because I believe strongly that physical barriers are a vital part of securing our border. I saw it myself when I toured the borders in California and Texas. I saw the need. I saw how the walls work. And I will stand side by side with the President as he works to secure additional money to construct a border wall in the future.

We got $1.375 billion, and that is a long way from $1. It is a critical downpayment on the President's ultimate border security goal. The best path forward to secure our border today is to pass this agreement.

The bill also stands with the men and women of ICE, Immigration and Customs Enforcement. A statutory cap on the number of ICE detention beds would have required dangerous criminals to be released from ICE custody. It would have posed a threat to families and communities across the country, and it would have compromised an important principle. This agreement rejects that anti-ICE proposal.

I have said many times that I support the men and women of ICE and their important work to secure our Nation, and that is why the agreement before us gives ICE the operational flexibility it needs to accomplish its goals. Taking advantage of the flexibility this bill provides, ICE can utilize 18 percent more detention beds than they are currently using. That means ICE can continue interior enforcement efforts and be ready to respond to any surges on the border, so it gives ICE the flexibility they need.

I say to my friends who, like me, want more money for the wall: This agreement is better for the wall and better for ICE than any other alternative. Rejecting this agreement will cost dozens of miles of new wall and jeopardize ICE's ability to detain dangerous criminals.

Another government shutdown cannot and should not be allowed to happen. We need to provide certainty to our Federal workers and the American people whom we serve. I also think we need to restore trust in our ability to work across the aisle, to work across party lines to reach settlement, negotiated settlement that moves us forward, because if we are in a stalemate, we are standing still. In my opinion, if you are standing still, you are actually going backward, and we don't want to do that as a nation.

The work done by the men and women in our Federal workforce during the shutdown should continue to be applauded. Without pay and in a period of great uncertainty, thousands of men and women did their jobs at the highest level. We should be thankful for their service, and we are.

One of the things I am proud of in this bill is a 1.9-percent pay increase for the men and women of the Department of Homeland Security. This is ICE. This is Border Patrol. To the Coast Guard, Secret Service, FEMA, we salute you.

Under this agreement, we will also hire 200 new Border Patrol agents over the fiscal year 2018 funded level to defend and police our border, and we will add $600 million for nonintrusive inspection technology.

As I have said before, border wall, personnel, and technology are all vital parts of securing our border. They are very critical in addressing the drug epidemic that has plagued my State of West Virginia and many other parts of this country.

This bill includes the highest level of funding ever in a homeland security appropriations bill to combat the opioid epidemic—more than $700 million—and it has funds for investigations when it comes to human trafficking, looking into the dark web, and other crimes.

The homeland security portion of this agreement also takes a major step forward in advancing our Nation's Coast Guard by building a new polar security cutter to help address operational needs in the Arctic. This is critical to our homeland security. We also address the needs of the TSA, the Secret Service, and FEMA—to name just a few of the other entities within this title.

This bill is not the bill I would have written alone. I don't get to do that. It is the product of give-and-take that is necessary to forge a bipartisan consensus. It is a strong compromise that will help secure our border and make America safer.

Senator JON TESTER, the ranking member of our subcommittee and the Senator from Montana, has been an excellent partner as we have worked to deliver a bill worthy of the men and women of the Department of Homeland Security. So I thank him for his efforts throughout this process. We have worked very well together.

I also want to thank Chairman SHELBY and Vice Chairman LEAHY for their work in guiding the Appropriations Committee to a deal. These are seasoned appropriators who know how to get the job done. Their leadership has demonstrated that the Appropriations Committee can come together and forge bipartisan consensus in the national interest.

The leaders of the House Appropriations Committee, Chairman NITA LOWEY, whom I know very well; and Ranking Member KAY GRANGER, who is a good friend of mine from my service in the House; as well as my counterpart in the House and chairman of Homeland Security, LUCILLE ROYBAL-ALLARD; and Ranking Member CHUCK FLEISCHMANN, of the Homeland Security Subcommittee. They deserve our gratitude for forging ahead with a willingness to negotiate.

I also appreciate the contributions of all the members of our conference committee, and I would like to thank a group of individuals who have dedicated a lot of nights, weekends, and family time to this effort. Their knowledge of the facts and their commitment to the cause never waned, even though their time to sleep did wane. Shannon Hines, who is Chairman SHELBY's right-hand woman on the committee, was fantastic. Thank you to Adam Telle, Peter Babb, Christian Lee, Chris Cook, and Thompson Moore of the Homeland Security Subcommittee staff, which I chair, as well as to my own appropriations staffer, J.T. Jezierski. I say thank you—a big thank you.

I have spent the majority of my time today and the last several weeks on my bill—our bill. My thanks and congratulations also go to my fellow chairmen who have titles in this package. They have produced legislation that will help West Virginia expand access to broadband, combat the opioid epidemic, enhance our transportation, foster economic development, and advance scientific research and discovery. They, too, faced similar challenges to draft bipartisan legislation, and they too got it done.

In closing, although conferees compromised on details, we did not compromise our principles. Passing this conference agreement is in our national security interest. It will provide the resources, the direction, and the support that the President has said many times he needs to protect our Nation.

I am very proud to have been a part of this process, and I encourage my colleagues to join me in a bipartisan fashion in passing this bill later this afternoon.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

JUSTICE FOR VICTIMS OF LYNCHING ACT OF 2019

Ms. HARRIS. James Baldwin once said:

> Not everything that is faced can be changed. But nothing can be changed until it is faced.

That is why we are here again today, to face the history of lynching in this country. From 1882 to 1986, the U.S. Congress failed to pass anti-lynching legislation when it had the opportunity more than 200 times.

We have an opportunity, once again, to right this wrong and face the ugly history of lynching in America. Let's recall this stain on America's history. Lynching is an act of terror. It is murder.

These were summary executions. Victims of lynching were dragged out of their homes. They had ropes wrapped around their necks. They were hanged on trees. In many cases, they were castrated and burned as crowds of people watched and applauded. The premise underlying all of these acts was that Black people were not full human beings.

According to the Equal Justice Initiative, lynching was used as an instrument of terror and intimidation 4,084 times during the late 19th and 20th centuries.

In 1955, Emmett Till, a 14-year-old African-American boy, was lynched in

Mississippi after being accused of offending a woman in her family's grocery store. When Emmett Till's mother held open her son's casket at his funeral, the image of his body became one of the starkest examples of racial violence in America.

These lynchings, I think no one can deny, were acts of violence. They were needless, horrendous acts of violence, and they were motivated by racism. Lynchings were crimes that were committed against innocent Americans. These crimes, for the most part, did not go without consequence. They rarely were followed by an arrest or the charging of a crime or the prosecution of a crime or the punishment for the crime. Of course, the victims of these acts and their families never received justice in our courts of law or in their community.

This is an uncomfortable history to think of, to talk about, and understandably makes many people uncomfortable because of the violence we are describing, because it is part of America's history, because it is something we have never truly acknowledged and recognized, in terms of the crime it was, the crime it is, and how we, through our laws, must recognize the seriousness of it.

Today we have that opportunity, and we must recognize the context in which we discuss it today. Just in the last month, we have had difficult and high-profile conversations about slavery and blackface, issues that are claimed to be part of a bygone era. However, it is clear that in many ways our past is our present.

Lynching is not a relic of the past. In 2011, three men in Brandon, MS, murdered an African-American man, James Craig Anderson. They robbed him, beat him, and ran him over with a truck. That is modern-day lynching.

Let's be clear. No one should have to fear for their life because of their race, national origin, religion, or sexual orientation. We must confront hate directly.

In December of 2018, our Senate colleagues, I am proud to say, voted unanimously, in a bipartisan way, to pass the Justice for Victims of Lynching Act, which I proudly introduced with Senators BOOKER and SCOTT. After 100 years and more than 200 failed attempts in the U.S. Congress, the U.S. Senate finally spoke the truth about lynching.

Today I have reintroduced the bill and will ask the Senate to pass it again. The Justice for Victims of Lynching Act is a historic piece of legislation that would make lynching a Federal crime for the first time in American history. With this bill, we finally have a chance to speak the truth about our past and make clear that these hateful acts should never happen again and, God forbid, they do, we are making clear there will be swift, serious, and severe consequences.

We can now finally offer some long overdue justice and recognition to the victims of lynching and their families. As Dr. Martin Luther King, Jr., said: ''The time is always right to do what is right.''

I now yield the floor to my friend and colleague, the great Senator from the great State of New Jersey, CORY BOOKER.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Thank you.

Mr. President, I thank Senator HARRIS for her partnership and leadership on this bill. I also thank my colleague and my friend, TIM SCOTT from South Carolina, for his leadership and partnership on this legislation.

As Senator HARRIS just said, this is not the first time we have come down to the floor of the U.S. Senate to implore this body to recognize lynching for what it is—bias-related terror. It is not the first time we have come down to this body to try to right the wrongs of history. After numerous attempts—dozens and dozens—during the height of lynchings in the United States, this body failed to act. This body did not stand up to protect American citizens and condemn the horrors of lynching.

In December of last year, as Senator HARRIS and I were standing here, this body actually made a historic decision. It was a profound moment, an emotional moment. They made the decision to pass the Justice for Victims of Lynching Act by unanimous consent—no opposition.

After a long, painful, and shameful history of this body, the U.S. Senate finally voted unanimously to make lynching a Federal crime. Unfortunately, the bill was not taken up in the House before the end of the last Congress. So we are here today with the hope and expectation that for the second time this body will make history by passing Federal anti-lynching legislation and that, for the first time in history, this bill will actually become the law of the land.

Senator HARRIS referenced the Equal Justice Initiative, which documented over 4,000 cases of racially motivated lynchings between 1877 and well into the 20th century. Lynchings were used to terrorize, marginalize, and oppress Black communities, to kill human beings in order to sow deeper fear, inequality, and injustice for generations.

The use of lynching to inflict racial terror is ugly, disturbing. It is a tragic part of our history, but we know its legacy does not just live in our history books. Less than 2 weeks ago, an actor and activist was brutally attacked in Chicago by two men yelling racial and homophobic epithets.

Lynching is not a relic of the past. We are seeing in the present pernicious evil, and we still have yet to confront this in this body. Bias-motivated acts of violence and intimidation in America are actually on the rise. Hate crimes are on the rise for the third year in a row. Hate crimes against Black Americans are on the rise. Hate crimes against Jewish Americans are on the rise. Hate crimes against LGBTQ Americans and Muslim Americans are on the rise. This is unacceptable. Justice for the victims of lynching has been too long denied, and as we look forward we must collectively in this body make a strong, unequivocal statement.

The last time Senator HARRIS and I came to the floor with this request, I read from an excerpt of a speech given by Congressman George Henry White, the first Member of Congress to introduce an anti-lynching bill more than a century ago and the last Black Member of Congress to serve for decades following Reconstruction.

In 1901, in the last speech he ever gave on the floor, the last speech of a Black Congressman for decades, he said about the terror of lynching: ''This evil peculiar to America, yes, to the United States, must be met somehow, some day.''

For too long in this body, in the U.S. Congress, we have relied on the inevitability of ''some day'' when it comes to addressing this profound injustice. For too long we have failed—failed—to ensure justice for the victims of lynching, and failed to make clear that in the United States of America, in this great country, lynching is and always has been not just a Federal crime but a moral failure.

We have the opportunity right now, again, to make history in this moment. We have the opportunity right now to recognize the wrongs of both our history and our recent past, to honor the memories of those so brutally murdered, and to leave a legacy that future generations can look back on. We will know, after some 200 attempts in this body in more than 100 years, that on this day, this moment in American history—notably Valentine's Day; as one leader once said, ''Never forget that justice is what love looks like in public''—that on this day, we can right this wrong.

I would like to recognize the Senator from California.

Ms. HARRIS. Thank you, Senator BOOKER. Happy Valentine's Day to you.

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 488, introduced earlier today.

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

The bill clerk read as follows:

A bill (S. 488) to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

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

Ms. HARRIS. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

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

Ms. HARRIS. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

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

The bill (S. 488) was passed as follows:

S. 488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Justice for Victims of Lynching Act of 2019''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction.

(2) Lynching was a widely acknowledged practice in the United States until the middle of the 20th century.

(3) Lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States.

(4) At least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968.

(5) Ninety-nine percent of all perpetrators of lynching escaped from punishment by State or local officials.

(6) Lynching prompted African Americans to form the National Association for the Advancement of Colored People (referred to in this section as the ''NAACP'') and prompted members of B'nai B'rith to found the Anti-Defamation League.

(7) Mr. Walter White, as a member of the NAACP and later as the executive secretary of the NAACP from 1931 to 1955, meticulously investigated lynchings in the United States and worked tirelessly to end segregation and racialized terror.

(8) Nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century.

(9) Between 1890 and 1952, 7 Presidents petitioned Congress to end lynching.

(10) Between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures.

(11) Protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so.

(12) The publication of ''Without Sanctuary: Lynching Photography in America'' helped bring greater awareness and proper recognition of the victims of lynching.

(13) Only by coming to terms with history can the United States effectively champion human rights abroad.

(14) An apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.

(15) Having concluded that a reckoning with our own history is the only way the country can effectively champion human rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

(16) The National Memorial for Peace and Justice, which opened to the public in Montgomery, Alabama, on April 26, 2018, is the Nation's first memorial dedicated to the legacy of enslaved Black people, people terrorized by lynching, African Americans humiliated by racial segregation and Jim Crow, and people of color burdened with contemporary presumptions of guilt and police violence.

(17) Notwithstanding the Senate's apology and the heightened awareness and education about the Nation's legacy with lynching, it is wholly necessary and appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal crime.

(18) Further, it is the sense of Congress that criminal action by a group increases the likelihood that the criminal object of that group will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Therefore, it is appropriate to specify criminal penalties for the crime of lynching, or any attempt or conspiracy to commit lynching.

(19) The United States Senate agreed to unanimously Senate Resolution 118, 115th Congress, on April 5, 2017, ''[c]ondemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States'' and taking notice specifically of Federal Bureau of Investigation statistics demonstrating that ''among single-bias hate crime incidents in the United States, 59.2 percent of victims were targeted due to racial, ethnic, or ancestral bias, and among those victims, 52.2 percent were victims of crimes motivated by the offenders' anti-Black or anti-African American bias''.

(20) On September 14, 2017, President Donald J. Trump signed into law Senate Joint Resolution 49 (Public Law 115–58; 131 Stat. 1149), wherein Congress ''condemn[ed] the racist violence and domestic terrorist attack that took place between August 11 and August 12, 2017, in Charlottesville, Virginia'' and ''urg[ed] the President and his administration to speak out against hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and White supremacy; and use all resources available to the President and the President's Cabinet to address the growing prevalence of those hate groups in the United States''.

(21) Senate Joint Resolution 49 (Public Law 115–58; 131 Stat. 1149) specifically took notice of ''hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis [who] chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville'' and that these groups ''reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups''.

(22) Lynching was a pernicious and pervasive tool that was used to interfere with multiple aspects of life—including the exercise of Federally protected rights, as enumerated in section 245 of title 18, United States Code, housing rights, as enumerated in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631), and the free exercise of religion, as enumerated in section 247 of title 18, United States Code. Interference with these rights was often effectuated by multiple offenders and groups, rather than isolated individuals. Therefore, prohibiting conspiracies to violate each of these rights recognizes the history of lynching in the United States and serves to prohibit its use in the future.

SEC. 3. LYNCHING.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 250. Lynching

''Whoever conspires with another person to violate section 245, 247, or 249 of this title or section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be punished in the same manner as a completed violation of such section, except that if the maximum term of imprisonment for such completed violation is less than 10 years, the person may be imprisoned for not more than 10 years.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

''250. Lynching.''.

The PRESIDING OFFICER. Congratulations.

Ms. HARRIS. Thank you, Mr. President. Thank you to all of our colleagues.

Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senator from Texas.

GOVERNMENT FUNDING

Mr. CORNYN. Mr. President, late last night, we received the text of the appropriations agreement to fund the remaining portions of the government through the end of this fiscal year, which is through the end of September.

We were successful in doing something that we had not done in a long time previously, which was to fund 75 percent of the Federal Government, leaving 25 percent remaining. Unfortunately, the remaining 25 percent was held hostage to this unreasonable and unnecessary debate over whether we should fund border security. I say the debate was unnecessary because I thought that we all shared a conviction that it was important to secure our border.

It is important to note that most of the bill that we will vote on later today has been out in the public domain for more than 6 months. It is the product of bipartisan deliberation by the Appropriations Committee and has been available to any Senator who might want to be acquainted with the details.

The part that is relatively new is the detail relative to border security. I am pleased that, notwithstanding Speaker PELOSI's statement that physical barriers are somehow immoral, this does authorize and fund up to 55 miles of additional fencing along the U.S.-Mexico border.

I believe that border security consists of three components: physical barriers in hard-to-control locations; technology, which is important as a force multiplier; and then, of course, the boots on the ground—the Border Patrol agents, who are absolutely essential. I am pleased to say that this piece of legislation incorporates all