

## END THE SHUTDOWN

Mr. DORGAN. Mr. President, I come from a town of 400 people in southwestern North Dakota, a very small community, a community probably like most other small communities in this country. Good people live there, thoughtful people, people who help others. Oh, the community has a few hot-heads like most communities have, a few freeloaders like most communities have.

My home community is probably not unlike the Congress; 535 people serve here in the U.S. Congress, mostly good, thoughtful, hard-working people, Republicans and Democrats who love their country and care about doing the right thing for their country. And we have a few hotheads here and we have a few hot dogs here, I guess.

We find ourselves today in a most remarkable position, one that I think causes all Americans to scratch their heads and wonder, what on Earth can they be thinking about in the U.S. Congress?

We have a disagreement over a 7-year budget plan. The disagreement is not over small issues; it is over some very significant issues. And there is a good reason that there would be disagreement over large questions, such as a \$245 billion tax cut, a \$270 billion proposed cut in Medicare spending, and a range of other things. There is good reason that there would be very substantial disagreement about those issues. And yet we know from two centuries of history that in a democracy you find compromise; you reason together; you find a way to come together and reach common solutions.

This year, however, it has been different. There is a disagreement on the 7-year budget plan. There are talks now ongoing at the White House, and I have been involved in some of those talks over this weekend at the White House, and I shall not talk about the merits of the balanced budget issues because I have been a part of those discussions. But I did want to say that because we find ourselves at this juncture, we now have a partial shutdown of the Federal Government by some who want to use that shutdown as leverage to try to get what they might think they can get in this 7-year balanced budget negotiation.

It does not make any sense to me that we use a partial shutdown of the Federal Government as leverage. There is no connection. It does not make any sense.

Can you imagine the city council of my hometown or your hometown, a city council that says we, as a city council, cannot agree on a budget, so you know what we are going to do? We are going to decide that city workers will not come to work, or we are going to have half of them not come to work and half of them come to work, and to those we prevent from coming to work we say, you stay home, we will not allow you to come to work and when this is over, we are going to pay you for

work we will not allow you to do. To those who come to work we say, you come to work because that is your responsibility, and when you get here we are not going to pay you, but we will pay you later when we resolve this dispute.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. DORGAN. This would be nurses at a veterans hospital, security guards at the prisons, and so on.

Mr. SARBANES. Will the Senator yield?

Mr. DORGAN. Many of whom work from paycheck to paycheck and live paycheck to paycheck. And that is who we are telling in this circumstance that they should bear the brunt of this dispute.

I would be happy to yield for a moment.

Mr. SARBANES. Very quickly. The Washington Post in a recent editorial said, and I quote them, "Can you imagine a Fortune 500 company operating like this, if they had a dispute between their board of directors and their President and they sent everybody home."

It is a coercive bargaining tactic that ought to have no place in the picture. As the distinguished Senator from New Mexico said, the regular operations of Government ought to be able to continue while we try to thrash out the very tough questions involved in this 7-year budget projection.

Mr. DORGAN. I appreciate the Senator's comments. I might say Senator DOLE has been in the Chamber and he has made the point several times that it is not his desire to see this shutdown continue.

I think and I hope very much that we will be able to pass a clean continuing resolution to end the shutdown. I know the previous Senator who spoke this morning said, well, we—meaning people on his side—have proposed to bring the Government workers back to work but we have objected.

Well, that sort of paints a different picture than exists. We have over 2 weeks now proposed clean continuing resolutions that people come back to work and be paid for coming back to work, and they have been objected to.

Aside from what has happened in the past, we ought to today, on Tuesday, all of us, decide that this is the day to end this shutdown, end this bizarre impasse, and pass a clean continuing resolution to have the Federal workers come back to work, to be paid for coming back to work, and stop this nonsense.

It does not make any sense to dangle those Federal workers at the end of a chain here and say, you are the ones who will be used as a pawn in this budget issue. That is not fair to them. I wonder, if we were talking about CEO's or Wall Street investors, whether someone would be saying, well, we would like to dangle you; we would like to use you as bait here in budget negotiations. I do not expect you would see people using CEO's like that or Wall

Street folks like that. It is just the Federal work force that people think they can use like that.

My hope is that at the end of the day we in the Senate, Republicans and Democrats, all of us who understand this makes no sense—the Presiding Officer in the chair has made that same point—my hope is all of us can decide at the end of the day, at least with respect to the Senate, we will pass a clean continuing resolution, send it to the House and urge that they do the same. Then we should move on to honestly and aggressively negotiating an end as well and a solution as well to the 7-year balanced budget plan.

It can and should be done and, I think, will be done, but this shutdown really makes no sense. It pokes the American taxpayer in the eye and dangles Federal workers as bait or as pawns in a circumstance that is terribly unfair to them.

In an hour—in a half hour, for that matter—we could, it seems to me, pass a clean appropriations bill to continue funding and end this shutdown, and I hope that will be the case this afternoon.

Mr. President, I yield back the remainder of my time.

Mr. SARBANES addressed the Chair. The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent to be recognized for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## POLICY DIFFERENCES AND CONSTITUTION

Mr. SARBANES. Mr. President, I want to thank the distinguished Senator from North Dakota for his very strong statement. I know how keenly he has followed this matter. I also want to thank the distinguished Senator from New Mexico for his very thoughtful analysis. He made some extremely important points about the workings of the American constitutional system.

We have a system of separation of powers and checks and balances. That means that one branch cannot simply abdicate itself from assuming a measure of responsibility when sharp policy differences confront decisionmakers.

There are sharp policy differences over the components of a 7-year balanced budget. One approach would make a cut of \$270 billion in Medicare and give tax breaks of \$250 billion. There are many of us who think that is a wrong set of priorities, that we ought not to be giving the tax breaks and, by not doing so we would not be making deep cuts in Medicare. That is an issue that needs to be argued out among the Members of the Congress and between the Congress and the President.

The President has stated he wants to move to a balanced budget, but he does not want to do it at the sacrifice of important priorities involving Medicare,

Medicaid, health care for our citizens, involving educational programs, the opportunity for young people to go to college, involving environmental matters, in terms of safeguarding our air and water and protecting and enhancing our environment. So there are sharp differences over priorities.

Many of us regard the proposal to make sharp cutbacks in the level of services for those programs as a radical proposal. In any event, no matter how one resolves such issues, the closedown of the Government ought not to be a coercive tactic that is permitted. In other words, workers are being taken financial hostage in order for one side to get its way on a set of policies.

There are millions of citizens who are not getting services that they require. It is impeding the functioning of the private sector, of the private economy all across the country. The private sector is not able to carry forward as it otherwise would do because the Government is not providing certain important services which everyone agrees need to be provided.

In addition, the punishment that is being inflicted upon those who work for the Government is extremely unfair and unfortunate.

I do not know what people assume about the ordinary person's ability to meet their financial obligations week to week and month to month. I really ask people all across the country to stop and think for a moment: If you cease to be paid, if you were not getting your salary check, your paycheck, how would you meet your obligations? There are some people—I think a limited number—who could handle that situation without any difficulty. They have lots of savings, they have lots of accumulated wealth put away and they would simply draw down on it. But that is not true of the ordinary citizen, and it is not true of the ordinary Federal worker. They now are confronted with what amounts to family crises.

Over half a million of those workers have been coming in to work. They have been called in. They have been working, but they are not getting paid. Another 260,000 have been furloughed. They are not getting paid. The answer to this is, of course, for the Government to start up again under a clean continuing resolution while the budget discussions continue and allow the Government to function and provide its services to allow its employees to be paid; not to hold them hostage as part of a coercive strategy in order to achieve one's way with respect to the broader budget question. Very important budget questions, but we ought not to be using this tactic in order to coerce the opposite party into submission to a set of budget priorities about which there is sharp disagreement.

So I hope that in short order we will be able to pass a clean continuing resolution that allows the workers to come back to work, allows the Government to open up and allows the workers to be paid.

There is another proposal discussed last week to bring them in, but they would not be able to do anything because they would be precluded from incurring new obligations—in other words, the Government would not really perform its functions—and at the same time the workers would not be paid. Some of the employee groups have gone into court asserting bringing them in to work and failing to pay them violates their constitutional rights. I do not know what the outcome of that judicial proceeding will be, but it is very clear that you are inflicting tremendous personal and family harm on people who are in no position to meet their obligations if you cease to provide them with their regular pay.

So I hope very much that we will stop this practice, cease this use of the Federal employees as pawns which has put them in a state of turmoil and apprehension. Let these dedicated people go back to work, let them be paid, and let the citizens of the country receive the benefits of the services that they are dedicated to providing.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, let me first commend the Senator from Maryland for his comments. I think they are right on target.

Mr. President, I ask unanimous consent to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator may proceed for 5 minutes as in morning business.

Mr. BREAUX. I thank the Presiding Officer for being here and keeping the Senate in session.

#### ENOUGH BLAME TO GO AROUND

Mr. BREAUX. Mr. President, this is a most unusual time that we are in. There are people in Washington who are now arguing about who are essential employees and who are non-essential employees. I think the people of my State of Louisiana have already made a conclusion. After seeing the Congress over the last 24 days not able to keep the Government in working order, they have decided that the Congress is nonessential; that we are incapable of governing, that we are incapable of keeping the Government working.

I have been in Congress over 23 years now, and I have never been in a situation like we are in today, and it is most unfortunate.

When people look to find who is to blame for this, I think there is, quite frankly, enough blame to go around for everybody. That is not going to get us out of this predicament. Deciding that it is the fault of the Republican Party or the Democratic Party is not going to solve the problem.

My colleague on the Republican side, Senator CHAFEE, and I offered a pro-

posal about 2 weeks ago now which was a compromise. It was significant in that it was not just two U.S. Senators but that it was 14 who signed up in a bipartisan fashion to make a recommendation that would have brought this stalemate of trying to reach a balanced budget to a conclusion.

That proposal said that there would be tax cuts, but the tax cuts would be less than many Republicans would like to see. That proposal said, "Yes, there were going to be reductions in Medicaid and Medicare," and more than many Democrats would like to see. But the bottom line is, that was the essence of an agreement, it was an outline, a blueprint of how balancing the budget in 7 years could be achieved.

It used CBO numbers and made recommendations that were tough on both sides. But it was an agreement. It was actual, real numbers on the size of a tax cut. It was actual, real numbers on the size of reductions in various programs that are going to have to see less money being made available than in the past if we are going to balance the budget in 7 years.

That was really the first bipartisan agreement that I have seen that has been offered by Members of both parties as a way out of this mess. It is very clear that a way out is not just to blame the other side. We are past that. The people in my State of Louisiana and people in many States have come to the conclusion that something is basically wrong when people who are elected to govern can no longer govern, can no longer keep the Government operating the way it should.

While we have done some things, I imagine when people read some of the things we have done compared to what we have not been able to do, they are going to scratch their heads in further amazement at the inability of the system to work as it was designed to work.

One of the things we did do, which I think is sort of ironic, is that the Federal Government and the Senate did manage to pass one piece of business, as this article of yesterday, January 1, points out. They gave final approval to a bill ensuring that the Palestine Liberation Organization office in Washington would stay open. Without the legislation, the PLO office would have closed.

If we can keep the PLO office open, how come we cannot keep nine Departments of our own Government open?

If we can keep the Palestine Liberation Organization open and operating, why can we not keep the Department of Commerce working?

If we can keep the PLO office open, how come we cannot keep the Education Department working?

If we can keep the PLO office open, how come we cannot keep open the Health and Human Services Department?

Or if we can keep open the PLO office in Washington, how come we cannot find enough intelligent men and women