



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, FRIDAY, JANUARY 18, 2019

No. 11

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JOHN BOOZMAN, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Almighty God, the light of understanding, the nobility of diction, and the faith of the brave, our hope is in Your unfailing love and mercy.

As trouble surrounds us and problems pile up high, remind our lawmakers of the words of Jesus of Nazareth in Matthew 12:25: "Every kingdom divided against itself is brought to desolation; and every city or house divided against itself shall not stand." Lord, give our lawmakers constancy and steadiness of purpose that they may work for Your glory. May they not be unfaithful in their service to You and country or procrastinate in confronting evil.

Have mercy upon us, O God, and this land we love.

We pray in Your awesome Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 18, 2019.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BOOZMAN, a Senator from the State of Arkansas, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

Mr. BOOZMAN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

STRENGTHENING AMERICA'S SECURITY IN THE MIDDLE EAST ACT OF 2019—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to the consideration of 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.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

GOVERNMENT FUNDING

Mr. KAINE. Mr. President, I rise today to discuss where we stand as a nation and as a Senate on day 28 of the longest shutdown in the history of the

United States. Following my comments, I will offer by UC to pull one of the House bills up, and I understand the Senator from Oklahoma will be here to respond to that.

We were not scheduled to be in session today. We were supposed to adjourn yesterday and then reconvene on Monday, January 28, but I objected to the adjournment, just as I did last weekend, because our government is closed. So we will be in today and tomorrow, off Sunday and Monday in honor of Martin Luther King, Jr., and then return on Tuesday, January 22.

I offer a partial apology to my colleagues and to our professional Senate staff for any inconvenience they experience because we will be in session during a time when there had been a scheduled recess. I have never objected to the normal weekly adjournment before last week, and I cannot imagine doing so under normal circumstances. But my apology is only partial because the inconvenience experienced by anyone in this Chamber—Senate or professional staff—pales in comparison to the pain that this shutdown inflicts upon workers who are not getting paid, citizens who are not being served, and a nation whose reputation is being damaged. We are made to look like a laughing stock by this needless shutdown, and the enemies of America around the world are enjoying this immensely, just as our allies are deeply worried about us.

Despite what some believe and despite the impression that some may draw from recent history in the article I branch, I do not believe the shuttering of the government of the United States is a normal circumstance, and I, for one, will do anything I can to fight against the normalization of the status we find ourselves in today. That is why I am here today. That is why I will be here tomorrow. That is why I will be here all next week. If our government is closed, I will be here trying to open it.

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



Printed on recycled paper.

S299

I am only one Senator, and I lack the power to compel anyone else to be here with me other than the Presiding Officer. I lack the power to force a floor vote to reopen government. I lack the power to call up any legislative matter for a vote, save the two House bills that we have agreed may be called up pursuant to the UC rules.

I do have the power to talk every day with my colleagues and the administration officials to encourage the reopening of our government, and I do have the power to stand on the floor and describe the circumstances of my constituents and all Americans who are being needlessly hurt.

Only a few will hear me as I describe their pain, but describe it I will, and the CONGRESSIONAL RECORD will record for all history their stories. If you want me to share your story in the days to come as I take the floor, please reach out to my office at kaine.senate.gov, where you will see a way to share your shutdown story, and I will try to share as many of these as I can in the days to come.

Today, before I offer the UC on the homeland security short-term bill, I want to do two things. I want first to elaborate on a point I made briefly yesterday about the cardinal illogic of this shutdown, and, second, I want to share stories just from meetings that I had yesterday with affected Federal employees and veterans.

The cardinal illogic of this shutdown has at least three levels. The cause of the shutdown is clear. President Trump does not believe \$1.3 billion for border security funding contained in a bipartisan appropriation bill is sufficient. He says "I want more," and he is willing to shut down massive sections of the American government to get more. President Trump is not only willing to do this; he says that he is proud to do this, even for weeks and months, and he invited cameras into a meeting with congressional leaders and told America that he is the sole responsible party for it.

The first level of illogic to the shutdown is this: Most of the employees and citizens affected by the shutdown have absolutely nothing—nothing—to do with the debate over the right appropriations level for border security. What does the debate about border security have to do with the food stamp program and those who work for it? What does it have to do with the National Park Service? What does it have to do with the Environmental Protection Agency, with the Internal Revenue Service, with the chemical safety board, with national forests, with mental health services, domestic violence programs funded through Department of Justice grants, or with affordable housing programs administered by HUD? Hundreds of thousands of workers and millions of citizens who are served by the affected Agencies are being punished—locked out of their jobs, deprived of paychecks, turned away from services because the Presi-

dent believes that if he punishes enough people, even those unconnected with the legitimate issue at hand, he will get what he wants. This is tyrant behavior, not Presidential behavior.

The illogic of this form of punishment struck me most vividly yesterday, when I moved to reopen these affected Agencies and Leader MCCONNELL objected to my UC request. One of the Agencies covered by my UC request was the Executive Office of the President of the United States. At the White House, many of the President's own chosen staff are furloughed or they are working without pay during the shutdown, so I stood on the floor as a Democrat to ask that the President's own staff be allowed to return to work to serve him, to serve the country, and to be paid.

The majority leader, having previously described his motivation as trying to support the President, stood and objected to the motion that would have returned the President's own staff to work. You can't make this stuff up.

The second level of illogic of this shutdown concerns the core of the policy dispute: the appropriations level for border security. The UC request that I will offer in a few minutes deals with that part of the dispute that is pending before the body. I will offer in a few minutes the UC on the House bill that would reopen for a short term the Homeland Security Agencies that provide security while Congress tries to find a bipartisan deal that can pass both Houses and earn the President's signature, and Senate Republicans, again, in a few minutes—at the request of President Trump, who does not yet want this to happen—will object to that request as well.

If the issue in dispute is border security or, as President Trump often says, "the safety and security of the American people"—he says that in speeches; he says in tweets that is the issue—then why punish the very people who are providing that safety and security? How does it help promote safety and security to not pay the very Border Patrol agents charged with protecting the border? How does it promote safety and security to not pay FBI agents, DEA agents, Federal prosecutors, ATF agents, and U.S. marshals? How does it promote safety and security to not pay members of the Coast Guard, who help interdict drugs and also rescue Americans endangered at sea? How does it promote safety and security to not pay TSA agents, who keep dangerous people off planes, or air traffic controllers, who keep air traffic safety safely coordinated in American skies?

The President has proudly taken paychecks away from the very professionals whom we ask to guard the safety and security of the American public every day, and in doing so, he has made our citizens and our country less safe and less secure.

The third level of illogic is a consequence of actions that were taken by Congress and the President in the last

week. For this, I want to offer thanks to my colleagues. I was able, through use of my adjournment objection last week, to negotiate a successful vote on a bill guaranteeing backpay to all workers affected by this or any future shutdown. I appreciate the cooperation of all my Senate colleagues—the majority leader, the minority leader and others and the House—in this effort and appreciate that President Trump signed the bill in the last few days.

Having guaranteed backpay, we are now faced with an unusual question about continuing the shutdown. Now that we know the Federal Treasury will stroke checks to all affected workers to make them whole at least for the salary they have lost, wouldn't we rather have them at work serving their fellow Americans rather than locked out of their offices and unable to serve them? What sense does it make to guarantee payment or prohibit them from doing the work for which they are paid? These workers want to go back to work because they want to serve their fellow citizens.

That brings me to the second part of my remarks before I offer the UC. I had three meetings yesterday with large groups of Virginians where I listened to them talk about the shutdown. Two of the meetings were actually specifically designed to hear from Federal employees about the shutdown. One was an annual coffee that Senator WARNER and I have for veterans to celebrate their service to the country, and as they were waiting in line and taking pictures, they were talking to us a lot about the shutdown.

In these three instances, I heard an awful lot. Just as I will share stories next week, let me now summarize a few of the things I heard from those I interacted with yesterday and tell you about them.

The mother of a newborn, 6 months old, who works as an air traffic controller and can't afford to pay her babysitter, is working but getting no salary. She started to cry because, she said: I have to go to work and can't pay a babysitter. So the only thing I can do is—I am not calling in sick. The only thing I can do is send my baby to my mother who lives in another State.

She started to cry.

My baby is 6 months old. I have never been away from my baby for more than 8 hours. I don't want to be away from my child. How long is it going to go on? I may be away from my child for weeks.

She teared up as she told us about this.

There was a Federal employee who said: "I signed up to serve Americans but didn't realize that I was being drafted into a political war I had no interest in being part of," a war in which Federal employees are used as hostages.

There was a young married couple, both Federal employees, working without pay, holding their newborn, a tiny baby in their arms, and tearing up as

they talked about their uncertainty over paying their mortgage and other bills.

There was a furloughed Federal employee whose wife is a disabled veteran with PTSD but is postponing her mental health appointments because of her inability to pay copays or pay for medications.

The two Federal-employee couple whose 4- and 6-year-old children, hearing in the background the news on TV and hearing their parents' anxious discussions at night, came up to them the day after Christmas, each holding their piggy banks and giving them to their parents, saying: Maybe you guys need these piggy banks now more than we do.

There was a veteran who has successfully created an entrepreneurial government contracting business and has hundreds of employees who are out of work because of the shutdown.

All of these people express this: their love for public service, their desire to continue public service, and their personal pain at feeling disrespected just because they want to provide public service.

A repeated concern expressed by so many of them about the backlog that is on their desks—they think they will be back at some point, but it was really interesting: Sitting on my desk was this piece of work that I really wanted to get done and how much more is going to be there? It will be hard to serve people, and they will be mad because the backlog is so big.

They are having anxiety about not being able to serve people well because the backlog will grow during the 4 weeks of the shutdown.

Then, a deep concern shared by so many: Why would any young person want to go into public service? Why would any young person, with a heart for public service, want to do that as a Federal employee?

Before I offer the UC—I see my colleague from Oklahoma is here—I want to tell one last story that, for some reason, of all the ones yesterday, this is the one that stuck with me. There were others that might have been more dire, but this one stuck with me because I think it exemplifies a spirit I see in so many of our Federal workers.

There was an employee of the National Park Service who has been with the park service for about 10 years, and his job is to physically maintain the space around the White House: groundskeeping, trash removal, anything, as he says, he can do to make those grounds around the White House look really fantastic. He described why he loves his job, and it wasn't sort of the tasks that he does.

He said: I want schoolchildren visiting Washington, DC, and I want international visitors visiting Washington, DC, when they come to the White House, to be able to look at this and see it and feel impressed with the United States of America. It makes me feel proud when I see the reaction on

people's faces as they are there in front of the White House.

That is how he described his work.

He is furloughed and without pay, so he is home. There are news accounts about trash overflowing at national parks and things like that, and that kind of causes him angst, obviously. He is angry about the situation. He didn't mince any words with me as he described it.

Last Sunday morning he got a call. It was: Hey, we need you to come shovel snow.

We had snow last weekend in DC. We had a lot of snow, 10 inches of snow.

You have to come in and shovel snow. You are not being paid. I know you feel the disrespect of being furloughed, and we are not going to be able to pay you for shoveling snow, but can you come in and shovel snow on Sunday so that at least the walkways are clear in front of the White House?

He said: Boy, I really had something I wanted to say on that call. I wanted to say no, but then I thought about this: What if somebody because of the snow, like a kid, falls and breaks their leg or there is an accident or something because the sidewalks aren't clear or there is ice that causes some problem?

He started to think about the people he cares about that he wants to be impressed by the White House because he wants them to be impressed by the country, and he said: Well, I guess I better go shovel the snow.

I kid you not. We were having this conversation about 11:45 yesterday morning, and some of you had seen there is a weather report this weekend that is a little bit iffy in DC. During the middle of his telling me his story, his phone rang, and he looked at it and said: Yeah, that is my boss. I am not going to answer it. I know why he is calling.

I said: Did you just time this for a stage effect because you knew you were meeting with me right now? Did you tell him not to call at 10:30 but to call at 11:30?

He said: No, I know what the call is about. They need me this weekend, even though I am being disrespected, even though I am not being paid, no matter what I want to say, I know what I am going to say. I am going to say: Yes, I will come in and make sure this White House, this Capitol, this country looks as beautiful as it can look for these schoolchildren and these visitors.

I think we have to up our game, all of us. I know we can do this. We owe it to our citizens. We owe it to our workers. We owe it to our Nation's reputation.

UNANIMOUS CONSENT REQUEST—H.J. RES. 1

With that, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 6, H.J. Res. 1, making further continuing appropriations for the Department of Homeland Security; I further ask that the joint resolution be considered read a third time and passed

and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LANKFORD. On behalf of the majority leader, I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. KAINE. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

S. 181

Ms. COLLINS. Mr. President, today, along with my colleague Senator CARPER, I am introducing the Comprehensive National Mercury Monitoring Act. This bill would ensure that we have accurate, detailed information about the extent of mercury pollution in the United States.

The issue of mercury emissions is growing in importance around the world. In 2013, the United States was the first country to join and sign the Minamata Convention on Mercury, a global agreement to reduce mercury pollution. The Minamata Convention has since been signed by more than 125 countries, demonstrating the widespread concern that mercury poses a global threat to human health. At present, however, scientists must rely on limited information to understand the critical linkages between mercury emissions and environmental response and human health. Successful design, implementation, and assessment of solutions to the mercury pollution problem require a comprehensive long-term solution. It requires much more information. A system for collecting such information, such as we have for acid rain and other pollution, does not currently exist for mercury, a much more toxic pollutant.

Mercury is a potent neurotoxin of significant ecological and public health concern, especially for children and pregnant women. It is estimated that approximately 200,000 children born in our country each year have been exposed to levels of mercury in the womb that are high enough to impair their neurological development. Mercury exposure has gone down as U.S. mercury emissions have declined, and over the last decade coal-fired power plants in the United States have reduced their mercury emissions by nearly 90 percent, but emission levels remain far too high, given how potent a neurotoxin mercury is.

A comprehensive national mercury monitoring network is needed to protect human health, safeguard our fisheries, and track the effect of emissions