

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	Murray
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  
Sanders  
Schatz  
Schumer  
Scott (FL)  
Shaheen  
Shelby

Sinema  
Smith  
Stabenow  
Sullivan  
Tester  
Thune  
Tillis

#### NAYS—15

Booker  
Cotton  
Cruz  
Gillibrand  
Harris

Hawley  
Inhofe  
Lee  
Markey  
Paul

Udall  
Van Hollen  
Warner  
Whitehouse  
Wicker  
Wyden  
Young

Rubio  
Sasse  
Scott (SC)  
Toomey  
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  
Baldwin  
Barrasso  
Bennet  
Blackburn  
Blumenthal  
Blunt  
Boozman  
Brown  
Cantwell  
Capito  
Cardin  
Carper  
Casey  
Cassidy  
Collins  
Coons  
Cornyn  
Cortez Masto  
Cramer  
Crapo  
Daines  
Duckworth  
Durbin  
Enzi  
Ernst  
Feinstein  
Fischer

Gardner  
Graham  
Grassley  
Hassan  
Heinrich  
Hirono  
Hoeven  
Hyde-Smith  
Isakson  
Johnson  
Jones  
Kaine  
Kennedy  
King  
Klobuchar  
Lankford  
Leahy  
Manchin  
McConnell  
McSally  
Menendez  
Merkley  
Moran  
Murkowski  
Murphy  
Murray  
Perdue  
Peters

Portman  
Reed  
Risch  
Roberts  
Romney  
Rosen  
Rounds  
Sanders  
Schatz  
Schumer  
Scott (FL)  
Shaheen  
Shelby  
Sinema  
Smith  
Stabenow  
Sullivan  
Tester  
Thune  
Tillis  
Udall  
Van Hollen  
Warner  
Whitehouse  
Wicker  
Wyden  
Young

#### NAYS—16

Booker  
Braun  
Cotton  
Cruz  
Gillibrand  
Harris

Hawley  
Inhofe  
Lee  
Markey  
Paul  
Rubio

Sasse  
Scott (SC)  
Toomey  
Warren

#### 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.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 16.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Eric D. Miller, of Washington, to be United States Circuit Judge for the Ninth Circuit.

## 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 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 nomination of Eric D. Miller, of Washington, to be United States Circuit Judge for the Ninth Circuit.

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

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 6.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Michael J. Desmond, of California, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

## 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 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 nomination of Michael J. Desmond, of California, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

James E. Risch, Johnny Isakson, Todd Young, Mike Crapo, Pat Roberts, John Thune, Rob Portman, Roy Blunt, Thom Tillis, John Boozman, Roger F. Wicker, James Lankford, Tim Scott, Steve Daines, Michael B. Enzi, John Hoeven, Mitch McConnell.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 10.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency.

## 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 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 nomination of Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency.

Mitch McConnell, Thom Tillis, John Boozman, Johnny Isakson, Mike Crapo, Pat Roberts, John Hoeven, Shelley Moore Capito, Roger F. Wicker, John Barrasso, Joni Ernst, Mike Rounds, John Thune, John Cornyn, Jerry Moran, Chuck Grassley, Richard Burr.

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 12.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of John L. Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 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 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 nomination of John L. Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2021.

Mitch McConnell, Steve Daines, John Thune, John Cornyn, James M. Inhofe, Pat Roberts, Mike Crapo, Chuck Grassley, Richard Burr, John Barrasso, Jerry Moran, Roy Blunt, Shelley Moore Capito, John Boozman, Johnny Isakson, Thom Tillis, John Hoeven.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

The PRESIDING OFFICER. The Democratic leader.

## GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, first, let me congratulate the Chamber on the overwhelming vote for the appropriations bill. It is good news that we passed it by a lot of votes, and I hope the House does it by a lot, too.

I need to comment on the news that President Trump may declare a national emergency in an attempt to build his border wall. If President Trump decides to go forward with a disaster declaration, he will be making a tremendous mistake.

Declaring a national emergency would be a lawless act, a gross abuse of the power of the Presidency, and a desperate attempt to distract from the fact that President Trump broke his core promise to have Mexico pay for the wall. It will be another demonstration of President Trump's naked contempt for the rule of law and congressional authority.

Congress just debated this very issue. There was not support for the President's position. Congressional intent on this issue is very clear. The President's wall has been before Congress several times and has never garnered enough votes to even merit consideration. For the President to declare an emergency now would be an unprecedented subversion of Congress's constitutional prerogative.

The fact is, this is not an emergency, and the President's fearmongering doesn't make it one. A policy dispute about our southern border does not constitute a national emergency.