal workers right away. Second, it strikes a bipartisan compromise on the issue of immigration and border security with ideas from both sides. Third, it provides stable, full-year funding for the Federal Government, not another short-term bandaid.

First, ending the shutdown. We have heard from Federal workers whose lives are in disarray. We have heard about the family hardships caused by

the Democrats' unwillingness to sit down and negotiate with the President. We have heard from those who have endured over a month without pay. We have heard from the men and women of the U.S. Coast Guard, air traffic controllers, TSA agents, and other Federal employees. Every American deserves a fully operational government. Taxpayers aren't getting special tax refunds for these weeks when services and Agencies have been diminished or are unavailable.

The President has been at the negotiating table, ready to talk and to fix it. Democrats have made the opposite political calculation, and our Nation is paying the price.

The way forward is simple. We all know the ground rules. We need a compromise that can pass both Chambers and earn the Presidential signature. That is the way you make a law in this country. The first proposal we will vote on today is the only legislation that exists with any chance of checking those boxes—getting the President's signature and making a law.

On immigration and border security, this legislation provides the resources the men and women who risk their own safety to defend our border tell us are necessary. In the past year, we have watched as apprehensions of family units at the borders have risen—more young people brought into danger.

They have seen more interdiction of illicit substances like heroin, methamphetamine, and fentanyl and higher rates of attempted crossings by gang members and criminals.

The need for more security on our border is not a partisan invention. It is a fact. It is a reality most Senate Democrats readily admit.

One Senate Democrat said: "I'm willing to support more border security."

Another said: "Certainly, you need barriers. And we support barriers."

Not to be outdone, a third said: "I'm a huge advocate of border security."

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



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If they agree with the need, they should agree with this modest proposal. It would fund new enforcement and surveillance technologies, recruiting and training hundreds of new Border Patrol agents, and it would direct about one one-thousandth of Federal discretionary spending for physical barriers along the highest priority sections of the border—barriers like the ones that the current Democratic leader joined then-Senators Obama, Biden, and Clinton in supporting back in 2006; like the barriers constructed by President Obama's own administration; like the barriers in which many of my Democratic colleagues happily voted to invest billions of dollars during the last Congress.

These commonsense physical barriers were a bipartisan point of agreement until about 5 minutes ago, but the President went even further to win Democrats' support. For example, his proposal also provides for a 3-year legal status for certain individuals currently covered by DACA and TPS.

That is what this law provides: the border security we need, plus actual statutory authorization for DACA recipients, written into law, for the first time—not the unilateral hand-waving of the Obama administration.

Finally, this bill would complete the full-year appropriations that both parties worked very hard on last year. The last thing we need is another temporary measure. Last year's appropriations process left stable, bipartisan funding measures on the 1-yard line. We don't need to punt from the 1-yard line and set up another crisis just like this a couple of weeks from now. We need to finish our work and run these seven full-year bipartisan funding bills into the end zone—into the end zone—and finish last year's work.

Let me conclude by simply stating what will be on display in this Chamber today. The American people will see plainly which Senators want to make a law and clean up this mess and which Senators are content to continue making political points and nothing else.

Making law versus making points, that is a choice. Any one of my Democratic colleagues who rejects the compromise offer but votes for the Democratic leader's partisan showmanship will be saying the following: They will be saying that political fights with the President matter more—more—than Federal workers and their families, border security, DACA and TPS recipients, as well as government funding.

Let me say that again. If my Democratic colleagues reverse their voting records on border security, if they decide that spending one one-thousandth of Federal spending on Obama-style steel barriers has become totally impermissible just because President Trump is in the White House, then, they will be saying that political games outrank Federal workers, the Coast Guard, DACA recipients, TPS recipients, and all their constituents, as

far as this Democratic Party is concerned.

Deep down, my friends across the aisle know this is not a reasonable reaction to a President of the other party. They know the Speaker of the House is unreasonable on these subjects, with her own Members and her own House majority leader openly contradicting her on national television, and that Senate Democrats are not obligated to go down with her ship.

They know that denying the President one-tenth of 1 percent for spending on needed border security is not worth hurting this many people. It is obvious what the Senate needs to do.

Today, we will decide whether we turn a new corner and begin putting the last month behind us or whether we will all continue to show up for work, stuck in exactly the same situation.

Only one bill does all the bipartisan things I discussed. Only one bill has any chance whatsoever of becoming law. So we ought to vote for it.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, President Trump has kept the government shut down for 34 days, and the pain inflicted on the American people and their government is getting deeper and deeper every day.

Our economy is suffering. First quarter GDP is in the tank. Consumer confidence has fallen.

Our national security is suffering. FBI agents attest that criminal and anti-terrorism investigations are severely constrained. Border patrol, TSA, and hundreds of thousands of homeland security personnel are working under limitations. These people are all part of our security.

President Trump keeps saying that we need the wall for security. Most people disagree with that, but even if we did agree, it is not going to be built for years. Our security is suffering today because of the Trump shutdown. It is so bad that five former DHS Secretaries wrote a letter to President Trump, urging him to end the shutdown without the wall, including his former Chief of Staff John Kelly, a loyal soldier if ever there were one. Kelly knows and they all know that this shutting down of the government for the President's wall, which most Americans believe we should not build, is wrong. The President's former Chief of Staff is telling President Trump that his position on the shutdown is wrong, that his position on the shutdown is a threat to national security—I would argue far more than not building a huge, ineffective wall.

Yesterday, a joint statement from the air traffic controllers, pilots, and flight attendants unions issued a dire warning: "In our risk averse industry, we cannot even calculate the risk currently at play, nor predict the point at which the system will break."

Mr. Donald Trump, President, if you cared about security, you would open

the government now. You are the only one standing in the way. We know most of our Republican colleagues want the government opened. They are, in a positive way, loyal to you and, in a negative way, afraid to buck you, but they all know it. Everyone knows it.

Of course, 800,000 Federal workers are on the cusp of missing their second paycheck—a month's share of pay. Some require the assistance of food banks to get by. That is so disheartening. Hard-working people who just want to help their families have a decent life have to go to a food bank. They did nothing wrong. President Trump is using them as hostages. Here is how callous this administration is. When asked about that fact this morning, Commerce Secretary Wilbur Ross, a billionaire, said "I know they are, and I don't really quite understand why." He argues that it is easy for furloughed workers to get a loan.

Those comments are appalling and reveal the administration's callous indifference toward the Federal workers he is treating as pawns. Secretary Ross's comments are the 21st century equivalent of "Let them eat cake."

Many of these Federal employees live paycheck to paycheck. Secretary Ross, they can't just call their stockbroker and ask them to sell some of their shares. They need that paycheck.

We need to end this shutdown now. There is only one way to do it. This afternoon, for the first time since President Trump shutdown the government in December, the Senate will have a chance to vote on a bill that reopens the government.

Leader MCCONNELL says that President Trump's bill is the only way to reopen the government. Bull. He claims that our bill will not pass because President Trump will not sign it. Has he ever heard of a veto override? Has he ever heard of article I?

The bill that President Trump has put together can't pass the House and can't pass the Senate, so it has no chance of passing. For Leader MCCONNELL to say the only bill that has a chance of opening up the government is President Trump's bill—where he puts in a \$5.7 billion wall, undoes many of the asylum provisions, and is broadly unpopular—is false. It is just wrong.

The two bills that are on the floor are not equivalent votes. My friend on the other side and some in the media who are being lazy called the two votes "dueling proposals," as if there is one Republican proposal and one Democratic proposal and they are sort of equal. It is just not true.

The President's plan demands 100 percent of what the President wants—\$5.7 billion for a border wall plus radical new changes to our asylum system before reopening the government. For the Republican leader to call this a compromise is laughable. There was no Democratic signoff—not from me, not from Senator DURBIN, not from any other Democrat. It is a harshly partisan proposal that essentially codifies

the President's position that government funding is a bargaining chip.

A vote for the President's plan is an endorsement of government by extortion. If we let him do it today, he will do it tomorrow and tomorrow and tomorrow. The whole structure of our government will change, and the chaos that we now see will be magnified.

Even some of my Republican friends have admitted that the President's plan is not a serious offer. A few days ago, my friend from Oklahoma called it "a straw man proposal." I think that says it all. The President's plan is a straw man, not a serious offer. It is merely a way to save face.

The second vote is the opposite. It demands nothing before we reopen the government—nothing. There are no partisan demands, not things we want or we will shut down the government. We don't do that. Only Trump does that, and our Republican colleagues go along. Our proposal allows us to open the government and then, after the government is opened, settle our differences over border security. I know it is not partisan because every single Republican supported the same basic idea just 1 month ago when we voted on it. When President Trump changed his mind and said no, everyone did a sort of 180-degree reversal, including my friend the Republican leader. He knows it.

So the two votes are not the same. They are not flip sides of the same coin. The first vote is harshly partisan and one-sided. The second vote is down the middle and seeks to reopen government and has received overwhelming support from both sides before President Trump said he wouldn't do it. Calling the two votes equivalent is not an attempt to simplify but to mislead.

Nonetheless, in a few hours, we will take these two votes. The Senate will have a chance to say no to the President's hostage-taking, and then the Senate will have a chance to send a clear message that Congress is ready to reopen the government.

To my Republican colleagues, even if you are for the wall—all of those who have said "I may be for the wall, but I want to keep the government open" have a chance to do it on the second vote. Let's see how they vote.

Throughout this debacle, I have not heard one good reason why 800,000 Federal employees must be held hostage for us to discuss border security. Democrats are happy to discuss border security under regular order with the government open. We support stronger border security. President Trump believes the best way to do that is an expensive and ineffective wall. We disagree sharply with that, but there is no reason we can't negotiate and figure it out. What we can't allow is the President to hijack our government and hold it hostage every time we disagree over policy, which he will do if he wins this one.

The votes this afternoon are about more than just a shutdown. They are about how we govern in a democracy.

We are allowed to come here and disagree over policy. In fact, our system of government was designed to allow for progress, despite our large and sometimes raucous differences. But when one side—in this case, the President—throws a temper tantrum and uses the basic functioning of our government as leverage in a policy argument, our system of government breaks down. If every President decided to shut down the government when they didn't get a policy from Congress, America would careen from crisis to crisis, an endless spiral of gridlock and dysfunction.

So the votes this afternoon are not about border security. These votes are about ending a manufactured crisis, a self-inflicted wound that is bleeding our country out a little more each day. I hope and I pray that the Senate rises to the occasion.

I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I want to thank my colleague and Democratic leader Senator SCHUMER for making clear what is going to happen on the floor of the Senate this afternoon. We have a chance, an opportunity when 100 Senators come to the floor, to put an end to the government shutdown this afternoon. I want to tell you, there is nothing more important than that, as far as I am concerned. I hope we will rise to that occasion and rise to that challenge.

During the last 2 days, what I have done is travel across my home State of Illinois and sit down and meet on an informal basis with Federal employees who are going through this government shutdown. In the last couple of weeks I have been to Peoria, Pekin, Aurora, Marion, and I went to St. Louis, though it is clearly not in Illinois, to meet with air traffic controllers who live in my State. I sat down and asked them tell me the stories, to tell me what has happened in the 34 days when they haven't been paid—34 days, as of today. They were a little embarrassed and a little reluctant to talk about what it meant.

Eventually, I said "Well, tell me about some of your coworkers," which is usually a way that people can tell their own stories without embarrassment. I heard some stories that are breaking my heart as I stand here at this moment.

Have you ever been in an air traffic control tower? It is amazing. I have seen some of the biggest. We had one up in Elgin, IL, which takes care of O'Hare and Midway and all of our great airports. It is a little bit frightening to go into one of these towers and see 10, 20, 30 air traffic controllers looking at these screens. On those screens are little dots, and each one of the dots is an airplane, and in each one of the airplanes there are going to be 20, 30, 40, 150, 200 people. That air traffic controller has an awesome responsibility to make sure that they are on the right

path for takeoff and landing, to make sure that their paths don't cross. A mistake in that job can be fatal. That is the reality of what they face.

Air traffic controllers have one of the most stressful jobs in the Federal Government. We don't think about it. We get on the plane; we get off the plane. Thank goodness for those men and women who are there to make sure it is a safe experience for all of us.

Do you know that the shifts that are worked by air traffic controllers are 10-hour shifts? How would you like to face a 10-hour shift with that kind of stress every single day you go to work? Do you know how many days a week they work? Six. Six out of seven days they are working 10-hour shifts in one of the most stressful jobs we have in America. Do you wonder why they work 6 days? Most people work 5 days, and they certainly don't work 10-hour shifts. It is because there is a shortage of air traffic controllers. At age 56, you have to leave. Literally, you have to leave as of the next day. You cannot continue to work because they decided that at age 57, you are too old to do this job. It is too stressful.

As these air traffic controllers are leaving, we are hoping, in a system that works, they are being replaced by new air traffic controllers who are skilled and trained so they can take over these important, life-and-death jobs.

Do you know what happened because the government shut down? We stopped the input of new air traffic controllers, so the number is continuing to diminish because of mandatory retirement, and the pressure on those air traffic controllers increases. It increases not just because of fewer numbers; it increases because of what we have done to their lives.

These men and women are totally innocent when it comes to our debate about border security. They had absolutely nothing to do with the President's promise of a grand and glorious wall from sea to shining sea, paid for by the Mexicans. They didn't make that up; the President did. Now he has called for a government shutdown until his campaign promise is fulfilled.

I talked to some of those air traffic controllers. What is it like? What are you facing? They went through a long litany of things they are facing. Many of them are struggling because of no paycheck coming in. It is difficult for them. A couple of them were embarrassed to say that they are going to food pantries set up by churches and charities in their hometown to pick up some groceries to feed their families during this government shutdown. Others talked to me about children in their families with serious medical problems. Yes, they continue to get their health insurance as Federal employees, but there are copays they have to pay out-of-pocket. They worry about making those payments now that they are not getting a regular paycheck, and they can't see any end in sight as to when they will.

A couple of them have some very practical issues. One of them went to one of his coworkers, who is the head of the local union for those air traffic controllers, and he said: I want to tell you something in confidence. I have 5 days left here. I cannot continue to come to work beyond 5 days. I drive a long distance. I have to buy gasoline for my car. I have to find another job. I may have to drive an Uber car. That is what some Federal employees are doing. I may have to find some job tending bar—which some Federal employees are doing—just so there is income coming in for my family.

The worst one was in St. Louis, where this woman air traffic controller said: One of my colleagues here at air traffic control confided in me that he has to drive a long distance to get to work in St. Louis. He buys a lot of gasoline each day to make that roundtrip. To buy gasoline last week, he went and sold plasma from his own body to get the cash to buy the gas. That is the reality of this government shutdown.

All of us asked these air traffic controllers: Do you see any evidence on the job that people aren't doing the job as they are supposed to?

No, we have an awesome, life-or-death responsibility here, and we take it seriously. But they quickly added: Senator, if this continues and people are not replaced, we are going to reach a point where we have to keep the system safe. To keep it safe, the distance between aircraft flying into and out of airports will have to be increased and the intervals between aircraft will have to be increased so there is always a safe atmosphere when it comes to our airports.

What happens when that interval and distance are increased? Your flight is late again. Mine was about an hour and a half late leaving O'Hare last night. We asked why. A member of the crew was coming in on an international flight. She had to go through Customs. Customs has been reduced in number to two people at St. Louis because of the government shutdown, so it took her an extra hour to join up with the flight I was on. It was a minor inconvenience for me but maybe a major inconvenience for some other passenger.

It is an indication of what happens when all these men and women who are behind the scenes keeping our air control system working are under pressure and when there are fewer of them than there should be doing their job. It reflects what happens when we don't have enough people in the Customs section at international airports to process people in a timely way. The system slows down.

Why are we at this point? Did the air traffic controllers need to be punished for something? If they did, I don't know what it might be. They are good men and women. They are trained in such a fashion that very few people could actually do their job. It is interesting. I have been down to Oklahoma City and places where they have been

trained. Everybody doesn't cut it. You have to be pretty darn sharp to be able to keep track of all those aircraft and to not buckle under pressure because it is a pressure-filled job. President Trump's shutdown has added pressure to that job. Does it make you feel safer when you get on an airplane to know that? I don't. I worry about it. I worry about those men and women who simply want to do what they were hired to do.

Incidentally, about one-third of them are veterans. They served our country—many of them in the Air Force—and they took the skills they learned in the military and brought them into air traffic control.

We give a lot of speeches on the floor here, Republicans and Democrats, about how we want to honor our veterans. How can we be honoring our veterans when 800,000 Federal employees have gone without pay for 34 days, and between 25 and 35 percent of them, depending on the Agency, are veterans? Are we honoring our veterans by not paying them in a timely fashion?

The first bill we have today is President Trump's bill in dealing with this crisis. It will deal with the shutdown he created, but it also addresses several other problems which the President made a decision on and we are trying to fix. I want to address one of them in particular because it is an issue I have worked on for a long time; that is, the fate of people known as Dreamers, those who are protected by DACA.

These are people who were brought to the United States as children, some of them as infants and babies. They grew up in this country believing this was home. They went to school here. They prepared for a future life. At some point, usually in their teenage years, their parents brought them in and said: We never filed the papers for you. You are undocumented in America. Through no fault of their own, they were brought to this country, grew up here, and they learned some time in high school that there is no future for them in America.

I have met so many of them over the years, these Dreamers. I appealed to President Obama: Do something to help them. And he did. He created the DACA Program. The DACA Program allows these young people I just described to apply for protection for 2 years at a time—protection from being deported from America—and to be allowed to work legally in America. Almost 800,000 came forward across the Nation and signed up for this protection under President Obama. These are amazing young people. They are tomorrow's doctors and engineers and lawyers and teachers and leaders. They are incredible young people. I have met so many of them. All they are asking for is a chance to be part of America's future.

President Trump came in September of 2017 and announced he was abolishing this program, abolishing the DACA Program, which meant that

these young people had no protection for the future and really didn't know which way to turn. President Trump challenged us to come up with legislation to solve the problem he created. We were unable to do so. We couldn't reach an agreement. The President's bill, his own solution to the problem, came before the Senate and received 39 votes. It didn't even receive the support of his own political party when he brought it up. It just wasn't a reasonable approach.

The President said last weekend: I am going to address the fate of DACA and Dreamers as part of this effort to end the stalemate in Washington.

My hopes were raised. He talked about a bill that I had introduced with Senator LINDSEY GRAHAM, Republican of South Carolina, 2 years ago called the BRIDGE Act and said that is what we are going to do. It sounded hopeful. Maybe this would be part of the solution. For these young people, it meant everything that they might have a chance to be able to stay in this country and not be deported.

It turns out that when the President produced this bill a couple of days ago and we read the text, it was a bitter disappointment. It really bears no resemblance to the BRIDGE Act, which he referred to.

I would say to my colleagues in the Senate who are considering voting for the President's bill: Please don't vote for it if you think you will be doing something to help DACA and the Dreamers. This bill, as written by the Department of Homeland Security Secretary, Kirstjen Nielsen, and Mr. Miller, who is the President's adviser at the White House, shows their barely masked contempt for these young people. They have dramatically increased the costs of going through this process—doubled it. They have set in new conditions so they can eliminate more and more people from being eligible for this protection. They added provisions that are totally unnecessary. During the 7 years DACA has been in place, we have seen positive things happen, not negative things. Unfortunately, what the President proposes now is a dramatic step backward. This does not help.

After meeting with air traffic controllers and Federal prison guards at Federal penitentiaries in Marion and Pekin, I can tell you what they want. They want the shutdown to end today. They want to get a paycheck for their families so they can get back to the business of being good husbands, good fathers, and good members of their community. They are embarrassed about going to these food pantries. They can't imagine what they are going to do because of some problems that have been created with their credit ratings because this President has shut down their paychecks for 34 days.

These prison guards and air traffic controllers don't have any choice but to come to work. They are called essential personnel. I would hope at the end

of this day that we would think of them first and make sure the shutdown ends immediately, today.

One other thing. This needs to be the last time we have this conversation on the floor of the Senate—the last time. We have to make government shutdowns an unacceptable tactic of either political party or any branch of our government. It is absolutely terrible that these innocent people who work for our government are paying the price of our inability to reach a political agreement on issues. We can find an agreement on border security, but it shouldn't be because 800,000 innocent Federal employees haven't received a paycheck for 34 days.

Let's step forward and do this in a bipartisan fashion. Over this last weekend, I received scores of phone calls from my colleagues in the Senate. Some people may find it hard to believe, but Republicans have called, and I have called them, and Democrats have called. There is a bipartisan feeling that this crisis—this manufactured crisis—has to come to an end.

The second vote that will be offered today—the one the Democrats will offer—is simply to extend the continuing resolution to fund our government, end the shutdown immediately, and give us a matter of days to get this job done in coming to a compromise on border security. I know we can do it. I am convinced we can do it. I know there is a feeling of good will, but we need enough Republicans to join with the Democrats to make this a bipartisan effort today.

I don't believe the President's bill is going to pass. There are aspects to it that I described that are unacceptable to so many of us. But this bare-bones approach—a 3-week extension; a number of days to actually bargain and compromise while the government is up and running and people are being paid—is a reasonable end to this.

I don't know how any of us can go home if, at the end of the day, we have done nothing and the shutdown continues. Let's stick here and do our job—the job we were elected to do to solve problems, not to create them.

As Senator SCHUMER said earlier, there are so many individuals who are providing security and safety across our Nation. Whether it is our FBI, our prison guards, the Coast Guard, the air traffic controllers—why in the world would we endanger any Americans because of our inability to reach a political agreement? The votes today will give us a chance to emerge from this with a positive approach to solving this problem. I believe we can do it. The sooner the better.

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.

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

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

Mrs. CAPITO. Mr. President, I come to the floor today as the chairman of the Homeland Security Appropriations Subcommittee to express my strong support for the End the Government Shutdown and Secure Our Borders Act. This legislation includes many important priorities, and they are important priorities that we need to address now.

In the past several days and weeks, there has been a lot of talk about who has more leverage, who is winning, and what the political stakes are. You hear a lot of different answers to those questions, depending on whom you ask, quite frankly, but I will tell you one thing: Those are not the questions on the minds of our Federal workers.

Just this morning, at about 4 o'clock, I had a conversation with several TSA agents at Yeager Airport, where I fly out of to come to Washington. In talking about the situation, what I got in response from them was a lot of head-shaking and a lot of questions. Their questions had to do with this: How are they going to pay their bills and when is this going to end? I understand their frustration. I am frustrated.

That is exactly why I have always said that a shutdown is no way to govern. It is not in anyone's best interest. It is a disservice to our Federal works. It is a show of our inability to do our jobs in conjunction with those on the other side of the aisle, and it is a signal to the American people that we think this confusing and ineffective way to govern is OK, when it is not. It is not OK.

We are here in this body to work together, to get over the rifts that we may have, and to move forward to do the people's work. We have to fix this situation, and we have to fix it now.

We have an opportunity today to do that, and I plan to do that by voting for the President's proposed compromise. This proposal does two things that we should all want. It reopens the government, and it helps to secure our southern borders. If we pass this amendment—and I hope we do—we will bring our furloughed workers back to work, and they will get paid. We will pay the dedicated men and women of our Coast Guard, our Federal prison guards, our TSA and Border Patrol personnel, and many others—many of whom I have talked with—and we will take a major step forward in securing our Nation.

I believe the resources in this bill are necessary because I believe we do face a crisis on our southern border. Last year, in the last 3 months of 2018, over 153,000 people were apprehended illegally crossing the southern border. And that number does not include the people who crossed illegally, but were not apprehended. The number of illegal border crossings was up more than 80 percent in the last 3 months of 2018, as compared to the last 3 months of 2017.

The composition of those being detained for crossing the border is chang-

ing. In 2000, 98 percent of those detained for illegally crossing the border were Mexican nationals, and most were single adults. They could be repatriated to Mexico very quickly, within hours. But, in 2018, more than 56 percent of individuals detained were from places other than Mexico. A large portion were from Honduras, Guatemala, and El Salvador.

Increasingly, individuals are showing up at our borders from all over the world. Forty percent were either unaccompanied minors or arrived as part of a family unit. That number is way up. That number is way up. That means longer detention proceedings that have placed a burden on our immigration court system, and it means an increased need for facilities to safely and responsibly house these people for a longer period of time.

I have visited the detention centers in Texas. I believe the facts make it very clear that there is a crisis. The amendment that we will vote on today offers a solution.

We also know that physical barriers work. In the San Diego, Tucson, El Centro, and El Paso regions, where there are constructed physical barriers, the illegal border crossings have gone down by more than 90 percent. That is undeniable. Right now, we have 654 miles of physical barrier in place.

I have heard folks say that we don't have any walls or that we don't have any barriers. Yes, we do. Yes, we do. If we pass this amendment, we can build 234 miles in areas like the Rio Grande Valley, where career Border Patrol personnel tell us it is most needed.

There has been a lot of talk that the professionals should be in charge here in terms of telling us how and what the best methods of protecting our borders are. Well, they are in charge. As subcommittee chair, I have had several meetings with them for them to tell me what their border security plan is, and the CBP has that.

This amendment would fund the bulk of the top 10 requests. They have a 33-point plan. This would get us through the top 10.

The funding in this bill provides for a border wall system—a system—which is much more than just a physical barrier. It provides lighting, sensors, cameras, and access roads to help our Border Patrol agents gain and maintain operational control of the border. These are the things that the Border Patrol has asked for. A wall is not the only solution, but it is a critical part of the solution.

The resources included in the amendment for the southern border are important to the security of our Nation, and they are especially important to address our drug crisis. Fentanyl seizures by the Border Patrol away from ports of entry are up 122 percent over last year.

Remember, fentanyl is a killer. Over half of the deaths by overdose in our State in some bit or in some part involved fentanyl.

Methamphetamine seizures by the Border Patrol away from ports of entry are up 75 percent in the last three years. The border wall system will reduce the flow of these illegal drugs between our points of entry.

We know that much of the heroin, fentanyl, and methamphetamine that are hurting so many Americans cross our border at the ports of entry. This amendment addresses that issue as well. It provides \$805 million for technology, canines, and personnel to stop the flow of illegal drugs into our country. That is what West Virginians are interested in. This drug crisis is really impacting us. This would be an unprecedented investment in these types of detection capabilities—a complete game changer.

The amendment would allow us to hire more people, which is another thing the CPB says that they need—750 new border agents and 375 new Customs officers to complement these investments.

The combination of technology and personnel, both at our ports of entry and along the border, with the border wall system, would enhance our security. It will choke off a major source of the heroin and fentanyl that has devastated my State, and I am sure the Presiding Officer's State, as well, and across our country.

Resources are also included in the amendment to detain those who are apprehended for illegally crossing our border. I support the important work of the men and women of ICE, and I want them to be able to maintain custody of offenders, rather than being forced to release those who have entered our country illegally due to a lack of space. In my view, that is not only more safe and secure for us, but it is actually more safe and secure for anybody who is involved in the immigration system.

They and many more of the brave men and women of the Department of Homeland Security continue to perform these difficult tasks without getting paid during this shutdown.

Chairman SHELBY's amendment is not a short-term patch. We are kind of past the time where we need a short-term patch. We need to move forward. It is not a continuing resolution that runs our government on autopilot for a little while and denies the Senate the ability to make smart choices in exercising the power of the purse.

Instead, it includes seven full appropriations bills that received significant bipartisan support in the Appropriations Committee, one of which is my bill at the Homeland Security Subcommittee, which was passed in a bipartisan way. Four of these bills passed the Senate floor with overwhelming support. I am very proud that the bill that I put forward in committee, along with some additions, are a part of this package.

There is \$11.9 billion provided for our Coast Guard—this was in my bill—including to begin construction of some-

thing that I think is critical to our national security, which is the polar security cutters. More than \$4.8 billion is provided for the TSA to improve transportation security, and \$19.8 billion is appropriated for FEMA to make sure we have the necessary resources to respond to past and future natural disasters.

There are important priorities within these bills from other subcommittees as well. A couple I would like to highlight are these. The Agriculture title has \$550 million for a rural broadband pilot project that I strongly support as part my Capito Connect plan in the State of West Virginia. The FSGG title has resources for the Drug-Free Communities and High Intensity Drug Trafficking Areas Program, which is critical for stopping the drug epidemic that I have spoken about. The CJS title has \$468 million to combat the opioid epidemic and another \$30 million for economic development assistance to coalfield communities. These are just a few examples of what the Shelby amendment has.

The amendment that the Democratic leader has proposed reopens the government through February 8. It provides no new resources to address the security and humanitarian crisis on our southern border. Let me repeat that. It provides no new resources to address the security and humanitarian crisis on our southern border. Passing the Schumer plan would put us in the same position on February 8 that exists today.

We don't need to pause the shutdown for 15 days and ignore border security. Article I of the Constitution gives us, as the Congress, the power of the purse, and we should exercise it by making smart choices based on the situation that is in front of us today.

Continuing resolutions only cut and paste the choices that we made last year. Instead, we should pass the seven appropriations bills before us to fund the government for the rest of the year in a thoughtful way, in a bipartisan way, while also providing the necessary resources to protect our Nation.

President Trump has made a significant concession by asking that we include a provision giving 3 years of certainty to those covered by the DACA Executive order, as well as those who have been on temporary protected status. That provision is included in this amendment. This is the type of reasonable compromise that is necessary to pass major legislation during a period of divided government. No one—not the President, not any Senator, not any Representative—gets everything they want in this bill or any bill, really.

The bill includes items that many of us individually might have left out if we wrote the bill ourselves, but that is the nature of compromise.

The seven appropriations bills that make up the Shelby amendment are the product of significant bipartisan compromise on behalf of the Nation. I believe we should embrace the spirit of

compromise to end this shutdown and secure our border. What can't be compromised is our Nation's security.

We just celebrated Martin Luther King, Jr., Day last Monday. As was I reading a lot of his famous quotes, I thought about this one because of the situation that we find ourselves in right now:

If you can't fly then run, if you can't run then walk, if you can't walk then crawl, but whatever you do, you have to keep moving forward.

Let's start moving forward together. I hope that all of my colleagues will embrace this sentiment, and I hope that as I vote for the Shelby amendment, we will get enough to push it over the Senate floor and over to the House.

Thank you.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

Mr. THUNE. Mr. President, this afternoon Senate Democrats will have the opportunity to vote to reopen the government when the Senate takes up the President's compromise proposal. I hope they are as serious about ending the shutdown as they have claimed to be.

Unfortunately, they haven't looked too serious over the past month. Democratic leaders have spent a lot of time talking about ending the partial shutdown, but they have absolutely refused to engage in any genuine negotiations to reopen the government. Democrats don't seem to understand that when there is a disagreement, both sides have to give a little in order to get things resolved. If we are going to get the government reopened, then both Democrats and the President are going to have to compromise.

The President understands this. He has repeatedly made it clear that he is willing to negotiate. On Saturday, he put forward a genuine compromise—legislation that addresses his border security priorities and some of Democrats' most important immigration priorities.

Unfortunately, Democrats' reaction was less than promising. The Speaker of the House labeled the compromise a "nonstarter" before she had even seen it. But, of course, she offered no replacement.

President Trump offered a proposal that he believed would address some of the Democrats' concerns. If Democrats didn't like that proposal, then they could have offered an alternative—one that addressed their concerns and attempted to address some of the President's concerns. But so far, the only Democratic proposals have involved the President agreeing to all of the Democrats' demands in exchange for vague promises to address the security and humanitarian crisis at the border at some unspecified date in the future.

The Democratic leaders of the House and Senate may be persisting in their refusal to negotiate, but there are signs that rank-and-file Democrats are

starting to get restless. More than one Democratic Member of Congress has noted, in the words of one House freshman, “[A]m I willing to talk about more fencing and more drones and more technology and radar and border agents? Absolutely.”

Even the House majority leader sounded as though he was ready to break with Speaker PELOSI’s obstruction, stating that Democrats are “for border security” and that “physical barriers are part of the solution.” That is from the House majority leader.

I hope that spirit of compromise continues to grow. In a couple of hours, Senate Democrats will have the chance to vote on the President’s proposal. The bill before us would immediately—immediately—reopen the government. It would provide paychecks and back-pay to Federal workers. It would provide needed disaster recovery funding. It would deliver all seven of the remaining 2019 appropriations bills, the product of bipartisan work in the House and in the Senate. It would tackle the security and humanitarian crisis at our border and address Democratic immigration priorities.

In fact, this bill contains a version of immigration legislation originally sponsored by the Democratic leader, the Democratic whip, and the ranking member on the Senate Judiciary Committee, among others.

The bill before us today is a genuine compromise. I hope at least some of my Democratic colleagues will see their way to supporting it because it is the only legislation we will be voting on today that can be signed into law, end the shutdown, reopen the government, make sure that Federal workers are getting paid, and address our crisis at the border.

Democrats’ refusal to engage in serious negotiations has already cost Federal workers a paycheck and limited government services for literally tens of thousands of Americans. It is time for Democrats to stop putting their antipathy for the President above the needs of the American people. I hope we do that this afternoon. The time has come to make a deal, and we need Democrats at the table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINÉ. Mr. President, for Democrats, antipathy to the President is not the issue. The issue is antipathy to shutting down the government.

Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KAINÉ. The issue isn’t antipathy to the President. It is that Democrats don’t believe in shutting down government.

I appreciate my colleague from South Dakota stating the issue the way he did at the beginning of his talk: Democrats will not engage in negotiations to reopen the government.

Let’s be plain. Democrats think the Government of the United States should never close. Democrats think that using a shutdown as leverage to get something else is illegitimate and beneath the oath of office. The President, on the other hand, said that he is proud to shut government down and is willing to use the suffering of more than 800,000 employees and millions of American citizens to get his way.

The difference here is not on the immigration topics; there are differences that can be resolved. But the difference that is hard to resolve is a President and a party that believe in government shutdowns and a party that rejects the idea of government shutdowns.

I will state complete willingness to negotiate with this President and my colleagues over border security. We—8 Democrats, 8 Republicans—introduced a proposal in February with border security investments, protections for Dreamers; 46 out of 49 of Democrats supported a \$25 billion border security investment, and only 8 of 51 Republicans did. The President blew up the deal.

So the issue is not about negotiation over border security. We have been a more reliable party in making border security investments than the majority party has been. The issue is this: Is it or is it not illegitimate to shut down the government of the greatest Nation on Earth and inflict needless pain on hundreds of thousands of workers and millions of citizens when you don’t get your way? That is what is at stake.

Is the proposal that is on the table offered by the President a “compromise”? If it were a compromise, the President would have talked to us about it. If it were a compromise, the majority would let us offer amendments about it. If it were a compromise, the majority would have had a hearing about it so that we could have asked questions about it.

Introducing a 1,200-page bill on Tuesday and calling a vote on Thursday and giving Democrats no opportunity to ask questions or propose amendments is not a compromise. It is my way or the highway. What we should be doing to show that we respect the President’s proposal is referring it to the committee of origin, having committee hearings and markup next week, and putting it on the floor the following week. If the President means it as a compromise, he should allow the Democratic Party—minority here and majority in the House—to have an opportunity to shape it.

It is my hope that my Republican colleagues will vote to reopen government this afternoon, through February 8, so that we would use next week to have a committee process to consider the President’s proposal and the following week consider it on the floor. These are important enough topics that it would seem giving it a 2-week review by committee and by Senators on the floor is not asking too much.

Briefly, before yielding to my colleague from Missouri, I will say that I

just returned from Reagan National Airport, where I met with air traffic controllers, TSA agents, airline safety specialists who maintain the radar and other safety equipment at this and other airports. They talked about how this shutdown in which they are working but not being paid is starting to fray them as they are working overtime, as they are trying to get jobs when they are not working 10-hour shifts to try to cover the bills they have to cover for babysitters and rent and medical appointments. They are talking about the degradation of the safety of American air traffic because of air traffic controllers not being paid, TSA agents not being paid, airline safety specialists not being paid and, in some instances, furloughed. If nothing else, we should care about the safety of commercial aviation. That is one reason, among many, that we should end the shutdown.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, you may have presided before, but you haven’t presided when I have spoken on the floor, so it is great to welcome you, as both my colleague and the Presiding Officer, and I am glad to be working with you and glad we are both here today.

We are both here today at a time when the American people really expect the government to work; the American people really expect people in Congress to be able to find middle ground. For too long we have been stuck—frankly, on both sides of the aisle—with too many people who ran for office saying: If I don’t get what I want—I just don’t want anything to happen unless it is exactly what I want. The best I can tell, that doesn’t work anywhere. If you are getting what you want wherever you are working, wherever you are living, wherever you are going to church, there is probably something wrong with you. Democracy is about compromise.

I think one of the great fallacies of the second option we will have today is that it is designed to keep the government open for 2 weeks at last year’s spending levels, and then, at the end of 2 weeks—I don’t know what happens then. There will be no information that Members of the Senate and the House will know 2 weeks from now that they don’t know now. There is nothing that could be debated or discussed in the next 2 weeks that couldn’t be discussed in the next 45 minutes.

I think it is pretty clear to the American people that this has boiled down to a fight in which we need to reopen the government and, frankly, we need to secure the border.

I just heard our good friend, our colleague from Virginia, say that, generally, his side of the aisle has been better than our side of the aisle at securing the border. I don’t think that is necessarily true, but I am glad to concede that if our friends on the other

side want to step up and work with us to secure the border—fine.

I will also point out that securing the border for the last four Presidents has meant building barriers, and every time that happened, those barriers worked.

When President George H.W. Bush built a barrier south of San Diego, the detentions of people coming across the border decreased by 95 percent. That is really the only way we have of measuring whether this was better before the barrier or after the barrier. When you have 95 percent fewer people coming across and being detained, something must be working.

President Clinton built a barrier at El Paso, and detentions went down 95 percent. President George W. Bush built a barrier at Yuma, and detentions went down 90 percent. When you have a 90- or 95-percent solution, you should be able to make that solution a part of moving forward to solve the problem.

The President has come, in my view, quite a way. He has gone from a big wall all along the border to a barrier only where a barrier makes sense. The President would like to add 10 or 20 percent to the barriers already built by all four of his predecessors. I don't see why some movement in that direction can't be part of what we get done.

The shutdown has gone on too long. It has been played out way too much in the public and way too little with Members of Congress trying to get together and work this out. People who need government services aren't getting those services. In many cases, people providing the services that are essential are providing those services and not getting paid. People who would like to be at work are at home.

Unlike any other time when the government has been shut down, Congress has said in advance that everybody will get paid, eventually. So the traditional worry about whether you will get paid, whether your income is there, is gone. But the pay is not there at the time it is expected to be. Normally, if you went to work for government at any level, you didn't go to work for government to get wealthy; you went to work for government because that was a secure job. So we have eliminated for too many people the security of one of the reasons they took a government job rather than a job that might lead to some more financially satisfactory destination—or might not. The whole reason they did this, in many cases, is they knew that check was going to come. It is not coming.

The bill the President proposed keeps the government open with new priorities—largely agreed to already by the House and the Senate—until September 30. So 2 weeks from now, we wouldn't face this exact same problem again. It does things I think need to be done to create more security for kids who were brought here as children and grew up here. I think this is a 70- or 80-percent issue in the country that all of us understand—that if you were

brought to this country as a young child, if you grew up here, if you haven't gotten in serious trouble, not only should you be able to stay, but we should want you to stay.

We need that kind of vitality in our country. The President said he would like to see a final appropriate solution on that. This bill creates a 3-year opportunity, much like—I think it was the BRIDGE Act that was sponsored by people on both sides of the aisle who would have said let's settle this for a while as we try to come to a further conclusion; the same kind of 3-year structure for people who were here because we decided we needed to give them asylum. We need to figure out how to deal with that on a long-term basis, but 3 years not only puts it through this Congress, it puts it a year into the next Congress and the next Presidential administration.

Some of us need to be focused on getting this job done. I think this bill does that. It is not perfect. I never voted for a perfect bill. I introduced two or three perfect bills, but I have never gotten to vote for a perfect bill and don't expect to. This is not our job. Perfect is not our job. Our job is the possible. I think the President has actually shown more flexibility than our friends on the other side.

If you don't like some of the things the President has proposed, the response is not this is a nonstarter. The response is to make it a starter. The response is, if you don't like something about what we are doing for deferred action on kids who were brought here, what would you do to make that better?

The President's proposal goes a long way toward solving these problems. Most importantly, it opens the government immediately. It assures that will be the case until we get to the beginning of the new spending year on October 1, and it meets the government's obligation to secure the border.

Nobody expects it to be impossible for anybody to ever get over the border in any way, but people do expect to have the kind of border security we can afford. I think the proposals the President makes does that.

We need to be more concerned about our ports of entry. We need to be more concerned about things and people coming across the border who shouldn't come across the border or people being brought across the border for purposes they do not want to be part of.

This is an important moment. We need to get this job done. The two votes today will indicate whether we want to get this done on a long-term basis and get back into the regular basis of government or whether we want to get this done for a couple of weeks, assuming somehow there are going to be dramatically new facts on the table in the next 2 weeks that are not there now. I don't believe that is the case. I am going to vote for the bill that gets the government open again

and lets us get started with the work of how to fund the government on October 1 of this year, not how to fund the government right now. I think the other bill does not get us anywhere but right back to where we are 2 weeks from now.

UNANIMOUS CONSENT AGREEMENT

I have a couple of things I need to point out; one is, Mr. President, I ask unanimous consent that the filing deadline for second-degree amendments for the cloture motion specified in the order of January 22 occur at 2:20 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

QUORUM CALL

Mr. BLUNT. With that, 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, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Blunt	Kaine	Thune
Cardin	Manchin	Van Hollen
Coons	McConnell	Whitehouse
Ernst	Sasse	
Isakson	Schatz	

The PRESIDING OFFICER. A quorum is not present.

The majority leader.

MOTION TO INSTRUCT

Mr. MCCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Kentucky (Mr. PAUL), and the Senator from Idaho (Mr. RISCH).

Mr. DURBIN. I announce that the Senator from Nevada (Ms. ROSEN) is necessarily absent.

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—88

Baldwin	Cornyn	Heinrich
Barrasso	Cortez Masto	Hirono
Bennet	Cramer	Hyde-Smith
Blackburn	Crapo	Isakson
Blumenthal	Cruz	Johnson
Blunt	Daines	Jones
Boozman	Duckworth	Kaine
Braun	Durbin	King
Brown	Ernst	Klobuchar
Burr	Feinstein	Lankford
Cantwell	Fischer	Leahy
Capito	Gardner	Manchin
Cardin	Gillibrand	Markey
Carper	Graham	McConnell
Casey	Grassley	McSally
Cassidy	Harris	Menendez
Collins	Hassan	Merkley
Coons	Hawley	Moran