

inquiry, skip the legal system, and paralyze the Senate with a trial. The House can do that at will under this President. It will be an unprecedented if the Senate says secondhand and third-hand testimony from unelected civil servants is enough to overturn the people's vote. It will be an unprecedented constitutional crisis if the Senate agrees to set the bar this low—forever.

It is clear what this moment requires. It requires the Senate to fulfill our founding purpose. The Framers built the Senate to provide stability, to take the long view of our Republic, to safeguard institutions from the momentary hysteria that sometimes consumes our politics, and to keep partisan passions from literally boiling over. The Senate exists for moments like this.

That is why this body has the ultimate say in impeachments. The Framers knew the House would be too vulnerable to transient passions and violent factionalism. They needed a body that could consider legal questions about what has been proven and political questions about what the common good of our Nation requires. Hamilton said explicitly in Federalist 65 that impeachment involves not just legal questions but inherently political judgments about what outcome best serves the Nation. The House can't do both. The courts can't do both.

This is as grave an assignment as the Constitution gives to any branch of government, and the Framers knew only the Senate could handle it. Well, the moment the Framers feared has arrived. A political faction in the lower Chamber has succumbed to partisan rage. A political faction in the House of Representatives has succumbed to a partisan rage. They have fulfilled Hamilton's prophecy that impeachment will "connect itself with the pre-existing factions . . . enlist all their animosities . . . [and] there will always be the greatest danger that the decision will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt."

Alexander Hamilton.

That is what happened in the House last night. The vote did not reflect what had been proven; it only reflects how they feel about the President.

The Senate must put this right. We must rise to the occasion. There is only one outcome that is suited to the paucity of evidence, the failed inquiry, the slapdash case. There is only one outcome suited to the fact that the accusations themselves are constitutionally incoherent. There is only one outcome that will preserve core precedents rather than smash them into bits in a fit of partisan rage because one party still cannot accept the American people's choice in 2016. It could not be clearer which outcome would serve the stabilizing, institution-preserving, fever-breaking role for which the U.S. Senate was created and which outcome would betray it.

The Senate's duty is clear. The Senate's duty is clear. When the time comes, we must fulfill it.

#### MEASURES PLACED ON THE CALENDAR

Mr. MCCONNELL. Mr. President, I understand there are three bills at the desk due for a second reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time en bloc.

The legislative clerk read as follows:

A bill (H.R. 397) to amend the Internal Revenue Code of 1986 to create a Pension Rehabilitation Trust Fund, to establish a Pension Rehabilitation Administration within the Department of the Treasury to make loans to multiemployer defined benefit plans, and for other purposes.

A bill (H.R. 1759) to amend title III of the Social Security Act to extend reemployment services and eligibility assessments to all claimants for unemployment benefits, and for other purposes.

A bill (H.R. 4018) to provide that the amount of time that an elderly offender must serve before being eligible for placement in home detention is to be reduced by the amount of good time credits earned by the prisoner, and for other purposes.

Mr. MCCONNELL. In order to place the bills on the calendar under the provisions of rule XIV, I would object to further proceedings en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar en bloc.

Mr. MCCONNELL. 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.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### IMPEACHMENT

Mr. SCHUMER. Mr. President, last night, the House of Representatives voted to impeach President Donald Trump. It is only the third time in our Nation's history that the President of the United States has been impeached.

The articles of impeachment charge that President Trump abused the powers of his office by soliciting the interference of a foreign power in our elections, not for the good of the country but to benefit himself personally. The articles also charge that the President obstructed Congress in the investigation of those matters. Together, these articles suggest the President committed a grave injury to our grand democracy.

The conduct they describe is very much what the Founders feared when they forged the impeachment powers of the Congress. The Founders, in their

wisdom, gave the House the power to accuse and the Senate the power to judge. We are now asked to fulfill our constitutional role as a court of impeachment.

Now that the House of Representatives has impeached President Trump, the Nation turns its eyes to the Senate. What will the Nation see? Will the Nation see what Alexander Hamilton saw—a body of government with "confidence enough . . . to preserve, unawed and uninfluenced, the necessary impartiality," or will the Nation see the Senate dragged into the depths of partisan fervor?

The Nation just witnessed how the Republican leader sees his role in this chapter of our history—demonstrating both an unfortunate descent into partisanship and demonstrating the fundamental weakness of the President's defense.

Leader MCCONNELL claimed that the impeachment of President Trump is illegitimate because the House voted along party lines. Forgive me, but House Democrats cannot be held responsible for the cravenness of the House Republican caucus and their blind fealty to the President.

Leader MCCONNELL claimed that the impeachment was motivated by partisan rage—this from the man who said proudly, "I am not impartial. I have no intention to be impartial at all" in the trial of President Trump. What hypocrisy.

Leader MCCONNELL accused the House Democrats of an obsession to get rid of President Trump—this from the man who proudly declared his "number one goal" was to make President Obama a one-term President.

Leader MCCONNELL claimed that Democrats impeached the President for asserting Executive privilege. President Trump never formally claimed Executive privilege; he claimed "absolute immunity," and the White House Counsel wrote a letter stating simply that the administration would not comply with any subpoenas.

Leader MCCONNELL claimed that the Democrats' "obsession" with impeachment has prevented the House from pursuing legislation to help the American people. Leader MCCONNELL knows very, very well that the House Democratic majority has passed literally hundreds of bills that gather dust here in the Senate, condemned to a legislative graveyard by none other than Leader MCCONNELL himself, who proudly called himself the Grim Reaper.

Members of the 116th Senate have been denied the opportunity to legislate by Leader MCCONNELL. We aren't even allowed to debate the issues that would impact the American people: healthcare, infrastructure, prescription drugs. We could have spent the year debating these issues. We weren't doing impeachment. Leader MCCONNELL has chosen not to focus on these issues and to put none of these bills on the floor. As he reminds us often, he alone decides what goes on the floor.

Leader MCCONNELL claimed that the House did not afford the President due process. The leader knows well that President Trump refused to participate in the process, despite invitation, and blocked witnesses and documents from Congress in unprecedented fashion.

Leader MCCONNELL claimed that the House ran the “most rushed, least thorough, and most unfair impeachment inquiry in modern history.” I know that is the Republican talking point, but here is the reality: Leader MCCONNELL is plotting the most rushed, least thorough, and most unfair impeachment trial in modern history. His plan to prevent House managers from calling witnesses to prove their case is a dramatic break from precedent.

We heard a lot about precedent from the leader. Never has there been a Presidential impeachment trial in which the majority prevented the House managers from fairly presenting their case, to have witnesses explain their knowledge of the alleged malfeasance. Will Leader MCCONNELL, breaking precedent, strong-arm his caucus into making this the first Senate impeachment trial of a President in history that heard no witnesses?

We ask: Is the President's case so weak that none of the President's men can defend him under oath? Is the President's case so weak that none of the President's men can defend him under oath? If the House case is so weak, why is Leader MCCONNELL so afraid of witnesses and documents? We believe the House case is strong, very strong, but if the Republican leader believes it is so weak, why is he so afraid of relevant witnesses and documents, which will not prolong things very long in our proposal—four hours for each witness?

It is true, as the leader has said, that the Framers built the Senate to provide stability and to keep partisan passions from boiling over. However, their vision of the Senate is a far cry from the partisan body Senator MCCONNELL has created.

I hope America was watching the Republican leader deliver his speech. I really do, because most glaring of all was the fact that Leader MCCONNELL's 30-minute partisan stem-winder contained hardly a single defense of the President of the United States on the merits. Almost none have defended President Trump because they can't.

In the wake of an enormous amount of evidence uncovered by House investigators—much of it in the form of testimony by top Trump officials whom the administration tried to silence—the Republican leader could not rebut the accusations against the President with facts. The Republican leader complained about the process. The Republican leader made very partisan and inflammatory accusations about Democrats, but he did not advance an argument in defense of the President's conduct on the merits. That, in and of itself, is a damning reflection on the state of the President's defense.

Our goal in the Senate, above all, should be to conduct a fair and speedy trial. I have proposed a very reasonable structure that would do just that: four witnesses, only those with direct knowledge of the charges made by the House; only those who could provide new, relevant and potentially illuminating testimony; strict time limits on each stage of the process to prevent the trial from dragging out too long. It is eminently reasonable; it is eminently fair. A group with no partisan bias would come up with this type of proposal.

I have yet to hear one good argument as to why less evidence is better than more evidence, particularly in such a serious moment as impeachment of the President of the United States. In Leader MCCONNELL's 30-minute screed, he did not make one argument as to why witnesses and documents should not be a part of the trial.

President Trump protests that he did not receive due process in the House impeachment inquiry. Due process is the ability to respond to charges made against you and present your side of the case. The President was invited to provide witnesses and provide documents at every stage of the process. He chose not to.

Still, Democrats are offering the President due process again here in the Senate. The witnesses we suggest are top Trump-appointed officials. They aren't Democrats. We don't know if their testimony would exculpate the President or incriminate him, but their testimony should be heard. If the President's counsel wants to call other witnesses with direct knowledge of why the aid to Ukraine was delayed, we say that they should be able to do so. President Trump claims he wants due process. I suspect he would rather hide or name-call because if he really wanted due process, he could get it easily. One phone call to Leader MCCONNELL telling him to let his aides testify, one phone call to his chief of staff telling him to release the documents to Congress—both of these actions would let the truth come out. I ask again: Can none of the President's men come defend him under oath?

To my Republican colleagues, our message is a simple one. Democrats want a fair trial that examines the relevant facts. We want a fair trial. The message from Leader MCCONNELL at the moment is that he has no intention of conducting a fair trial, no intention of acting impartially, no intention of getting the facts.

Despite our disagreements, I will meet with Leader MCCONNELL soon to discuss the rules, but each Senator will influence whether the Senate lives up to its constitutional duty to serve as an impartial court of impeachment. In the coming weeks, Republican senators will face a choice. Each Republican Senator will face a choice. Do they want a fair trial or do they want to allow the President free rein? Each Senator must ask himself or herself:

Do you want a fair trial or do you want the President to do whatever he wants, regardless of the rule of law, regardless of the consequences to this great Nation?

The Nation turns its eyes to the Senate. What will it see?

The President of the United States has spent the past several months telling Congress that it has no right to oversight and no right to investigate any of his activities; that he has absolute immunity; that article II of the Constitution gives him the “right to do whatever he wants.” Those are the President's words. Past Senates have disagreed with such views and strongly, proudly stood up for the notion that the President is not omnipotent. Democrats have done it; Republicans have done it—and often Presidents of their own party.

The Senate has said in the past that the President serves the people, not himself; that he is not a King. Will it do so again or will it shirk from that responsibility?

If the Republicans lead with the majority leader's scheme to sweep these charges under the rug and permit the President to ignore Congress, they will be creating a new precedent that will long be remembered as one of the Senate's darkest chapters. It will be remembered as a time when a simple majority in the Senate sought to grant two new rights to the President: the right to use the government for personal purposes and the right to ignore Congress at his pleasure. Here I agree with Senator MCCONNELL: “Moments like this are why the Senate exists.” If the President commits high crimes and misdemeanors and the Congress can do nothing about it, not even conduct a fair tribunal where his conduct is judged by dispassionate representatives of the people, then the President can commit those crimes with impunity. This President can; others can.

I have little doubt that if we tell the President that he can escape scrutiny in this instance, he will do it again and again and again. Future Presidents will take note and may do worse. The most powerful check on the Executive, the one designed to protect the people from tyranny, will be erased.

This chapter in our history books could be a lesson about the erosion of checks and balances in our modern age or it could be a proud reaffirmation of those founding principles. This chapter in our history books could be about the overpowering partisanship of our times or it could be about the Senate's capacity to overcome it. Again, moments like this are why the U.S. Senate exists.

I yield the floor.

The PRESIDING OFFICER (Mr. ROMNEY). The Senator from Utah.

#### APPROPRIATIONS

Mr. LEE. Mr. President, it is December, so America's attention turns once again to the great debate of our times: What is the best Christmas movie? Is it “White Christmas,” maybe “Elf,” “A

Christmas Story,” “Home Alone,” or “Die Hard”? That is a good one. A lot of people are partial to “It’s a Wonderful Life” or “Braveheart.” Now, “Braveheart,” of course, has nothing to do with Christmas, but it is about freedom. Nothing says freedom quite like Christmas.

We have to debate, you see, the best Christmas movie out there for the simple reason that we also have to watch every year the worst Christmas movie. The worst Christmas movie is the one that runs every single year from this Chamber right here in this city on C-SPAN just a week before our Lord’s birthday. It is called omnibus. Critics and fans have loved to hate it for years. As is always the case in these money-grabbing sequels, the actors and the writers and the directors are just mailing it in. They know they can do this every year, and it works for them, so they mail it in. The only plot twist this time is that instead of a continuing resolution or a single omnibus, leaders and appropriators have cleverly put the negotiated spending agreement into two bills so that we can all pretend it is better than just one.

Even though they were negotiated at the same time, released to the public at the same time, and will be voted on within only minutes of each other, we have had different formulations of this over the years. Sometimes it is a continuing resolution. Sometimes it is an omnibus. Sometimes it is a couple of minibuses capped off with another continuing resolution. Sometimes we call it a CROmnibus. This time I think we can call it a double-decker minibus, but whatever you want to call it, it is the same movie. It is a rerun, and it is not very good. In fact, it is really, really bad. The secretive, undemocratic, irresponsible, and ultimately irresponsible process that produced this bill is nothing short of a sham, but then, again, so is the substance of the bill. It has been like this for years now. Instead of actively setting and passing budgets within which we intend to stay, as we expect from any other organization, we make it up as we go along in as abusive and dysfunctional a fashion as the American people will possibly let us get away with because that seems to be our aim—do whatever they let us get away with.

In fact, the last time Congress passed all of its respective appropriations bills in each of the dozen or so categories in which we spend money—and we pass each of those bills unbundled and on time—was back in 1997. For this fiscal year, we have already passed two continuing resolutions.

An omnibus bill in and of itself doesn’t have to be a bad thing. In fact, one could make it a relatively good thing. You see, in theory, an omnibus could be a decent legislative vehicle if—and only if, that is—Members of the House and the Senate were given time to read it, to debate it, and to offer, consider, and vote upon amendments to offer improvements to that legislation.

So I really don’t care whether it is a dozen individual spending bills or a small handful of minibuses or whether it is a single bill; what I want is consideration on the floor of the Senate in front of the American people so they can be aware of what is happening, so we can exercise the election certifies we fought so hard for. Each one of us is made more relevant when we get that opportunity and less relevant when we are denied.

Unfortunately, it is just never the case anymore that we have those kinds of opportunities to debate, discuss, and consider amendments, and to receive the underlying legislation in enough time for any of us to make a difference. These bills are written entirely behind closed doors by a small handful of leaders from two parties—thousands of pages of spending trillions of dollars and released to public scrutiny for the first time within only hours of what would otherwise become a government shutdown.

You see, this is a feature, not a bug. For those in charge of this process, this is a good thing because this is what allows them to write it on their own. The law firm, as I sometimes describe it—the law firm of MCCONNELL, SCHUMER, PELOSI, MCCARTHY, and a small handful of staffers and a few other Members around them write this bill, and then it is presented to us as a single, binary, take-it-or-leave-it package. You fund this and everything in it or you fund nothing. You vote for this package or you are blamed for a government shutdown. It is not right.

This, we somehow manage to call rather euphemistically, is bipartisanship. Like too much of what Washington calls bipartisanship these days, these spending bills are a fiscal dumpster fire. You see, they are masquerading under the banner of bipartisan compromise, when, in fact, they are collusion—collusion just by a small handful of Members of Congress who don’t have to have their provisions debated and discussed and subject to amendment.

On the merits, and not just on the procedure, this bill is a dumpster fire. Discretionary spending will be set at record-high levels in nearly every category of government spending.

This omnibus—or double-decker minibus, as I sometimes call it—will add \$2.1 trillion to the national debt over the next 20 years. By that time, we will be spending more on interest on the debt than we do on national defense.

This is embarrassing. It is embarrassing to the American people, and it ought to be especially embarrassing to those of us elected to represent our respective States in the U.S. Senate. What has historically called itself the world’s greatest deliberative body has become something substantially less glorious than that.

When we had a trillion-dollar deficit after the 2008 financial crisis, everyone admitted it. Everyone admitted it was

a problem; that it was reckless and out of control. President Obama admitted it. Now we are borrowing just as much, and we are doing so at the top of the business cycle. With wages up and unemployment at record lows, it is an awful, corrupt cycle on repeat. Congress breaks its own spending rules, creates new ones to spend more, and then breaks the new ones and tries to hide the evidence, racking up ever more national debt all the while.

What is worse, we are literally putting the brunt of the cost of all of this on future generations, on those who are not yet here and not able to vote for or against the politicians who are doing this to them. Gorging ourselves on debt to the tune of another trillion dollars a year means we are saddling our children and our children’s children with the cost of this bill, and we are setting ourselves up for a disaster come the next inevitable recession.

John F. Kennedy famously said “to govern is to choose,” but Congress’s defining dysfunction is that it doesn’t choose. It chooses not to choose rather deliberately. We don’t budget. We don’t reform. We don’t prioritize. We just spend, and we hope we are retired or—let’s face it—dead when the bill for our negligence and recklessness finally comes due.

Not only does this package feature reckless spending, but it includes many bills it should not, with Congress funding broken, inefficient, and, in many cases, downright harmful programs.

For instance, this bill reauthorizes the National Flood Insurance Program—a program that might sound nice, but it subsidizes beachfront properties right in the middle of dangerous flood plains, which is already in more than \$20 billion of debt to American taxpayers, for a full year, without a single reform. By the way, after every single time it has been reauthorized, for years running, I and others have been promised that the next time around, we will have an opportunity to offer amendments, and we will have an opportunity to reform the Flood Insurance Program. It can be reformed, and it must be reformed. We have been promised reforms for years, but this bill just reauthorizes it for a full year, without a single reform—not one.

This bill also maintains the broken status quo for overseas contingency operations. For those Americans who aren’t familiar with this term—or OCO, as it is sometimes described—this is the Pentagon’s increasingly unaccountable and widely abused slush fund, insulated from scrutiny by unchecked budget caps. The deal appropriates another \$71.5 billion for OCO, a \$4 billion increase just from last year alone. This, only days after America learned that civilian and military leaders have been lying to the American people for years across multiple Presidential administrations about our failures in Afghanistan.

Instead of reform or oversight, these bills would put another \$4.1 billion into

the Afghanistan Security Forces Fund and limit our ability to negotiate peace and bring the war in Afghanistan finally to an end. In an era of rampant fake news, even the media is outperforming Congress on this issue.

These bills include \$495 million for the Land and Water Conservation Fund, a 13-percent increase from the last fiscal year, and the highest appropriation it has had in 17 years—all for a program that has been of particular detriment to my State of Utah. The LWCF has been used as a tool for the Federal Government to gradually acquire more and more land, even as it is failing to care for the lands that it already owns, with a current maintenance backlog of \$19.4 billion.

Worse, in addition to funding broken programs, it funds blatant, abusive cronyism. The bill reauthorizes the Export-Import Bank—Washington's favorite among favored banks—which doles out taxpayer-backed loans to help American exporters, and it does so for a full 7 years, without even so much of a word of debate. This, notwithstanding the fact that the Export-Import Bank has been the subject of very intense debate in this body for many years, and with good reason.

Why? Well, among other things, the biggest recipient of Export-Import Bank funds is Pemex—Mexico's infamous, corrupt, state-owned oil company. It is so corrupt, in fact, that its own employees collaborate with Mexico's drug cartels to facilitate the theft of their best oil and their refined petroleum products.

In fact, that theft has become so rampant in Mexico that there is a term coined to refer to that kind of theft. Those who engage in it are called "huachicoleros"—"huachicoleros." We are funding, and we are insulating from the ramifications of that theft, Pemex, a corrupt institution. It doesn't operate well, in part, because it is the victim of theft and in part because it is being backed up by the U.S. Government.

Ranked right after Pemex is the People's Republic of China, whose state-owned enterprises are granted generous taxpayer-backed financing for purchases they could fund through their own Communist government.

Say what you want about China, about U.S.-China relations on trade, about military issues related to China, whatever national security issues we might be concerned about with China, but I don't know many people—in fact, I don't know anyone outside of this town—who think the U.S. Government should be propping up China, should be giving up money for the Export-Import Bank, or otherwise, to China. That is not our job. That is not the role of the U.S. taxpayer, who works hard every day to earn money which then might be sent to a Communist government in China.

The reauthorization even includes provisions instructing the Export-Import Bank to pretend it is helping

Americans to compete against China at the same time it is sending that very government billions of dollars.

Then there is the extension of the Brand USA Act—a 7-year reauthorization of a government-chartered non-profit Brand USA—to use tens of millions of Federal dollars to advertise for tourism.

To top things off, a last-minute tax extender's deal was added to the package late Monday night, diverting billions of dollars on central economic planning and picking winners and losers in the marketplace. Over the next 10 years, this package provides about \$2.7 billion in tax benefits through programs that use the Tax Code to incentivize businesses to invest in government-selected neighborhoods, seeking to control the flow of investment instead of relying on the free market to make those decisions, and it includes naked handouts to cronyist special interests.

For example, it spends over \$2.1 billion for subsidies in the energy sector—not energy generally but to specific winners within the energy industry that this small handful of purported leaders in Congress have decided would benefit from the hard-working taxpayer dollars that would be doled out.

The bill, among other things, engages in awarding \$113 million for coal production on Indian land, \$331 million for facilities to refuel alternative fuel vehicles, and \$1.5 billion for biodiesel and renewable diesel tax credits, for instance. As if the Federal Government weren't already mired sufficiently in this area, this bill devotes even more.

Beyond these, it hands out \$187 million in writeoffs for owners of motor sport entertainment complexes, \$18 million in tax breaks for the production of movies and TV shows, and \$3 million in tax credits for the purchasers of two-wheeled, plug-in electric vehicles, just to name a few examples.

Not only that, but it features new levels of absurdity too. This deal actually includes a special interest bailout to make up for the failures of a faulty pension plan, while, at the same time, authorizing another pension plan to follow in its same footsteps.

Mr. President, I ask unanimous consent to speak for an additional 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. Congress authorized a group of coal miners' multiemployer pension plans under problematic rules, allowing them to underfund the plans by over 70 percent, but all the while, those pensions still promised their workers full benefits, setting up unreasonable expectations for their return on investment. Inevitably, they have not made up the shortfall, and now the taxpayers are being asked to bail them out.

In the very same bill in which we are bailing out the coal miners' pensions, we are authorizing a select group of

community newspapers—not all newspapers and not all media enterprises; just a select group of handpicked community newspapers—to follow the same practice, allowing them, once again, to underfund their workers' pensions while again promising them a full return on benefits.

With this bill, we are rubberstamping the expectation that employers are free to raid their workers' promised retirement benefits for their own short-term gain and setting the precedent that the government will reward this bad practice by bailing them out when that inevitably becomes a problem.

This bill, however, does include some good measures that I support, like repealing the medical device tax, fixing a tax provision that would unfairly subject churches to more taxes, and making retirement account reforms that allow Americans to access these funds in times of a particular need.

Sadly, I, like many of our colleagues, will be forced to vote against these measures because they have been lumped into this massive, stinking package where the only choice we have is a binary one. We have no option to vote for the things we like. This is wrong. There is no finite cap on our ability to debate these things other than the artificial ones we have created rather deliberately within this body, and that is wrong.

The thing about these omnibuses is they put us in a take-it-or-leave-it position. We were given no choice but to support or oppose the whole thing, good and bad measures alike. Unfortunately, just like every other episode in this squalid saga—I call this one omnibus 2—this one, too, will come to a predictable, sad, sorry ending. Congress will pass the mess, indulging in a process, substance, and long-term result that are all an affront to the viewers, because at the end of the day, the audience members are real live victims. We can do better. We can, we must, and we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased to be here with my good friend the chairman of the Appropriations Committee, Senator SHELBY from Alabama. We worked hard on this bill, he as chairman and I as vice chairman. We reached a bipartisan, bicameral agreement that will fund the Federal Government in fiscal year 2020.

The agreement rejects some devastating and shortsighted cuts proposed by the President. It makes historic investments in the American people and working families. It fully implements the bipartisan budget agreement and allows us to invest an additional \$27 billion in nondefense programs to benefit our Nation's children, improve our educational institutions, protect our environment, combat the opioid crisis, promote and grow our economy, invest in our infrastructure, and protect our elections. There is a lot in here.

There are 12 appropriations bills put into 2 minibuses. The first, we refer to as the domestic minibus bill. That is a strong bipartisan bill that makes real and historic investments in the American people and our communities.

It rejects anti-science and know-nothingism proposals by making record-level investments in science and research programs. We all know that you have to invest in science and research, and you cannot turn this on and off year by year. We have to think long term.

We also have to invest in our children's education. We have increases in programs with proven success, such as Head Start, the child care and development block grant, child nutrition programs, 21st-century learning grants, Pell grants, and others.

For the third year in a row, it continues the historic level of funding to combat opioids that we began in fiscal year 2018. This funding is critical for State and local governments because they are at the frontlines of this battle.

The agreement provides over \$5 billion more than the President's budget to protect national parks and public lands and fund critical environmental protection and conservation programs. These national parks are an important part of our heritage. The Presiding Officer has some of the most beautiful ones in the country in his State, but all of our national parks are beautiful. I think about the brilliance of people like President Theodore Roosevelt who said: Let's preserve them.

Even though the administration denies that climate change exists, the agreement includes significant resources to combat this threat in the new fiscal year.

It rejects the President's proposal to totally eliminate key Federal affordable housing and economic development programs.

For the first time in decades, Congress has come together to fund \$25 million for gun violence research by the Centers for Disease Control and the NIH. That is a significant step to combat the gun violence epidemic and rash of school shootings facing our Nation.

It is a good bill. It is certainly going to improve the lives of Vermonters. It improves the lives of millions of Americans in all the States. It provides support for working families and supports and promotes our economy. In a few moments, we are going to vote on the motion to invoke cloture on this bill, and I will urge an "aye" vote.

The second package of bills, we refer to as the national security minibus bill. It is critical funding to support our troops, invest in our military, and protect our Nation from ongoing threats, both foreign and domestic.

Importantly, it includes \$425 million for election security grants. While the administration has not requested anything, I heard from secretaries of state—Republicans and Democrats alike—throughout the country, includ-

ing our own, Jim Condos of Vermont, of the need for these election security grants. It is a matter of national security to preserve our democracy, and we have to maintain full faith in our elections.

We also fund the constitutionally mandated 2020 Decennial Census. That is in the U.S. Constitution. It not only determines congressional apportionment, but it also is relied on to distribute \$900 billion in Federal funds. We have to have a fair and accurate count, and the money provided in this bill will help us achieve that.

We have significant investments to fight crime and terrorism, implement criminal justice reforms, combat violence against women, and keep communities safe.

We also have funding for the Department of Homeland Security.

I would note that we have one area that has been a lightning rod in both Chambers. We tried to get a bill that would receive the required number of votes to pass. The reason it has been difficult is because of the President's insistence that we waste taxpayer money on an ineffective and foolish wall on the southern border. We all want secure borders. A wall that can be easily cut with a \$100 power saw you can buy at a local hardware store is not security, and we worry about the cruel and ineffective immigration policies of the Trump Administration.

Last year, the President plunged us into a 35-day government shutdown when Congress refused to fund his anti-immigration agenda. That cost the taxpayers of this country billions of dollars that could have been spent on better things. But we reached a resolution. Again, I compliment Senator SHELBY and Congresswomen LOWEY and GRANGER because we met for hours in my office and worked our way through that.

In this bill, the President will receive \$1.375 billion for barriers on the southern border, which is what he would have received if we had a continuing resolution and far less than the \$8.6 billion he requested, \$5 billion of which would have come from the Department of Homeland Security.

I would have preferred no funding for the wall. President Trump's wall will negatively impact communities in which it is built, rob people of their property—in some cases, ranches and farmland that have been in families for generations—and destroy critical habitat on the border. But the Republicans were clear: They would not support a bill that contained zero for the wall. They stood with the President on the wall, as they seem to do time after time.

I am disappointed that we did not further restrict the President's ability to steal money from our troops to pay for the wall. If the President decides to once again steal money from our troops and their families for the wall, he will have to answer in court and to the American people. Our position on

this is clear: It is wrong. No one should interpret silence in this bill or the domestic minibus on this issue as condoning the President's actions or as an agreement that what he has done is lawful. It simply reflects a sad political reality that the Republican Party refuses to stand up to this President and protect the Congress's exclusive power of the purse and clarify the law.

One court has already correctly concluded that the President's raid on military construction money was unlawful. That conclusion is based on a long-standing provision of appropriations law, section 739 of the financial services bill, that prevents the administration from increasing funds for a program or activity requested in the budget above and beyond what was provided in an appropriations act. This provision is included again in the underlying bill, and we believe it was correctly interpreted.

We denied the President's request to increase the number of ICE detention beds to 54,000. This request was cruel and unjustified. Instead, we provided funding to support the same level of beds as fiscal year 2019. There is no need for a higher number.

President Trump is misusing ICE detention facilities for the mass incarceration of asylum seekers and immigrants who have no criminal history and pose no threat to our communities. There are more effective, less expensive, and more humane ways to enforce our immigration laws while immigrants go through judicial proceedings. That is why I fought for and secured a significant increase in alternatives to detention, like the Family Case Management Program.

I also fought to include restrictions on the President's ability to increase the bed number by transferring money from other accounts. But again, Republicans stood with the President and refused to negotiate on this issue, and those critical reforms were not included.

Not every part of the DHS bill is controversial, however. The bill provides critical funding for the Coast Guard to support their missions to keep our country safe. It provides an increase for the Transportation Security Administration, which ensures our safety and security at our Nation's busy airports, and it provides increased funding for FEMA whose mission is critical for communities struggling to recover in the wake of natural disasters.

While I do not agree with everything included in this bill, on balance, the security minibus provides funding important to keep our Nation safe, to support our troops, to improve election security, and ensure an accurate count for the Census. Later today, we will turn to this bill, and I urge an aye vote.

I do thank Chairman SHELBY for his hard work in negotiating the bills. The hours were long. We didn't always agree. We had a lot of weekends and evenings that we worked quietly out of



sight of the press and everything else, but knowing that we can take each other's word, we worked in good faith to reach a resolution on difficult matters. He made compromises necessary to get us a deal, as did I. And I thank my friend Senator SHELBY for his leadership on the Appropriations Committee.

I say this as Dean of the Senate and as somebody who has served with almost 20 percent of all the Senators in this country's history—I thank him for his friendship.

I thank the Appropriations Committee staff on both sides of the aisle. I might go home at 9 or 10 o'clock at night; they are still there until 1 or 2 o'clock in the morning. They are hard-working, and there were sleepless nights. We could not have done this without them.

Obviously, I thank my full committee staff—Charles Kieffer, Chanda Betourney, Jessica Berry, Jay Tilton, and Hannah Chauvin—for their work, as well as Shannon Hines, Jonathan Graffeo, and David Adkins on Senator SHELBY's staff. I thank all the subcommittee. It is a long list, and I ask unanimous consent the entire list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VICE CHAIRMAN LEAHY LIST FOR SENATE AMENDMENT TO H.R. 1158 (CONSOLIDATED APPROPRIATIONS ACT, 2020) AND H.R. 1865 (FURTHER CONSOLIDATED APPROPRIATIONS ACT, 2020) STAFF FOR THE RECORD

Charles E. Kieffer, Chanda Betourney, Jay Tilton, Jessica Berry, Hannah Chauvin, Shannon Hines, Jonathan Graffeo, David Adkins, Margaret Pritchard, Dianne Nellor, Adrienne Wojciechowski, Teri Curtin, Bob Ross, Morgan Ulmer, Patrick Carroll, Elizabeth Dent, Anna Lanier Fischer, Jean Toal Eisen, Jennifer Eskra, Blaise Sheridan, Elisabeth Coats, Hamilton Bloom, Amber Beck, Allen Cutler, Matt Womble, Sydney Crawford, Erik Raven, Brigid Kolish, Rob Leonard, John Lucio, Andy Vanlandingham, Mike Clementi, Colleen Gaydos, Katy Hagan, Chris Hall, Hanz Heinrichs, Kate Kaufer, Rachel Littleton, Jacqui Russell, Jeremiah Van Aiken, Doug Clapp, Chris Hanson, Kathleen Williams, Tyler Owens, Jen Armstrong, Adam DeMella, Meyer Seligman, Molly Marsh, Ellen Murray, Diana Gourlay Hamilton, Reeves Hart, Andrew Newton, Brian Daner, Sophie Sando, Scott Nance, Chip Walgren, Drenan Dudley, Peter Babb, Chris Cook, Justin Harper, Thompson Moore, Kamela White, Christian Lee, Rachael Taylor, Ryan Hunt, Melissa Zimmerman, Faisal Amin, Emy Lesofski, Lucas Agnew, Nona McCoy, Alex Keenan, Mark Laisch, Kelly Brown, Kathryn Toomajian, Meghan Mott, Laura Friedel, Michael Gentile, Ashley Palmer, Jeff Reczek, Sarah Boliek, Alley Adcock, Michelle Dominguez, Jason McMahon, Patrick Magnuson, Jennifer Bastin, Joanne Hoff, Tim Rieser, Alex Carnes, Kali Farahmand, Paul Grove, Katherine Jackson, Sarita Vanka, Adam Yezerski, Dabney Hegg, Jessi Axe, Christina Monroe, Virginia Flores, Clare Doherty, Gus Maples, Rajat Mathur, LaShawnda Smith, Jason Woolwine, Courtney Young, Valerie Hutton, Elmer Myles, Penny Myles, Karin Thames, Robert Putnam, Clint Trocchio, Christy Greene, Blair Taylor, Jenny Winkler, Hong Nguyen, Christy Greene, George Castro.

Mr. LEAHY. I have often said that we Senators are merely constitutional impediments to the staff who do such great work, and I applaud them all on both sides of the aisle.

I yield the floor to my distinguished chairman.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to finish my remarks prior to the vote.

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

Mr. SHELBY. Mr. President, just a few weeks ago right here, Congress passed a continuing resolution to fund the government through December 20. At that time, few if any of us predicted that we would pass all 12 appropriations bills in such a small window of time. Yet today we are poised to do just that in a few minutes.

Bipartisan cooperation has made this possible. Chairwoman LOWEY and Ranking Member GRANGER on the House side and my friend Vice Chairman LEAHY and I on the Senate side worked together to change things. I believe that the four of us have shown once again that, if given the opportunity, we will find a bipartisan path forward to get the job done. It is very important that we do this.

I would be remiss right now if I did not recognize all members of the Appropriations Committees, Democrats and Republicans, committees on both sides of the aisle and the Capitol, our subcommittee chairs, our ranking members in particulars, and, of course, our staff. We would not be here without their diligence and willingness to work night and day with very little sleep.

I thank the leaders on both sides, Senator MCCONNELL and Senator SCHUMER.

I especially want to take a moment here to acknowledge the role played by the Secretary of the Treasury, Secretary Mnuchin, in these negotiations on behalf of the administration. Together, everybody negotiated the budget agreement that paved the way for these bills, and they helped guide them down the stretch. Secretary Mnuchin in particular has been a voice of reason and a driving force in our ability to get to yes, and we should be grateful for that.

I believe these bills are good bills that my colleagues can be proud to support. I do not have time here today to go into all the particulars of such a complex piece of legislation, but I want to hit a few high points as I see them. First—always first to me—is America's military, our national security, the security of our Nation. Defense spending here has increased by \$22 billion over the previous year. Our men and women in uniform will receive the largest pay increase in 10 years at 3.1 percent, which they deserve. Our veterans can rest assured that they will get the healthcare they earned and deserve through the funding of the VA MIS-

SION Act. These are victories for America and for the American people.

Turning to Homeland Security, which is very important, as well, \$1.375 billion is provided for the border wall system, and the President will have some greater flexibility on where he can build along the southern border. Not only that, but the President retains critical transfer authorities that will allow him to devote additional resources to border security and immigration enforcement. Again, the objective here and, I believe, the outcome is to make America strong.

The last thing that I will mention before wrapping up is that these bills will maintain all legacy policy riders to protect life and the Second Amendment. These provisions have long been foundational to the strength of America and I am proud to assure my colleagues that we can carry them forward.

All in all, these bills accommodate countless Members' priorities on both sides of the aisle. I want to thank all of my colleagues, again, for the input they provided at the outset of this process.

I also want to take a moment to thank my chief of staff and the staff director of the Appropriations Committee, Shannon Hines, and her staff for all the work they have done, as well as Senator LEAHY's staff, working together. As we approach the finish line, I ask for their support. As the clock winds down, let's come together and do what seemed so unlikely just a month ago—to fund the entire Federal Government before the Christmas break.

Before I yield the floor, I want to quickly thank, again, all of the staff for their hard work and dedication to make this happen today. Without them, it wouldn't happen and we know this. They have worked tirelessly on our behalf and on behalf of the American people, and we should all be grateful for their efforts.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1865, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes.

Mitch McConnell, Susan M. Collins, Richard Burr, David Perdue, Pat Roberts, John Cornyn, Shelley Moore Capito, John Thune, John Boozman, Rob Portman, Richard C. Shelby, Roy Blunt, Jerry Moran, John Hoeven, Roger F. Wicker, Thom Tillis, Lisa Murkowski

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1865, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Arkansas (Mr. COTTON) and the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The yeas and nays resulted—yeas 71, nays 21, as follows:

[Rollcall Vote No. 413 Leg.]

#### YEAS—71

Alexander	Grassley	Reed
Baldwin	Hassan	Roberts
Bennet	Heinrich	Romney
Blumenthal	Hirono	Rosen
Blunt	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Brown	Jones	Schatz
Burr	Kaine	Schumer
Cantwell	Kennedy	Shaheen
Capito	King	Shelby
Cardin	Leahy	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	McConnell	Sullivan
Cornyn	McSally	Tester
Cortez Masto	Menendez	Thune
Cramer	Merkley	Tillis
Crapo	Moran	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wicker
Fischer	Perdue	Wyden
Gardner	Peters	Young
Graham	Portman	

#### NAYS—21

Barrasso	Enzi	Lee
Blackburn	Ernst	Paul
Braun	Gillibrand	Risch
Carper	Hawley	Sasse
Cassidy	Inhofe	Scott (FL)
Cruz	Johnson	Scott (SC)
Daines	Lankford	Toomey

#### NOT VOTING—8

Booker	Isakson	Udall
Cotton	Klobuchar	Warren
Harris	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 71, the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to refer fails.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to thank everybody for joining Senator SHELBY and I on this vote. It is going to help us move forward, and, as I said in my earlier remarks, Republicans and Democrats came together and worked

extraordinarily hard on these appropriations bills, and it shows what can be done when we work together. I think the vote here is an indication of that.

If nobody is seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PALLONE-THUNE TELEPHONE ROBOCALL ABUSE CRIMINAL ENFORCEMENT AND DETERRENCE ACT

Mr. THUNE. Mr. President, today the Senate is taking the final step to send much-needed legislation to protect consumers from robocalls to the President's desk. I think we had hoped that this would be able to be passed with a couple of other bills coming out of the Commerce, Science, and Transportation Committee. I think the chairman of the committee, Senator WICKER, will address those later: the data mapping bill and the secure communications bill that deals with ensuring that we protect our technology from harmful elements—Huawei and those sorts of things. I would hope that we could get those cleared at some point, too.

Today, we want to proceed with the robocall bill.

I will just start by saying that illegal robocalls have flooded Americans' phones to the point where many folks don't want to answer their phones at all. In fact, a recent report found that only 47 percent of calls Americans receive are actually answered. This means consumers aren't answering legitimate calls that could be alerting you of fraud on your credit card, notifying you that your flight has been canceled, or reminding you of an upcoming medical appointment—all calls that are important to consumers.

It is clear that no one is immune to these annoying and potentially dangerous calls. Scammers use these calls to successfully prey on vulnerable populations, especially elderly Americans, and they target the kind of personal information that can be used to steal your money or your identity. When scammers are successful, the consequences for their victims can be devastating.

While there are laws and fines in place right now to prevent scam artists for preying on Americans through the telephone, these measures have been insufficient. When I served as chairman of the Commerce Committee, I subpoenaed the mass robocaller Adrian Abramovich to testify about his operation. His testimony made it clear that robocall scammers simply build the current fines into the cost of doing business.

On top of this, the Federal Communications Commission's enforcement efforts are hampered by a tight time window for pursuing violators. That is why, earlier this year, I introduced the legislation before us today, the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or the TRACED Act, with my fellow Commerce Committee member, Senator MARKEY. The TRACED Act provides tools to discourage illegal robocalls, protect consumers, and crack down on offenders. It expands the window in which the FCC can pursue intentional scammers and levy fines from 1 year to 4 years.

The legislation also requires telephone service providers to adopt call verification technologies that would help prevent illegal robocalls from reaching consumers in the first place. The TRACED Act also recognizes the importance of legitimate calls and ensures important calls like emergency public safety calls are not wrongly blocked.

Importantly, it convenes a working group with representatives from the Department of Justice, the FCC, the Federal Trade Commission, the Department of Commerce, the Consumer Financial Protection Bureau, State attorneys general, and others to identify ways to criminally prosecute the illegal robocalling. TRACED also addresses the issue of so-called one-ring scams, where international scammers try to get individuals to return their calls so they can charge them exorbitant fees.

It directs the Federal Communications Commission to convene a working group to address the problem of illegal robocalls being made to hospitals.

Mr. President, I am very pleased that the TRACED Act received bipartisan support in both houses of Congress. I am especially grateful to Senator MARKEY for partnering with me on this legislation, and I appreciate Chairman WICKER and Ranking Member CANTWELL for quickly advancing this legislation through the Commerce Committee this year.

I also appreciate the work of our House colleagues, Representatives PALLONE, WALDEN, DOYLE, and LATTA, for their work on advancing the TRACED Act through the House. I am also very pleased this bill has attracted tremendous support from State governments and industry and consumer groups.

While the TRACED Act won't prevent all illegal robocalling, it is a big step in the right direction. As The Washington Post editorial board recently stated, the TRACED "is what good, old-fashioned legislating looks like." I could not agree more. No process is perfect, but today, I am excited that the Senate will be sending the TRACED Act to the President's desk.

Before I close, Mr. President, I would like to quickly thank several staff members whose efforts helped get us here today. In my office, I appreciate the work of Alex Sachtjen, Lauren