

But we shouldn't be in this situation. We shouldn't have allowed partisan politics to once again turn a looming deadline into a political standoff and what is really a manufactured crisis.

As I have said, our work could have been and should have been completed in November. We were prepared to do that. We were 90 percent to the finish line—98 percent, actually, to the finish line. Republicans and Democrats had worked together. But at the request of then-President-Elect Trump, all work ground to a halt. For 5 months we have faced one partisan obstacle after another from the Trump administration, including a demand to fund a misguided wall on the southern border at the expense of billions of dollars that would have to be paid for—not by Mexico or anybody else. It would be paid for by the American taxpayers. The administration then threatened to hold hostage the basic health insurance of millions of Americans, crippling the Affordable Care Act. This is more than insulting. It is malicious, and it is wrong.

Now the other side of the aisle is holding the budget of the American people hostage, insisting we include dozens of poison pill riders as the price for funding the people's government and to advance their partisan agenda on abortion, Dodd-Frank, Wall Street reforms, and the environment.

The Republicans control both Houses of Congress and the White House. If they want to pass legislation on these divisive issues, then bring the bills to the floor and vote on them, instead of trying to hide them in an appropriations bill. If they really believe in all these poison pill amendments, then vote on them. Bring up legislation. They control the House and the Senate. They can bring it up anytime they want.

Partisan politics should not be tied to must-pass spending bills, because it is never the right time to play politics with the lives of the American people and the government of the wealthiest and most powerful Nation on Earth.

I think it is very obvious why they want to hide them in an appropriations bill. They don't want to vote on it and give great speeches on the wall, on our southern border. They know that they don't have enough Republican votes to pass it.

One party now controls the White House and both Chambers of Congress. It is incumbent upon the Republicans to ensure that the government of the American people stays open and is fully funded. I am afraid that the partisan bluster threatens to derail months of bipartisan negotiations.

As vice chairman of the Senate Committee on Appropriations, I have been involved in those negotiations. Charles Kieffer and Chanda Betourney have worked almost around the clock for weeks representing us on the Appropriations Committee. If the bluster and the posturing would stop, we could wrap this up.

I hope that with one more week, our bipartisan and our bicameral negotiations, consistent with the bipartisan budget agreement and without poison pills, can continue, because this is no way to govern.

To date, negotiations have produced many positive outcomes for the American people. We have increased investments in the National Institutes of Health. We secured full year Pell grants. We made investments in transit.

As to something that should be of concern to every single Senator from every single State, we made funding available to address the opioid crisis. That is not a Democratic or Republican issue. That is a human issue. Every single State in this country is facing an opioid crisis. I am pleased that Republicans and Democrats came together to address it.

Let's not govern by partisan manufactured crises. Let's do what the American people expect us to do and come together to pay the bills of our country. Stop posturing. We are the greatest democracy on Earth, the most powerful and the wealthiest Nation on Earth. Let's start acting that way. Let's start governing as we should. Let's not hide these divisive issues in an appropriations bill. Let's have votes straight up or down. Let people vote and show their constituents, the American people, where they stand. Don't hide behind a must-pass appropriations bill. It is not the way we should govern. It is not the way I want to do it. I am perfectly willing to cast votes on major issues, even if they are controversial.

We have 6-year terms here. We ought to be willing to be the conscience of the Nation. That is what the Senate is supposed to be. In my years here, I have seen times when we have been under both Republican and Democratic leadership. We are not acting as the conscience of the Nation now. We have to go back to that. I really hope we will.

We have good men and women in this body on both sides of the aisle. Let's start showing the conscience of this great Nation. Let's start governing in reality, not by rhetoric. Governing is not a Twitter feed. Governing is debating the issues and coming to a conclusion for the American people.

I see nobody else seeking recognition.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### CONTINUING RESOLUTION

Mr. SCHUMER. Mr. President, first, I wish to speak on the appropriations bill. We still have several issues to address. Our Republican friends, mostly in the House—I want to say that my friend the Republican leader is working hard to get a good bill done, and I appreciate that, but Republicans are holding us up on some critical poison pill riders.

We have made good enough progress. The four corners of the negotiations—the Appropriations chairmen and the ranking members in both Chambers and the House and Senate leadership were negotiating until 1:30 a.m. last night. I want to thank all of the staff who worked so hard and stayed up so late to bring us closer to an agreement. They have done heroic work, and I am happy to report that, if we get an agreement, we will see increases in NIH funding, year-round Pell grants, and housing assistance in the underlying omnibus bill.

We are willing to have a voice vote on a short-term extension of the government funding in the hopes that we can wrap this up early next week. As I said last night, there is still a handful of unresolved poison pill riders, fewer than there were yesterday at 6 o'clock because of the work they did overnight, but there are still some out there.

I want to reiterate the Democratic position. We don't want them—zero. We are happy to pass a clean, bipartisan appropriations bill, which is the way this process is supposed to work. On the more controversial issues, we can have a debate in regular order. They shouldn't be stuck in these bills with no debate and no discussion and no votes—no regular order voting.

I am confident that we can get there if both sides realize that these important debates on policy should be left with the regular order process and in full view of the public.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 99, which was received from the House today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 99) making further continuing appropriations for fiscal year 2017, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time.

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

The joint resolution was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the joint resolution.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The joint resolution (H.J. Res. 99) was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

### ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, for the information of our colleagues, the next vote will be on Monday at 5:30 p.m., cloture on an SEC nomination.

We expect the House to send us an Omnibus appropriations bill midweek, and we will consider it as soon as it arrives.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 36, Jay Clayton to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jay Clayton, of New York, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2021.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill 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 nomination of Jay Clayton, of New York, to be a member of the Securities and Exchange Commission for a term expiring June 5, 2021.

Mitch McConnell, John Cornyn, Tom Cotton, Dan Sullivan, Shelley Moore Capito, John Barrasso, Roger F. Wicker, Mike Rounds, Orrin G. Hatch, Bill Cassidy, Pat Roberts, Mike Crapo, Lamar Alexander, Richard Burr, John Thune, Jerry Moran, James E. Risch.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the man-

datory quorum call with respect to the cloture motion be waived.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the Clayton nomination occur at 5:30 p.m. on Monday, May 1.

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

### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### VOTE EXPLANATION

Mr. PETERS. Mr. President, I was unable to attend yesterday's vote on the nomination of R. Alexander Acosta to be Secretary of Labor. Had I been able to attend, I would have opposed the nomination.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 496. An act to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform".

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1694. An act to require additional entities to be subject to the requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

H.J. Res. 99. Joint resolution making further continuing appropriations for fiscal year 2017, and for other purposes.

### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1694. An act to require additional entities to be subject to the requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1462. A communication from the Acting Deputy Secretary of Agriculture, transmitting pursuant to law, the 2016 Packers and Stockyards Program Annual Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1463. A communication from the Acting Deputy Secretary of Agriculture, transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of Agriculture's Farm Service Agency; to the Committee on Appropriations.

EC-1464. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Iran-Related Multilateral Sanctions Regime Efforts" covering the period August 7, 2016 to February 6, 2017; to the Committees on Banking, Housing, and Urban Affairs; Finance; and Foreign Relations.

EC-1465. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision to an Entry on the Entity List" (RIN0694-AH32) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-1466. A communication from the Chief of the Policy, Performance, and Management Programs Division, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Species Status for Rusty Patched Bumble Bee" (RIN1018-BB66) received in the Office of the President of the Senate on April 27, 2017; to the Committee on Environment and Public Works.

EC-1467. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the final map and boundary for the Ontonagon Wild and Scenic River, in Michigan, added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-1468. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the December 8, 2016-February 6, 2017 reporting period; to the Committee on Foreign Relations.

EC-1469. A communication from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's FAIR Act 2014 and 2015 Commercial Activities Inventories, the FAIR Act 2014 and 2015 Inherently Government Inventories, and the 2014