

Let me repeat that. The Senate—every Democrat and every Republican—has already unanimously supported a clean extension of government funding.

Democrats supported the measure because we do not want to see the government shut down. We have no demands other than that. We had every indication that the President would sign the legislation—as did our friends the Republicans on the other side of the aisle in the Senate—but yesterday President Trump, hounded by the radical voices of the hard right, threw another temper tantrum, and here we are once again, on the brink of what the President has spent months saying he wanted—a Trump shutdown.

The President will try to do his best to blame Democrats, but it is flatly absurd. President Trump called for a shutdown no fewer than 25 times. In our meeting with the Oval Office, President Trump said: “If we don’t get what we want . . . I will shut down the government. . . . I am proud to shut it down. So I will take the mantle. . . . I’m not going to blame you.” Those are President Trump’s words, and nothing he says or does today can undo that.

No Democrat has called for shutting down the government. We are all working to avoid it. The President seems to relish it. He seems to feel he will throw a bone to his base—his base probably being less than one-quarter of America.

President Trump, you cannot erase months of video of your saying that you wanted a shutdown and that you wanted the responsibility and blame for a shutdown. President Trump, you own the shutdown. You said so in your own words.

President Trump may get his wish, unfortunately, but it doesn’t have to be this way. Democrats have offered two alternatives, and Republicans—Leader MCCONNELL has offered one. Democrats have offered to pass the six bipartisan appropriations bills, plus a 1-year continuing resolution for Homeland Security. We have also offered a 1-year continuing resolution for all the remaining bills. Republicans have offered to pass a short-term continuing resolution through early February. Each one of those proposals would pass the House and pass the Senate. Each one of those proposals contains \$1.3 billion of real border security, not a wall. There is no wall in those proposals. Democrats support real border security, not a wall.

By the way, that is in addition to the \$1.3 billion in border security Congress allocated last year, the vast majority of which the Trump administration has not yet spent. They are asking for loads of more money. They haven’t even spent last year’s money. It is clearly a political gambit by President Trump to appease his never-happy base.

On the other hand, a Trump shutdown would result in zero dollars for the Department of Homeland Security over the Christmas holiday.

There are several ways for President Trump and congressional Republicans to avoid a shutdown over Christmas—I mentioned three—but there is only one way we will have a Trump shutdown: If President Trump clings to his position for an unnecessary, ineffective, taxpayer-funded border wall that he promised Mexico would pay for.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, yesterday the House passed an amended version of the continuing resolution to sustain government funding and sent it here for our consideration. In addition to giving the entire Federal Government the necessary resources to operate into the new year, this legislation also provides much needed investments in disaster relief for hard-hit communities and in our national security, particularly the integrity of our borders.

In my view, this legislation would be quite uncontroversial in a more normal political moment—in a moment when both parties put the obvious national interest ahead of any personal spite for the President.

I support the additional border security and disaster aid that the House added to the bill, and I am proud to vote for it. It is not a radical concept that the American people’s government should be able to control the people and the goods that flow into our country. It is not a radical concept that physical barriers play an important role in achieving security—unless there is a caucus of lawmakers who go to bed at night with their front doors wide open that I am not aware of. What is radical, what is way out of the mainstream, is this absurd premise of the open-borders far left that achieving basic stability and law enforcement on our southern border is somehow in itself without compassion or discriminatory or immoral.

Fairness and compassion don’t mean enforcing only some of our laws halfheartedly; fairness and compassion mean that we fulfill our governing duties for the American people. If we continue to throw up our hands and tolerate a status quo that is allowing too many drugs and dangerous criminals to travel freely into our land, then this Federal Government is not doing its duty.

The facts are clear on this. The need for greater security on our southern

border is not some partisan invention; it is an empirical fact, and the need is only growing. Apprehensions along the border have nearly doubled in the past year. The men and women of the Border Patrol are encountering greater numbers of gang members and individuals with criminal histories, more family units, more seizures of cocaine and fentanyl.

This is a real crisis. The implications for American communities, for vulnerable children, and for Border Patrol units that are already stretched thin are very real.

There is no bright line of principle that sets this request for border funding apart from similar requests that many Democrats have supported in the past. A lot of them have supported this in the past. There is no sharp distinction between the proposal my friends across the aisle have decided to oppose today and proposals they have been happy to endorse in the past. All that has really changed are the political winds way over on the far left. That is what has changed.

So let’s not end this year the way we began it—with another shutdown over the issue of illegal immigration. Remember this back in January? It was all because the Democrats were unwilling to support commonsense measures to address it. Let’s advance this legislation. Let’s pass it. Let’s finish our work for this year. Let’s secure our country.

CHILD PROTECTION IMPROVEMENTS ACT OF 2017—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the House message to accompany H.R. 695, 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL), and the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The yeas and nays resulted—yeas 47, nays 47, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—47

Alexander	Corker	Fischer
Barrasso	Cornyn	Flake
Blunt	Cotton	Gardner
Boozman	Crapo	Graham
Burr	Cruz	Grassley
Capito	Daines	Hoeven
Cassidy	Enzi	Hyde-Smith
Collins	Ernst	Inhofe

Johnson	Perdue	Shelby
Jones	Portman	Sullivan
Kennedy	Risch	Thune
Lankford	Roberts	Tillis
Lee	Rounds	Toomey
McConnell	Rubio	Wicker
Moran	Sasse	Young
Murkowski	Scott	

NAYS—47

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Heitkamp	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Donnelly	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Harris	Nelson	

NOT VOTING—6

Feinstein	Heller	Kyl
Hatch	Isakson	Paul

(Mr. BOOZMAN assumed the chair.)

(Mrs. CAPITO assumed the chair.)

(Ms. MURKOWSKI assumed the chair.)

The VICE PRESIDENT. On this vote, the yeas are 47, the nays are 47. The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

CHILD PROTECTION
IMPROVEMENTS ACT OF 2017

The Chair lays before the Senate the following message from the House:

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the bill (H.R. 695), entitled "An Act to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.", with an amendment.

The VICE PRESIDENT. The majority leader.

Mr. MCCONNELL. Mr. Vice President and colleagues, here where we are. It is now clear there are enough votes to proceed to the pending legislation on government funding, disaster relief, and border security.

Within the Republican conference, there is strong support for the President's reasonable request for more resources to tackle the urgent situation at our southern border. Republicans support the House-passed bill, which includes additional border security funding. We are also, however, eager to complete the remaining appropriations bills that the Senate has already passed.

However, obviously, since any eventual solution requires 60 votes here in the Senate, it has been clear from the beginning that two things are necessary: support from enough Senate Democrats to pass the proposal at 60 and a Presidential signature.

As a result, the Senate has voted to proceed to legislation before us in order to preserve maximum flexibility for a productive conversation to continue between the White House and our Democratic colleagues. I hope Senate Democrats will work with the White House on an agreement that can pass both Houses of Congress and receive the President's signature.

Colleagues, when an agreement is reached, it will receive a vote here on the Senate floor.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment to the Senate amendment to the House amendment to the Senate amendment to H.R. 695.

The VICE PRESIDENT. The motion is pending.

The Democratic leader.

Mr. SCHUMER. Mr. President, as we said to President Trump a week ago, his wall does not have 60 votes here in the Senate, let alone 50 votes. That much is now clear.

The Democrats have offered three proposals to keep the government open, including a proposal offered by Leader MCCONNELL that passed the Senate unanimously only a few days ago. We are willing to continue discussions on those proposals with the leader, the President, the Speaker of the House, and the leader of the House. All five are necessary to get something done.

I yield the floor.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the two leaders for what they have done today.

Even though I know some people who are tuning in may not understand what just happened, the understanding that has been reached—and I thank Senator FLAKE and Senator JONES and others—is that we are not voting on anything else in this Chamber relative to this issue until a global agreement has been reached between the President and these two leaders and the leader of the House. There will not be test votes, and there is not going to be a tabling vote. The Vice President has been over here with his members, negotiating already.

What this does, I think, is to push this ahead to a negotiation that will yield a result, and we will do the best we can to keep from shutting down the government, or if it does shut down, it will shut down very briefly.

I thank the two leaders for agreeing to go forward in this manner. It allows us to move forward in a positive way, yet keeps the negotiations alive. Only a bill can pass this Chamber now that has all of their agreement.

The VICE PRESIDENT. The Senator from Arizona.

Mr. FLAKE. Mr. President, I thank the two leaders of this agreement, the Senator from Tennessee, the Senator from Alabama—Mr. JONES—and others who have worked to ensure that the next vote we will have in this Chamber

will be on an agreement as Senator CORKER said—not a test vote, not a cloture vote.

What I wanted to do with not proceeding is to demonstrate that not all Republicans would be for the House bill either. There is no path forward for the House bill. The only path forward is to a bill that has an agreement between the President and both Houses of Congress. The next time we vote, it will be on the agreement. It will not be another test vote.

I yield the floor.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that following my remarks, the Senator from Delaware, Mr. COONS, be recognized.

The VICE PRESIDENT. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I thank Senator CORKER, Senator FLAKE, and the leaders, Senator MCCONNELL and Senator SCHUMER, for their discussions. I thank the Vice President for his presence here today.

In my own view, government shutdowns ought not to be a part of budget negotiations any more than chemical weapons should be a part of warfare. We were elected to make the government run for taxpayers, not to shut it down. My hope is that this will put us on a path toward a result and will recognize the President's desire for increased border security, which we support and many Democrats support, and we can finish our appropriations process.

What I would like to do now is to say a few words about what was described in a very famous movie in which Jimmy Stewart played, "Mr. Smith Goes to Washington," as democracy's finest show—the right to talk your head off in the legislative filibuster. Let someone say, "Well, Senator Alexander, you just announced you are not going to run for reelection in 2 years, so you are going to change your tune," I am not changing my tune.

The remarks I made in 2011 at the Heritage Foundation about the tradition of the legislative filibuster—perhaps the best known part of the U.S. Senate—can be found at <https://www.alexander.senate.gov/public/index.cfm/speeches/floorstatements?ID=23BE8F64-7708-4E5D-86AD-F1F8C7EE6F30>.

You can also find Senator SUSAN COLLINS' letter regarding the legislative filibuster on April 7, 2017, at <https://www.collins.senate.gov/newsroom/senators-collins-coons-lead-effort-preserve-60-vote-threshold-legislation>.

I would like to tell a story, Mr. Vice President.

In 1978, a young Utah Senator came here. He was conservative. He didn't know what he could not do, so he took on the Democratic establishment on its most important issue. ORRIN HATCH was the Senator. He is our longest serving Republican Senator, and he is