

Representative LOWEY, Representative GRANGER, and I proved that we can set aside the political struggles in Washington to find a path to progress for the American people—two Republicans and two Democrats who are four of the most senior Members of the House and the Senate. I thank them for their effort.

If I can go to a personal matter for just a moment, I want to thank Senator SHELBY for his friendship and his partnership. Senator SHELBY and I come from different parts of the country. We are much different politically, but he is one of the closest friends I have here. He and his wonderful wife, Dr. Annette Shelby, my wife Marcelle, and I have traveled to so many places together. Some were very grim areas of this world. But we understand how grownups have to act in the Congress and how they have to work together. We worked together with our House counterparts—the senior Democrat and senior Republican in the House—on this conference. We worked together. We didn't pass just Homeland Security; we passed all 12 appropriations bills on a bipartisan basis. I hope we do the same thing for fiscal year 2020. I hope that we can begin very soon, with Senator SHELBY and me working together, to pass the fiscal year 2020 bills. We passed the ones last year out of our committee virtually unanimously. We were able to get Members of both parties to join us. I thank him.

I also thank the Appropriations Committee staff on both sides of the aisle for their hard work. I joke that Senators are merely constitutional impediments to their staff. Evening after evening, sometimes into the wee hours of the morning, weekend after weekend, I saw dedicated men and women in the Appropriations Committee staff working line by line to try to get us through this.

Mr. President, I ask unanimous consent that a list of their names be printed in the RECORD.

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

Charles E. Kieffer, Chanda Betourney, Jess Berry, Jay Tilton, Hannah Chauvin, Dianne Nellor, Adrienne Wojciechowski, Teri Curtin, Jean Toal Eisen, Jennifer Eskra, Blaise Sheridan, Jordan Stone, Ellen Murray, Diana Gourlay Hamilton, Reeves Hart, Scott Nance, Chip Walgren, Drenan E. Dudley, Rachael Taylor, Ryan Hunt, Tim Rieser, Alex Carnes, Kali Farahmand, Dabney Hegg, Christina Monroe, Jordan Stone, Shannon H. Hines, Jonathan Graffeo, David Adkins, Margaret Pritchard, Carlisle Clark, Patrick Carroll, Elizabeth Dent, Hamilton Bloom, Amber Beck, Allen Cutler, Matt Womble, Sydney Crawford, Andrew Newton, Lauren Nunnally, Brian Daner, Courtney Bradford, Adam Telle, Peter Babb, Chris Cook, Thompson Moore, Christian Lee, Leif Fonesbeck, Lucas Agnew, Emy Lesofski, Nona McCoy, Clare Doherty, Gus Maples, Rajat Mathur, Jason Woolwine, LaShawnda Smith, Robert W. Putnam, Christy Greene, Blair Taylor, Jenny Winkler, Hong Nguyen, Clint Trocchio, George A. Castro, Elmer Barnes, Penny Myles, Karin Thames, Shalanda Young, Chris Bigelow, Anne Marie Chotvacs,

Johnnie Kaberle, Gerry Petrella, Meghan Taira.

Mr. LEAHY. I conclude by saying it takes a lot of long days and it takes a lot of long nights to produce a bill of this magnitude. I appreciate their hard work.

I think we may have others who will want to speak.

Mr. President, how much time do we have before the vote?

The PRESIDING OFFICER. Four minutes remains.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, the Senate will soon vote on the agreement by the conference committee to keep the government open. The agreement was a product of a lot of hard work and long nights and weekends by members of the conference committee and their staffs. I want to salute Senator LEAHY and Senator SHELBY. I want to salute all of the conferees.

When Leader McCONNELL and I met—as we moved to open up the government for a short period of time—I suggested that we do a conference committee because I had a great deal of faith in the members of the conference committees on both sides of the aisle, and that faith has proved to be vindicated. I thank Senator LEAHY, Senator SHELBY, their staffs, and all the members of the conference committee for the great job they have done.

The agreement will provide smart border security, increasing support for technologies at our ports of entry. It will not fund the President's expensive, ineffective wall. It will provide desperately needed humanitarian assistance—medical support, transportation, food, and clothing—for children and families in detention. It will provide funding to our neighbors in Central America to fight the actual root causes of migration—the violent gangs and drug cartels.

In short, it represents a fair compromise that includes priorities from both sides of the aisle. I expect the legislation will pass this Chamber with a significant bipartisan majority, pass the House, and be sent to the President with plenty of time to avoid a government shutdown tomorrow at midnight.

There is word that the President will declare a national emergency. I hope he won't. That would be a very wrong thing to do. Leader PELOSI and I will be responding to that in short order, but before that, I just want to say that in order to reach this point, in order to attain this bipartisan compromise, 800,000 public servants were forced to suffer without pay for over a month as President Trump put the country through a completely unnecessary shutdown that snarled airports, delayed loans for farmers and small businesses, trashed our national parks, and took billions of dollars out of our economy.

We still need to address the plight of government contractors who still have

not been made whole. Regrettably, we were unable to include that in the agreement, but we are going to keep working and fighting for Senator SMITH's proposal to ensure our contractors are made whole again.

The Senate was in the very same position just before Christmas, with a deal in hand, when the President reversed himself and engineered the longest shutdown in American history. After all of the pain of the shutdown caused by President Trump, we are basically right back where we started, with nearly the same parameters of a bipartisan agreement we were ready to pass around Christmas. Leader PELOSI and I, for instance, offered the President \$1.37 billion for border security with the same language that would have prohibited the wall then as is in the agreement now.

Let this be a lesson. Government shutdowns don't work. I hope President Trump has learned that lesson once and for all. I hope we never go down the road to shutdowns again. The American people suffer and very little is accomplished.

President Trump should sign this bill ASAP.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will be brief.

First of all, I thank Senator LEAHY, the vice chairman of the Appropriations Committee, who worked diligently for the past year to get to where we are today in a bipartisan way and also, recently, in the conference committee, which we thought last week had broken down. I also thank MITCH McCONNELL, the majority leader, and CHUCK SCHUMER, the Democratic leader. I thank everybody else who has contributed to get us to this point.

Nothing is perfect, but we think this is a good bill for the American people. It opens up all of the government—the 25 percent that we had not addressed.

The conference report includes a robust and comprehensive investment in border security, providing funding for personnel, technology, and infrastructure that is critical to keeping our nation secure and our people safe. Critically, the bill provides nearly \$1,400,000,000 to further construction of a barrier along the southwest border. But that is only a down payment. More resources are required. Fortunately, the President has at his disposal both constitutional and existing statutory authorities that allow him to supplement the congressional investment in border security that was made today. This bill preserves those authorities, and I support action by the President to use them to the fullest extent permissible to secure our border. In particular, this bill does not restrict the President's ability to declare a national emergency or to exercise emergency authorities under such a declaration. Nor does this bill further restrict the Administration's ability, previously granted by the Congress, to

transfer funds in support of efforts to gain operational control of our southwest border and to cease the trafficking of persons and drugs across it.

I am going to get on with the vote.

I want to say thank you to everybody, including Shannon Hines on our staff and everybody else who contributed to this.

At this point, I ask unanimous consent to waive the mandatory quorum call with respect to the cloture vote on the conference report to accompany H.J. Res. 31.

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

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 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 conference report to accompany H.J. Res. 31, making further continuing appropriations for the Department of Homeland Security for fiscal year 2019, and for other purposes.

Richard C. Shelby, Shelley Moore Capito, John Cornyn, John Boozman, John Thune, Johnny Isakson, Lindsey Graham, Mike Crapo, Thom Tillis, Kevin Cramer, John Hoeven, Roger F. Wicker, Steve Daines, James E. Risch, Jerry Moran, Mike Rounds, Mitch McConnell.

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 conference report to accompany H.J. Res. 31, an act making further continuing appropriations for the Department of Homeland Security for fiscal year 2019, 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 bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 15, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—84

| | | |
|--------------|------------|-----------|
| Alexander | Crapo | King |
| Baldwin | Daines | Klobuchar |
| Barrasso | Duckworth | Lankford |
| Bennet | Durbin | Leahy |
| Blackburn | Enzi | Manchin |
| Blumenthal | Ernst | McConnell |
| Blunt | Feinstein | McSally |
| Boozman | Fischer | Menendez |
| Braun | Gardner | Merkley |
| Brown | Graham | Moran |
| Cantwell | Grassley | Murkowski |
| Capito | Hassan | Murphy |
| Cardin | Heinrich | Murphy |
| Carper | Hirono | Perdue |
| Casey | Hoeven | Peters |
| Cassidy | Hyde-Smith | Portman |
| Collins | Isakson | Reed |
| Coons | Johnson | Risch |
| Cornyn | Jones | Roberts |
| Cortez Masto | Kaine | Romney |
| Cramer | Kennedy | Rosen |

| | | |
|------------|----------|------------|
| Rounds | Sinema | Udall |
| Sanders | Smith | Van Hollen |
| Schatz | Stabenow | Warner |
| Schumer | Sullivan | Whitehouse |
| Scott (FL) | Tester | Wicker |
| Shaheen | Thune | Wyden |
| Shelby | Tillis | Young |

NAYS—15

| | | |
|------------|--------|------------|
| Booker | Hawley | Rubio |
| Cotton | Inhofe | Sasse |
| Cruz | Lee | Scott (SC) |
| Gillibrand | Markey | Toomey |
| Harris | Paul | Warren |

NOT VOTING—1

Burr

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 15.

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

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate adopt the Conference Report to accompany H.J. Res. 31?

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 16, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—83

| | | |
|--------------|------------|------------|
| Alexander | Gardner | Portman |
| Baldwin | Graham | Reed |
| Barrasso | Grassley | Risch |
| Bennet | Hassan | Roberts |
| Blackburn | Heinrich | Romney |
| Blumenthal | Hirono | Rosen |
| Blunt | Hoover | Rounds |
| Boozman | Hyde-Smith | Sanders |
| Brown | Isakson | Schatz |
| Cantwell | Johnson | Schumer |
| Capito | Jones | Scott (FL) |
| Cardin | Kaine | Shaheen |
| Carper | Kennedy | Shelby |
| Casey | King | Sinema |
| Cassidy | Klobuchar | Smith |
| Collins | Lankford | Stabenow |
| Coons | Leahy | Sullivan |
| Cornyn | Manchin | Tester |
| Cortez Masto | McConnell | Thune |
| Cramer | McSally | Tillis |
| Crapo | Menendez | Udall |
| Daines | Merkley | Van Hollen |
| Duckworth | Moran | Warner |
| Durbin | Murkowski | Whitehouse |
| Enzi | Murphy | |

NAYS—16

| | | |
|-----------|-----------|--------|
| Fischer | Ernst | Wicker |
| Feinstein | Feinstein | Wyden |
| Fischer | Fischer | Young |

NOT VOTING—1

Burr

The PRESIDING OFFICER. On this vote, the yeas are 83 and the nays are 16.

The conference report is adopted.
The majority leader.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.J. RES. 31

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 4.

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

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 4) providing for a correction in the enrollment of H.J. Res. 31.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

Without objection, it is so ordered.

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

Mr. McCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and 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.

The concurrent resolution (S. Con. Res. 4) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT—Motion to Proceed

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 17, S. 311.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 17, S. 311, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

CLOTURE MOTION

The PRESIDING OFFICER. Mr. President, I send a cloture motion to the desk for the motion to proceed.

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 motion to proceed to Calendar No. 17, S. 311, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

Mitch McConnell, David Perdue, Mike Crapo, Pat Roberts, John Cornyn, Johnny Isakson, James M. Inhofe, Thom Tillis, Roger F. Wicker, Lindsey Graham, Ben Sasse, Roy Blunt, John Thune, John Boozman, John Barrasso, Joni Ernst, James E. Risch.