

out of the way, American workers and job creators can do what they do best. The results are speaking for themselves.

FUNDING THE GOVERNMENT

Mr. MCCONNELL. Now, Mr. President, on an urgent matter, Congress is fast approaching our Friday deadline to fund the government. The choice before us is quite simple: We can pass a noncontroversial, bipartisan bill to keep the government open, or Democrats in Congress can manufacture a crisis and force a government shutdown over the entirely unrelated issue of illegal immigration, which we have until March, at the very least, to resolve.

Leaders in both parties have engaged in constructive talks on the best solution for those who fall under the Obama administration's illegally established DACA Program, along with other important immigration issues. The President has made it clear that any immigration bill must not only treat the symptoms of illegal immigration but also address the conditions that cause it. His four pillars for reform are increasing border security, reforming chain migration, resolving the DACA issue, and addressing the visa lottery. Those are the four pillars.

My position is straightforward. When negotiators produce a compromise that the President supports, it will receive a vote here in the Senate. No such solution yet exists, so the negotiations continue. The DACA issue does not face urgent deadlines until March at the very earliest. Our deadline to fund the government is tomorrow. One is an emergency, and one is not.

Later today, we anticipate the House will pass a bill that continues government funding and also attends to another urgent bipartisan concern. It will reauthorize the State Children's Health Insurance Program for a full 6 years, giving needed security to the families of the 9 million American children who depend on the program for coverage.

A continuing resolution plus a 6-year SCHIP extension is a commonsense package that every Member of this body should support.

Just consider my Democratic colleagues' own words on this very subject of the Children's Health Insurance Program. Just last month, the senior Senator from Pennsylvania said: "Any uncertainty about the Children's Health Insurance Program is . . . an insult to the country." That is the senior Senator from Pennsylvania. He represents 342,000 children enrolled in SCHIP. Now he will have a chance to end that uncertainty.

Our newest colleague, the junior Senator from Alabama, made SCHIP a central issue in his campaign. He presented himself as a champion of vulnerable kids. He said the Senate had to "stop playing political football with the health care of our children." Now he represents 150,000 of those children.

Will he help us put a stop to the political games?

The senior Senator from Ohio said: "Healthcare for our kids shouldn't be controversial . . . it shouldn't be partisan. It should be easy."

The junior Senator from Maine called a potential lapse in SCHIP "an abdication of our responsibility."

The junior Senator from Oregon said: "Struggling families would like to have some stability, not have their children be a bargaining chip in some broader vision."

All of these Democratic Senators represent tens of thousands of children who depend on SCHIP. I am more than puzzled why they would threaten to turn their backs on those children—and shut down the government while they are at it—over the entirely unrelated issue of illegal immigration. Why would anyone suggest it is a good idea to not fund SCHIP for 6 years and to not fund the government because they are upset over illegal immigration, which is an issue we have until March to address?

Last year, the Senate Finance Committee unanimously agreed on a proposal to extend SCHIP by 5 years. The continuing resolution we expect to take up will extend it for 6, with no partisan attachments. It shouldn't be a difficult vote.

There is nothing—nothing—in such a continuing resolution that my Democratic friends actually oppose. Surely they do not oppose continuing to fund programs for opioid treatment and prevention, even as negotiations continue on additional funding. Surely they do not oppose continuing to fund our military and our national security, even as negotiations continue on additional funding. They couldn't possibly want to cut off existing funding for veterans, the VA system, and America's seniors simply because we are still negotiating additional funding.

My friends on the other side of the aisle do not oppose a single thing in this bill—nothing. They know they can't possibly explain to our warfighters and veterans, to our seniors, to our opioid treatment centers, to the millions of vulnerable children and their families who depend on SCHIP for coverage—how do you explain this?—or to all Americans who rely on the Federal Government for critical services like food inspections and Social Security checks. Why would they filibuster government funding and shut down vital programs for Americans because we have not yet agreed on the best way to settle an unrelated issue that we have at least until March to resolve?

So let's fund the government, extend SCHIP, and do right by the millions of Americans who elected us to serve them. That is how we can continue serious discussions on issues facing our Nation.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

CHIP

Mr. SCHUMER. Mr. President, before I move to the bulk of my remarks, let me respond to the majority leader's comments on CHIP.

First, let me say I am a good friend of Leader MCCONNELL. We are getting along quite nicely. I know what a difficult job he has, but sometimes he says things that are just way over the top, and I have to respond, as this morning, to his remarks on CHIP.

Of course, Democrats support CHIP, Leader MCCONNELL. You know that darn well. If we were in charge of this Chamber, we would have never let it expire, but your majority did, Leader MCCONNELL. Your majority let health insurance for 9 million children expire, even though there were bipartisan majorities in both Houses of Congress that would have extended it.

Now it is placed on the CR. That is a bad idea for so many reasons that I will get to shortly, and Republicans pretend Democrats are against CHIP. It is outrageous.

We are leaders of our parties, and we say certain things, but it seems the lack of straightforwardness, the lack of relying on any facts that is endemic at that end of Pennsylvania Avenue is seeping over to the majority leader's desk, and I regret that because what he said this morning about CHIP was outrageous. To suggest that Democrats are standing in the way of CHIP is drawing, Leader MCCONNELL, on a deep well of bad faith.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, let's get to the issue at hand. Government funding expires at midnight tomorrow and still the House Republican majority is moving forward with a continuing resolution that is very likely to be unacceptable to the Senate and may well be unacceptable to House Republicans. The CR prepared by the Speaker is not an honest attempt to govern. As typical of this Republican majority, it was done with zero negotiations with Democrats. They could get away with that strategy on the tax bill when they forced it through reconciliation; they can't here.

When are our Republican leaders going to learn that the best way to

govern—the best way to accomplish things—is by talking to us, not dropping ultimatums on us that bear none of our input? That is what happened with the FISA bill. It nearly went down. That had divisions on both sides of the aisle. That is what is happening here, and it doesn't look good for the CR coming over from the House for that very reason.

Furthermore, the CR leaves out so many priorities that the American people want and demand—opioids, veterans, pensions. It doesn't resolve the fate of the Dreamers. It doesn't include an increase in military funding that Members from both sides of the aisle would support. It is just another kick of the can down the road because the Republicans—both in the Senate and the House and the White House—can't get their act together.

Even President Trump tweeted this morning that he opposed including CHIP on this bill. Does that mean he is against the CR? Who knows? It is a mess. We can't keep careening from short-term CR to short-term CR. If this bill passes, there will be no incentive to negotiate, and we will be right back here in a month with the same problems at our feet. Eventually, we need to make progress on the biggest of issues before us.

Don't ask me; ask Secretary Mattis. When you talk to him, he knows how bad it is to continue CRs on the defense side. Why would our Republican colleagues go along with that?

So this CR can't get the job done. House Republicans don't even know if they can pass it. Some Senate Republicans, like my friends from South Carolina and South Dakota, have said they don't want to vote for it. We are going to have to go in a different direction.

Ideally, we would all roll up our sleeves and try to reach an agreement on all of the issues we need to resolve. We can resolve the issues of caps for defense and nondefense spending; we can resolve disaster relief; we can resolve the healthcare issues; we can resolve immigration issues; and we can do all of this in a rather short time because work has already been done on each of them for a while.

We could easily sit down and find a cosmic agreement that would get the support of the majority on both sides, in both Houses, and keep the government open. Despite all the rhetoric around here, I genuinely believe that.

The one thing standing in our way is the unrelenting flow of chaos from the other end of Pennsylvania Avenue. It has reduced the Republicans to shambles. We barely know whom to negotiate with. The President, on national television, tells Congress to bring him something, and he will sign it. The majority leader says he needs the President's imprimatur before we cut any deal. The President is like Abbott and Leader MCCONNELL is like Costello: You do it. They point at each other and nothing gets done.

Of course, the principal reason the Republicans are in such disarray is, the President and his team have been agents of chaos in these negotiations since day one. After all, President Trump was the one who said last year that we need “a good ‘shutdown’ . . . to fix mess!” The President said we need a government shutdown.

Mr. President, 95 percent of all Americans, I would guess, do not agree with you. I would guess in their hearts, 95 percent of all Senators and Congressmen—Democratic and Republican—don't agree with you, President Trump, when you say we need a good shutdown.

Don't just ask me. Here is POLITICO. They are a rather down-the-middle publication. No one thinks they are leftwing or rightwing. No one thinks they are FOX or MSNBC. Here is the headline: “Negotiators on Hill find Trump an unreliable partner.” Lawmakers find it difficult or impossible to negotiate when the President can't seem to stick to a position for more than a few hours. Let me read the first paragraph of this article:

Donald Trump ran for President as a bipartisan deal-maker. But if there's one thing he's proved after a year in office, he's better at killing bipartisan deals than clinching them.

Again, that is the first paragraph in this paper. I am going to read it again so the American people hear it loud and clear—and I know some of the rivals of this publication don't like it too much, but c'est la vie. “Negotiators on Hill find Trump an unreliable partner.” The first paragraph:

Donald Trump ran for President as a bipartisan deal-maker, but if there's one thing he's proved after a year in office, he's better at killing bipartisan deals than clinching them.

No truer words were ever written. That is not fake news, Mr. President. We all know it to be true.

Exhibit A, yesterday regarding the discussions on DACA, the majority leader said: “I'm looking for something that President Trump is going to support. And he has not yet indicated what measure he is willing to sign.” MITCH MCCONNELL said that. He said he still has to “figure out what [the President] is for.”

How can you negotiate when the President—who has to sign legislation—is like a sphinx on this issue or at least says one thing one day and another the next?

The President rescinded DACA 4 or 5 months ago. Had he not rescinded DACA, we would not be here today. Remember, the vast majority of the American people—even a narrow majority of Trump supporters—support keeping the kids here, not sending them home. The President rescinded DACA 4 or 5 months ago and told Congress to fix it. Yet the majority leader of his party seems to have no firm idea what policy the President would support to get that done. At this late hour, that is astonishing.

Exhibit B, the President's Chief of Staff has insisted that Senator COTTON and Representative GOODLATTE be in the room for negotiations on DACA. I have great respect for each of them as individuals—or the respect every Senator gives to every other Senator and Member of Congress, although I so objected to what Senator COTTON did to Senator DURBIN the other day. But having said that, there is no deal that Senator COTTON or Representative GOODLATTE supports that would earn the support of the majority in either the House or the Senate.

If Senator COTTON and Representative GOODLATTE, who have opposed DACA all along and have basically been strongly anti-immigration, have veto power over an agreement, everyone knows there will not be an agreement. General Kelly must know that.

Then, just this morning—exhibit B prime—President Trump rebuked General Kelly, his own Chief of Staff, on Twitter for saying that he is fighting for a wall different from the one he campaigned on. So that is exhibit B on the incompetence of the Republicans on both sides of Pennsylvania Avenue—mixed messages, conflicting signals, chaos.

Exhibit C. Today, with the government shutdown one day away, President Trump is off campaigning in Pennsylvania instead of staying in Washington to help close a deal. We are 1 day away from a government shutdown, and there is no one home at the White House. The President should be here negotiating. There is no better evidence that the President doesn't give a hoot if the government shuts down than the fact that he is away campaigning today, 1 day before the shutdown looms.

We have spent the last few months negotiating in good faith with our Republican counterparts, trying desperately to find a deal we could all live with, but it has been nearly impossible to reach final agreement with this President. He has oscillated between completely opposing positions in a matter of days, sometimes hours. He has signaled an openness to a deal, only to have his staff pull him back. He has given only vague indications of what he wants, even at this late hour.

MITCH MCCONNELL was right; he doesn't know what the President stands for. Now MITCH MCCONNELL ought to have the strength and courage to start negotiating on his own for the good of the country, but that hasn't happened yet either.

The White House has done nothing but sow chaos, confusion, division, and disarray, and it may just lead to a government shutdown that no one wants and that all of us here have been striving to avoid.

The fact remains that there is a bipartisan deal on the table, led by Senators GRAHAM and DURBIN. Seven Democrats and seven Republicans are on the bill right now. I hope and suspect more will join. It includes significant concessions from Democrats on

almost every item the President requested, including his full budget request for border security, changes to family reunification—which he calls chain migration—and an end to the diversity lottery system.

There is no other alternative on the table. I repeat: There is no other alternative on the table. If my Republican friends want to protect the Dreamers, as over 70 percent of Americans say we should, this is the deal.

The White House is not going to help us; we know that. We have to do it ourselves. Once we do it, we can solve all of our other problems on defense and domestic spending, on healthcare, including CHIP, community health center extenders, disaster relief, and more.

Let's roll up our sleeves and get to work on both sides of the aisle, regardless of the dithering, the indecision, and the contradictory statements of the White House.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUBIO). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RAPID DNA ACT OF 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to concur in the House amendment to S. 139, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 1870 (to the House amendment to the bill), to change the enactment date.

McConnell amendment No. 1871 (to amendment No. 1870), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12:15 p.m. will be equally divided between the two leaders or their designees.

The Senator from Kansas.

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

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

FUNDING THE GOVERNMENT

Mr. MORAN. Mr. President, when we complete our work today on the FISA issue, we will be consumed by the issue of a continuing resolution and the need for continued appropriations to keep government functions available to the American people.

I come with a suggestion that I think is based not on politics but upon commonsense and perhaps just the good business aspect of getting our work done. My suggestion to our colleagues is that we do not shut down government. I think the outcome of that is not good, and I can list the reasons. I have had constituents from time to time tell me "shut her down. It wouldn't matter to me," but I can list the circumstances in which it really does matter to everyday folks in Kansas and across the country. At the same time, we should force ourselves to do work that we seemingly are unwilling or unable to complete. There is a whole list of things that are pending, and they have been pending for a long time.

The Presiding Officer and I serve on the Appropriations Committee, and one of the positions that I think we share is the desire to see that the appropriations process works. That means that we would do a budget. The Budget Committee would do a budget, and the Senate and the House would approve the budget. We would do 12 appropriations bills that fill in the budget space. We would be able to prioritize spending. We could increase, reduce, or eliminate spending. Then, we could again send a message to agencies, departments, and cabinets that we have the ability to determine how much money they have to spend and, therefore, have the opportunity to influence decisions that are made that affect the American people through the bureaucracy and through the administration in such significant ways.

So the goal here is to keep government functioning—no shutdown—but also to have the discipline necessary to put an appropriations process in place to get us out of a CR.

Immigration, from DACA to border security, is certainly a topic of conversation in Congress, and negotiations are apparently ongoing and it is an issue that needs to be resolved. If we are going to make fixes to our immigration system, now is better than later. If border security is important, now is better than later to improve border security. If certainty in people's lives is important, now is better than later.

Many of us have a concern that we are not adequately funding the defense side. We face many threats, from China in the Pacific to Russia and its intrusion, from cyber issues that affect our

national security to terrorism and the Middle East. If additional money is necessary for our intelligence capabilities and for our national defense, now is better than later.

What may happen here is that we will pass a continuing resolution that takes us weeks into the future and we will operate under a continuing resolution, or, if that is not possible, nothing may pass for several days and the so-called government shutdown would occur.

Here is what I would ask us to do. Let us do a continuing resolution for a day or so at a time, keeping government open, which puts the pressure on negotiations to occur to resolve the variety of issues that are out there today that, in all likelihood, will be attached to a final resolution. The question is, Do we do it now? Do we force those negotiations to occur and a resolution of those issues to happen? Do we force that today by being in a continuing resolution that is a very short period of time? Or do we give ourselves another month to allow the conversations to continue, and, in all likelihood, if history is any indication, a month from now we will be saying: Well, we need another CR while we continue.

The issues are important that are before us, and Congress has the habit of delaying resolutions of issues until the moment of crisis arrives. My point is this: Keep the pressure on us today. Do not let us walk away from here now without keeping government open, but do not let us leave the Senate and the Congress until we have resolved the issues in front of us. Those issues include healthcare, immigration, funding for national defense, domestic spending, and issues related to disaster—the Senator who presides today is from Florida—whether or not we do disaster assistance, which is a need as a result of the hurricanes that have caused tremendous damage in Texas and Florida and Puerto Rico. If we need that disaster relief—if it is needed—it is needed now, not later.

I have raised this topic. I have had this conversation with many of my colleagues.

I encourage us to continue to resolve our differences today—they will not be easier tomorrow—and make certain that we have an opportunity for us to then deal with the important issues that are still ahead of us. Outside of any agreement that might be reached in the next several days, we need to deal with issues that are important—what I would describe as issues that we will be dealing with that are normally important to us in May and June. But May and June will be occupied by the things we should have resolved now. So that in May and June, we will do the things we could have done today, and we will not be taking care of the July issues.

Common sense tells me that we can find a solution to the problems if we work at it, but if we allow ourselves to escape from the process today or tomorrow—if we return home—we will be