

(1) H.R. 21, as passed by the House of Representatives on January 3, 2019.

(2) H.J. Res. 1, as passed by the House of Representatives on January 3, 2019.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the measures referred to in subsection (a) of this section and the text of any other measure enacted into law by reference by reason of the enactment of this Act.

**SA 2.** Mr. KAINES (for himself, Mr. VAN HOLLEN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 109, to prohibit taxpayer funded abortions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ APPROPRIATIONS FOR FISCAL YEAR 2019.**

(a) The provisions of the following measures of the 116th Congress are hereby enacted into law:

(1) H.R. 21, as passed by the House of Representatives on January 3, 2019.

(2) H.J. Res. 1, as passed by the House of Representatives on January 3, 2019.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the measures referred to in subsection (a) of this section and the text of any other measure enacted into law by reference by reason of the enactment of this Act.

**SA 3.** Mr. McCONNELL (for Mr. JOHNSON (for himself and Mr. PETERS)) proposed an amendment to the bill H.R. 251, to extend by 15 months the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes; as follows:

On page 2, line 7, striking “6 years” and insert “5 years and 3 months”.

**SA 4.** Mr. McCONNELL (for Mr. JOHNSON (for himself and Mr. PETERS)) proposed an amendment to the bill H.R. 251, to extend by 15 months the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes; as follows:

Amend the title so as to read: “An Act to extend by 15 months the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.”

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. McCONNELL. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, January 16, 2019, at 10 a.m., to conduct an Executive Session.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, January 16, 2019, at 10 a.m., to conduct a hearing on the nomination of Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency.

**COMMITTEE ON THE JUDICIARY**

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, January 16, 2019, at 10 a.m., to conduct a hearing on the nomination of William Pelham Barr, of Virginia, to be Attorney General, Department of Justice.

**SELECT COMMITTEE ON INTELLIGENCE**

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, January 16, 2019, at 10 a.m., to conduct a closed briefing.

**SPECIAL COMMITTEE ON AGING**

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, January 16, 2019, at 9:30 a.m., to conduct a hearing entitled “Fighting Elder Fraud: Progress Made, Work to be Done”.

**PRIVILEGES OF THE FLOOR**

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Celine Wolff, have privileges of the floor for the remainder of the day.

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

**APPOINTMENTS**

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 99-98, as amended by Public Law 99-151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control The Honorable DIANNE FEINSTEIN of California (Vice Chairman); The Honorable SHELDON WHITEHOUSE of Rhode Island; The Honorable JACKY ROSEN of Nevada.

The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of Public Law 100-458, sec. 114(b)(2)(c), the appointment of the following individual to serve as a member of the Board of Trustees of the John C. Stennis Center for Public Service Training and Development for a six-year term: Thomas Daffron of Maine.

**CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM EXTENSION ACT**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the immediate consideration of Calendar No. 8, H.R. 251.

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

The bill clerk read as follows:

A bill (H.R. 251) to extend by two years the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the Johnson amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, the Johnson title amendment be agreed to, and that the motions to reconsider be considered made and laid upon the table.

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

The amendment (No. 3) was agreed to as follows:

(Purpose: To extend by 15 months the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security)

On page 2, line 7, striking “6 years” and insert “5 years and 3 months”.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 251), as amended, was passed.

The amendment (No. 4) was agreed to as follows:

(Purpose: To amend the title)

Amend the title so as to read: “An Act to extend by 15 months the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security, and for other purposes.”

**ORDERS FOR THURSDAY,  
JANUARY 17, 2019**

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. Thursday, January 17; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day and morning business be closed; further, following leader remarks, the Senate resume consideration on the motion to proceed to S. 109; finally, notwithstanding the provisions of rule XXII, there be 30 minutes of debate equally divided between the two leaders or their designees, and upon the use or yielding back of that time, the Senate vote on the motion to invoke cloture on the motion to proceed to S. 109.

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

**ORDER FOR ADJOURNMENT**

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

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

The PRESIDING OFFICER. The Senator from Oregon.

#### GOVERNMENT FUNDING

Mr. MERKLEY. Mr. President, the most important words of our Constitution are the first three: “We the People.” Those three words, written in big, bold, beautiful script, convey the mission of our Constitution. We are a nation, as Abraham Lincoln opined, “of the people, by the people, and for the people.” That was the mission.

Our Constitution also lays out how our Founding Fathers intended to be a nation of, by, and for the people to be governed by coequal branches, with the branch carrying the weight of policy development being Congress: the House, and the Senate. The Executive is to have quite a different role in executing the laws. Judiciary has yet another role in weighing whether the laws are in accordance with the parameters of the Constitution—the principles of the Constitution.

So there we are, the branch of government—the Senate and the House—with the power of the purse, with the responsibility for laying out the governing vision and rules for our Nation.

Yet, one-quarter of our government goes unfunded for a fourth week. Why is this Chamber not full of Senators? Why are we not debating funding bills? Why is there not a bill before the Senate right now? It is because the rhythm of the floor in this Chamber is guided by the majority leader. The majority leader refuses to put the bill on the floor so we can go about our work, putting the government back in business and ending this shutdown.

The majority leader has refused to have the Senate fulfill its responsibility and, indeed, has said: “ . . . will not take up any proposal that does not have a real chance of . . . getting a Presidential signature.”

In the Constitution, we have the ability to set law without a Presidential signature. It is certainly not a waste of time to be here debating proposals for funding the government. In fact, this is a complete abdication of our responsibility. It is an abdication at a time when 800,000 American families have a mother or father who is not getting paid, when many more thousands of contractors are not getting paid. Millions of Americans are seeking government services and finding there is no one to answer their phone call or their letter or process their online application, whether for an FAA mortgage, whether for an agricultural grant or loan for the next farming season, whether it is any of a host of hundreds of roles the government plays in facilitating the commerce and life of this Nation.

President Trump and the Senate majority are holding seven funding bills hostage. Hostage-taking is not the wisest move. Only one of these hos-

tages has anything to do with the battle over the border. So why not release six of these hostages? Why not end the Trump-McConnell shutdown and release six of the seven hostages and on the seventh do a continuing resolution so we can continue debating the issues at stake while putting people back to work. That is a pretty good idea.

Here is the genius of the idea, which is, these are bills that already have support in the Senate. If we were to look at that support, we would find it was substantial when these bills came through in a bipartisan fashion under a Republican-led Senate. You have the Republican endorsement from here and you have the Democratic endorsement from the House. That is the making of a path forward.

Yet we need to remind the Members how our Constitution is constructed. Article I section 7 says in an abbreviated format: “If he approve he shall sign it, but if not he shall return it, with his Objections.” Then it goes back to the House and Senate, whichever body first initiated it. “ . . . and if approved by two-thirds . . . it shall become a Law.”

Let’s recognize that the vision of our Constitution was not for us to sit on some chair or bench somewhere waiting for someone far down Pennsylvania Avenue to tell us what to do. That is not fulfilling our job. The President is supposed to implement the laws we pass—the vision we adopt—not for us to sit here doing nothing, waiting for the man in the Oval Office to tell us he has some message from on high on what we are supposed to do. No, that is not the vision of our Constitution.

It is disturbing that a responsibility we all signed on to—we took our oath of office—is being neglected in this Chamber at this moment, when so many Americans are suffering as a result.

Those funding bills that I was speaking of and that partisan support, how strong it was—the Agriculture bill, Interior, Financial Services, General Government, Transportation, Housing, and Urban Development. Those passed this floor just a few weeks ago on a 92-to-6 vote. How much more bipartisan does it get?

The State and Foreign Operations bill passed out of the Republican-led Appropriations Committee 31 to 0. The Commerce, Justice, and Science spending bill passed 30 to 1 in our spending committee. Homeland Security passed out 26 to 5.

So these have a powerful imprint of overwhelming bipartisan support in this Chamber, and yet we sit here afraid to take action and lay out the vision we have a responsibility to lay out.

I hope every Member will say back home that they invite the feedback of their constituents; that they will hold townhalls because then they will hear what I hear, which is that is an absurdity. It is an irresponsibility. It is a failure of leadership. It is a neglect of

duty, and that is not what this Chamber should be about. It is not a proud moment to have such dysfunction in the heart of the Senate.

I am reminded of the historical reference: “While Nero fiddles, Rome burns.” It is a reference to the year A.D. 64, when Rome burned to the ground. The historian Suetonius records that Nero was responsible for the fire, and he watched it from a tower while playing an instrument and singing about the destruction of a different place—the destruction of Troy.

Here we sit today with our leadership’s fiddling while our Nation suffers, while our leadership watches from afar from the tower, playing some fiddle for its amusement, instead of taking action here on the floor of the Senate.

While the Republican Senate leadership fiddles, our farmers aren’t getting the funds or assistance they need to get through the winter to prepare for the next season because the Department of Agriculture is closed for business.

While the Republican leadership of this Chamber fiddles, firefighters whom we ask to risk their lives in fighting massive infernos in our Nation’s forests are missing out on critical training and preparation time for the next fire season. In addition, the work being done to thin the forests, to make the forests more fire resistant, is suspended. The work getting the fuel off the forest floors to make them more fire resistant is suspended. The prescription burns being done to make the forests more fire resistant are canceled. Yet this is the time they have to happen. While the leadership fiddles, it is setting the stage for more savage forest fires to wreak havoc on the Western States in the United States in the summer to come.

While the Republican leadership of this Chamber fiddles, 100,000 low-income tenants are at risk because there is no staffer in place at Housing and Urban Development to renew the 1,100 affordable housing contracts that expired last month.

While the leadership fiddles, small, rural economies, like that of Lakeview, OR, are stuck in limbo and are unable to move forward on critical projects. According to the South Central Oregon Economic Development District’s director, they are working at trying to give a loan to a small business in Lakeview, but they need EPA staff approval to be able to use the grant funding for an environmental assessment before they can borrow funds to buy a building. So they are up the creek while the Republican leadership fiddles.

The real victims in this misguided standoff are the hundreds of thousands of Federal workers who aren’t being paid and the contractors who might never be paid. Let’s listen to them. What do they have to say about this? Are they writing and saying: “Love this dysfunction in the Senate. Love