

He has joined in advancing major legislation, and he has continued his advocacy for improving our Nation's military readiness.

As we say good-bye one more time, I know every Member of this body will join me in gratitude that JON answered the call when his experience and talents were needed.

Like the others who have been lucky enough spending 18 years with JON already, I am especially grateful for this opportunity to work alongside such a dear friend. So I want to thank JON for his abiding commitment to service. We wish him and his wonderful wife Caryll much health and happiness in the years to come.

TRIBUTE TO JOHN KELLY

Mr. MCCONNELL. Madam President, bidding farewell to our departing colleagues is never easy. Neither is seeing off a number of colleagues beyond the Senate with whom we have had the privilege of working closely.

For the past 2 years, America has been treated to a brilliant example of public service on one of its highest possible stages. First, as Secretary of Homeland Security, and then, as White House Chief of Staff, John Kelly has served the President and the Nation with great distinction, but this was far from the first chapter. His entire career and life have been utterly oriented around his deep patriotic commitment.

John Kelly spent the better part of four decades in the Marine Corps, stationed far from Washington. As thousands of his peers waited to be drafted into military service, John took the initiative. He enlisted. Then he completed Officer Candidate School.

He earned a reputation as a loyal brother in arms and an outstanding leader of marines. He commanded infantry units at Camp Lejeune, Quantico, and Camp Pendleton. He served at the Supreme Allied Command in Europe and as Commander in the U.S. Southern Command.

He took on real hardship postings, like the House of Representatives. He served there in the Commandant's liaison office.

When the call came, he led marines into combat in Iraq. As his marines would tell anyone, he leads with a confidence that comes with decades of dedicated preparation. He leads with a resolve that comes from deep-rooted patriotism, and he leads with an understanding—as personal and painful an understanding as could be possible—about the sacrifice that our freedom requires.

General Kelly once said this to a gathering of his fellow Gold Star parents:

Those with less of a sense of service to the nation will never understand it when men and women of character step forward and look danger and adversity straight in the eye, and refuse to blink or give ground even to their own deaths. The protected can't begin to understand the price paid so they

and their families can sleep safe and free at night.

John Kelly and his family know that price. They have paid that price as fully as anyone has, but as is so often the case, it is those who have already given so much who seem the most willing to give even more.

John's service as Secretary of Homeland Security and now as White House Chief of Staff reflected the values and instincts that made him such an effective leader of marines. It was only by working closely with him and his team that this Congress has been able to record so many substantial accomplishments for the American people.

The Marine Corps is stronger for John Kelly's years of leadership. America is better for his distinguished career of service.

As he departs the White House this month, I extend my deep gratitude for a job well done.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I just want to thank my colleague, the majority leader, for his comments about me.

He asked if there were differences between the time that I served before and this most recent time, and I must say that the thing that I have noticed most is the kindness with which I have been treated by my colleagues and by staff—I am talking about colleagues and staff on both sides of the aisle—and by other people who work here at the Capitol, including, most especially, the Capitol Police.

I never expected to be welcomed back with that degree of kindness, and I have commented that it might be a nice thing if we could extend that same degree of kindness to each other every day, rather than to just those who come back after a long absence.

But I do very much appreciate your comments, Mr. Leader, and most especially your leadership and friendship over the years. Thank you very much.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam 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.

GOVERNMENT FUNDING

Mr. SCHUMER. Madam President, with only 4 days remaining until a lapse in government funding, Democrats still have not heard back from

President Trump about whether he is willing to accept either of our offers to keep the government funded. For that matter, Republicans in Congress—both the House and Senate—have been almost entirely silent about what plan they might support to avoid a shutdown. They say that they want to avoid a shutdown, but our Republicans in the House and Senate have no plan. Senate Republicans were telling reporters they had no idea what the White House's plan was or even if it had one.

Let me remind my Republican colleagues and President Trump that Democrats have put two reasonable ways to avoid a shutdown on the table: the six appropriations bills plus a 1-year CR for homeland security or a CR for all seven bills to fund the government.

Neither proposal contains a single Democratic demand. No Democrat is pounding a fist on the table, saying that we have to shut down the government unless we get our way—the way President Trump is. We only want to fund the government. If President Trump were to accept either proposal, it would sail through the House and Senate, and we could conclude the Nation's business before the Christmas holiday.

The only proposal that cannot pass is the President's demand for an unnecessary, ineffective, exorbitantly expensive border wall. So if President Trump throws a temper tantrum and clings to his position on the wall, he will not get a wall, but he will cause a Trump shutdown over Christmas.

With only a few days to go until appropriations lapse on Friday at midnight, President Trump needs to come out of hiding and accept one of our proposals to keep the government open. Either will get a majority of votes on the floor of the House and the Senate.

AFFORDABLE CARE ACT

Mr. SCHUMER. A ruling last Friday from a Federal judge in Texas has put the future of the Affordable Care Act in doubt. Every American should be aware of the fact that if the rule is upheld, the entire law will come crashing down, including health insurance for 20 million Americans, protections for 130 million Americans living with preexisting conditions, parental health coverage for millions of Americans under the age of 26, and essential benefits like maternity care, mental health treatment, preventive screenings, money for opioid treatment.

It would cause nothing short of chaos in our healthcare system and calamity for millions of American families if this court case were to prevail.

We don't believe the ruling should stand or will stand, but the danger it poses is so great that we can't simply hope for the right result. We should do something quickly to allow the Senate to be heard and to persuade the courts not to tear down the healthcare law.

Senator MANCHIN has a resolution to authorize the Senate legal counsel to defend the Affordable Care Act on behalf of the Senate. We intend to force a vote on his resolution as soon as possible.

Every Republican who claims to be for protections for preexisting conditions ought to vote aye on that resolution. It is the quickest and best way to ensure that the court case against the Affordable Care Act does not remove these protections and the rest of our healthcare law.

Legislation—some of my colleagues are seeking refuge: Well, we will just pass legislation to tweak this or tweak that. Legislation would be difficult and slow and, frankly, unnecessary at this stage. We know how hard it is to do any healthcare legislation in this body.

Unfortunately, a good number of Republicans and President Trump, by their actions, have shown they want to cut healthcare. We are never going to get a deal with Democrats in the Senate—or the House Democrats who are going to be in charge—on doing that.

Senator MANCHIN's proposal is the best and first way to go. I urge my friends on the other side—all who talked about preexisting conditions: Put your money where your mouth is and support Senator MANCHIN's solution. To Leader MCCONNELL, who says he wants to protect preexisting conditions: Bring the Manchin resolution to the floor.

FIRST STEP ACT

Mr. SCHUMER. Later this afternoon, the Senate will likely vote on a package of amendments and then final passage of bipartisan criminal justice reform. I wholeheartedly support the bill and intend to vote yes on final passage later today.

Among other important changes, the legislation will give judges more discretion in sentencing for low-level, nonviolent drug offenders who cooperate with the government. It will provide more support and new incentives for prisoners to participate in programming or other productive activities that will better prepare them to return to society as productive individuals, and it will effectively end the practice of juvenile solitary confinement and the cruel shackling of pregnant prisoners.

Despite what some of the opponents of the bill claim, the legislation is certainly not a "get out of jail free" card for violent criminals or sex offenders. That is simply not true.

Rather, the bill makes smart changes to our criminal justice system in ways that make it more fair, more humane, and more just. Individuals serving time in prison for these low-level prison crimes—nonviolent drug offenders—will eventually be released.

It is in the interest of both currently incarcerated individuals and the communities to which they will eventually return to ensure we are doing every-

thing in our power to set them up for successful reintegration into our society so that they don't commit another crime. It is very important and the right thing to do. We need workers. We need productive citizens. We can't take 5 percent of America and just write them off. This bill says that we can't.

I want to commend so many people who did such good work on this bill. I want to thank my colleague Senator DURBIN. This has been a passion of his for many years. I want to thank Senator BOOKER, who was principled. He knew when to hold, knew when to fold. That is why we have such a good bill. I want to thank Senator WHITEHOUSE, who worked really hard to make sure those in prison would get the kind of training and drug treatment they need so that they can be successful and productive citizens when they get outside.

I want to thank some of our Republican colleagues—the Senator from Iowa and the Senator from Utah—who had the courage to stand up and do the right thing here. There will be those on either side who object to things that were left out or included in the bill. As I say often, that is the nature of compromise. You can't let the perfect be the enemy of the good.

This bill, with strong bipartisan support, should pass this afternoon with strong bipartisan majorities.

TRIBUTE TO JOE DONNELLY

Mr. SCHUMER. Finally, on a matter near and dear to my heart, the great Senator from the great State of Indiana—unfortunately, we are going to be saying goodbye to Members of our caucus who won't be returning to the 116th. This morning, I want to share some words about the senior Senator from Indiana, my dear friend JOE DONNELLY.

Most folks don't know this, but JOE is actually a native New Yorker. Maybe it is because of his affable personality, his agreeableness, his midwestern decency that folks don't think he came from New York, and they are surprised to learn it.

After falling in love with Indiana after college, JOE is now fond of saying: "You can pick where you live, but you can't pick where you're born." JOE, on behalf of all New Yorkers, I officially forgive you for saying that.

But like all of the young Irish Catholic kids from Long Island, JOE's dream was to go to Notre Dame. JOE likes to say that all good Irish Catholic kids are handed an application to Notre Dame, along with their baptism, and go to Notre Dame JOE did, where his long career and life in the State of Indiana began.

Something about JOE's inherent decency drew people toward him. His first foray in politics came when he received a phone call from a local official in the Democratic Party. JOE thought he was calling to ask for a donation, but the official instead asked him if he would like to run for the State legislature.

JOE responded: "OK, I'm eating my cereal; I'll get back to you on that." The people of Indiana and the people of America are glad JOE finished that bowl of cereal and decided a career in public service might suit him.

It didn't happen right away though. JOE lost that first race. A few years later, he found himself coaching the son of his opponent from that race in a local basketball league. At the first practice, sensing trepidation in the young man, JOE hugged him and said: Don't worry. It won't affect your playing time.

That is the kind of little story that shows the decency of JOE DONNELLY—what a good man he is, how he cares about other people's feelings, how he holds no grudges or resentments and always gives his political opponents and, in this case, their children the benefit of the doubt.

He always tried to see things from other people's perspective. That quality is what made him such an effective and well liked Member of this body. It is hard to be both effective and well liked here. JOE is both.

And, of course, he hustled. A DONNELLY day in Indiana is legendary among his staff. It begins before sunrise and ends long after the sun has set.

I travel to every county in my State every year, which is 62. JOE, of course, outdid me. He makes it to each of Indiana's 92 counties every year. When he offers an opinion on where to find the best gas station or fried chicken in Indiana, you know it is coming from real authority.

JOE's dad was a small business owner on Long Island who used to tell him as a boy: JOE, just do the work. That is what JOE DONNELLY did. He did the work. And because he did the work, even in this divided Congress and this divided partisan era, JOE got a whole lot done. He passed right-to-try legislation, which, according to Republican Senator RON JOHNSON, "would not have happened without JOE DONNELLY."

There are going to be people who live decades from now because of his hard work and passion on that bill. JOE worked tirelessly on behalf of veterans as a member of Armed Services, and he passed legislation to reduce the number of military suicides. Again, there are going to be families who don't have to live with suicide of a family member, service member because of JOE's hard work and dedication and political skill in getting this passed.

JOE worked across the aisle with Senator YOUNG, his colleague, to pass a bill that would improve mental health assistance for our police because he knew, coming from a family of police officers, the daily strain that officers undergo in risking their lives for our safety.

I could go on, but suffice it to say that JOE DONNELLY will leave this Chamber with an outstanding bipartisan legacy in his wake.

So at a time when our politics is so angry and divisive, losing someone like