

The Congress—the Senate in particular—can no longer wait for this President to see the light of reason. We gave it a good-faith effort. Staffers worked over the weekend. Speaker PELOSI and I have gone over to the White House whenever we have been asked, but the President is simply not budging.

A few weeks back, we all thought that the President, realizing he doesn't control the House, would come around and support a true compromise before hundreds of thousands of Federal workers would miss their paychecks. Clearly, that was wrong.

We need intervention, and Leader McCONNELL and Senate Republicans have a responsibility not simply to wait for the President but to intervene. Leader McCONNELL has voted for every single one of the six appropriation bills Democrats passed through the House. He voted for all six of them in committee, and he voted for four of them again on the floor, because two didn't get to the floor. There is nothing that he or his party truly opposes in this legislation.

They are refusing to vote on it because the President has bullied them into his hostage-taking gambit. I know that is not where most of my friends on the other side want to be. I don't even believe it is where my friend Leader McCONNELL wants to be. Just listen to Leader McCONNELL from last year:

Well I'm in favor of border security. There are some places along the border where [a wall is] probably not the best way to secure the border.

Here is Leader McCONNELL in 2014:

Remember me? I am the guy that gets us out of shutdowns . . . it's a failed policy.

Fast-forward to today, and Leader McCONNELL—"the guy that gets us out of shutdowns"—is aiding and abetting the blockade against reopening the government over a policy he doesn't fully support.

In a moment, my friends Senators CARDIN and VAN HOLLEN will give the Senate a chance to do the right thing by asking this Chamber to vote on the six appropriations bills already supported by Senate Republicans and a short-term continuing resolution for Homeland Security.

Frankly, even if President Trump doesn't support this legislation, his intransigence has forced our hand and hurt America. We need to move forward, and Leader McCONNELL should allow the vote to happen.

I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, as Leader SCHUMER has pointed out, starting today, 800,000 Federal workers are going to be missing their paychecks. In this region, there are 140,000. Senator VAN HOLLEN and I, representing Maryland, and Senators WARNER and KAINE, representing Virginia, have made the point of what this is going to mean for families in our communities.

This shutdown is outrageous and dangerous—caused by President Trump. Workers are not going to be receiving their paychecks and are going to be at risk. Our whole country is at risk. Let me put this in perspective, if I might. It is like AT&T, General Motors, Apple, Lockheed Martin, Google, and ExxonMobil laying off their entire workforce at one time. That is the impact we have now with 800,000 workers not receiving their paychecks. Kevin Hassett, who is the Chair of the White House Council of Economic Advisers, points out that this will cause a \$1.2 billion-per-week hit on our economy.

America is being held hostage by President Trump—held hostage over his desire to have a wall built. It is not about border security. We have already appropriated funds for border security, and we are prepared to continue to protect our borders. This is about President Trump and his wall. We should open government and work together for the American people.

There are seven appropriations bills that have not yet been acted upon. With six of those appropriations bills, there is no controversy. They have nothing to do with the border wall. They have nothing to do with homeland security. These are six appropriations bills that this body has already acted on in one way or the other. They include Financial Services and General Government, Agriculture, Interior and Environment, and Transportation-HUD. Those four appropriations bills passed this body by a vote of 92 to 6. Then, there are State-Foreign Operations, which passed the Appropriations Committee unanimously, and Commerce-Justice-Science, which passed by a vote of 30 to 1.

These six appropriations bills have already been acted on under Republican leadership in a bipartisan manner in this body. That is exactly what H.R. 21, which is pending before this body, incorporates. It is not a Democratic effort; it is to reaffirm what this body has already done and allow these six appropriations bills to pass and for those workers and those Agencies to be fully operable without the hostage-taking by the President of the United States.

UNANIMOUS CONSENT REQUEST— H.R. 21

Mr. CARDIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 5, H.R. 21, making appropriations for the fiscal year ending September 30, 2019. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. McCONNELL. Madam President, reserving the right to object, there is a

lot of important business the Senate could be tackling. We have typically done that during these government shutdowns. The last thing we need to do right now is to trade pointless—absolutely pointless—show votes back and forth across the aisle.

Just a few days ago, very recently—not years ago—before the latest shifts in political winds, my good friend the Democratic leader completely agreed with me on this. In fact, he and I made an explicit commitment to several of our Members on this very point. We announced it here on the floor. We agreed that we wouldn't waste the Senate's time on show votes related to government funding until a global agreement was reached that could pass the House, pass the Senate, and which the President could sign.

Here is how the Democratic leader himself stated his position, and remember, this was very recently: In order for an agreement to be reached, all four congressional leaders must sign off and the President must endorse it and say he will sign it. That is how you make a law. Most importantly, the President must publicly support and say he will sign our agreement before it gets a vote in either Chamber—before it gets a vote in either Chamber.

That was my good friend the Democratic leader just recently. I intend to keep my word, and I intend to hold him to his.

Yesterday, the White House made clear that the President opposes piecemeal appropriations that neglect border security and would veto them, so obviously that isn't going to become law. This proposal flunks the Democratic leader's own test of a few days ago.

Look, the political stunts are not going to get us anywhere. Senate Democrats should stop blocking the Senate from taking up other urgent matters, like the pending bills concerning Israel and the Syrian civil war. In previous government shutdowns, the Senate has done business. The Senate hasn't been shut down. That is what we ought to be doing and actually at the same time negotiate with the President on border security because nothing else is going to get a solution. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Mr. CARDIN. Madam President, if I could, very briefly.

I am extremely disappointed. I can assure you, the majority leader, this is not a show vote issue with 800,000 Federal workers being denied their paychecks. The last time I checked the Constitution, we are a coequal branch of government, and we should act as a coequal branch of government and pass legislation that is overwhelmingly supported by this body.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Madam President, colleagues on the Democratic side of

the aisle apparently pledged to oppose proceeding to other important bills—we have experienced that at least to this point—during the government shutdown even though there is no precedent for that.

All but four yesterday voted against the motion to proceed to S. 1, and I am assuming they will vote against it again this afternoon. S. 1—the bill they are preventing us from going to—has wide bipartisan support and is a critical step in supporting our allies in the Middle East and securing peace in Syria.

I have talked to many Americans who are intensely interested in the Israel issues. They don't understand why this important legislation would be stymied over a dispute over something entirely different.

Through the Chair, I ask Senator CARDIN if this blockade against business on the floor is absolute.

The PRESIDING OFFICER. Without objection.

The Senator from Maryland may respond.

Mr. CARDIN. Madam President, I might return the question and ask the distinguished majority leader whether his objections to reopening the government with action we have already taken previously is absolute. I can assure the majority leader that it is my commitment to our Federal workers and to our country that the first order of business here should be the reopening of government. There are other important issues we need to do that I strongly support. I, quite frankly, do not understand the majority leader's position as to why he would deny us a vote on reopening government that passed this body unanimously in the past.

Mr. McCONNELL. Madam President, I say to my friend from Maryland—I will repeat the question in a minute, but the answer to his question to me is, because this will not produce a result. It has been perfectly clear that the only way to produce this result is for the President, the Speaker of the House, and the minority leader to agree, because we need votes from Democrats both in the Senate and the House in order to pass a measure that the President will sign.

My question of the Senator from Maryland was, is this blockade against business on the floor absolute?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, of course I would repeat my request of the distinguished majority leader whether his objections are absolute.

Let me just point this out. We passed the bill that I asked unanimous consent—basically that has been passed nearly unanimously by this body—92 to 6 for these appropriations to pass. The last time I checked the Constitution, that is enough even for a veto override. I don't think anything has changed. These bills have nothing to do—zero to do with the Homeland Security wall

issue. Zero. So why doesn't our distinguish majority leader, as the leader of a coequal branch of government, allow us to speak on behalf of our responsibilities under article I of the Constitution? Let us take our action that we can take right now, today, at this very moment, and pass six appropriations bills where there is no controversy whatsoever in this body.

Mr. McCONNELL. As I said, Madam President, repeatedly, it will not solve the problem because the President has made it clear he won't sign it.

Let me try one more time. Does the Senator, through the Chair—

The PRESIDING OFFICER. The Senator will come to order.

Mr. McCONNELL. Can we have order in the Senate?

Does the Senator intend to vote against proceeding to other measures during the government shutdown?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. My first order of priority right now, since we can do this at this very moment, is to reopen the government. It is outrageous that the government is closed. People's lives are being affected every minute. I heard just yesterday of a layoff of another 180 jobs in my State because the Department of Agriculture is closed. We have an important economic development program in Baltimore, and HUD can't act on the papers right now. That is being delayed.

To me, that is something we can get done right now. As a Senator from Maryland, I am going to use every opportunity I can to reopen government in a responsible manner. I am disappointed that the majority leader is not using the opportunity we have right now to pass six appropriations bills that are not in controversy.

If the majority leader could answer for me, why are we holding up these six bills that have nothing to do with the central debate argument? We can put enough votes on the board to show the President of the United States that he doesn't have the support in the Senate, and we have the votes to override his veto. To me, that should be our first order of business.

Mr. McCONNELL. Madam President, I think since the Senator from Maryland is unwilling to answer my question, the assumption should be—and I say this to the broad pro-Israel community in America that we all interact with on issues related to the U.S.-Israel relationship—the Senator is saying he might well vote to proceed to something else but not vote to proceed to these important Israel bills and this important Syria bill.

I want to make sure everybody understands where we are. The Senator is refusing to answer the question as to whether or not this blockade against Senate business applies to everything or just to these pro-Israel bills. So I think the refusal to answer provides the answer for our colleagues, and I assume we can anticipate the Democrats

will try to get votes on other matters during the government shutdown but just not the Israel issue and the Syria issue.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I will express my views on issues. I don't need the majority leader trying to express how I will vote on future issues. I will answer to the people of Maryland on how I will act on issues that are up before the Senate.

My top priority right now is to reopen the government, and I am very disappointed that the majority leader will not allow us to act as a coequal branch of government.

Mr. SCHUMER. Madam President, would my colleague from Maryland yield?

I will just say three words to my friend the majority leader: Open the government. It is in your hands.

I yield the floor.

Mr. McCONNELL. Madam President, through the Chair, I have a question of Senator VAN HOLLEN. He is going to propound a consent agreement, I assume.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I think we all know the Constitution of the United States, under article I, says the Senate and the House of the United States are separate and coequal branches of government with the executive branch.

We are now seeing more and more Americans hurt every day by the government shutdown, Americans losing access to services. We just saw that the Food and Drug Administration has stopped routine food safety inspections of seafood. We just saw that the EPA has halted one of the Federal Government's most important health activities—the inspection of Federal factories, powerplants, oil refineries, water treatment plants. Eight hundred thousand Federal employees are not getting paid. Hundreds of thousands of them are going to work every day, including at our border, protecting our border, not getting paid. Hundreds of thousands more have been locked out of work.

There is a Maryland mom who just had to go on the internet to set up a GoFundMe account to help pay her son's college tuition because they are on a monthly installment plan. I talked to the head of a community college in Maryland just the other day. I went to see her, asked how things are. The first thing she told me, her phone had been ringing off the hook all morning because the parents of students of the community college weren't going to be able to make their monthly installments payments.

Hundreds of thousands of Federal employees are one paycheck away from not being able to pay their mortgage or their rent, and tomorrow hundreds of thousands of them are not going to get a paycheck.

So to the majority leader, I will just say, we should not be contracting out our constitutional responsibilities to any President—certainly not a President who said he is proud to shut down the Government of the United States. There is nothing to be proud of in denying important services and leaving 800,000 people without a paycheck. I don't think any of us should be proud of that, and we shouldn't be contracting out our responsibilities to the President of the United States.

We should vote on these measures we have already voted for. Senator CARDIN just asked us to vote on this at the Senate desk. It has been supported in various ways by a bipartisan majority right here in the U.S. Senate.

I have in my hand H.J. Res. 1. This is also on the Senate calendar. It is identical, with respect to the Department of Homeland Security, to the measure this Senate passed just a few weeks ago.

Let's reopen the Department of Homeland Security at current funding levels until February 8. In fact, if I recall, that was the majority leader's legislation. We passed it overwhelmingly on a bipartisan vote.

The House, 1 week ago, as their first order of business, passed this bill and the bill Senator CARDIN asked us to vote on.

This bill to open the Department of Homeland Security, as we negotiate the issue of border security—and there is no dispute over whether we need border security. Of course we need secure borders. The issue is over the most effective and smart way to accomplish that.

So now this bill is right back in our possession. It is on the calendar. The question is, Why are our colleagues on the Republican side refusing to allow a vote on the very bill they proposed in this body just a few weeks ago, and how can you justify to the American people that you are not going to vote on something you yourself proposed as the first order of business in the U.S. Senate, when people are losing those services, losing public safety protections, and 800,000 Federal employees are not being paid?

UNANIMOUS CONSENT REQUEST—
H.J. RES. 1

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 6, H.J. Res. 1, making further continuing appropriations for the Department of Homeland Security. I further ask that the joint resolution be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. I will not prolong this because I know a lot of my Democratic colleagues on the floor may want to speak, but there are two shutdowns going on here. The first one related to the government can only be solved with a Presidential signature, supportive of the Speaker of the House and supportive of at least 10 of our Democratic colleagues—or 7 on the other side. In other words, there has to be a deal, an agreement.

There is a second shutdown going on that, as far as my research can discover, is rather unprecedented. The Senate itself is being shut down because of the refusal of our colleagues on the other side to do business in the Senate during this period. There is no precedent for that. There is no reason for that. We are all here.

The bill they are refusing to let us get on relates to Israel, our great friend Israel, and addresses the atrocities that have been occurring in Syria.

I am having a hard time understanding why the Senate should be shut down as well as the government. We are all here. In fact, attendance looks pretty good, and I don't know why we can't process bills that the vast majority of us support.

I had hoped to pass all of these bills at the end of last session. We had some last-minute objections—and I will say on our side—and so we were unable to do it, but the vast majority of the Members of the Senate do want to process these bills.

So I would hope, no matter how you view the government shutdown, that there is no real significant reason to shut down the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. We are clearly not shut down. We are all here.

I would say to the majority leader, if you go to a lot of Federal Agencies right now, no one is there. They are shut down. They can't do the work of the American people, which is why the FDA is no longer doing important food inspections on seafood. It is why the EPA is not able to inspect major polluters to protect the public health. We are open.

All we are saying is, we want our first order of business to be to also open the eight of nine Federal Departments that have nothing to do with a wall or border security. The EPA's work has nothing to do with a wall. The work the FDA does on food inspection has nothing to do with a wall. So pass the measures that have already been agreed to in the U.S. Senate on a bipartisan basis. Open those eight of nine Departments at funding levels the Senate supported to the end of the fiscal year. Then, with the Department of Homeland Security, do exactly what the majority leader proposed right here and which we supported just a few weeks ago so we can work with the President. I mean, he walked out the other day, but we would like to work with the President to resolve that.

What we are saying is, we are open, and we want to focus on the urgent business of reopening the rest of the Federal Government, both to provide the American people with the services they paid for and to make sure Federal employees don't go without paychecks.

I will tell you, your phones will all be ringing off the hook tomorrow when Federal employees begin to miss that first paycheck. I will tell you, GS-2s, GS-3s in the Federal Government, they are one paycheck away from not being able to pay their bills.

On top of that, you have small businesses all over the country—I have heard from my Republican colleagues, small businesses that contract with the Federal Government, they are being squeezed. One in the State of Maryland, nonprofit small business, laid off 173 people just yesterday. The Federal contractors' employees? They are not coming to work. They are shut out, and they are not getting paid.

So this is having an increasingly harmful effect every day on people throughout the country, and we have it in our power today to vote on bills we have already voted for in the U.S. Senate on a bipartisan basis to reopen.

We should not be accomplices to the shutdown the President said he would be proud of. We should say today, we are proud to cast our first vote, as the House did, to reopen the Federal Government and get people back to work.

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

STRENGTHENING AMERICA'S SECURITY IN THE MIDDLE EAST ACT OF 2019—Motion to Proceed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S.1) to make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes.

The PRESIDING OFFICER. The Senator from Vermont.

GOVERNMENT FUNDING

Mr. LEAHY. Madam President, now, President Trump is right about one thing. There is a crisis in America, and I want the President to know I agree with him, but I would note it is not fictitious hordes of illegal immigrants crashing into our southern border. That is nothing more than the imaginary invasion of a President obsessed with constructing a wasteful monument to himself; the obsession of a President who, long before the Trump shutdown, began resorting to misinformation and stoking fear among the American people for political gain.