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Senate

The Senate met at 1 p.m. and was called to order by the Honorable DAN SULLIVAN, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God Almighty, who rules and reigns forever, as our lawmakers seek to solve the problem of this government shutdown, remind them of the miscalculations in our history. Give them the wisdom to remember that those who sow to the wind often reap the whirlwind. Provide them with the faith to trust You to direct their steps as they discontinue the blame game and strive to do the most good for the most people.

May our Senators be grateful for the opportunity to serve You and country in these grand and challenging times.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 21, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable DAN SULLIVAN, a Senator from the State of Alaska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SULLIVAN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

GOVERNMENT SHUTDOWN

Mr. MCCONNELL. Well, here we are, Mr. President. This is day 2 of the Senate Democrats' government shutdown, day 2 since the Democratic leader made the political calculation to do something that, according to a recent survey, even most Democrats don't support. He shut down the government to appease a portion of his party's left-wing base. It makes you shake your head. Who comes up with ideas like this?

Well, on Friday, a bipartisan group of Senators voted to advance a bill that would have kept the Federal Government open, provided 6 years of certainty for the State Children's Health Insurance Program—of which at least seven different Governors have written they are in dire straits—and allowed ongoing talks to continue on a variety of other important issues that we have been discussing here for a couple of months. Together, Democrats and Republicans had enough votes to pass it. Five Democrats crossed over and voted against shutting down the government, to keep the government open while we do our work. The House had already passed it, and the President was ready to sign it. We were poised to send him this compromise solution and erase the threat of a shutdown, but unfortunately my friend the Democratic leader had other ideas.

Now, we all know in the Senate the minority has the power to filibuster. I support that right from an institutional point of view, but the question is, When do you use it? On Friday, the Democratic leader made the extraordinary and destructive choice to filibuster our bipartisan bill and to guarantee the American people a shutdown of their Federal Government. Now, it is the second day of the Senate Democrats' filibuster and the Senate Democrats' shutdown of the Federal Government.

Because the President wouldn't resolve months of ongoing negotiations over massive issues in one brief meeting and give the Democratic leader everything he wants, my friend across the aisle has shut down the government for hundreds of millions of Americans because he didn't get everything he wanted in one meeting on Friday with the President. So who pays the price for that? Healthcare for needy children, training and resources for our men and women in uniform, care for our veterans who came home, and survivor benefits for families of heroes who did not, full funding for the CDC, for the NIH, and for routine safety inspections of food and medicine.

To most Americans, those sound like fundamental responsibilities. To the Democratic leader, apparently, they sound like hostages ripe for the taking. All of this was totally unnecessary. There is a broad consensus, on both sides of the aisle, that DACA and other issues related to illegal immigration require a compromise solution. Almost everybody here—Democrat and Republican—believes we need to get to a solution on the DACA issue and related immigration matters. Bipartisan, bicameral negotiations have been underway for months, but they can go nowhere until Senate Democrats realize the extreme path their leader has charted leads them nowhere—a filibuster of healthcare for 9 million children, a filibuster of the tools and training that our warfighters need to keep

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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us safe, a filibuster of funding for the Federal Government itself, for hundreds of millions of Americans—all over a tangential issue related to illegal immigration that does not even ripen until March. All of these other things are an emergency. The one non-emergency issue that our friends on the other side are trying to shoehorn into this discussion doesn't reach that status of emergency until March.

This is pure folly. The American people know so. That is why, in a recent survey, a majority said keeping the government open is a higher priority than shutting down the government over the issue of illegal immigration. That is why headlines all across America are laying the blame for this government shutdown right at the feet of Senate Democrats and their filibuster.

Now, the Democratic leader could end this today. We can get past this manufactured crisis and get onto a host of serious issues before us that require thoughtful, bipartisan negotiations. This shutdown is going to get a lot worse tomorrow—a lot worse. Today would be a good day to end it. All we have to do is pass the common-sense legislation the Senate is currently considering—ending the government shutdown and ensuring healthcare continues for vulnerable children. There is nothing in this measure that my Democratic friend cannot support.

So here is the situation. If nothing changes, a cloture vote will be no sooner than 1 a.m. tonight. We could resolve this much earlier if the Democratic leader withdraws his procedural objection and allows the Senate to proceed to a vote. Our constituents want us to end this. Secretary Mattis, our military leaders, and our Governors want us to end this, and we can. Today is the right day to do it.

Senate Democrats only need to withdraw their filibuster and allow a bipartisan majority to move America forward. If they really care about the big issues—increased defense funding, disaster relief, DACA, border security, and other important matters that we have been negotiating and that I would like to bring to the floor—then they will stop their filibuster and this shutdown and let the negotiators get back to work.

Everyone has figured this out. This shutdown was a political miscalculation of gargantuan proportions, but it doesn't need to go on any longer. It could stop today. So let's step back from the brink. Let's stop victimizing the American people and get back to work on their behalf.

I suggest the absence of a quorum.

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

The bill 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.

GOVERNMENT SHUTDOWN

Mr. SCHUMER. Mr. President, we now enter day 2 of the first real government shutdown ever to take place when one party controlled the Presidency, the House, and the Senate. Under this unified control, it was the Republicans' job to govern. It was their job to lead. It was their job to reach out to us and come up with compromise. They have failed.

Our democracy was designed to run on compromise. The Senate was designed to run on compromise. We are no dictatorship subject to the whims of an Executive, just as we are not a one-party system, where the winner of an election gets to decide everything and the minority nothing.

We are a government that can only operate if the majority party—the governing party—accepts and seeks compromise.

The majority, however, has forgotten the lessons of the Founding Fathers. They have shown they do not know how to compromise. Not only do they not consult us, they can't even get on the same page with their President from their own party. The congressional leaders tell me to negotiate with President Trump. President Trump tells me to figure it out with the congressional leaders. This political catch-22—never seen before—has driven our government to dysfunction.

Americans know why the dysfunction is occurring: a dysfunctional President. Hence, we are in a Trump shutdown with party leaders who will not act without him. It has created the chaos and the gridlock we find ourselves in today. It all really stems from the President, whose inability to clinch a deal has created the Trump shutdown.

I agree with Majority Leader MCCONNELL. The Trump shutdown was totally avoidable. President Trump walked away from not one but two bipartisan deals, and that is after he walked away from an agreement in principle on DACA that we reached way back in the fall of last year. If he had been willing to accept any one of these deals, we wouldn't be where we are today.

On Friday, in the Oval Office, I made what I thought was a very generous offer to the President—the most generous offer yet. The President demanded for months that a deal on DACA include the wall. Most Democrats don't think the wall is effective. We think it is expensive and a waste of money. We are all for tough border security, but every expert will tell you that drones, sensory devices, roads, and personnel are far more effective than the wall.

Because the President campaigned on the wall—even though he said it would

be paid for by Mexico—and demands the wall, for the sake of compromise, for the sake of coming together, I offered it. Despite what some people are saying on TV—and mind you, these folks were not in the room during the discussion—that is exactly what happened. The President picked a number for a wall. I accepted it. It wasn't my number. It wasn't the number in the bills here. He picked it. It would be hard to imagine a more reasonable compromise. All along, the President has been saying: I will do DACA and Dreamers in return for the wall. He has it. He can't take yes for an answer. That is why we are here.

We don't have anyone in the White House, in the Senate, or in the House, Republicans of the President's own party, to tell him he has to straighten this whole thing out. He can't say yes one minute and no the next—three, four, five times.

The bottom line is this: It would be hard to imagine a much more reasonable compromise. I was, in principle, agreeing to help the President get his signature campaign promise—something Democrats and Republicans on the Hill staunchly oppose—in exchange for DACA, a group of people the President said he has great love for. I essentially agreed to give the President something he has said he wants in exchange for something we both want, but only hours after he seemed to be very open, very eager about that generous, tentative agreement—and it was only tentative; there were no handshakes—he backed away from the last best chance to avoid a shutdown.

That is why, from one corner of America to another, this is being called the Trump shutdown. It is trending all over. People from one end of the country to the other know it is the Trump shutdown, and they know why. They have seen what the President has done. It is a direct result of the President, who has been proved unwilling to compromise and is, thus, unable to govern.

The deal wasn't everything the President wanted. It certainly wasn't everything we wanted. It was a compromise—something nobody loved, but everyone could live with; something good for the country. It would have staved off a government shutdown on Friday. It could still reopen the government today. I am willing to seal the deal to sit and work right now with the President or anyone he designates. Let's get it done.

Meanwhile, the Republican leader would have you believe we Democrats forced the shutdown. He forgets that several Members of his own party voted against the CR. Are they holding the government hostage over illegal immigration? No, it doesn't seem that way.

The Republican leader accuses Democrats of holding up pay for our troops. I heard Speaker RYAN blame the Senate on TV, but yesterday Senator MCCASKILL offered a motion to make sure our military gets paid, and the majority leader himself objected. The