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## Senate

(Legislative day of Wednesday, January 3, 1996)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of our lives and Sovereign of our beloved Nation, we humbly confess our need for Your supernatural power. Thank You that You do not tailor our opportunities to our abilities, but rather give us wisdom, strength, and vision to match life's challenges. We surrender the pride of thinking that we can make it on our own resources. We are totally dependent on You. We could not think a thought, give dynamic leadership, or speak persuasively without Your constant and consistent blessing. You are the source of all we have and are. We praise You for the talents, education, and experience You have given us, but we know that You alone can provide the insight, innovation, and inspiration we need so urgently to meet the problems we face. You have told us there is no limit to what You will do to empower leaders who trust You completely, and give You the glory. We commit this day to glorify You in all that we say and do. In Your all-powerful name. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

### UNANIMOUS-CONSENT AGREE- MENT—HOUSE JOINT RESOLU- TION 153

Mr. DOLE. Mr. President, first I ask unanimous consent that when the Senate receives from the House, House

Joint Resolution 153, a funding resolution for the District of Columbia until January 25, 1996, that the joint resolution be deemed read a third time and passed, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I think it is clear that the effect of this will be to continue the District of Columbia government until January 25 at which time we hope we will have an agreement, or we will have some permanent resolution of appropriations bills and the D.C. appropriations bill. There is only one outstanding difference on that appropriations bill. It relates to vouchers. So, if that could be resolved, we could pass the District of Columbia bill.

### SCHEDULE

Mr. DOLE. Mr. President, for the information of my colleagues, leaders' time has been reserved. There will be a period of morning business until 12 noon.

We are not expecting any rollcall votes to occur during today's session. I am not certain whether or not anything may come from the House. There is that possibility. But something may come from the House.

So I hope that maybe after Members have had any discussion they want, we might stand in recess subject to the call of the Chair.

### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. DASCHLE. I thank the President pro tempore.

### FUNDING FOR THE DISTRICT OF COLUMBIA

Mr. DASCHLE. Mr. President, I applaud the action taken this morning. I believe that providing the District of Columbia with the confidence of knowing that they will have the appropriate operating funds to continue at least through the 25th of January is very important. I talked to the Mayor this morning, and he urged that this be done. I am pleased that, again on a bipartisan basis, the Senate has agreed to take at least one of the many outstanding problems out of the mix and deal with it directly.

### THE GOVERNMENT SHUTDOWN

Mr. DASCHLE. Mr. President, while I agree that it is right to deal with the problems facing the District of Columbia, there should be no misunderstanding about the current situation. There are hundreds and hundreds of problems that are being created almost on a daily basis that have not been dealt with. Veterans are again in the same position they were prior to Christmas. If something is not done prior to the end of this month, veterans will not receive their disability checks.

If something is not done before the end of this month, AFDC recipients will not have their checks.

If something is not done before the end of this month, 260,000 Federal workers will have been out of work for an entire month. And the taxpayers are paying \$40 million a day for this to occur.

How ironic can it be? The irony certainly must be apparent to every one of the people involved. How ironic that at the very time we are dealing with the budget, trying to find some resolution to the deficit, we are creating through this irresponsible Government shutdown a \$40 million deficit unnecessarily each and every day. It is just outrageous.

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



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The Senate has, through leadership of the majority leader and colleagues on both sides of the aisle, come to terms with this. We passed the continuing resolution. That issue is over and done with.

What remains is for the House to act responsibly to do what they should have done weeks ago—to pass a continuing resolution, put people back to work, and make absolutely certain that this horrendous situation we face today is solved once and for all.

If we do not, there will continue to be dire consequences. Everyone should know that Meals on Wheels runs out of money this week. Senior citizens who may only receive one meal a day will cease receiving those meals as a result of the inaction in the House. Senior citizens will go hungry. No one ought to be confused about it. Everyone ought to understand the implications of what we are doing here. Seniors who may not get any other nutritional opportunities for the entire day will be denied this one meal as a result of House Republican intransigence.

Medicare contractors are no longer being paid. Medicare contractors are now being asked to go out and provide medical services without any compensation at all.

So are we affecting the lives and health of millions of Americans beyond Federal workers? Absolutely. We are doing it today.

I already mentioned veterans not receiving their disability benefits. They are not receiving educational benefits either.

Unemployment offices—we have people out of work, walking in for unemployment compensation, not knowing how they are going to pay their bills. Their situation is totally unrelated to any budget negotiations. They are walking into unemployment offices and finding that no one can provide them with service because 10 States have already been forced to shut down their unemployment offices. Ten States have shut down every single unemployment office.

So people seeking help—not Federal employees, not people who may be part of the Federal Government but people who are out of work—are now being told there is nothing that we can do for them either.

Superfund has been halted now for cleanups in 32 toxic wastesites. There are 32 sites around the country completely shut down as a result of what has happened here in the Congress, and what is happening—or not happening—on the House side.

There are 20,000 student loans per day that are not being processed.

I had a call a couple of days ago from a friend in South Dakota whose daughter is depressed and in tears wondering just what is going to happen because she was told she cannot even go back to college because her student loan did not come through for the second semester. What happens to the next 6 months of her life?

Mr. President, there has been a lot of talk about furloughing Federal workers without pay. But it appears that the House may furlough themselves with pay. How outrageous can that be? What a contrast. What an incredible juxtaposition of fairness. The House is going out on a 2-week vacation with pay.

Every Federal worker is left at home without pay and the Federal taxpayer is left holding the bag each and every day for services not rendered.

This country has been in very difficult positions in the past. But I dare say, Mr. President, that this is the most inexplicable, outrageous situation that I have seen since coming to the Senate. It has to end. The House has to come to grips with taking the responsibility and doing the right thing. It has to happen, and it better happen today.

I yield the floor.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER (Mr. STEVENS). For the information of the Senate, under the previous order, House Joint Resolution 153, which was just received from the House, has been deemed read a third time and passed, and the motion to reconsider has been laid upon the table.

So the joint resolution (H.J. Res. 153) was deemed read a third time and passed.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12 noon with Senators permitted to speak therein for not to exceed 10 minutes.

#### COMMEMORATION OF UTAH'S CENTENNIAL

Mr. DOLE. Mr. President, 100 years ago today, Utah became the 45th State of the Union. I wish to join with Utahns everywhere and celebrate this momentous day, as I am sure my colleagues would as well, and I extend my best wishes for the next century.

Mr. HATCH. Mr. President, 100 years ago today, January 4, 1896, President Grover Cleveland signed a proclamation admitting Utah as the 45th State of the Union. I rise in recognition of this event and to join with Utahns everywhere to celebrate the centennial of the State of Utah.

Prior to President Cleveland's action, Utahns had diligently battled for more than half a century to attain this goal. The telegram announcing Utah's statehood arrived at 9:13 a.m. on that winter morning in January at the Western Union office located on Main Street in Salt Lake City. As gunshots rang out

the news, hundreds of people began shouting with joy, "Statehood has been proclaimed." Bells and whistles reverberated throughout the valley, and one-by-one, 100 American flags were hoisted.

President Cleveland actually signed the proclamation at 10:03 a.m. in Washington, DC. His private secretary, Mr. Thurber, was quoted in the Salt Lake Tribune as saying,

The President looked upon the signing of the proclamation as purely as Executive act, and one not, therefore, to be witnessed by the public any more than the affixing of his signature to other routine business which came before him.

Let me emphatically state 100 years later than President Cleveland's act was not just routine business—this was the birth of a truly remarkable State.

Utah is great because its people make it so. Utahns, regardless of religious affiliation, hold solid values in common that I believe are essential to the quality of life anywhere. These include a strong work ethic, honesty, charity, compassion, thrift, perseverance, and respect for the family. There is a positive can do attitude in our State that is irresistible and refreshing.

As our State motto indicates, Utah is industrious. As we excel in the arts and humanities, we also excel in the sciences and in commerce. This success has brought us an enviable level of prosperity compared to other States, and sets the stage for a stable future for our children.

Utah's natural beauty is unsurpassed. The State of Utah has as a lasting and historical landmark, the Great Salt Lake; the greatest snow on Earth; and everything to offer in pure natural beauty. We are surrounded by the majesty of our mountains and forests; the breathtaking beauty of our red rock canyons; and the wide, open, limitless expanse of our farmlands and deserts.

People have come to Utah from every part of the world with one basic motivation—the belief that this is the place where they would find the opportunity to pursue their hopes and dreams. Utah's history is filled with tales of people who have displayed remarkable determination and the will to forge ahead regardless of the odds. Our history and our people have literally made a desert blossom. Utah leaves an indelible impression upon its citizens, its visitors, and its leaders. The Utah values and the people who believe in them are the reasons Utah is a wonderful place to live, work, and most importantly raise our families.

Mr. President, most of my colleagues have had the opportunity to visit Utah and experience the spirit that makes our State what it is today. As many have told me, they can fully understand why I am so proud to represent Utah in this body. I choose to bring this highly important date to the attention of the Senate in the hope that my colleagues will join with me in congratulating all Utahns for a job well done.

I want to publicly recognize all of the citizens of the great State of Utah and sincerely thank them for making Utah the wonderful place that it is today. I am honored to represent the people of Utah, and I hope and pray that the next 100 years will be successful and peaceful for all those who dwell within Utah's borders. Happy 100th birthday Utah.

Mr. BENNETT. Mr. President, I rise today to bring to the attention of the Senate the current celebration which is ongoing in my home State of Utah. With the beginning of this new year, Utah begins its centennial celebration having been admitted to the Union of States in 1896.

This 100-year mark is very significant considering the long struggle for the citizens of the Utah Territory to gain statehood in the late 19th century. The people of the Utah Territory tried unsuccessfully for admission to the Union six times—1849, 1856, 1862, 1872, 1882, and 1887—before being admitted in 1896.

Today, Utah is one of the fastest growing States in the country. Business is thriving as more and more companies establish roots in the State. The banking and financial industry have a long history of success in Utah. Manufacturing industry continues to grow and succeed. Utah's software industry is growing so rapidly that it has now surpassed that of Silicon Valley. Utah provides many opportunities for the families that reside in the State. With six 4-year, degree-granting universities and colleges, including four State institutions and two private institutions, Utah provides its citizens with many opportunities to enhance their education and circumstances. Today, Utah is ranked among the top States in the Nation for the quality of its graduates.

Again, Mr. President, it brings me great pleasure to join with the people of my State in celebrating during this centennial year. I would like to pay tribute to the many people who have worked so hard to put together the events that are taking place this week and throughout the remainder of this year. In particular I would like to single out Mr. Steve Studdert for the fine job he has done as chairman of the Utah Centennial Commission. Additionally, thanks goes to Gov. Mike Leavitt and his many predecessors who have worked so hard over the past 100 years to make Utah what it is today. Of course we cannot forget our pioneer founders who saw the vision of what the desert could yield and put forth the hard work to cultivate and culture the Rocky Mountain valleys we now call home.

For Utahns who find themselves transplanted to Washington, DC, I would like to announce that a celebration will be held here on the 27th of January, commemorating Utah's centennial. My staff and I can be contacted for further details.

#### BUDGET STALEMATE

Mr. REID. Mr. President, I know that this is a Presidential election year. We are going to have a hotly debated and contested Presidential election. But it is going to be on issues that are important, as indicated by the action taken by the majority leader day before yesterday.

I commend and applaud publicly the action of the majority leader in allowing the Senate to pass a clean continuing resolution. I say that because the issue of allowing the Federal workers to go to work is important. It is important to more than just the Federal workers. Therefore, I think it is important we talk about procedure so that people understand a little bit better what is going on.

The House of Representatives yesterday refused to allow to come to a vote—they refused to allow the continuing resolution that has passed the Senate to come before the House to be voted upon. They did that, the leadership in the House refused to let it come forward, because they knew if it came forward, it would pass.

That, to me, is a cowardly act. Why would they not let people stand in the light of day and cast their vote as to whether or not this Government could continue to function? They refused to do it because they knew if they brought it up for a vote, it would pass.

There are some in the House who think they are hurting what they hate; namely, the Federal Government, but they are hurting a lot more than just the Federal Government. Look at any newspaper, wherever it might be, in the United States today, and you will find the same stories.

I think the most illustrative appears in today's USA Today. In today's USA Today, Bangladesh, if not the poorest, one of the poorest countries in the world, is going to loan money to the United States to keep the Embassy open in Bangladesh. How embarrassing.

In Bangladesh, one of the world's poorest countries, the government has offered a loan [to the United States] to keep lights on at the United States embassy in Dhaka.

It is hurting more than Federal workers. Alabama ran out of Federal unemployment money, as did many other States.

U.S. embassies around the world are being forced to beg for credit.

You have businesses and governments throughout the world saying the United States cannot pay, will you give us some credit.

In Miami—

This same newspaper reports—fishing guide Mike Haines has lost \$3,000 in the past 2 weeks. Haines takes people on fishing trips in Everglades National Park which shut down December 20.

Now, 2 months after fulfilling his boyhood dream of being a full-time fishing guide, Haines is scrambling to make ends meet.

The Federal court system, including the Supreme Court, is running out of funds. It has tapped into a \$120 million emergency fund drawn from fees collected by the courts.

They are going to run out of money on the 7th. That is Saturday, or Sunday. The Federal courts are going to run out of money.

About 15,000 employees of Government contractors are temporarily out of work.

On television last night in the news it was very, very graphic—people with uniforms, protective uniforms, faces covered, every part of their body covered, working in toxic waste dumps, being laid off.

The L.A. Times—this is not something just within the beltway. It is all over the country. The L.A. Times:

Shutdown Begins To Hit Home Across the United States.

The effects of the shutdown have spread gradually during the holidays, customarily a slow time in the public and private sectors, but this week the pace quickened and the closure is being felt in everything from restaurants and tourist businesses to toxic waste cleanup.

National parks, Mr. President, according to the New York Times, average 383,000 visitors a day. They are closed; a potential loss to businesses of \$200 million a day. That \$200 million goes to people's wages. Those people can buy cars. This, Mr. President, is an economic disaster based upon an unwillingness of a certain small group of people in the other body to allow an up-or-down vote on whether or not the CR should continue. Of course, it should continue.

Mr. SARBANES. Will the Senator yield for just a moment?

Mr. REID. I will be happy to yield to my friend from Maryland.

Mr. SARBANES. I wish to add one further example. In Mariposa County, CA—

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I yield to him. He wanted to ask me a question.

The PRESIDING OFFICER. Do so through the Chair, please.

Mr. SARBANES. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. SARBANES. I thought that was the question that had been put earlier, I say to the Chair.

The PRESIDING OFFICER. No.

Mr. SARBANES. Is the Senator aware that apparently,

In Mariposa County, CA, home of Yosemite National Park, which has been closed through one of the busiest times of the year, the number of private sector layoffs has climbed to over 1,600 people. Most are hotel, restaurant, and gas station workers who usually can depend on the revenue they collect during the holiday season to carry them until the summer. One-fourth of the adults in that county are out of work. Officials there have declared an economic emergency.

I say, is this not yet another example of the kind of harm that is being felt across the country as a consequence of this closure of the Government?

Mr. REID. I would respond to my friend's question that the answer is yes. Even in Reno, NV, northern Nevada, why, we have significant numbers of people coming from California

all the time, and they many times do continue when they are visiting Yosemite, which is so close to Nevada. That has been lost.

This is felt by not only Federal workers; this is felt by non-Federal workers, and it is really reverberating throughout the entire United States. And I also respond to my friend that it is going to get worse, as indicated in these newspapers about which I was talking.

The L.A. Times goes on to say that "at the other end of the economic spectrum"—they are talking about people. The reason they say this is, unemployment compensation checks, as indicated by the minority leader, are not being sent out in a number of States, but at the other end of the economic spectrum, many businesses are unable to obtain needed export licenses or are being left with no way to obtain required Federal approval of special imports or other transactions.

That is jobs. It is fancy talk, but it means jobs.

Also, the Securities and Exchange Commission cannot approve various offerings that have been made. Why is that important? It is important because each time a new company, a new stock offering is made, people are hired, put to work. They are simply not being put to work, all because a few people in the other body refuse—the leadership led by the Speaker of the House of Representatives refuses to allow that issue to come to a vote.

I see in the Chamber my friend from the State of Virginia. One of his fellow Members of Congress, Congressman DAVIS, with whom I am not personally familiar but someone I have followed, he publicly, a Republican, spoke out yesterday saying let us at least have a vote on the House floor as to whether or not a continuing resolution should pass.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. REID. I would be happy to yield for a question.

Mr. WARNER. I just left, Mr. President, Congressman DAVIS' office. The delegation here in the greater metropolitan area, Congressman DAVIS, myself, Congresswoman MORELLA, who represents Montgomery County, and Congressman WOLF, and we were joined by Congressman BATEMAN, who represents the Tidewater district of Virginia, all met this morning, as we have been regularly meeting on this.

I wish to inform my distinguished colleague that Congressman DAVIS and the entire group this morning unanimously are going to do everything they can to oppose the House of Representatives going into recess tonight, as contemplated for a period to extend perhaps until the State of the Union Address around the 22d or 23d of January, while these employees are out of work.

I shall on my own time—and perhaps these statements could be charged to time I will eventually seek—talk about the ripple effect here in northern Vir-

ginia. So I thank my distinguished colleague from Nevada for mentioning Congressman DAVIS. I said yesterday publicly he and other Republicans in the House of Representatives from this area indeed deserve a great deal of personal credit for their courage in this situation.

The PRESIDING OFFICER. The Chair is going to add 2 minutes to the time of the Senator from Nevada because of the statement from the Senator from Virginia. The Senator is recognized for 2 minutes. His first 10 minutes has expired.

Mr. REID. Mr. President, I think we should recognize that this should be a bipartisan resolution of the problems we have facing this Government. I have not been a party to the talks with the President, the two leaders from the House and the Senate. I hope they are progressing, but they are very difficult. We know that.

There are 80 different issues that are issues dealing with public policy that they have to work out. There has been an agreement on both sides that there should be a balanced budget, there should be a balanced budget within 7 years. They will use CBO figures. That has been stated publicly. That is not a secret. But in the meantime, let the Government go forward and go back to work, as it should.

I also say there are a few people—the House leadership is holding up the ability to vote on a CR. What are they afraid of? They are afraid of the fact that if this comes up for a vote before the House of Representatives, it would pass. I understand that in the House of Representatives yesterday in a secret meeting that they had, a Republican conference or caucus, 54 Republicans there voted to have this brought to the floor. It would pass. Clearly it would pass.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Is there an objection?

The Chair would state under the previous order morning business would not extend beyond the hour of 12 o'clock.

Mr. REID. I ask for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. REID. I say that Mr. President, because I have been interrupted a couple times.

Mr. President, the Los Angeles Times:

... budget analysts warned Wednesday that if the standoff continues for even a few more days, the impact will spread to larger and larger slices of the American economy and stopgap solutions will be more difficult to achieve.

Several federal agencies reported that they have begun to halt contracts with private companies that provide supplies or services for federal programs. The White House Office of Management and Budget said [that] no overall estimates are available, [but they are strong].

It is the same in other newspapers.

The New York Times talks about the real problems that face this Government.

Mortgages. Work has halted on an estimated 200 million mortgages a day on mortgage loan processing for American people.

Veterans' Administration. That 170,000 veterans are not going to receive their benefits.

Mr. President, I say that this has gotten out of hand. This is not fair to the Federal workers, but more importantly it is not fair to a wide segment of the American population. This has got to stop. It is folly. I say, let those people come forward and allow an up-or-down vote in the House of Representatives. Speaker GINGRICH should allow an up-or-down vote if he believes in the democratic process.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

#### THE PRESIDENT'S VETO OF THE INTERIOR BILL

Mr. WARNER. Mr. President, the President vetoed the Interior bill December 18. We are not here to try and reopen the debate in terms of what has taken place in the past, but I must say that this action by the President of vetoing the bills that were passed in the Congress just simply cannot help but to worsen the situation.

This particular bill, of course, embraces so many of our national parks and other places that people come from all over the world to visit, as well as our own citizens. This has been a point of very significant contention, the fact that people who have planned for a long time to visit these sites and many others cannot do so as a consequence of this deadlocked situation between the Congress and the President.

#### ENDING THE BUDGET STALEMATE

Mr. WARNER. Mr. President, I join all those who wish the President and indeed the leadership of both the House and the Senate to get these talks to reach a point where we can have a reconciliation of this problem. We have finally, after some months, focused the country's attention on the need for a balanced budget. And that is the centerpiece of this controversy. But I feel that this shutdown is taking the public attention away from that important and historic landmark achievement by the leadership of both the Senate and the House, and others; that is, bringing a final agreement on a balanced budget within a 7-year period of time.

If the President would be forthcoming, if he would be forthcoming with a balanced budget, with his own ideas as to how he can achieve it within that 7-year period of time with the CBO figures, I think these negotiations could very quickly resolve such differences that remain and allow the current stalemate to be concluded.

Mr. President, earlier I spoke about the meeting on the House side this

morning with Virginia Representatives DAVIS, WOLF, BATEMAN, Congresswoman MORELLA, who represents Montgomery County, MD, and myself. We meet regularly throughout each day. But this morning we reported as a group first that in our own metropolitan area the SAIC Corp., private contractors, furloughed some 600 people. DynCorp, another private contractor, has furloughed 700 people.

We had the transportation representatives in to see us this morning, primarily the taxicab operators in northern Virginia. Their business is absolutely devastated. Yesterday we met with those of the hotel industry and the restaurant industry. Their business is being devastated.

So the ripple effect, Mr. President, is impacting the greater metropolitan area, and indeed in many other places throughout the United States. It is imperative that all of us bring to bear our best judgment to try and resolve this problem.

Mr. President, I wish to include in today's RECORD just samples of the thousands of communications being forwarded to my office, both by telephone and by letter. I am certain that this is taking place in other offices here in the Senate. As a matter of fact, Congressman BATEMAN said he cannot even get through to his office in Tidewater, VA, today because of the volume of communications from his constituents.

But one letter dated December 12 of last year from a retired Navy captain, signed both by himself and his wife, simply says:

Our country is already in a sorry state due primarily to congressional incompetence over the years, and these situations only make matters worse. Perhaps one answer to the "stalemate" problem might be to exclude the media from all deliberations and eliminate press conferences.

This is sort of the typical reaction of an individual who has dedicated his life as a public servant here in the military to try and keep our Nation strong but expressing his own views.

A second letter, December 29, 1995, from Mr. John Fulton of Vienna, VA, indicates he is a lifelong Republican, but he says:

There is no rational reason why the issue of ongoing day to day operations of our government cannot be separated from the larger, and critically important, budget deficit problems.

I certainly agree with these constituents.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VIRGINIA BEACH, VA,  
December 12, 1995.

Hon. JOHN W. WARNER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WARNER: I am a retired naval officer, having served forty years in the Navy, and my wife a homemaker for fifty-four years are most concerned with the

political shenanigans now going on in Washington. While you are not directly involved the respective parties leadership must stop this nonsensical attempts to outwit the other side for political gain. It is time for your colleagues to put aside their egos and do the work Congress was elected to do, and within the framework of the Constitution.

Our country is already in a sorry state due primarily to congressional incompetence over the years, and these situations only make matters worse. Perhaps one answer to the "stalemate" problem might be to exclude the media from all deliberations and eliminate press conferences. In any event, you and your colleagues must get your act together, for the good of our country.

Having said the above we, like most of your senior citizen constituents, only ask that in your deliberations and voting that we be treated equally and fairly.

Sincerely,

T.H. CONAWAY, Jr.  
MARGARET P. CONAWAY

VIENNA, VA,  
December 29, 1995.

Hon. JOHN W. WARNER,  
U.S. Senate, U.S. Capitol, Washington, DC.

DEAR SENATOR WARNER: I am writing to express my concern and dismay over the way in which this congress is conducting the work of the Nation.

As a lifelong Republican, I am embarrassed and appalled at the recent actions taken by members of our party which have resulted in a partial shutdown of government operations, financial problems for thousands of federal employees and private contractors, cost to the nation of millions of dollars in federal funds wasted daily and gross inconvenience to our citizens nationwide. The lack of mature leadership and responsibility demonstrated by Republican members of both the House and Senate in this situation is without historical precedence in the 44 years that I have been privileged to be a party member and vote! It would appear that a significant number of congressional members have forgotten a fundamental principle of our Democracy—the ends don't justify the means! If this behavior continues there will be no need for term limits.

There is no rational reason why the issue of ongoing day to day operations of our government cannot be separated from the larger, and critically important, budget deficit problems. We must separate these issues; get the government and related businesses back to work and focus on the central issue before the Nation—the re-prioritization of our national goals, priorities, programs and commitments necessary to balance our budget and relieve our children and grandchildren of the horrendous 4 trillion dollar debt. If the congress and administration are unable to resolve this issue before the next election then let the voters decide who they want to entrust the challenge to.

I am also greatly concerned about the proposed capital gains tax cuts and child tax credits. If our party is serious about deficit reduction and restoring our Nation's fiscal health and credibility we should recruit all Americans to share in the sacrifice—sustain the cuts, drop all tax cuts and apply all the savings toward the \$4,000,000,000,000 + deficit! Any other course of action will be correctly viewed by the American people as a sham, catering to wealthy-special interest groups and we will (and should) pay at election time. This is a year when those of us who have profited greatly from stocks/bonds investments should be willing to make a continued investment in the Nation which made those earnings possible—through capital gains and other revenues. When we get our nation out of debt we can cut taxes—and all celebrate!

I appreciate your leadership and wish you and your staff a blessed and prosperous New Year.

Sincerely,

JOHN FULTON.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. Does the Senator from New Mexico seek the floor?

Mr. BINGAMAN. Yes, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

#### LIVELIHOODS DISRUPTED

Mr. BINGAMAN. Mr. President, I wanted to comment on two major items today. First—this is a somewhat new item. I believe it is a new example of the abrogation of responsibility by the House Republican leadership. For 20 days we have been holding three-quarters of a million Federal civil servants hostage in this effort to exercise what Speaker GINGRICH calls his right not to pass spending bills.

He has referred to that many times in interviews. As a result, as the Senator from Virginia was just pointing out, many Americans—contract workers, those planning to travel, those seeking export licenses, those seeking federally insured mortgages—have had their livelihoods disrupted.

Now the leadership in the House has added the military personnel of the country to the list of those whose livelihoods are being disrupted.

Yesterday, the House failed to override the President's veto of the Defense authorization bill. And when they did that, Congressman DELLUMS sought to bring up S. 1514, which is a bill that the Senate passed last Saturday to ensure that our troops get their full January pay raise, both their basic pay and subsistence pay, which are to increase 2.4 percent, and their quarters pay, which is to increase 5.2 percent.

When the Senate passed the bill last Saturday, the Presiding Officer, Senator STEVENS, made the statement: "Mr. President, this bill should not be controversial. The President asked that it be passed and has said that he will sign it as soon as he receives it."

Congressman DELLUMS yesterday tried to bring it up in time so that the Pentagon could ensure that troops receive their full pay in their first January paycheck. He was refused.

Mr. President, when we have troops in Bosnia and when our troops are proudly around the globe in other potential hot spots—South Korea, the Middle East—the House Republicans should not be adding them to the list of people who are being inconvenienced and whose livelihoods are being disrupted by inaction in Congress. This is yet another example of where Senate Republicans have acted responsibly in carrying out their duties under the Constitution; House Republicans have not. The Senate acted last Saturday on the Stevens-Thurmond bill as soon as the President vetoed the Defense authorization bill. I am sure many Senate

Republicans do not agree with the President's veto of that Defense authorization bill, but they were not going to allow their differences with the President on that larger issue to adversely affect our troops.

Mr. President, I can only hope that the House Republican leadership will reverse course today. Their refusal to take up and to pass that military pay bill yesterday was inexcusable. I hope they will do our military personnel and all Americans a service by bringing it up and passing it today.

#### IMPLICATIONS FOR THE SECOND SESSION OF THIS CONGRESS

Mr. BINGAMAN. Mr. President, let me speak about one other issue that I am quite concerned about, and that is the implication of what is going on now for the work of this Congress in the second session and in future sessions. There has been a lot of talk about hostage-taking. There was a very good editorial that has been referred to in the Washington Post yesterday about how the current shutdown is an example of hostage-taking. Yet, the editorial stated, I thought, very eloquently:

Hostage-taking is an ugly business. It doesn't matter what the cause. Innocent people are seized and used as pawns; they become political trading stamps whose welfare is exchanged for things the hostage-taker could not win by normal means.

Obviously, the most dramatic example of hostage-taking in recent history in this country was the hostage-taking in Iran in November 1979. It could be debated whether the current Government shutdown rises to the level of a hostage-taking. Perhaps this is just a using of public servants, Federal employees, as pawns in a larger political game, and I will leave to others the debate about whether this is, in fact, a hostage-taking.

But, Mr. President, in my view, when each of us took our oath of office, and that oath included the duty to protect and defend the Constitution, implied in that was the responsibility to maintain a functioning Government. Now, that is not written into the Constitution, but I think it is clearly implied that those of us who seek public office will take on that responsibility.

We can argue about what the Government ought to do, we can argue about how large the Government ought to be, we can argue about how many employees ought to be hired by the Federal Government, but the basic responsibility to maintain a functioning Government is something about which I think is very difficult for us to argue.

The Republican leadership in the House has taken a different view. They are saying that as to the parts of the Government which today remain closed, they do not share that responsibility to maintain those parts of the Government functioning. They believe that is the President's problem, it is not their problem.

Those who wrote our Constitution established a system of government where power is shared, but also a system of government where responsibility is shared, and part of that responsibility that is shared is the responsibility to maintain a functioning Government.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BINGAMAN. I will be glad to yield to the Senator from Maryland for a question.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I say to the distinguished Senator from New Mexico, given our constitutional arrangements of separation of powers and checks and balances, if both branches do not act responsibly, how can we meet our responsibilities under the Constitution?

We have a situation here, as I perceive it, in which a coercive tactic is being employed which I understand has never been used previously in our Nation's history. That is, a certain group, in order to get its way on a substantive issue, is prepared to use as a tactic the closing down of the Government with all of the harm that inflicts, not only on the Federal employees but throughout the private sector.

This is a classic example of using any means to get to your end, even though the means that are being used here result in a breakdown of our constitutional system of democratic government. What is the Senator's perception with respect to that?

Mr. BINGAMAN. Mr. President, I appreciate the question very much, and I agree entirely with what the Senator from Maryland is saying. I believe it is a breakdown of our system. I believe the Founding Fathers who set up our system of government intended that all of us in Government, whether in the legislative branch or in the executive branch, would work together to try to maintain a functioning Government and to resolve disputes. That is not happening now.

I was particularly bothered by an article on December 2 in the Washington Post where it talked about the impasse that was existing, and it referred to the chairman of the Appropriations Committee in the House, Mr. LIVINGSTON. It said:

Livingston and other Republicans yesterday boasted that after weeks of standoff over spending issues, the momentum had shifted in the Republicans' direction when the President accepted the defense spending bill. "I think that once the defense bill was off the table, the administration lost the leverage it really had planned on using," Livingston said. He added that most of the remaining spending bills include programs that "are a greater concern to the President" than to many other Members of Congress.

To me, that does not bode well for the rest of our deliberations in the second session of the Congress. If the President needed to keep the Defense appropriations bill on the table in order to be able to bargain with the House, then the obvious message is

that he would keep it on the table in a new session. I cannot conceive of the President this fall, for example, when we send him appropriations bills, I cannot conceive of him signing a legislative appropriations bill before all of the executive branch appropriations bills have been completed. It would not make any sense, if this is the new context in which we operate.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. BINGAMAN. Yes, I will be glad to yield.

Mr. SARBANES. Representative BOEHLERT stated in mid-November, and I quote him: "You have a group in our conference who could not care less if the Government shuts down. They will be cheering."

I submit, shutting the Government down is a default in carrying out your responsibilities as an elected Member of the legislative branch. You have to separate out the matter of carrying forward the normal functions of Government, on which millions of people across the country depend, from disputes you may be having over particular issues.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

#### REGARDING THE RESOLUTION COMMENDING BRETT FAVRE

Mr. COCHRAN. Mr. President, yesterday the Senate passed, at my request, a resolution commending Brett Favre, from my State, who was named earlier this week as the most valuable player in the National Football League. Brett, as Senators know, is the quarterback of the Green Bay Packers.

When I introduced the resolution, I did so on my behalf and TRENT LOTT, as a cosponsor. I learned, after adopting the resolution, that the two distinguished Senators from Wisconsin wanted their names to be added as cosponsors of the resolution. I looked at the RECORD and it does reflect that later in the RECORD. I wanted to make a point of saying that I had not received that information at the time the resolution was submitted and passed by the Senate.

I was going to ask unanimous consent that the distinguished Senators HERB KOHL and RUSS FEINGOLD be added as cosponsors, but that is reflected in the RECORD. So I am pleased that they joined us in the resolution commending and congratulating Brett Favre for the great honor that he received.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### CONGRATULATING BRETT FAVRE

• Mr. KOHL. Mr. President, I rise today with my colleagues, Senators

RUSS FEINGOLD, THAD COCHRAN, and TRENT LOTT, to congratulate Green Bay Packers' quarterback, and Kiln, MS, native Brett Favre for winning the 1995 National Football League Most Valuable Player Award.

After leading the Green Bay Packers to their first National Football Conference [NFC] Central Division title since 1972, Brett Favre ran away with the National Football League Most Valuable Player voting, capturing 69 votes from a nationwide panel of 88 sports writers and broadcasters. Favre's numbers speak for themselves, as he threw an NFC record 38 touchdown passes for over 4,400 yards passing. This would be considered an amazing accomplishment for any quarterback; however, couple it with nagging injuries over a 17-week season, and you've described the iron-willed "Leader of the Pack," Brett Favre.

Brett Favre has emerged as a true star in the National Football League. His Most Valuable Player Award is the first for any Green Bay Packer since 1966, when then Packer quarterback and MVP Bart Starr led the Green and Gold to its first of two Super Bowl championships. The Packers and all their loyal fans hope history repeats itself this year.

On behalf of Wisconsinites and Green Bay Packers' fans everywhere, I congratulate you, Brett Favre, on your MVP season and a job well done. ●

#### THE BUDGET IMPASSE

Mr. COCHRAN. Mr. President, it is becoming more obvious every day that the White House is not prepared to reach an agreement with the Congress to balance the budget. We have not seen any specific proposal from the administration to make any changes that would, in fact, lead to a balanced budget. They are unnecessarily shutting down Government services and programs and furloughing Government workers.

The Congress must now act to identify the activities that should be funded and pass legislation that puts people who are really needed back to work. There has been too much political grandstanding. It is time for that to end.

We should not give up our goal of getting spending under control and balancing the budget. That probably means electing a new President later this year who will cooperate with the Congress in this effort. In the meantime, I am prepared, and I know other Senators are prepared to work with the Republican majority and with like-minded Democrats to get the Government back in business with reductions in those programs that should be cut back, and to resolve this impasse.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I posed a question to the Senator from New Mexico and his time then expired.

I ask unanimous consent to yield to him at this moment to respond to that question.

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

The Senator from New Mexico is recognized.

#### THE SHUTDOWN

Mr. BINGAMAN. Mr. President, I appreciate the Senator from Maryland. I will be brief. I did want to conclude my answer to his question.

I think what we have is a very troublesome development in the way that the Congress and the President are interacting. It seems that the Congress is going to take the view that it only has a responsibility to enact a Defense bill, that other bills can go their own way—and, of course, its own appropriation, the legislative appropriation bill—and it is up to the President to try to get the others enacted. If that is the case, then you have essentially a hostage-taking or a standoff, which I think is very destructive of the system of Government as it was intended.

This hostage-taking can be a two-way street. Hostage-taking begets more hostage-taking. As I indicated before, the President would be ill-advised, in my opinion, if these are going to be the ground rules for the interaction with the Congress, to sign a legislative appropriations bill in this new session of Congress until all appropriations bills for the executive branch have been signed and put into law.

I am also greatly concerned that we are not going to be able to get good cooperation between the Legislature and the President on doing a Defense appropriation bill. If, as Congressman LIVINGSTON points out, once the President signs the Defense appropriations bill, the Congress is then absolved from the responsibility to work with the President on getting the other appropriations bills signed, that, to me, is a very troublesome situation, which I take as a great problem for all of us.

Mr. President, I appreciate the chance to respond, and I hope that a reasonable resolution of these problems can be found. I thank the Senator from Maryland for the time.

Mr. SARBANES. Mr. President, I briefly want to add to the comments of the Senator from New Mexico on this particular matter. To make our constitutional system work requires, I believe, a certain amount of restraint and good judgment on the part of all decisionmakers. It must be an essential premise of our system that one is not willing to subvert everything, in effect to bring the whole building crashing down, in order to get your way. I never understood democracy to work that way. There has to be a certain amount of accommodation. Obviously, the basic functions of Government should continue. Are we to reach a state of affairs where every time there is a sharp policy difference—and people can obviously hold sharply different opinions—

that for one side to gain its way, it brings the Government to a halt and inflicts all of this harm that is being felt across the country?

I ask unanimous consent that a Washington Post story giving examples of such harm be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. The headline is: "Day 19: Federal Siege Takes Public, Private Hostages."

It says:

The partial shutdown of the federal government dragged through its 19th straight day yesterday with one clear effect. It took even more hostages.

Health officials in Nebraska, facing a widespread flu outbreak, urged Federal officials to reopen the Centers for Disease Control and Prevention to help them assess and contain the problem. The federal Meals on Wheels Program, which delivers hot food daily to more than 600,000 needy senior citizens, is running out of money and may be partially closed by week's end. The Peace Corps, also desperately short of cash, began drawing up plans to recall some or all of its 7,200 members worldwide if the shutdown persists much longer.

In Mariposa County, CA, home to Yosemite National Park, which has been closed throughout one of its busiest times of the year, the number of private-sector layoffs climbed past 1,600. Most are hotel, restaurant and gas station workers who usually can depend on the revenue that they collect during the holiday season to carry them until the summer.

One-fourth of the adults in the county are now out of work, and officials there have declared an economic emergency.

This is no way to do business, obviously. There is no reason to it. It does not make common sense. There is a tremendous ripple effect throughout the private sector of people dependent on Federal contracts and Federal activities. Needless and harmfully the shutdown is resulting in laying off people in the private as well as the public sector.

The distinguished Senator from Virginia, in his comments earlier, made reference to one such occurrence about which he had received notice only this morning. Currently half a million Federal workers are coming to work and not getting a paycheck. Another quarter of a million have been furloughed and are not getting paychecks. Workers in the private sector now are not going to get paychecks. How is it anticipated that people will be able to handle this situation?

The Federal workers are told that once they go back, they will be paid. But who can bridge the intervening period? Unfortunately, there may be a lack of sensitivity in the Congress because, many Members have significant economic means and, therefore, the loss of a paycheck—which is not happening for them—does not really place a burden upon them. They can handle that situation. But most people are not so well situated. Whether they work for the Federal Government or whether they are in the private sector, they



need a regular paycheck in order to meet their obligations, such as mortgage payments, car payments, and school payments.

Nearly half of the Federal employees—46 percent—make less than \$35,000 a year. Three quarters of all Federal employees make less than \$50,000 a year. Less than 1 percent—six-tenths of 1 percent of all Federal employees—make over \$100,000 a year. Members of Congress make more than that. Close to 100 percent of all Federal employees make less than Members of Congress. Now, these employees cannot move from period to period without a paycheck. We need to put them back to work.

The New York Times had an editorial this morning, and I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 2.)

Mr. SARBANES. The editorial states:

The turmoil and uncertainty created by vast numbers of Federal workers not going to work or not being paid is poisoning the atmosphere for progress on the budget. Too much hardship has already been inflicted, not only on the 760,000 unpaid workers, but on millions of Americans who cannot get visas, loans, or any number of other Federal services. Congress and the President should reopen the government now.

I absolutely agree with that sentiment. There is a colleague in the House, in the Republican leadership in the House, who said in mid-November, "You have a group in our conference who could not care less if the Government shuts down. They will be cheering." What an abdication of responsibility.

Do Members of Congress, as my distinguished colleague from New Mexico states, think they have no responsibility for ensuring that the Government continues to function and providing the basic services upon which so many of our people are dependent?

The people in the private sector, some will go bankrupt out of this escapade. They will go bankrupt. I have had people call my office who say, "We are not going to be able to make it. We set up a small private business and things were working fairly well and now we are confronting a situation where we may well go under." For 19 days now we have been through this situation after the previous closedown of 6 days, all in order to try to bring a coercive pressure, a scorched earth bargaining tactic, with respect to the larger issue of the 7-year budget projection.

Now, that issue involves many difficult and complex questions and a strong difference over what the priorities should be. But in my judgment, it is an irresponsible and impermissible tactic to use the closing of the Government, which has never been done before, to use the closing of the Government as a coercive pressure in to achieve a certain result with respect to the larger budget issues.

Are we going to descend, deteriorate into such practices in the Congress, thereby falling short of meeting the responsibilities I think we have under the Constitution? Mr. President, Congress and the President should reopen the Government now as the majority leader sought to do when he moved the continuing resolution and sent it over to the House. House adoption of it would bring this crisis to an end.

#### EXHIBIT 1

[From the Washington Post, Jan. 4, 1996]

#### DAY 19: FEDERAL SIEGE TAKES PUBLIC, PRIVATE HOSTAGES

(By Rene Sanchez)

The partial shutdown of the federal government dragged through its 19th straight day yesterday with one clear effect. It took even more hostages.

Health officials in Nebraska, facing a widespread flu outbreak, urged federal officials to reopen the Centers for Disease Control and Prevention to help them assess and contain the problem. The federal Meals on Wheels Program, which delivers hot food daily to more than 600,000 needy senior citizens, is running out of money and may be partially closed by week's end. The Peace Corps, also desperately short of cash, began drawing up plans to recall some or all of its 7,200 members worldwide if the shutdown persists much longer.

In Mariposa County, Calif., home to Yosemite National Park, which has been closed throughout one of its busiest times of the year, the number of private-sector layoffs climbed past 1,600. Most are hotel, restaurant and gas station workers who usually can depend on the revenue that they collect during the holiday season to carry them until the summer.

One-fourth of the adults in the county are now out of work, and officials there have declared an economic emergency. The local newspaper has launched a food drive for those in need, and radio stations in the Yosemite area are urging residents in neighboring counties to drive over and do business there.

"Who's paying the price for this? Not Congress or the president, but the average citizen," said Michael Coffield, the Mariposa County administrator. "All the money our residents are losing is gone for good. Every day, it is getting more and more dire."

Ever since the shutdown began, President Clinton and congressional Democrats have insisted that it would pose significant hardships, and Clinton made his most strident remarks yet on that subject yesterday by ticking off a lengthy list of problems he said the government's partial closure is causing Americans.

But some Republican leaders have countered by saying the shutdown shows how large parts of the government do not affect many Americans. Other Republicans contend that short-term problems from the shutdown are far less important than the long-term crisis an unbalanced budget will create.

Labor Secretary Robert B. Reich said that his department has received more than 63,000 phone calls regarding working and wage complaints that it has not been able to answer in the past three weeks.

Federal courts have remained open throughout the shutdown by running on filing fees and other miscellaneous funds. But court officials are now predicting that they will exhaust those emergency funds by Sunday. David A. Sellers, spokesman for the federal courts' administrative office, said at that point it would be up to individual courts around the country to decide whether

to close or to keep some of their business going.

The Peace Corps also has stayed partially open during the shutdown by using leftover funds from the last fiscal year. That pool of money is now drying up. Officials said that if the shutdown persists another week or so they may be forced to recall volunteers who work in 95 countries, because the agency will not be able to pay their living allowances.

"We're having to take a very serious look at that as this goes on," said Andre Oliver, a Peace Corps spokesman.

The furlough also has begun to threaten the complicated process by which scientists, universities and other research organizations apply to the National Institutes of Health (NIH) for money to finance experiments and other scientific studies.

January is the beginning of a thrice-yearly cycle in which grant applications are reviewed by committees of outside experts, and then recommendations on whether to fund them is passed on to NIH officials. None of the preparation for that is occurring.

NIH also has about 2,000 grants that have been approved but whose financing hasn't been provided to the researchers in the last month. About half are multi-year projects already underway, and about half are for new research waiting to begin.

"We're all sort of teetering on the edge now," said Wendy Baldwin, NIH's deputy director for extramural research. "There's a whole cascade of scheduling in jeopardy."

#### EXHIBIT 2

[From the New York Times, Jan. 4, 1996]

#### THE BUDGET SCRUM

For fans of political games, President Clinton put on a rip-roaring show yesterday, as he charged right through the budget rift that has opened up on the Republican side between Newt Gingrich and Bob Dole. The new year thus dawns with the surprising spectacle of two archrivals, Mr. Dole and Mr. Clinton, trying to look like grown-ups while the Republicans in the House insist childishly that the only way to apply leverage on the President is to keep the Government closed. More and more it looks as if the zealous freshmen are calling the shots in the House.

Say this for the freshmen Republicans. In theory they are just the kind of people the public says it wants in politics—men and women of principle who have a lot more on their minds than re-election. But zeal needs to be harnessed to a caring practicality. In the current impasse, Mr. Clinton and Mr. Dole have it right. The turmoil and uncertainty created by vast numbers of Federal workers not going to work or not being paid is poisoning the atmosphere for progress on the budget. Too much hardship has already been inflicted, not only on the 760,000 unpaid workers, but on millions of Americans who cannot get visas, loans or any number of other Federal services. Congress and the President should reopen the Government now.

But it is also time for the White House to help resolve the budget impasse by sketching more details of the President's own thinking on how to achieve a balanced budget in seven years, as House Republicans demand. Mr. Clinton's skill in gaining political advantage from the current situation has been impressive. But his tactics leave even his allies confused on how much he really does want a compromise balanced budget, as opposed to an impasse on which he can run for re-election while defending longstanding Democratic principles.

By all accounts, the long hours of negotiating over the holiday weekend involved a lot of Mr. Clinton and Mr. Gingrich discussing the arcana of Federal social policies while many other people in the room rolled



their eyes. There is no sign yet of real horse-trading except a leak here and there. For instance, the White House might be willing to modify its opposition to a cut in the capital gains tax. The Republicans seem willing to scale back their \$240 billion tax cut. But the House freshmen and their allies insist that they simply do not trust Mr. Clinton to bring the process to a conclusion until they get a clearer signal of where he would be willing to make concessions, particularly on Medicare, Medicaid and welfare.

The freshmen militants, Mr. Gingrich and even the Democratic leadership have the luxury of being dealt into a game whose outcome means less to them than to Mr. Clinton and Mr. Dole. With their eyes on the Presidential race, each man is trying to calculate whether he has more to gain from accommodation or recalcitrance. Mr. Dole has promised to bring adult leadership to the White House, but he does not look very adult if he cannot stand up to his party's kiddie-corps zealots. Mr. Clinton needs to emerge as a President who can stay resolute in the face of opposition; but at a certain point the Chief Executive of a Government that cannot open for business will begin to look weak.

Mr. Dole is right when he observes that Americans are growing impatient with the budget impasse. Right now, Mr. Clinton may have more to gain by holding out on the budget while insisting he wants to reopen the Government. But there is clearly a deal within reach, and the public will remember who walks out of the wreckage with it.

#### EXTENSION OF TIME FOR MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the time for morning business be extended until the hour of 12:30, and Senators be allowed to have 10 minutes to speak.

Mr. WARNER. Mr. President, the majority leader has indicated to the Senator from Virginia that that is quite agreeable.

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

#### THE SHUTDOWN

Mr. FORD. Mr. President, all my life I have heard the saying, "Can't see the forest for the trees." I think those words can be appropriately applied to the situation we now find ourselves in. For too many Federal workers, for too many thousands of honest, hard-working Americans trying to make a decent living, this budget impasse and shutdown has demonstrated to them that some of their elected representatives cannot see the forest for the trees.

While some are wrapped up in trying to score political points, to gain political favor in certain circles, they are missing the point of what is really going on outside the beltway. How disappointing it is to pick up the morning's Washington Post with the headlines, "Employees Find They Are an Afterthought." How sad it is to know that people who need food, who need medicine and basic care will be deprived of services. How sad it is, Mr. President, to hear some demagog the situation by saying that nobody is missing those Government workers and we need to get rid of more of them.

My office, as others have stated here this morning, is being overrun with calls and letters about how this shutdown is affecting families in Kentucky, far outside the beltway, far away from the political arena. A mother in Lexington, KY, wrote me, "Most of us live from paycheck to paycheck. We cannot survive without being paid. I am a single parent struggling to pay rent, a car payment, and keep food in the house, so I haven't been able to save part of my salary. If I'm not paid on January 16, I will be evicted." This is a woman that was on welfare, that was able to get a job and get off of welfare, and now the Government is forcing her back into welfare. She asks in her letter, "Isn't this the United States of America? Isn't our Government supposed to be by the people and for the people?" "Federal employees," she says, "are also people."

She is speaking from her heart about real people, about the thousands who cannot get mortgage insurance, thousands who are losing home loans, thousands working in service industries, the rippling effect, facing the daily threat of being laid off. Homeowners in eastern Kentucky threatened with landslides because the Office of Surface Mining is operating on reduced staff and reduced funding. Real people, Mr. President.

Another person wrote, "I'm excepted from furlough which means I'm working now with no pay. The check I received yesterday was one-quarter of my salary. My mortgage is due. This one-quarter does not cover the mortgage. What is worse is that I have two small children. I must continue to pay my baby sitter to keep them after school while I go to work for no pay."

I received a call from a grandmother. I do not know how many in here have ever been involved in trying to help a couple adopt a child. When I was Governor of Kentucky we worked with agencies. It is an emotional period. It is a real decision to adopt a child. So I got a call from this grandmother. She was worried about her granddaughter. The adoption of a baby has been halted because the agencies do not have enough money to process the necessary paperwork. That is hurt, Mr. President. That is not inconvenience, that is hurt. You have hurt that family that made up their mind to adopt a child. That is hurt, capital H-u-r-t. She is looking to her representatives for help and answers. What do we do to help her? How do you tell someone that is out there working hard, paying their taxes, that because of circumstances completely out of their control they cannot go forward with adopting a child?

Mr. President, the hardest thing I have had to do in my 21 years in the U.S. Senate is to say to men and women in the military to go defend our country on some foreign shore, to lay their lives on the line. One thing I have told them, and one thing that helps, that whatever I can do to support them when they come back, or their loved

ones if they do not come back, I will do.

Looking now at the VA, "VA Runs on Promises." "Nursing home workers tend patients without pay. They are stripping the sheets off, the laundry, trying to take care of our veterans, for no pay."

So we say to our veterans, the only reason you are being taken care of is because they are willing to come as long as they can. These people cannot get another job. They are prohibited from getting another job to have some income, maybe, to offset the loss of their paycheck.

Let me also tell you about "Helen's Hotline" from the VA hospital in Lexington. What are they doing? Food—God's Pantry, in Lexington, distributes food to the homeless and those who need food. They will provide up to 3 weeks of food to those people. They are even giving them transportation to God's Pantry in order to pick up some food. Food and social and spiritual support are being offered by the VA hospital there in Lexington, stress relief, and the canteen service will accept—think about this, now—accept postdated checks from the cafeteria or retail store through January 17.

Creditors' letters have been sent from the Director of the VA to the utilities, the mortgage companies, the lenders, the bankers, asking for leniency because they do not have their check.

I think the lowest blow of all is they have set up a food bank at the VA hospital for their employees, and they are being asked to bring food, those who can afford it, to bring nonperishable food to the VA hospital to help their employees. They have asked the citizens of Lexington to help with the food bank and financial contributions, monetary donations. They are trying to van pool and help the employees because they have lost their cars because they could not make the payments. These people do not wait on payments: "Oh, go ahead, that's all right, you don't have to pay me until you get paid." That does not work.

"Things to do." The utilities companies? Ask them to be lenient. Mortgage company? Ask them to be lenient. How lenient will these people be?

"What is this," one asked me. "Is this really America? Is this what America is all about? Is this how the world's greatest superpower functions?"

These people want a resolution to the crisis. They want to reopen Government just like the distinguished majority leader, Senate Republicans, and Senate Democrats want. As one said, it is time to stop the nonsense going on here in Washington. They agree with our majority leader when he says, "Enough is enough."

Let us reopen Government. Let us stop this insanity and get on with the shaping of a fair and equitable budget agreement.

Mr. President, I ask unanimous consent to have printed in the RECORD the

full text of two letters I referred to in my statement earlier.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 3, 1996.

DEAR ELECTED REPRESENTATIVE: I'm writing to speak out for furloughed federal employees and working federal employees who are not being paid. I happen to be one of those directed to work without pay. Since I came to work for the federal government in 1977 federal employees have taken the brunt of budget cuts and have been reviled by Presidents and Congress. Our salaries have fallen far behind the private sector. It is proposed that our pensions be further cut and even those of us who had careers covered under Social Security before coming to the government have had our future Social Security benefits cut in half. However, this budget battle is the final outrage against federal employees. What private company could order their employees to work, but not pay them? Ironically, the federal government would be on their doorstep immediately. I can't even file for unemployment benefits since I have been directed to work, and am doing so without pay.

Most of us live from paycheck to paycheck. We cannot survive without being paid. I am a single parent, struggling to pay rent, a car payment and keep food in the house so I haven't been able to save part of my salary.

If I am not paid on January 16, 1996, I will be evicted. My landlord isn't interested in the reason he doesn't receive his rent. He just demands it be paid on the 1st day of each month. I will also lose my car if this continues and my credit will be ruined. It may be already.

We were given a letter to send to our creditors asking for forbearance. Do you really believe that the banks, insurance companies and Corporate America care why our bills are not being paid. NO—THEY DO NOT!

Isn't this the United States of America? Isn't our government supposed to be by the people and for the people? Federal employees are also people. We pay taxes. We vote. We are part of the people referred to in the Bill of Rights and the Constitution. I would have never believed this could happen in this country. We are being deprived of our basic human rights because we happen to be federal employees. My mind almost refuses to accept that this is happening to me, but the realities of unpaid bills and basic needs not being met jerk me back into the real world that I must live in—unknown to you!

I have related my personal situation to you but please remember that it is also representative of the situation of about 700,000 citizens of this country who have given daily of themselves to serve this country.

I am frustrated, fearful, resentful and very angry over the situation I have been placed in by you. Regardless of your political allegiance or your personal position on the national budget issues, you have severely and wrongfully damaged my life forever. The harm done to this point is irreversible and the damage irreparable. Please wake up and stop this nightmare.

Sincerely,

JANUARY 3, 1996.

DEAR CONGRESSMAN, I am an employee of Social Security. As you may be aware, as a field office employee, I am excepted from furlough which means I am working now with no pay. The check I received yesterday was for ½ salary (through 12/15/95). My mortgage is due and this ½ does not cover the mortgage. What is worse is that I have 2 small children. I must continue to pay a

baby sitter to keep them after school while I go to work with no pay.

The end result is that we do not have money for anything except utilities. My children wanted to know this morning why they had left over Christmas turkey and dressing in their lunch boxes instead of their usual chips and sandwiches. It is because these, the chips and sandwich are now "non-essential" items in our household and because you all can not see fit to work the budget out—they must suffer. If you have a better explanation that I can give a 5 yr. old and 8 year old—please let me know. This is beginning to HURT! My children do not understand and neither do I. Please work this out—Soon!! Before I have to explain to them why we have no heat—

Sincerely,

Mr. FORD. Mr. President, we hear a lot about "all the President has to do is sign the bills." If you put things in the bills that are not acceptable, then you ought not to expect it to be signed. That is trying to put the President in a position where he cannot sign it. All we have to do is pass a clean CR and put Government back to work.

The Senate has done that. The Democrats in the House are ready. There is only one group, one element that is saying to my people down there: "We do not care whether you pay the mortgage, whether you pay your utilities, whether you buy food"—things of that nature. We think we ought to get with those people and say to them, let us get on with the running of the Government. We can balance the budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Oklahoma.

#### ACCOMMODATIONS ON THE APPROPRIATIONS BILLS

Mr. NICKLES. Mr. President, it is with interest I listened to some of our colleagues talk about the Government shutting down, and I also note yesterday, when the President had a press conference, he said the congressional Republicans shut down the Government. At least he said Congress shut down Government. He mentioned several examples.

Several of the examples that have been mentioned, both on the floor and by the President and by other people, some of the horror stories of individuals who have lost their jobs, who are not being paid, are in agencies for which the President vetoed the appropriation bill. One agency that has received as much attention as any other is Interior, the appropriation bill that is covered by Interior, dealing with national parks and the museums.

The Washington Post has run some front-page articles talking about the museums not being open, the Smithsonian shut down, national parks being shut down, not having access for individuals wanting to have their vacations and go to the parks, not being able to get in because the Government shut it down and, as the President said, Congress shut it down.

I just happen to be aware of the fact the President vetoed the Interior bill.

The President is the one who shut down the parks. The President is the one who did not make it possible for the parks to be opened. If he had signed the bill, those people would have been paid. They would not have been furloughed. The parks would be open. The Smithsonian would be open. Those people would have had coverage. There would be no disruption.

I just make that point. It is interesting that everything is Congress' fault. The President vetoed the Interior bill. I think that is unfortunate.

I used to manage that bill. Now Senator GORTON is managing that bill, and I think he has done a very good job. I looked at the veto message dealing with Interior. There are different reasons why the President vetoed the bill. These are very poor excuses for vetoing a bill. I have urged others, and I hope maybe, I will tell my friends and colleagues, maybe within a very short period of time we will have another Interior bill on the floor. I hope that is the case. I hope it happens today.

Mr. WARNER. Mr. President, if the Senator will yield, the House of Representatives is going to take up a veto override today on that. I was over there earlier this morning.

Mr. NICKLES. I appreciate that. The veto override may not happen. I hope it does. That is one way we could get the employees back to work immediately.

If that does not happen, I hope we will take the original Interior bill as it passed through both Houses and maybe make some changes. I am looking at the President's veto message on Interior. Most of these changes could be made with very little dollars involved and maybe some better understanding.

We had the Presiding Officer, a moment ago, who is from Alaska—part of it was dealing with Tongass. There is a misunderstanding on what would happen in the Tongass. Some people were saying the Interior bill as passed would open up a lot of additional clear cutting. I do not think that is the case. We can clarify that, and we should clarify it.

I am looking through some of the other things that were mentioned. I ask unanimous consent to have the President's veto message printed in the RECORD.

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

(See exhibit 1.)

Mr. NICKLES. But these are minuscule problems. This is no reason to shut down the Interior Department, national parks, Forest Service and so on, and everything else that is covered by this bill, Indian Health Services—you name it.

So, let us try to accommodate. Let us make a couple of concessions. Let us work to resolve some of the problems that are raised in here. It can be done with very few dollars and open up the Interior Department, open up the national parks, open up the Smithsonian, open up the national museums. There is no reason not to. The President should not have vetoed the bill in the

first place, but the President is responsible for those parks being closed.

Yesterday, or the day before, there was an article in the Post talking about somebody having a concession service adjacent to a park and now they had to let their employees go. Those employees, incidentally, will not be covered by the bill once it passes. They will not be paid. They are not Federal employees; they are contractors. And if they are not contracting with the Federal Government, if they just happen to be doing business adjacent to the Federal Government operation, they are out of luck.

Again, I fault President Clinton in this case. I think he made a mistake in vetoing the bill. But for him to say Congress is the reason why those agencies are shut down is not the case, and that is not the case in Interior.

It is not the case in other agencies as well. A lot of us are very concerned about the Veterans' Department being closed. I agree with my colleagues from Maryland and other places saying if you have a physician or if you have a nurse or if you have somebody working in a veterans hospital, that person ought to be paid. It does not make a lot of sense not to pay them.

Why are they not being paid? The appropriation bill was not signed. We passed the appropriation bill, we funded the Veterans' Department, the President vetoed the bill.

Why did he veto the bill? I have a copy of his veto message. I ask unanimous consent to have it printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. NICKLES. But we should take care of veterans and people who are working in veterans hospitals. They should be paid. They should not be furloughed. And we can solve that problem. I am hopeful before very long we will pass the VA-HUD bill, and let us look at the President's veto message and see if some accommodations can and could and should be made in that area.

But let no one misunderstand. The President vetoed the bill that funds the Veterans' Department. It was on his desk. If he would have signed that bill, those individuals would not have been furloughed. They would not have been working without pay. So we need to get past this maybe rhetorical war and who is at fault. The President vetoed several of these bills.

One of the other things that maybe concerns me where Congress is largely at fault is dealing with the agency called Labor, Health and Human Services, and Education—actually three different agencies. We have heard some people talk about how some people are impacted. This Senate has not passed that appropriations bill. It is the only appropriations bill we have not passed. You might say, "Why hasn't it?" We are supposed to pass that bill before

the end of September. We have not passed it.

Unfortunately, there has been a filibuster on even a motion to proceed to that bill. I have been around here a long time. I cannot remember an appropriations bill where Members filibustered the motion to proceed. We usually have fought out our differences—win, lose, or draw—on all appropriations bills. Somebody said it has riders on it. All appropriations have riders on how are we going to spend money. This bill is no different than any other bill. It had some riders. It says the administration will not spend money on a variety of different things. That is part of Congress' legislative responsibility. But we have not even been able to vote on the Labor-HHS bill. That is unfortunate.

I hear today and read in the paper about scare tactics—that it is terrible; we are not able to take care of the Bureau of Labor Statistics or Meals on Wheels. It is because, unfortunately, many Democrats will not allow us to bring that bill up and vote on it. I hope maybe we can get that resolved because that bill needs to pass. We need to vote. We need to find out where the votes are. Some people are objecting to us even considering the bill.

Looking at several of the bills the President has vetoed, Interior, which I alluded to before. If you add Interior, 76,000 employees are impacted. The Forest Service is funded at 38,000 under that bill. Indian Health is at 15,000, for a total of 133,800 employees who are impacted because the President vetoed the Interior bill. That was not Congress' veto. It was the President's veto.

Again, I reiterate my statement about my offer to work with people. I think we ought to make some changes—minor changes—and pass the Interior bill.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. NICKLES. I am happy to yield.

Mr. SARBANES. I welcome this attitude that we need to try to work out the differences. That is how I think you legislate.

The fact is, though, that when President Reagan and President Bush vetoed appropriations bills, until we worked out the differences we passed the continuing resolutions to allow the Government to continue to function. We then considered seriously the basis upon which the President had vetoed the legislation and tried to work out an accommodation so that an appropriations bill could be passed by the Congress to which the President could give his consent.

So the veto by the President of legislation because it contains provisions with which he disagrees is a standard practice.

What has happened in the past is either we could work that out, or we have provided a continuing resolution in the meantime while we tried to work it out. That has not been done in this instance. I do say to the Senator

that I think that his suggestion that we ought to look at the basis of the veto message and see what accommodations can be made between the two branches in terms of passing another bill, my understanding is the other side simply wants to send the same bill back which I would not regard as a constructive action.

I assume from the Senator's comments that he would not regard it as a positive or constructive action in the circumstance either.

Mr. NICKLES. Mr. President, to respond to my colleague, I really see no reason that the President vetoed the Interior bill and put people out of work. My point is that for the President to say, "Well, this is Congress' fault these people are not working," I just disagree. I think he bears direct responsibility in vetoing the Interior bill which is impacting the lives of 133,000 employees, and also for his actions in vetoing Commerce, State, Justice, as well as VA-HUD.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent for an additional 3 minutes.

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

Mr. NICKLES. In looking at VA-HUD, and if we are not able to break this impasse soon, I tell my colleague from Maryland that it is my hope that we will take up—maybe we cannot pass—the HUD bill. Maybe there is a dispute. But we ought to be able to pass the veterans bill. My guess is we could pass that very quickly and maybe some additional things.

I worked with the Senator MIKULSKI. I was on that Appropriations Committee. I cannot help but think we could fund most areas in that bill. I have a copy of that veto message. I think we should be able to fund people working for the Veterans' Department, and hopefully we will be able to break that logjam. We should do it today, or certainly before the end of this week.

In looking at Commerce, State, Justice, the Justice portion of it I have heard some people allude to the fact, well, we are going to have problems with prisons; we are going to have problems with clerks; and so on. Hopefully we will pass the Justice portion of it. I notice there is a dispute in Commerce. Maybe we could leave that one set aside, or other areas.

My point is that the President vetoed that bill. That bill has impacted 194,000 employees. We passed that bill. The President could have signed the bill and then said, well, he sends a rescission, or he could have requested a supplemental appropriations. That has happened as well. The President did not do that.

I think the President's pollster was whispering in his ear saying, "This is looking good if you stand up to Congress and veto some bills. We will reenact Harry Truman, and say the heck with Congress." Unfortunately, that

has put thousands of people into a furlough situation, or thousands of people into working without pay.

The President vetoed those bills. He could have signed those bills and then worked out a budget agreement. He could have signed those bills and then requested a supplemental appropriation, if he did not think we were spending enough money in some areas. If he thought we were spending too much money in other areas, he could have sent a rescissions package. But instead he was in a veto mood, and he vetoed these bills having an impact on hundreds of thousands of people, all of which he is trying to give Congress full credit for.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. NICKLES. No. I am almost out of time.

So the President is directly responsible for putting hundreds of thousands of people—I will submit this for the RECORD as well—who were impacted because he vetoed the bills. That was his right to do so. But for him to come back and say that was all Congress' fault I think was incorrect.

Mr. President, I ask unanimous consent to have printed in the RECORD this chart.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE BALL'S IN THE PRESIDENT'S COURT

The following bills have been vetoed by the President. These three vetoes have adversely affected more than 620,000 employees, as follows:

Commerce, Justice, State, Judiciary:	
Justice .....	102,000
Commerce .....	25,000
Judiciary .....	28,000
State .....	25,000
SBA .....	5,800
USIA .....	8,000
Total .....	194,000
Interior:	
Interior .....	76,000
Indian Health .....	15,500
Forest .....	38,000
Energy .....	2,300
Miscellaneous .....	2,000
Total .....	133,800
VA-HUD:	
NASA .....	20,000
National Science Foundation ...	2,000
Veterans .....	240,000
HUD .....	11,000
EPA/miscellaneous .....	20,000
Total .....	293,000
Overall total .....	620,900

Source: House Appropriations Committee.

#### EXHIBIT 1

#### To the House of Representatives:

I am returning herewith without my approval H.R. 1977, the "Department of the Interior and Related Agencies Appropriations Act, 1996."

This bill is unacceptable because it would unduly restrict our ability to protect America's natural resources and cultural heritage,

promote the technology we need for long-term energy conservation and economic growth, and provide adequate health, educational, and other services to Native Americans.

First, the bill makes wrong-headed choices with regard to the management and preservation of some of our most precious assets. In the Tongass National Forest in Alaska, it would allow harmful clear-cutting, require the sale of timber at unsustainable levels, and dictate the use of an outdated forest plan for the next 2 fiscal years.

In the Columbia River basin in the Pacific Northwest, the bill would impede implementation of our comprehensive plan for managing public lands—the Columbia River Basin Ecosystem Management Project. It would do this by prohibiting publication of a final Environmental Impact Statement or Record of Decision and requiring the exclusion of information on fisheries and watersheds. The result: a potential return to legal gridlock on timber harvesting, grazing, mining, and other economically important activities.

And in the California desert, the bill undermines our designation of the Mojave National Preserve by cutting funding for the Preserve and shifting responsibility for its management from the National Park Service to the Bureau of Land Management. The Mojave is our newest national park and part of the 1994 California Desert Protection Act—the largest addition to our park system in the lower 48 States. It deserves our support.

Moreover, the bill would impose a misguided moratorium on future listings and critical habitat designations under the Endangered Species Act. And in the case of one endangered species, the marbled murrelet, it would eliminate the normal flexibility for both the Departments of the Interior and Agriculture to use new scientific information in managing our forests.

Second, the bill slashes funding for the Department of Energy's energy conservation programs. This is short-sighted and unwise. Investment in the technology of energy conservation is important for our Nation's long-term economic strength and environmental health. We should be doing all we can to maintain and sharpen our competitive edge, not back off.

Third, this bill fails to honor our historic obligations toward Native Americans. It provides inadequate funding for the Indian Health Service and our Indian Education programs. And the cuts targeted at key programs in the Bureau of Indian Affairs are crippling—including programs that support child welfare; adult vocational training; law enforcement and detention services; community fire protection; and general assistance to low-income Indian individuals and families.

Moreover, the bill would unfairly single out certain self-governance tribes in Washington State for punitive treatment. Specifically, it would penalize these tribes financially for using legal remedies in disputes with non-tribal owners of land within reservations.

Finally, the bill represents a dramatic departure from our commitment to support for the arts and the humanities. It cuts funding of the National Endowments for the Arts and Humanities so deeply as to jeopardize their capacity to keep providing the cultural, educational, and artistic programs that enrich America's communities large and small.

For these reasons and others my Administration has conveyed to the Congress in earlier communications, I cannot accept this bill. It does not reflect my priorities or the values of the American people. I urge the Congress to send me a bill that truly serves the interests of our Nation and our citizens.

William J. Clinton.

THE WHITE HOUSE, December 18, 1995.

#### EXHIBIT 2

#### To the House of Representatives

I am returning herewith without my approval H.R. 2099, the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996."

H.R. 2099 would threaten public health and the environment, end programs that are helping communities help themselves, close the door on college for thousands of young people, and leave veterans seeking medical care with fewer treatment options.

The bill includes no funds for the highly successful National Service program. If such funding were eliminated, the bill would cost nearly 50,000 young Americans the opportunity to help their community, through AmeriCorps, to address vital local needs such as health care, crime prevention, and education while earning a monetary award to help them pursue additional education or training. I will not sign any version of this appropriations bill that does not restore funds for this vital program.

This bill includes a 22 percent cut in requested funding for the Environmental Protection Agency (EPA), including a 25 percent cut in enforcement that would cripple EPA efforts to enforce laws against polluters. Particularly objectionable are the bill's 25 percent cut in Superfund, which would continue to expose hundreds of thousands of citizens to dangerous chemicals and cuts, which would hamper efforts to train workers in hazardous waste cleanup.

In addition to serve funding cuts for EPA, the bill also includes legislative riders that were tacked onto the bill without any hearings or adequate public input, including one that would prevent EPA from exercising its authority under the Clean Water Act to prevent wetlands losses.

I am concerned about the bill's \$762 million reduction to my request for funds that would go directly to States and needy cities for clean water and drinking water needs, such as assistance to clean up Boston Harbor. I also object to cuts the Congress has made in environmental technology, the climate change action plan, and other environmental programs.

The bill would reduce funding for the Council for Environmental Quality by more than half. Such a reduction would severely hamper the Council's ability to provide me with advice on environmental policy and carry out its responsibilities under the National Environmental Policy Act.

The bill provides no new funding for the Community Development Financial Institutions program, an important initiative for bringing credit and growth to communities long left behind.

While the bill provides spending authority for several important initiatives of the Department of Housing and Urban Development (HUD), including Community Development Block Grants, homeless assistance and the sale of HUD-owned properties, it lacks funding for others. For example, the bill provides no funds to support economic development initiatives; it has insufficient funds for incremental rental vouchers; and it cuts nearly in half my request for tearing down the most severely distressed housing projects. Also, the bill contains harmful riders that would transfer HUD's Fair Housing activities to the Justice Department and eliminate Federal preferences in the section 8, tenant-based program.

The bill provides less than I requested for the medical care of this Nation's veterans. It includes significant restrictions on funding for the Secretary of Veterans Affairs that

appear designed to impede him from carrying out his duties as an advocate for veterans. Further, the bill does not provide necessary funding for VA hospital construction.

For these reasons and others my Administration has conveyed to the Congress in earlier communications, I cannot accept this bill. This bill does not reflect the values that Americans hold dear. I urge the Congress to send me an appropriations bill for these important priorities that truly serves the American people.

WILLIAM J. CLINTON.

THE WHITE HOUSE, December 18, 1995.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### THE GOVERNMENT SHUTDOWN CRISIS

Mr. KENNEDY. Mr. President, first of all I want to identify with what I think has been a very compelling case made by a variety of my colleagues here on the floor of the Senate, by the Senator from New Mexico, the Senator from Maryland, and the Senator from Kentucky, in describing in very human terms what is happening with real families impacted by the Government shutdown. And that same situation is happening in spades in my own State of Massachusetts. There are heartrending stories of families that in so many circumstances really are being devastated. The adverse impact on children continues. And it is very real. The prospects are of serious consequence, indeed. And that is a very important issue for the American people to dwell on, to be concerned about and also to bring their best judgment on the levels of power to try to remedy it.

The Government shutdown was remedied here in the U.S. Senate by the actions that were taken by Senator DOLE, and I think all of us want to take note of his leadership and understanding—that this charade of closing down the Government is nothing but a charade.

If our good friends, our Republican friends, the majority in the House and Senate, had met their responsibilities, these various appropriations bills would have been passed as has been done in other years. If they had been vetoed, these matters would have been worked out in the same way they have been historically—as has been described by the Senator from Maryland.

It is not a shutdown because even our Republican friends say they are going to pay all of these individuals eventually. So it is really not a shutdown. The taxpayers are going to pay these people.

Maybe they get some satisfaction, the Senator from Oklahoma and others, from the fact that the Americans are not going to be working now. They are not going to work, and, yet, our Republican friends say eventually they are going to be paid. And in the meantime, we have these human conditions and human tragedies that are taking place. The American people understand it. I think all of us are very hopeful that our Republican friends in the

House are going to follow the leadership that has been provided in the Senate by Republicans and permit the opportunity for the services to be continued which are in so many instances essential for the well-being of our fellow citizens. And, I am hopeful that whatever differences exist can be worked out as has been part of the proud tradition of this country.

Mr. President, I wish to address an issue which is related to these negotiations which are taking place between the leadership, Republican and Democrat, and the President. It is one aspect of these negotiations which I think bears close attention by our colleagues here in the Congress and the Senate but most of all by our senior citizens and by working families in this country, because it is a matter that will have a very significant and important adverse impact on them if it is included in the budget proposal.

Like others, I have stated that we are for the balanced budget, but we do believe it has to meet the basic criteria of being fair and just to the American people. That means if there is going to be belt-tightening, it ought to be across the board and not be particularly burdensome to the neediest and most vulnerable, the children, disabled, the neediest families in our society. That means we ought to make sure whatever the final outcome is going to be, it will be fair and just for all Americans. It is on that issue that I address the Senate for these few remaining moments this morning.

#### LEGISLATING A CHANGE IN THE CPI

Mr. KENNEDY. As the President and the congressional leaders discuss ways to achieve a balanced budget, one idea should be rejected out of hand—legislating a change in the Consumer Price Index.

That kind of arbitrary action by Congress would break faith with the elderly and make a mockery of the commitment of both parties not to cut Social Security.

It would raise taxes on low-income working families qualifying for the earned income tax credit—and other working families as well.

It would lead to lower wage increases for millions of workers throughout the country at a time when one of the most serious challenges our society faces is the decline in the living standard for all but the wealthiest families.

Such a change would be harshly regressive in its impact. It would be unprecedented political meddling in what has always been an impartial, factual determination of the CPI.

Reducing the CPI would reduce cost of living adjustments for millions of Americans receiving Social Security benefits, military pensions, veterans' pensions, and civil service retirement. It would reduce the amount of Supplemental security income payments to the needy. Because of indexing of tax

brackets, it would raise income taxes for most taxpayers—and reduce the earned income tax credit.

According to the Congressional Budget Office, a 1-percent decrease in the change in the CPI would reduce Government spending and increase Government revenues over the next 7 years, for a total deficit reduction of \$281 billion. Some may see this large sum as a magic bullet to balance the budget and avoid other painful choices. But it is a bullet aimed at millions of Americans who need help the most, and who don't deserve this added pain. It makes no sense to fight hard to save Medicare—and then attack Social Security.

Legislating an arbitrary reduction in the CPI would clearly break the compact of Social Security. That compact says, "work hard, play by the rules, contribute to the system, and, in return, you will be guaranteed retirement security when you are old." An essential part of that compact is a fair Social Security COLA, so that senior citizens can be sure that their hard-earned Social Security benefits will not be eaten away by inflation.

Overall, more than three-fourths of the lower spending under the change would come from cuts in Social Security alone. Nearly all the rest would come from other Federal retirement programs. It is the elderly who will pay heavily if Congress adopts this change.

Over the next 10 years, a 1-percent cut in the COLA would reduce the real value of the median income beneficiary's Social Security checks by \$5,300. By the 10th year, the real purchasing value of that check would be 9 percent lower—making it even harder than it is today for senior citizens to stretch their limited incomes to pay the bills for housing, food, medical care, and other necessities.

Reducing the Social Security COLA is a direct attack on the retirement benefits that senior citizens have earned. If Congress is to respect family values, it has to value families, especially the millions of elderly families all across America.

Changing the CPI also affects the deficit by increasing taxes, because income tax brackets and the earned income tax credit are indexed to inflation. If tax brackets are not adjusted for inflation, taxes go up and the earned income tax credit goes down.

Failing to adjust tax brackets hits middle income families the hardest. For the wealthy, the change in the CPI would have a minimal impact. A family earning \$100,000 would see its taxes rise by one-third of 1 percent of its income. But for families at lower income levels, the differences are far more significant. A family earning \$36,000 would face a tax increase that, as a percent of income, would be more than four times as large. The hardest hit of all would be low-income working families who depend on the earned income tax credit. Twelve percent of the total tax increase—\$13 billion—would be paid by these low-income hard-working families.

The impact of cutting the CPI reaches well beyond the Federal budget. It is also a direct attack on the wages of working families. Many workers have CPI adjustments in their collective bargaining contracts. But every pay increase is affected by the CPI. If the CPI is reduced by Congress, wages will be lower too for virtually all workers across the country.

There is no greater source of dissatisfaction in American families than the continuing erosion of their living standards. Except for the wealthy, the story of the past two decades has been "work harder and earn less." Cutting the CPI will make a bad situation even worse, by putting even greater downward pressure on the wages of every American.

Lowering the CPI has been presented as merely an overdue technical correction that should be supported as a matter of good government. This claim cannot pass the truth in advertising test.

The technical argument for lowering the CPI has been made by the Boskin Commission, which was appointed by the Senate Finance Committee to examine the issue. The Commission issued an interim report last September, which identifies several biases in the calculation. The Commission asserted that the CPI has overstated inflation by 1.5 percent a year. For the future, the Commission predicted that the CPI would be 1 percent a year too high.

The major problem with the Commission's analysis is that the sources of bias it identifies are also identified by the nonpolitical professional economists at the Bureau of Labor Statistics in the Department of Labor. They have the responsibility for setting the CPI each year. They do so fairly and impartially. They make periodic corrections to take account of any biases—up or down—that affect the index. The Bureau already plans to reduce the CPI by about two-tenths of 1 percent in 1997. This reduction is already assumed in the budget projections for the next 7 years.

The issue is not whether there should be changes in the CPI, but who should make them and how large they should be. The Boskin Commission's work is a poor basis for changing the CPI. As the Commission itself acknowledged, it did little original research. The Commission's membership was stacked with economists who believed that the CPI was overstated. According to Dean Baker, an economist at the Economic Policy Institute, "All five members had previously testified that they believed the CPI was overstated. Economists who gave contrary testimony \*\*\* were excluded."

According to Joel Popkin, another expert on the CPI, the Commission comprised five of the six witnesses before the full Finance Committee who gave the highest estimates of bias. As Mr. Popkin also pointed out, the interim report of the Commission falls far short of presenting adequate jus-

tification for its conclusions, and therefore provides no basis for Congress to change tax policies or entitlement programs such as Social Security.

In fact, for the elderly, the group most affected by any change, the most authoritative study by the Bureau of Labor Statistics suggests that the CPI may understate rather than overstate the true increase in the cost of living, because of the rapid increase in medical costs for the elderly.

To legislate an arbitrary change in the CPI would be unprecedented. In the entire history of the CPI, the Congress has never tried to impose a politically driven adjustment, and there is no excuse for imposing one now. Senior citizens and working families across the country depend on a fair CPI, and Congress should keep it that way.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my understanding is that at this point in time, the Senators desiring to be recognized would request unanimous consent to speak for a stipulated period?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I ask unanimous consent that I may speak for 3 minutes and then that the Senate turn and recognize the distinguished junior Senator from Mississippi, the majority whip.

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

#### THE CPI AND BLOCKING THE LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION BILL

Mr. WARNER. Mr. President, I just wish to say to my colleague from Massachusetts, I listened very carefully. This question of the CPI is open for debate. Thus far, consideration has been given in a bipartisan manner by Members on both sides of this aisle, and as yet there has been no resolution. I think, indeed, there is some consideration at the level of the President and his senior advisers on this issue.

But, Mr. President, what disturbs me so much is that the Senator from Massachusetts sought to come here this morning and talk about that issue, yet he fails to address one of the most burning issues indeed on both sides of the aisle here in the U.S. Senate, and that is the inability of the majority leader, the inability of the chairman of the Appropriations Committee, to bring up the Labor and Human Resources appropriations bill. It is stopped, blocked, such that this body cannot—cannot—act upon that very important piece of legislation. The distinguished Senator from Massachusetts is the ranking member of that committee, and as such he is in a position to see that this piece of legislation could be brought forward.

This Senator is receiving reports this morning—and I called in as early as an

hour ago to the CDC, the Centers for Disease Control, and to the facilities here in Maryland—as to what the impact is of this shutdown on those very important, ongoing health advisory services to all of our citizens, and I shall later in the day perhaps be able to advise the Senate. I heard that the CDC is not able to monitor the flu epidemic that is now in the United States.

So, Mr. President, I would hope that at some point, if the Senator from Massachusetts desires to return to the floor, that he might address this important issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. KENNEDY. Could I have a minute to respond to the Senator from Virginia?

The PRESIDING OFFICER. Will the Senator from Mississippi yield?

Mr. LOTT. Mr. President, if I could get clarification, I would be glad to withhold so long as the Senator does not use a minute of my own time. Could we agree he have a minute, and then I have the time allocated to me?

The PRESIDING OFFICER. There is no time assignment to the Senator from Mississippi.

Mr. LOTT. I withhold until the Senator responds.

Mr. KENNEDY. Mr. President, it is so interesting to listen to my good friend and colleague cry crocodile tears for the Centers for Disease Control because in the very appropriations bill the Senator has talked about he would cut the Centers for Disease Control by a third and diminish its effectiveness to deal with these communicable diseases.

That is an issue we ought to be debating out here. The Senator knows we could pass that bill if it had not come with the unwarranted and unjustified positions that have been assumed by the majority in undermining a woman's right to choose and including striker replacement. Drop those, and it passes by a voice vote this afternoon, I say to the Senator.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

#### MISINFORMATION ABOUT THE GOVERNMENT SHUTDOWN

Mr. LOTT. Mr. President, I am pleased that there have been efforts at the White House, meetings between the President, the Vice President, and the leaders of Congress to try to find a solution to our budget problems. I know that sometimes they feel like they are trying to grasp for the wind. It is very difficult to find a solution, but it is a very, very important effort. I wish them continued encouragement in their efforts to find an agreement to the budget. I have been very much concerned that it does not seem like they are making that much progress.

The way you get a budget agreement, the way you get any agreement any time when you have two opposing

views is both sides have to give a little and get a little in return. I do not think that is happening yet. But I hope they will continue. I hope that something will happen, if they do not meet today, tomorrow, that dramatic progress will be made, although I know it will be very difficult.

Yesterday afternoon the President went on national television right before the bipartisan meeting on the budget to bemoan the partial shutdown of the Federal Government. He recited a list of horror stories about the disastrous effects of that shutdown.

He said, "We ought to reopen the Government." I agree. He said, "The shutdown has been especially devastating to hundreds of thousands of dedicated public servants who work for the American people through the Federal Government." I agree with that. He said, "It's time to stop holding Federal workers hostage in this process." I agree with that too.

But that is the limit of my agreement with President Clinton. There is an awful lot of misunderstanding or misinformation that is being perpetrated on the American people about how we got into the situation we are in now.

Let us remember that the current shutdown is indeed partial because it does not effect any departments or agencies whose appropriations bills have been signed into law. I believe seven of them have been signed into law.

So the question is, why have not the remaining appropriations bills been signed into law? If they had been, we would not have the situation we have now.

There have been two major problems in getting those bills signed into law. One is the President himself. The second is the Democratic minority here in the Senate. Most of the President's tales of woe yesterday would not have been happening if the Labor, Health and Human Services, and Education appropriations bill was signed into law. But we would not even pass it here in the Senate.

There is the problem. It is the Senate that has not acted. It is the minority in the Senate that has blocked the Labor-HHS, Education appropriations bill from even being considered. Keep in mind what has happened is that there is a threat to filibuster the motion to proceed because of some policy language that is in that Labor-HHS-Education appropriations bill. We are being told by the minority in the Senate you cannot even bring it up because of some of the provisions in this bill.

Why not? Let us bring it up. Let us have amendments. Let us debate them. Let us vote. Oh, no. The minority in the Senate, the Democrats in the Senate, have blocked even the consideration of this bill. Why? Because of striker replacement language that is in this bill where the President clearly, in my opinion, and I think some courts

will eventually decide, has exceeded his authority with an Executive order on this subject. But the Democrats in the Senate will not even allow that bill to be brought up for consideration. Yet, they complain about how people are being affected by the fact that we do not have funding in this particular area.

Let us do something about it. Let us get the bill up. Let us go with the usual process around here, let us have votes. Some amendments will pass, some will not. Let us send it to the President and let him do what he will.

So we need to keep in mind exactly why some of these horror stories are happening. It is because the Democrats in the Senate will not even allow this appropriations bill to be brought up. So, you know, I am concerned about the Meals on Wheels Program, over Medicare contractors, over jobs that might be affected by this. The solution is to take this Labor-HHS-Education appropriations bill up.

The responsibility is at least a shared one. The President had the temerity yesterday, for instance, to complain that the Environmental Protection Agency has been crippled by the shutdown. But who was it that vetoed the appropriations bill that had funding for the Environmental Protection Agency in it? President Clinton.

The President complained about the shutdown of emergency programs at FEMA. But who vetoed FEMA's appropriations bill? President Clinton vetoed that bill.

The President, with a straight face, complained about shutdowns at the State Department after he himself vetoed the State Department's appropriations bill. Oh, but he said he had his reasons for those vetoes, that he did not get everything he wanted in some of those bills.

Well, here is, in his own words, what he said about why he vetoed some of these bills. "I will not sign any version of this bill," talking about the State-Justice-Commerce appropriations bill—and get that, "any version"—"that does not fund the COPS initiative as a free-standing, discretionary grant program, as authorized."

Translation: The Congress decided to fight crime by giving localities discretion in how they spend Federal aid. Mr. Clinton says it is his way or no way. He will shut down three critical Federal Departments unless he gets his COPS program the way he wants it.

We have three coequal branches of Government. The President cannot say, "It's my way or no way." He has to work with the Congress, and he has to be sometime aware of what the courts have said.

But that is not all. He would keep those Departments shut down and their work force out on the street unless the Congress limits restrictions on the conduct of the Legal Services Corporation and its grantees, otherwise he cannot accept the appropriations bill. Funding is provided, services will be provided,

but there are some restrictions on trying to control the excesses of the Legal Services Corporation. But he is ready to shut down all three of these big Departments and the agencies that are also affected by it because he cannot accept it the way it was written in the appropriations bill we sent him.

He said he "cannot accept" the money Congress wants to spend to keep the Commerce Department in operation and to keep the Justice Department in operation and to keep the State Department in operation unless we agree to pay for abortions for prison inmates.

Did you hear me? One of the 10 issues, I believe it was 10, that he listed why he vetoed that bill—actually it was 9 major issues—was because it had limits on abortions being paid for prisoners. The American people would not believe that. That was one of the main issues that he listed as to why he would veto that bill.

He said he cannot accept congressional funding for these three very important Departments as long as there is a moratorium—not a ban, mind you, just a moratorium—on future listings under the Endangered Species Act by the National Oceanic and Atmospheric Administration.

There is a lot of feeling across America that the Endangered Species Act has gone too far, has been distorted, has gone from what was needed to ridiculous. I voted for the original Endangered Species Act, but I had no idea that it was going to get into a situation where an entire appropriations bill would be vetoed for the Interior Department because of objections relating to the marbled murrelet. The President lists as one of the seven major reasons why he vetoed the Department of Interior bill is because he did not like the objections regarding the marbled murrelet.

Do the American people know this? Would they be horrified if they realized that one of the major reasons the President vetoed an appropriations bill was because of this bird? I guess it is a bird. I do not think they would be very happy with that.

He had other reasons, as well, for closing down those three Departments. He opposes funding reductions in the Census Bureau. How many of you think the American people are all upset because there maybe is not enough funding in 1996 for the Census Bureau? Maybe it does deserve more, but that is what all this budget discussion is really about, I thought. If there is an agreement there would be some more funding provided for these things, then the changes would be made. But to veto the bill, and one of the major reasons listed for the veto of the Commerce, State, Justice Department bill was because he opposes cuts in the Census Bureau. I do not think there are a lot of American people really worrying about that.

Mr. SARBANES. Will the Senator yield for a question on that?



Mr. LOTT. Let me continue. I am about to get to the point where I can yield. Let me continue on my thought, if I can.

He is so devoted to the Commerce technology programs that he shut down the entire Department in order to preserve them. I do not understand the thinking.

The same holds true with the Interior and Energy Departments. The workers are idled because Mr. Clinton has two problems with the Interior appropriations bill. His first problem is he wants more money. Yes, that is the big part of it all, he wants more money for everything. I was looking over his objections on the Interior bill. He wants more money for DOE energy conservation, more money for Native American programs, more money for the National Endowments for the Arts and the Humanities.

That is the crux of all of it. We have a President for the first time in my memory, and I have been watching them pretty closely now for about 27 years, who is vetoing appropriations bills because they do not spend enough. Every other President I have ever watched, Democrat and Republican, vetoed appropriations bills because Congress could not control its insatiable appetite to spend more of the taxpayers' money. Now we have a President who says, "I want more money" and, in most cases, we are not talking about cuts in a lot of them, we are talking about controls on the rate of increases in these programs.

His second problem concerns provisions regarding certain environmental areas. The Tongass National Forest, the Columbia River Basin, the Mojave National Preserve. In the case of the Mojave National Preserve, as I understand it, he is mad because the responsibility would be shifted from the Park Service to the Bureau of Land Management. Is that enough reason to veto an appropriations bill for the Interior Department?

And in Tongass, he objects to clear cutting. As I understand the language in the bill, clear cutting is prohibited in there. He pointed out three technical concerns he had, basically technical. I think they can be worked out. I hope they will be, and I hope we can move this Interior Department appropriations bill forward.

The third vetoed appropriations bill would have funded the Veterans' Department, HUD, and several smaller agencies. President Clinton killed that funding and let those Departments and agencies close because Congress would not give him money for his pet projects, such as the National Service Program. As always, he wanted more of the public's money than Congress wanted to spend: More for EPA; more for the Council on Environmental Quality; more for something called Community Development Financial Institutions Program, and just generally more money.

He even vetoed the bill because Congress inserted a provision to stop the

Secretary of the Veterans' Department from engaging in inappropriate political activity. He cited that as one of the reasons why he vetoed it.

So it goes on and on, Mr. President. I am afraid we have not done a very good job in explaining why we did some of the things we did in appropriations bills, but more importantly, explaining why the President vetoed them.

If I held up the list of the seven things that he cites as to why he vetoed the Interior appropriations bill—plus, of course, more money for everything—I do not believe the average American would agree with what he did. They would not think that a disagreement over whether some particular national preserve is controlled by the Park Service or the Bureau of Land Management is enough reason to veto the bill.

But I think we can find a solution. We will and we should try to pass these appropriations bills again with changes that have been suggested, sometimes by the President and sometimes by others. It has not been done before now partially because there was a thinking that there were serious budget negotiations underway and maybe some conclusion would be reached on the entitlements programs and on returning tax dollars to the people who pay the taxes and only appropriated accounts.

But since fast progress is not being made, at least we should go ahead and try to move some of these appropriations bills, individually or in a group, and allow the President to make up his own mind then whether or not he wants to veto them again. But if he does, the record will then be replete with evidence: The problem is not the Congress, the problem is the President, because we are going to give him another opportunity to consider these appropriations bills individually or perhaps even in a group.

Hopefully, we can come to an agreement. Hopefully, the budget discussions will bear real fruit. But it is going to take a lot more movement by the President than I have seen or I have read about in the press so far.

Mr. President, I ask unanimous consent that the period for morning business be extended until the hour of 1:30 p.m., with statements limited to 10 minutes each.

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

Mr. LOTT. Mr. President, I will be glad to yield to the Senator from Maryland. I thank him for letting me complete my statement before he asked his question.

Mr. SARBANES. If the Interior bill permits clear cutting in the Tongass National Forest, I take it from the Senator's comments he would be opposed to it; is that correct?

Mr. LOTT. I think there should be language in the appropriations bill that would be—frankly, I hoped it would say there should not be clear cutting. I am not on the Appropriations Committee. I know they are

working on that, and I think they will come up with language that will clarify that.

Mr. SARBANES. I take it from that response, if the President had a reasonably based concern that the bill would permit clear cutting, it would be a justified basis on which to veto the bill?

Mr. LOTT. I do not think so. Although I understand his concern and while I may have some agreement with him on it, to veto the entire Department of Interior appropriations bill over that one point would not be sufficient, in my mind, because you are talking about thousands of people being out of work, you are talking about monuments being closed down, parks being closed down.

That could have been clarified in other ways, through authorization, through other appropriation bills, and it would be coming very quickly.

Mr. SARBANES. That is what we did with Presidents Reagan and Bush. They would veto the bills, then we would try to accommodate their veto message and work out an understanding between the executive and legislative branches. But if that was not done immediately, we would provide a continuing resolution so the Government could function.

Mr. LOTT. If the Senator will yield on that, 2 years in a row in the Reagan administration, the Congress did not pass a single appropriations bill that was signed into law.

Mr. SARBANES. That is right, and—

Mr. LOTT. And the Democratic-controlled Congress passed continuing resolutions that had all 13 appropriations bills lumped into them—just lumped them into a pile along with the debt ceiling and everything, and left town and said to the President, "Sign it."

Mr. SARBANES. We reached agreement with the President, and the Government continued to function on the basis of the continuing resolution.

Now you have an instance in which you have just brought the Government to a partial shutdown by not providing a continuing resolution and not working out the differences that were connected with the veto of the appropriations bills.

The Senator mentioned the Bureau of the Census, and he sort of dismissed it. The United States has done a decennial census every year since 1790. That was when the first census was done. We have done a census every 10 years since then. Does the Senator think that we should do a decennial census in the year 2000?

Mr. LOTT. Well, I would want to think about that and make sure I gave you a fully informed answer. I think the answer is probably yes. But we are not talking about not funding the Census Bureau; we are talking about the level of funding for the Census Bureau 4 years from when this decennial census will occur, and also when it involved vetoing an entire Department's appropriations bill. I do not think that

because the President did not get all the funds he wanted, that is enough to veto the State, Commerce, Justice appropriations bill.

Mr. SARBANES. I say to the Senator that the President had other reasons as well. But since you focused on the Bureau of Census, unless the Census Bureau gets additional funds now to begin the work that needs to be done to do the decennial census in the year 2000, they will not be able to do it.

Mr. LOTT. But you cannot be concerned here about Meals on Wheels, other Federal programs, and monuments being closed and, on the other hand, say, "I am vetoing the bill because you do not give me all of the funding I want for the Census Bureau or for the National Endowment programs." This process could still go forward. My point is that the President vetoed these bills, in my opinion, on questionable grounds that put all of these Federal workers out of work.

We passed one continuing resolution, I remind the Senator from Maryland, and I was involved in the discussions and suggested some language that helped move that continuing resolution through right before Thanksgiving, with the idea that there would be sufficient time for us to get an agreement on our budget before Christmas. It did not happen. We still do not have one. The President signed into law a commitment to have a balanced budget in 7 years, using CBO numbers or real numbers, which still has not happened.

So the Congress, frankly, is concerned about sending another CR down there that would extend the time without knowing what the result is going to be. By the way, how much time does it take? The President has known for weeks, for months, that we were moving toward a balanced budget in 7 years, yet he did not really get engaged until actually right before Christmas. But it is time that we get an agreement. If we get an agreement, then all these other problems will fall by the wayside.

What we are trying to do is get a solution that controls the rate of growth in the explosive Federal Government spending for the sake of our children's future. That is what I worry about. I worry about this \$185,000-plus a year in interest on the national debt that every child owes when they are born. How are we going to control this? That is what is really at stake.

Mr. SARBANES. Can I ask what the time situation is?

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Mississippi has 5 minutes remaining.

Mr. LOTT. Mr. President, I think I have made my point for now. I am sure we will have continuing discussions. I think we can find solutions if men of good will are willing work together and try to find a way to work out the disagreements and come to the conclusion and pass these bills. I do not see why it could not be done quickly. I certainly hope it will be.

I yield the floor.

Mr. SARBANES. Mr. President, I want to make this observation about the comments of the Senator from Mississippi. Never before has the Congress used as a coercive tactic to close down the Government in order to try to gain its way for a fundamental change—

Mr. LOTT. Is it not true that, in 1987, I believe, the Democratic-controlled Congress passed a CR that had every appropriations bill, debt ceiling, and a number of other issues, and left town and said to the President, "Sign it and keep the Government operating, or veto it and shut it down." And they were gone. Did that happen or not?

Mr. SARBANES. The President could have called the Congress back. The Congress gave him a CR so the Government could continue to function. Now what is happening is, for the first time ever, the Congress is refusing to provide a CR and use that as a coercive tactic in the bargaining. That is an irresponsible action. That is what is happening.

We did not close the Government down with respect to the Republican Presidents. We let the Government go on to function.

Mr. LOTT. The Government has been closed down before during Democratic administrations. This is not new. We have had budget disagreements every year for the last 15 years.

Mr. SARBANES. The Government has been closed down for 19 days.

Mr. LOTT. I know it has been done for at least 11 days, as I remember. I do not remember the other times, but we have had these shutdowns before.

Mr. SARBANES. Mr. President, reclaiming my time, I want to answer that point. There were periods before the Civiletti decision in 1980 in which the Government continued to function without an appropriations bill because there was not a ruling that under the Antideficiency Act, the Government could not go on functioning. So we did not have an appropriations bill, but the Government continued to function.

Then we had this ruling that you are not allowed to do that. Subsequent to that, we had maybe a day, or a weekend, or something, in which there would be a gap in between having an appropriation bill, and either getting an appropriation or getting a continuing resolution. This is the first time, clearly, in which an extended period has been allowed to develop as a coercive tactic in closing down the Government.

You cannot find a previous instance—you can find instances before the Civiletti opinion in which departments continued to function without an appropriations bill, but there was then a ruling that said such functioning ran counter to the Antideficiency Act. You can then find instances after the Civiletti opinion in which you had a period of a day or two or a weekend in which that was the case. But we never had an instance, as we have now experienced, where we have had 6 days

earlier in 1995 and now we have run for 19 days and where it is clearly admitted that this is being used as a coercive tactic.

My distinguished colleagues in the House have been very explicit about the fact that they will, as they say, create a "titanic legislative standoff" with President Clinton. Others have said openly that they intended to bring the Government to a halt, to have a closedown, in order to provoke a controversy.

My very basic point is that this is irresponsible. It has not been done in the past. It represents, I think, an abuse of the constitutional arrangements of power, and it ought to cease.

I yield the floor.

#### THE GOVERNMENT SHUTDOWN

Mr. KENNEDY. Mr. President, we have heard, during the course of the morning, that this is really just a question about the various funding and how we will be able to get the resources to be able to move toward a balanced budget. I think it is important that as we see this process hopefully move forward, that the American people are going to understand the various options which we can take that make that progress.

I want to address the Senate on the fairness issue in reaching the balanced budget, because I think all of us know if it was just a question of figures, anyone could reach the balanced budget by slashing, burning and ending various kinds of programs. The question is, how are we going to reach that objective and do it in a way that will be fair, meeting the standard of fairness to the American people. I think it will only be if the proposal that is agreed on, and hopefully it will be agreed on by the Congress and by the President, will meet that standard of fairness, and will be acceptable by the American people. That is a fair test.

I want to address the Senate for a few moments this afternoon on a very important aspect of what I think is the issue of fairness. The original Republican budget plan was properly vetoed by the President because it failed to meet this test of fairness. It inflicted deep cuts in Medicare, Medicaid, education, the environment, and other important national priorities, and included large tax breaks for wealthy individuals and corporations.

Half of all the spending cuts in the Republican plan came from the bottom 20 percent of families in America while only 9 percent of the cuts came from the top 20 percent of families in America. Two-thirds of the tax breaks in the Republican plan go to the same top 20 percent of Americans, while the bottom 20 percent would face a tax increase. The middle 60 percent of Americans would also be hit unfairly. They would lose an average of \$600 each because of the spending cuts, and get back only a third of that amount in tax reductions.

In order to have a fair balanced budget, every form of spending should be on the table. By the year 2002, the largest of all entitlement programs will be tax entitlements. It is not going to be the Census Bureau, it is not going to be the NEA, it will not be education, it is not going to be the environmental cleanup, it is going to be tax entitlements. Between now and the year 2002, the Federal Government will spend over \$4 trillion in tax loopholes and tax preferences which go disproportionately to wealthy individuals and corporations. In 2002, these tax entitlements will represent a larger share of the budget than Social Security, Medicare and Medicaid or any of the other entitlement programs. So far, out of the \$4 trillion in tax entitlements, the Republicans are willing to cut only \$16 billion. Out of the \$4.3 trillion, they are prepared to cut \$16 billion.

A recent article in the *Wall Street Journal* cited the increasing disparity of the tax burden between individuals and corporations. The journal cites Treasury Department figures that corporate taxes in 1993 accounted for only 10 percent of the total Federal tax collections. In 1960, that figure was 23 percent. The proportion of taxes paid by corporate America has decreased by more than half at the same time the corporate profits have soared and wages have remained stagnant.

The Tax Reform Act of 1986, the most recent comprehensive reform of our Tax Code, was enacted to provide greater equity in the tax burden by eliminating corporate loopholes. The statistics compiled by the Office of Management and Budget suggest this has had limited effect. Mr. President, this chart is effectively summarizing what was in the *Wall Street Journal* article about a week ago about what has happened with tax fairness, and corporations versus families. Here we find where the American families, working families, individuals, and individual families have been with respect to tax revenues, and where the burden has fallen.

What have we seen over the period of the last years? Constant reduction in terms of corporate participation. It is now just about a third of what it was back some 30 years ago. Basically, that has been because of the escalation of the various tax expenditures and tax loopholes. What do our Republican friends want to do in their budget? They want to provide greater kinds of benefits to the corporations and wealthiest individuals, and increase—the taxes on the working families, on the neediest working families in this country.

I wish when we listen to our good Republican friends that are talking about how the President wants to spend a little more on the Census Bureau and how he wants to do a little more on the environment, that we would realize that their arguments would have a lot more power if they explained why they want to have \$245 billion in tax breaks,

which is their latest offer, saying they will not support any kind of budget unless it has that \$245 billion—again, it is the corporations who have been gradually paying less and less of their fair share of the load.

We hear a lot about people being in the wagon and out of the wagon, paying their fair share of the load. What we have seen, Mr. President, is over the period of these years right up until now, the gradual reduction in the corporations' participation because of the whole range of different tax expenditures.

Let me just describe briefly a few of those. Again, this is occurring because the Tax Code is still rife with loopholes through which this country's major corporations jump with ease. The General Accounting Office has reported that in 1991, 73 percent of foreign-based corporations doing business in the United States pay no Federal income taxes. More than 60 percent of U.S.-based companies paid no U.S. income taxes. Not only are the foreign corporations not paying any, what we have devised in the Tax Code are provisions which are encouraging these corporations to move jobs overseas taking jobs away from Americans. We give them tax benefits if they take the jobs away from hard-working Americans who are already paying their fair share, to move them overseas. We found that when the President in the last Congress closed down one of the principal loopholes, no sooner had it been closed down than under the Republican program it has opened up again.

Companies still have a significant incentive to minimize the calculation of their U.S. income, and therefore their U.S. taxation. They shift income away from the United States and shift deductible expenses into the United States. In fact, these corporate tax loopholes encourage companies to move plants and jobs overseas to low-tax havens. Our Tax Code promotes the wage stagnation caused by the exodus of good manufacturing jobs.

Surely, if elderly couples depending on Medicare and having an average income of less than \$17,000 a year would be required by the Republican plan to pay an additional \$2,500 in Medicare premiums to balanced the budget over the next 7 years, corporations can be asked to contribute their fair share.

If 4 million children would lose their health care and 5 million senior citizens and disabled Americans would lose their Medicaid protection to balance the budget, corporations can be asked to bear their fair share. Surely, if education funding would be cut by 30 percent and millions of college students would have the cost of their student loans increased to a point where they may no longer be able to afford college, corporations can be asked to bear their fair share.

Here are several approaches to make this work. First, the Republican plan would provide a reduction of 17 percent in the Federal budget over the next 7

years, exclusive of defense spending and Social Security. Reducing the \$4 trillion in tax subsidies by 17 percent would achieve savings of \$680 billion.

If we applied the 17-percent reduction to only one-quarter of the tax expenditures, we would save \$170 billion—more than enough to provide the additional savings needed in the current impasse to balance the budget fairly in 7 years. Surely it makes sense to reduce corporate subsidies by a similar percentage as programs that benefit working Americans and the poor are being cut.

As a second approach, a number of specific corporate loopholes that are contrary to sensible national policy could be eliminated entirely to achieve the needed savings. It would make sense under this approach to focus specifically on tax subsidies that have the direct or indirect affect of encouraging American businesses to move transactions and jobs overseas. It is particularly offensive, at a time when large numbers of American workers are losing their jobs and being dislocated by changes in the economy, that the Tax Code is subsidizing corporations to move transactions and jobs overseas.

Here are examples of some of the most egregious corporate tax expenditures:

Runaway plants—\$8 billion over 7 years: The Tax Code now encourages U.S. firms to move abroad. A manufacturing plant that moves overseas can defer its taxes on profits until those profits are repatriated to the United States. As a result, much of these profits never come back to the United States. Unlike all other taxpayers, these multinational companies are not required to pay taxes at the time of the gain.

Closing this egregious loophole would eliminate an \$8 billion giveaway over 7 years. Yet, legislation proposed to address this specific issue was rejected by the Senate earlier this year on a party line vote.

As a result, foreign subsidiaries can accrue big profits abroad, stash the money in foreign bank accounts, and not pay any U.S. taxes on them.

In a related matter, the President and Congress took action in 1993 to close an additional loophole that provides incentives to companies to move jobs overseas. The Republicans now want to reopen that loophole, and have done so in their budget plan.

Over the course of the past 15 years, the United States lost 3 million manufacturing jobs. Fifty percent of these jobs have been lost in the last 5 years alone. These jobs were being lost at the same time that U.S.-owned subsidiaries were locating plants in tax haven countries across the globe.

Closing these loopholes is a win-win for the American worker and the American taxpayer. U.S. companies will no longer have the same incentive to move U.S. jobs overseas and at the same time we can reduce the Federal deficit.

Transfer pricing—\$35-\$40 billion annually: Companies have a significant

incentive to minimize their U.S.-based income, and therefore their U.S. taxes. Therefore, they shift income away from the United States and shift tax-deductible expenses into the United States. Plain and simple, it's cooking the books, shifting costs from one part of the company to another for tax purposes, or transfer pricing.

IBM, for example, was fortunate enough to accumulate \$25 billion in U.S. sales in 1987. That same year, its 1987 annual report stated that one third of its worldwide profits were earned by its U.S. operations. Clearly, its U.S. operations appeared profitable and successful. Yet, its tax return reported almost no U.S. earnings.

A recent study asserts that transfer pricing could cost as much as \$35 to \$40 billion annually. The Multi-State Tax Commission has stated that it is at least a \$2 billion a year problem, and that only includes foreign-based companies doing business in the United States. And there are far more U.S.-based companies with foreign operations than foreign-based companies with U.S. operations.

And this is not the result of tax policy that is intended to spur U.S. investment. In contrast, it is revenue lost directly as a result of multinational companies fixing the books to minimize their U.S. tax liability.

This is not a new problem with which we are dealing. To the contrary, we have been trying to close this loophole for almost 20 years. Back in 1978, when we debated the United States-United Kingdom tax treaty, we spent a substantial amount of time on this issue. We knew then, as we know now, that it was a loophole that necessitated action. The only difference now is that it is a much bigger problem, more pervasive, and more costly to the Federal Treasury.

States have responded to this problem by requiring companies to proportion their costs and profits according to employees, payroll, and other standards. We can do the same.

And even more troubling is the fact that this is not a single loophole that exists by itself for multinational corporations. There are others, such as tax credits provided to U.S. companies for tax payments made to foreign countries by their subsidiaries, or tax deferrals for U.S. companies on income of foreign operations that are not repatriated to this country.

Title passage—\$16 billion over 7 years: Another tax loophole for multinational corporations is the so-called inventory property sales source rule. Large multinational exporting corporations are able to sell goods abroad and avoid U.S. taxes through some fancy footwork during the export process. This provision allows multinational corporations to shift sales to overseas operations, eliminating taxation in this country.

This loophole was closed by both the House and the Senate in the 1986 tax reform process, but was reopened in

conference. Treasury has estimated that if we eliminated it altogether, as we tried to do in 1986, we would generate as much as \$16 billion.

Let's look at an example. Company X is shipping out some products to a foreign country. Under normal circumstances, that shipment would pay taxes to the United States. But under a special rule, that company passes title to the products out on the high seas, thereby avoiding all Federal taxes. This is equivalent to a tax exemption that disproportionately benefits upper income individuals.

Some people will say that we are taking steps that will hurt exports and the expansion of our markets that can create new jobs for the economy. But we are only closing an unnecessary loophole that is prevalent because companies are willing to pass title of property in the middle of the Atlantic and Pacific Oceans.

Foreign sales corporations—\$9.4 billion over 7 years: An additional tax break is provided to companies through paper transactions. It is called the foreign sales corporation loophole, and provides exporters with the opportunity to exempt a portion of their export income from U.S. taxation.

A company does not have to increase its export activity, increase its payroll, or even increase its own production in the United States. It only has to set up a foreign sales corporation on paper. It can then exempt up to 30 percent of its export income from taxes. The Joint Tax Committee estimates that the closure of this loophole would raise \$9.4 billion in new revenue over the 7-year budget period.

Capital gains tax reduction: Whether we agree or disagree about its merits, do any of us really believe that it should be retroactive to January 1, 1995?

Is that fair? To give new tax breaks to wealthy individuals retroactively while we also cut important programs for our working families?

Billionaires' loophole: We still haven't closed the so-called billionaires' loophole. On April 6, we voted 96-4 to close it up tight, and the Senate Finance Committee has closed it twice now. But every time it goes to conference, it gets opened up.

This is a tax loophole that exists for billionaires who renounce their American citizenship to avoid millions and even billions of dollars in taxes on income, capital gains, gifts, and estates.

The law would not prevent individuals from shifting both their assets and their citizenship to a foreign country. Rather, it would just make sure that those who have amassed great wealth through the U.S. economic system pay their fair share of taxes.

Last year, approximately 850 individuals renounced their citizenship, but only a handful of those would be affected by this legislation. The tax loophole only applies to those with a minimum \$600,000 in unrealized gains, which generally would necessitate a mini-

mum \$5 million net worth. All those without that level of liability can renounce their citizenship without the IRS ever questioning their motives.

This loophole allows an individual to enjoy all the benefits of the United States, including its stature as an economic engine for the world, grow rich because of it, and then expatriate without being taxed on the wealth generated in this country. This tax break costs the taxpayers \$3.6 billion over 10 years.

It is not even a slap on the wrist. It is barely enough to close the loophole that permits American billionaires to renounce their citizenship and take up their residency overseas in order to escape American taxes.

Unbelievable. We passed the amendment here on the floor of the U.S. Senate by over 90 votes, saying: When you go to the conference on those budgets, pull that Benedict Arnold proposal out of that budget.

Those doors were not even closed over there when out it came again, right out again. No wonder the President vetoed that particular budget. Who wants to be associated with saying to a superwealthy American, "Renounce your citizenship and escape all the taxes for the moneys you have earned in the United States"? That provision is still in there.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Mississippi.

#### WHO SPEAKS FOR THE TAXPAYER?

Mr. LOTT. Mr. President, I will be brief because I have spoken earlier. I see there is another Senator wishing to speak. But I would like to respond directly to some of the comments just made with regard to taxes. I will hold it down. We are trying to go back and forth.

Mr. President, there is a lot of complaining about tax cuts in the budget negotiations. I ask the question again, who, here, is going to speak for the taxpayers of America? There are a lot of Americans out there getting up every morning at 5 o'clock, going to work, pulling their share of the load, paying taxes. They think a little more fairness in the Tax Code, a little incentive to save, a little incentive for growth in the economy to create jobs is a good idea. Everybody around here seems to be worried about this program or that program, this welfare program, that program. What about the people who are paying the taxes on all these programs? Why do they not get a little help?

As I understand it, one of the points that was indirectly referred to was the earned income tax credit. I do not know much about what has been going on in the budget negotiations at the White House, but I understand that is one area where they are very close to agreement.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. LOTT. The earned income tax credit program is one that most of us have supported in the past. The problem has been it has exploded, like so many Federal programs. Now, I understand, people who have an income of up to \$30,000 a year are getting a tax credit. We are not saying eliminate it. We are not saying wipe it out. We are saying control the explosive growth, make sure it is applicable and provided to those who are at the low-income, entry level, and not begin to move it on up into the beginnings of middle-income people.

Another point, let us talk about the specifics of the tax proposals. I have asked this question here on the floor and nobody has really responded to it.

Mr. KENNEDY. Could I ask the Senator this question, why is the Senator—

Mr. LOTT. Mr. President, I yield for a question.

Mr. KENNEDY. Why is the Senator so concerned about providing some offset for the EITC program, for the increases in the Social Security and the excise taxes and other FICA taxes, for families that are making \$30,000, yet so unwilling to try to provide also some belt tightening for those who are making \$400,000? I have not heard the Senator talk about that. I am stunned by his silence. I am sure he is going to address that issue. That is what this is about.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The time belongs to the Senator from Mississippi.

Mr. LOTT. I would ask this of the Senator, is he opposed to eliminating the marriage penalty in the Tax Code? For years we have talked about the unfairness of the marriage penalty. That is one of the things we propose to eliminate, and it is not cheap. It costs a good bit of money. Why should a couple living apart pay more when they get married, under the Tax Code, even though they are making the same money?

Who among us opposes the option of the spousal IRA, the spouse working in the home being able to have an individual retirement account? I do not think anybody is opposed to that. Most of us would like to see the IRA expanded because we would like to encourage savings. When we had the individual retirement account provisions in the 1980's it worked. It encouraged people to save. Part of what is going on in these negotiations would allow for an expansion of IRA and then allow it to be used for education and for medical purposes. I think those are good ideas.

And should we not allow for changes in the estate taxes so people who have small farms and small businesses do not wind up having to sell the farms that have been in their families for years to pay for the estate taxes—how in the world did we ever get in a position of taxing death, anyway? I think most American people would like to receive some relief there, whether they are wealthy or poor, frankly.

Also, you want to help families, a family of four? How about helping them by allowing them to keep a little of their own money with a tax credit for children? We are trying to encourage and help families with children provide for their own needs, and not everybody just look to the Federal Government to do it for them.

Yes, the capital gains tax rate cut. This is something most people will acknowledge, if it is done properly, will encourage growth in the economy and the creation of jobs. Even the President has said as much. He has said that if other tax provisions can be worked out, and the spending disagreements can be worked out, that this is something that he could support.

So it is one thing to bash the tax cuts en bloc, but when you take it apart and look at what is in the package that passed the Congress overwhelmingly, there is an awful lot of good in there. I hope it will remain in the final package.

Maybe the magic number is not 240 or 245, maybe it is less than that. But I think we need to look at the specifics of what we are trying to do and who we are trying to help in the economy. If we need to make changes to make sure it is directed more to the middle-income families, fine. I would support that. I think that is the way the talks will eventually go.

Mr. SARBANES. Will the Senator yield for a question?

Mr. LOTT. Mr. President, before I yield the floor I yield for a question.

Mr. SARBANES. Yesterday AT&T announced they were going to fire 30,000 people. Why in the world would you cut the taxes, in some instances in half, on the CEO's getting the stock options, who are not on their way out the door, and then turn to these fired, these families who have been fired, and say it is going to be harder for you to get a tuition loan to send your son and daughter to college. Or, if they are—

Mr. LOTT. It is not going to be harder for them to get a tuition loan.

Mr. SARBANES. Low-income people, they are not going to get the tax credit.

Mr. LOTT. Everybody who wants to go to college will be able to get a loan or grant or work-study program or scholarship. They will be able to go to college in America.

Mr. SARBANES. Not under the plan you put forward. You are cutting back on that.

You are having senior citizens finding themselves unable to get medical care and, at the same time you are doing all this, you are going to give a big tax break.

Mr. LOTT. Mr. President, I reclaim my time. If the Senator is going to make that kind of statement about what we are going to do, throwing senior citizens off of Medicare, that is just not the case. It is not the intent and it would not be the result.

As a matter of fact, I think the Senator from Maryland knows that in the

alternative budget that has been proposed by the majority in Congress, more money is added back for education. Even these direct loans are being increased.

Mr. KENNEDY. Will the Senator yield on the issue of education?

Mr. LOTT. I still maintain, when you look at the Federal programs we have with the NDSL, the Pell grants, the other grants, the myriad of programs to help people who want to go to college, the money is there for people that need it. The only ones who may not be getting enough help are those in the upper-middle-income category that cannot qualify for the loans or the grants.

Mr. KENNEDY. Mr. President, could I ask, just on that question—

Mr. LOTT. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Why does the Senator, who believes in competition and also in choice, why does he defend the Republican position in insisting that students get their aid and assistance through colleges through the guaranteed loan program, which provides, over the period of the next 7 years, a guaranteed profit of between \$7 and \$9 billion over that period to the banks in this country, rather than letting the college and the student make their choice whether they want that or the direct loan program?

Mr. LOTT. Let the Government do it. That is always the answer. Let the Federal Government become the lender of first resort.

Mr. KENNEDY. Why not let the schools and students choose the loan program that provides the best services at the lowest cost, rather than writing in, as the Republicans have done, an arbitrary cap on direct loans?

Mr. LOTT. Mr. President, I reclaim my time to say this. The answer is always let Uncle Sam give the money, direct the money, loan the money. I say the private sector can do it and they will do a better job of collecting the loans that are owed than the Federal Government. The Federal Government has a terrible record in collecting money that is owed on these loans that have been made.

I say we should have a greater emphasis on loans, as a matter of fact. I have always supported the NDSL Program. But now we are going to a program that, in my opinion, is going to wind up costing a whole lot more and, for a lot of kids in the future who will need that help, the money will not be there to help them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

#### THE GOVERNMENT SHUTDOWN

Mr. BAUCUS. Mr. President, we have heard some very interesting comments by the Senator from Mississippi, the Senator from Maryland, and the Senator from Massachusetts, debating what the provisions of the Federal

budget should be. Each Senator has his own views. That is a very important debate. I personally fall on the side of the Senator from Maryland and the Senator from Massachusetts, in saying this budget proposed by the Republican majority is unfair. It creates too much of a burden on middle-income people, on low-income people, and shifts the benefit to the most wealthy. It is just basically unfair. But, Mr. President, I stand here to address another issue.

While we are here debating what the provisions of the Federal budget should be, many—tens of thousands, hundreds of thousands, millions of innocent Americans—are suffering because the Government is shut down and because innocent Americans, whether they are working for the Federal Government or not, are bearing the brunt of this shutdown. It is wrong. It is absolutely wrong. We should put people back to work.

The burden of this debate should not fall on innocent Americans, and it is now falling on innocent Americans because the House majority and the Speaker of the House are in a willful band over there and are not letting American Federal employees go back to work.

It is a very interesting debate we have heard from the Senator from Mississippi, the Senator from Massachusetts, and the Senator from Maryland. It is very interesting. Let us have this debate. Let us work on the budget. Let us work on the provisions. But, in the meantime, let us put Americans back to work, and let us take the burden off of innocent Americans.

Today, once again, most of the employees of the Forest Service, the Bureau of Land Management, the VA hospitals, the State Department, and many other parts of our Government will stay home and the rest will work without pay.

Small businesses will go without Government contracts as their rent and utility bills are coming due.

People on Indian reservations will have to go without heating assistance money as a blizzard now sweeps across the Great Plains during the coldest weeks of the year.

Gas stations in rural areas that depend on their customers in the Forest Service will lose more of their business.

Families will lose their housing deposits. Why? Because the VA cannot process home loans.

I am here to say that it is an outrage. I spent last Monday walking down Route I-94 through Miles City, close to where you, Mr. President, reside. That is the State you represent. I heard from people who do not know how they will pay their heating bills, and others who had counted on a day snowmobiling in Yellowstone National Park. I have heard the same outrage from people in our State who are unable to go snowmobiling in Yellowstone National Park. Excuse my language, but they are mad as hell, and they are right to be mad as hell.

Listen to a letter I got last week from a fellow who works in the park.

I work here in Yellowstone National park in the fleet Maintenance Division as a mechanic. The job I currently hold has been the best one I've ever held. I've held this permanent position since the 25th of September, 1989. As you very well know, the National Park Service is currently in the middle of the budget crisis. This stalemate has got to stop now, due to the fact that the main concessionaire, TW Recreational Services, has been considering shutting the season down because they cannot maintain the number of employees to wait out this "Mexican Stand-off" and may have to abandon the rest of the season.

Not only that, the gateway communities of the Park are currently losing capital and are trying to survive the lost income all because you people decided to "flex" your muscle and keep the National Park Service shut down.

Now hear an e-mail I received just this morning from a woman who works in Hamilton:

As a non-tenured, furloughed staff scientist at the Rocky Mountain Labs, NIH, Hamilton Montana, I am feeling this quite acutely, both financially and professionally.

Or listen to the folks at the Gardiner Chamber of Commerce:

Gardiner is the north entrance to Yellowstone Park. The economy is almost entirely dependent on visitors to Yellowstone. With Yellowstone closed the last three weeks, the cost to our small community of 1,500 is not less than \$1.5 million in private sector gross receipts.

Mr. President, you heard that right. Since last December, Gardiner has lost \$1,000 for every single resident—innocent people, while we here debate. It is wrong.

Mr. President, it is an outrage. Whatever one's views on the budget, it is wrong and has to stop. It is wrong that innocent people suffer, whether they are furloughed Federal employees or other Americans who feel the brunt of it, while we in the Congress debate the budget.

I want to commend our majority leader for doing what is right and getting the Senate to do its part by passing a bill to keep the Government open. That was a tough decision. He has been roundly criticized for it. But it was the right thing to do.

Now it is up to Speaker GINGRICH and the House. Up to now, they have flat-out refused to do what is right. They have flat-out refused to take the burden off of innocent Americans. They are the holdouts. Yesterday, they voted to keep hurting the small businesses outside Yellowstone, keep the people on the Fort Peck Reservation and our other reservations waiting for their heating assistance, keep people at home or working without pay.

Why did they do it? Well, they have ideas that they want the President to accept on the budget. Maybe they believe they get some leverage over the President with this, or think they have some political advantage when all of this is ended. That might be so. I have ideas that I would like the President to accept on the budget, too. But I am not going to punish innocent people just because I want my views adopted.

The fact is, you should not do things that you know are wrong. It is that simple. It is the very first moral lesson we learn as children. You should not do things you know are wrong.

You should not make families on the Fort Peck Reservation go without heating in the coldest part of winter.

You should not threaten the jobs of auto mechanics and scientific researchers.

You should not threaten to make small businesses close their doors because they have no money to pay the rent.

You should not hurt innocent, hard-working people.

So I have come down here to the floor, Mr. President, just to say to the Speaker and to the folks in the House, do what you know is right. Pass the resolution. Put folks back to work. Take the burden off of them so that we in both Houses of Congress, along with the President, can do the Nation's work and pass the 7-year balanced budget resolution.

Let us debate the provisions of it, but let us not in the meantime put the burden on innocent Americans. Mr. Speaker, and all of the Republicans in the House, I urge you to do what you know is right. Pass the resolution and put the people back to work.

Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

#### THE BUDGET

Mr. SARBANES. Mr. President, just a couple of days ago Ellen Goodman wrote a very interesting column entitled "Bootstraps for Middle-Aged Children," and she addressed the problem that would confront the elderly and their children if the budget is cut according to the Republican budget proposal. She made the point that middle-aged children may get a small tax cut of less than \$1 a day and a nursing home bill of \$35,000 a year for their parents if some of these Medicaid cuts go through.

Actually, the fact is that Medicaid now pays for 60 percent of nursing home care. The elderly are required to use up their own assets until they get down to a level where they qualify for Medicaid. These are middle-income people who are, in effect, by their health situation, forced to use up their assets in order to meet their medical needs, and then Medicaid covers for them. If Medicaid ceases to do that, the burden is going to come back upon their children.

I think if people ask themselves carefully, "Which would you rather do, forego a small tax benefit or keep the protection against the extraordinary costs of nursing home care?" they would want to be protected against the nursing home costs.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sun, Jan. 3, 1996]

# BOOTSTRAPS FOR MIDDLE-AGED CHILDREN

(By Ellen Goodman)

BOSTON.—This one is for Priscilla Parten, the Derry, N.H., woman who had the temerity to ask Lamar Alexander who would care for the elderly if the budget is cut according to the GOP pattern.

The answer from the presidential candidate, one of the men hawking their wares across New Hampshire was that "We're going to have to accept more personal responsibility in our own families for reading to our children and caring for our parents, and that's going to be inconvenient and difficult."

Happy New Year, Priscilla and open up your calendar. Scribble down two rather large words under 1996: Personal Responsibility. They're going to be the watchwords of the 1996 campaign.

Personal Responsibility is the catchall moral phrase uttered by politicians in favor of removing the guaranteed safety net and parceling the money out in incredibly shrinking block grants to the states. It's the all-purpose ethical disclaimer for those who equate the task of caring for the elderly sick with "reading to children," for those who blithely describe eldercare as "inconvenient" or "difficult" but character-building.

To know what they have in mind, get past the P.R. campaign and go to the fine print of the GOP's Medicaid Transformation Act of 1995. That's the Orwellian title for the bill that would "transform" Medicaid by eliminating its guarantee.

From the day Medicaid is block-granted, adult children earning more than the national median income—that's \$31,000 a year per household—may be held responsible for the bill if their parents are in a nursing home. If they don't pay up, these newly defined Deadbeat Kids may find a lien put on their incomes, their houses, their savings.

A secret of the current system is that Medicaid, the health program established for the poor and their children, now pays for 60 percent of nursing-home care. That's because nursing care eats up the assets of elders at a rate of about \$35,000 a year until they are indigent.

Not surprisingly, the folks calling for Personal Responsibility draw on examples of personal irresponsibility to justify a change that is beginning to make middle-class eyes widen. They point to elderly millionaires who deliberately transfer their assets to the kids in order to go on the dole in nursing homes. They describe deadbeat kids who callously drop their parents at the government door and go off to the Bahamas.

## THE ONES WHO WILL SUFFER

But if and when states begin sending bills to the kids, those folks aren't the ones who'll suffer. Thousands of middle-aged "children" of the 3 million elders in nursing homes may have to pay for their parents out of their children's education fund and their own retirement savings. Adult children, perhaps elders themselves, may have to choose between nursing sick parents at home or emptying the bank.

How neglectful are we, anyway? Despite the bad P.R. we are getting, families do not by and large look to nursing homes for their parents until they are overwhelmed. Elders do not, by and large, go there until they are too ill to be cared for at home. Only one-fifth of the disabled elderly are in nursing homes.

Daughters and daughters-in-law provide most of the care of elders and they will shoulder the increased Personal Responsibility at the cost of their jobs, their pensions, their own old age. The daughter of a disabled 88-year-old may, after all, be 66 herself. It is

their characters that will be built on deteriorating lives. One politician's social issue is another woman's life.

There is enough guilt in every family to trip the responsibility wire, to push the button that says families should take care of their own. As a political slogan, P.R. passes what Dan Yankelovich calls the "they have a point" test.

But there is an awful lot of Personal Responsibility going around already. As educational loans are cut we are told to be responsible for our own children. As company pensions are fading, we are told to be responsible for our own retirement. At the same time we are to be responsible for disabled parents and even grandparents.

Dear Priscilla, when the politicians up there start talking about Personal Responsibility, they mean our responsibility, not theirs. The GOP Congress isn't just trying to balance the budget. They want to end the idea of government as an agent of mutual responsibility.

This is what you get in return for a safety net: a pair of bootstraps, a middle-class tax cut of less than a dollar a day and, oh yes, a nursing-home bill of \$35,000 a year.

## FEDERAL REGULATION OF WETLANDS

Mr. BOND. Mr. President, for years, I have tried to reform the way our Federal Government protects wetlands. The current system is bureaucratic and cumbersome; it is full of delay, waste, and uncertainty. I believe that wetlands should be protected. I believe that the Federal Government should continue to have an important role. But clearly, whatever is done to address the outstanding questions surrounding the Federal regulation of wetlands, the system must be streamlined. This is not radical or extreme. It is not even partisan. If one is not an employee of the Environmental Protection Agency or if one is not a K-Street concrete environmentalist, streamlining makes sense. Streamlining is a bipartisan issue. Depending on which day one decides to listen to the President, he believes in streamlining.

Senators may remember the National Performance Review to re-invent Government making Government work better and cost less. We have been told that the administration wants to make the Government user friendly, that it wants to streamline and reduce duplication and waste.

Our goal is to make the entire Federal Government both less expensive and more efficient, and to change the culture of our national bureaucracy away from complacency and entitlement toward initiative and empowerment. We intend to redesign, to reinvent, to reinvigorate the entire national government.

This is President Clinton on March 3, 1993. He also said:

It is time the Federal Government follow the example set by the most innovative State and local leaders and by the many huge private sector companies that have had to go through the same sort of searching re-examination over the last decade, companies that have downsized and streamlined and become more customer-friendly and, as a result, have had much, much more success.

Apparently, Vice President GORE also believes in streamlining and rein-

venting Government. On that same day, Vice President GORE said:

It's time we cut the red tape and trimmed the bureaucracy, and it's time we took out of our vocabulary the words, 'Well, we've always done it that way.'

The Vice President also requested action from citizens and policymakers.

Help us get rid of the waste and inefficiency. Help us get rid of unnecessary bureaucracy. Let us know when you spot a problem and tell us when you've got an idea.

I have spotted a problem and I have an idea. Outside of Washington, this is common sense. The problem is that we have multiple agencies doing the same thing with regard to wetlands. My idea was to eliminate just a fraction of the existing redundancy in wetlands regulation. The Clinton administration already has employees at the U.S. Army Corps of Engineers who have had the lead in making permitting decisions on wetlands for 20 years. The Clinton administration also has employees at the Environmental Protection Agency which oversee the same permitting decisions. My idea is that one team of professionals should be enough. If it is not enough, then we have more management problems than a National Performance Review could remedy.

I included a provision in the VA-HUD appropriations bill which removes EPA's duplicative authority to veto corps-issued permits. According to the corps, there is no other Federal regulatory program that gives two Federal agencies decisional authority over the same Federal permit of action. The corps has been the lead agency in wetlands protection for almost 20 years and it simply cannot be demonstrated that we need to hire one set of bureaucrats to second-guess what the first set of bureaucrats is hired to do in the first place. We are here today to balance a budget. To balance a budget, tough choices must be made. Eliminating redundant activities is an easy choice. It is common sense. Leave it to the environmental lobbyists to argue that we need two or more different Federal agencies conducting the same task—looking over each other's shoulder—adding expense, confusion, delay and frustration for our Nation's citizens.

There have been many changes recommended to improve the administration of this important program. This change is the easiest one. In that sense, I thought the provision should be non-controversial. In fact, no Senator offered an amendment on the floor to address this provision. It was not challenged in the House. Hearings have been held in both the House and the Senate. The House-passed reauthorization of the Clean Water Act removes this duplicative authority. The bipartisan bill introduced in the Senate to reform the wetlands regulatory program removes this authority.

Knowing of the Clinton's administration's efforts to streamline Government, I was surprised to learn in the President's veto message that this provision is one of the reasons for the



President vetoing the bill that funds Federal employees at EPA, the Veteran's Administration, Housing and Urban Development, and others. Not even rank and file people at the EPA could think this is a very good reason for the President to prevent their funding bill from becoming law. This is truly an astonishing notion put forth by the President. He is saying, in effect, I don't trust the people who I hired and the people who work for me at the U.S. Army Corps of Engineers to protect wetlands and to obey the law so I want to make sure I have another agency of people who I hired and who work for me to keep an eye on them.

Mr. President, for me, this issue is a flashback to another streamlining provision I proposed in the 102d and 103rd Congress. Several years ago, a farmer in St. Louis County came to my office with a real problem. He had some wet places of ground on his land and he had four different agencies coming out to that land telling him different things. I sent representatives out. The four agencies could not agree. They had swampbuster, they had section 404 regulations in hand. We got two different opinions on the particular wetlands problems and the agencies could not agree.

I had a modest suggestion and introduced legislation to make the Soil Conservation Service the lead agency responsible for technical determinations about wetlands on agricultural lands. After several years passed, I offered this proposal as an amendment on May 4, 1993, to S. 171, the Department of the Environment bill to elevate the EPA to Cabinet level. The administration opposed that idea also—at least initially. The opposition dug out all the same bogeymen, ghosts, and goblins. I was actually told that this amendment would make things more complicated—not less—if SCS was the lead agency. I was told this was the wrong vehicle and that the amendment would make wetlands regulation more expensive. The bipartisan amendment failed 40-54. Eight months later, the administration adopted this idea administratively and said they were glad they thought of it. In the interagency press release, they noted:

The agreement eliminates this duplication of effort and gives the farmer one wetland determination from the Federal Government. Farmers can now rely on a single wetland determination by the Soil Conservation Services.

Interior Assistant Secretary for Fish and Wildlife and Parks George T. Frampton, Jr., said:

This agreement represents a common sense approach to administering wetlands programs affecting our Nation's farmers. We are minimizing duplication of effort.

For this administration, it is a fine line between extremism and common sense. I would hope that another change of heart could be in order but I fear that the pressure from environmental lobbyists may be too great.

During Senate hearings, EPA argued repeatedly that they never use the au-

thority so we shouldn't care about them having it. I will argue that if they never use it, then why have it? I would like to know why the administration desperately needs an authority that has only been used 11 times in the last 20 years as tens of thousands of permit decisions were made. Is the President trying to say, well, yes, we agree that the EPA has not officially objected to corps decisions 99.9978 percent of the time, but we can never be too careful. We have so much extra money and so many people looking for work at EPA, that we better have them ready for that eventuality that occurs .0022 percent of the time.

The other argument that is used is that we would have the corps permitting themselves for their own activities. As Senators know, the corps does not actually issue itself section 404 permits but does follow all of the steps involved in the permitting process. Every other existing internal and external decision safeguard is affected by my legislative provision. The corps must meet the public interest review which requires the careful weighing of all public interest factors. Mr. President, listen to the list of criteria to be considered under the public interest review:

All factors which may be relevant to the proposal must be considered including the cumulative effects thereof: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use shore erosion, etc.

Additional criteria the corps are bound to follow are found in the section 404(b)(1) guidelines developed by the EPA. EPA retains its 404(q) authority, known as elevation authority, which allows the EPA and the Department of Commerce and the Interior to request higher level review within the Department of the Army. Individual State permitting and water quality certification requirements provide an additional form of objective safeguard to the corps regulatory program. Section 401 of the Clean Water Act requires State certification or waiver of certification prior to issuance of a section 404 permit—effectively giving States veto authority.

In addition to these requirements, the corps' implementing regulations require that district engineers conduct additional evaluations on applications with potential for having an effect on a variety of special interests such as Indian reservation lands, historic properties, endangered species, and wild and scenic rivers. The corps must satisfy the National Environmental Policy Act requirements during the permit process and permit decisions are subject to legal challenges. EPA also has lead enforcement authority. One final safeguard is provided by my fellow Senators. The great majority of corps projects are authorized by Congress. I believe this Congress has the understanding and concern to put the brakes on bad projects—environmental lobby-

ists and EPA wetlands experts are not the only people who understand and are willing to protect valuable wetlands.

As anyone can see, the cries from the environmental lobby are a red herring. There remains lots of bureaucracy and lots of redundancy for those who cherish it. In this case, they are crying wolf. My provision will do nothing to harm wetlands. Under my provision, if a wetland is or is not permitted, it will be because of an official decision made by an official of the Clinton administration.

What is this about? It is a plain old-fashioned bureaucratic turf fight. EPA bureaucrats have power and they don't want to surrender any of it. They have good working relationships with environmental lobbyists who don't want to see their access reduced. I have no doubt that EPA employees work very hard and have expertise in wetlands issues, but I am simply saying that the corps does, too, and one agency is enough. I expect bureaucrats to fight to protect power and to protect turf. What I do not expect, however, is their political leadership to provide them cover for doing so. Is the President here to create a government that works better and costs less or is he here to protect bureaucratic turf and the regulatory status quo. Unfortunately, the bureaucrats whose turf the President is protecting are currently at home because the President vetoed their funding bill—in part, and astonishingly, over this common-sense issue.

Mr. President, there was a New York Times article printed in the RECORD on December 14 [S18650] that discusses this issue. I ask unanimous consent that my response to that letter be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD a Wall Street Journal op-ed piece entitled "Death of a Family Farm," detailing an abuse of wetlands regulations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 15, 1995.

Ms. KRIS WELLS,

Editor, *Letters to the Editor, The New York Times, New York, N.Y.*

DEAR MS. WELLS: The December 12, 1995, story entitled "Brief Clause in Bill Would Curb U.S. Power to Protect Wetlands" is a very catchy headline, but grossly inaccurate. As the article accurately notes, the U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA) have dual decisional authority in permitting activities in wetlands. According to the Corps of Engineers, no other program maintains this dual decisional authority over the same permit or action.

In the spending measure I crafted for Veterans Affairs, Housing and Urban Development and the EPA, I included a provision that eliminates this dual authority by removing EPA's authority to veto permits the Corps has issued. Therefore, the provision would indeed curb one and only one of the many "EPA" powers to protect wetlands, but it certainly does not curb "U.S." power to protect wetlands unless you think the

"U.S." Army Corps of Engineers in not a federal agency. Additionally, these two agencies just happen to report to the same boss/es; i.e., the President, Office of Management and Budget, the Counsel on Environmental Quality and the Vice President, who is a self-proclaimed advocate for the environment.

There are many things this government can no longer afford, and on the top of that list is bureaucratic redundancy. Leave it to the environmentalists to argue that we need two or more different federal agencies conducting the same task—looking over each other's shoulder—adding expense, confusion, delay and frustration. The bottom line on this issue and on the projects that were mentioned in the article is this: if a wetland is or is not permitted, it will be because of an official decision rendered by officials of the Clinton Administration. If people in the environmental community do not feel that the Clinton Administration has hired aggressive enough regulators, then they should take it up with the Clinton Administration and quit crying wolf about a common-sense provision to streamline government—a goal that the President has repeatedly endorsed.

As Vice-President Gore said on March 3, 1993: "It's time we cut the red tape and trimmed the bureaucracy, and it's time we took out of our vocabulary the words, 'Well, we've always done it that way.' . . . Help us get rid of the waste and inefficiency. Help us get rid of the unnecessary bureaucracy. Let us know when you spot a problem and tell us when you've got an idea." Don't bother telling the environmental activists and lobbyists when you've got an idea. Which conservative ever called such dug-in-defenders of the status quo liberals?

Sincerely,

CHRISTOPHER S. BOND.

[From the Wall Street Journal]

DEATH OF A FAMILY FARM

(By Jonathan Tolman)

"My mother lives in Cranston. There aren't any wetlands there." This was the incredulous statement of a co-worker when I tried to explain to her the plight of the Stamp farm. Bill Stamp, president of the Rhode Island Farm Bureau, and his wife Carol own one of the few farms left in the state. But due to federal regulations, their farm is slated to close at the first of the year.

The Stamps' troubles all started when the city of Cranston, R.I., rezoned their property from agricultural to industrial. For years, Cranston had been trying to get the Stamps to develop their property. To give them an added incentive, the city decided to raise their taxes to the industrial bracket in 1983.

In order to pay the higher taxes and keep their farming operation alive, the Stamps decided to develop part of the property at Cranston and move their farm to another part of the state. Their first encounter with wetlands happened three years later after they built a road on part of their property. The Stamps had already received permits from both the city and the state to proceed with the road when the Army Corps of Engineers decided to get involved.

Under Section 404 of the Clean Water Act, before anyone can deposit dredged or fill material into a "navigable water" of the U.S., they must get a permit from the Army Corps of Engineers. Over the years, with the legal prodding of environmentalists and a string of court cases, the Corps has expanded its definition of "navigable water" to include areas you wouldn't normally expect to see boats, namely wetlands.

Identifying wetlands is a difficult business. As the Corps pointed out in one of its recent press releases, "Wetlands don't have to have

visible water." Because of the tricky nature of wetland identification, in 1987 the Corps developed a 150-page manual filled with flow charts, appendices and guidelines for identifying wetlands.

Upon learning about the road, the Corps told the Stamps, "Since a Federal permit has not been issued for the work you are presently performing, you are hereby ordered to cease and desist from any further work within Corps jurisdiction." In order to continue, the Stamps had to apply for a permit for the road they had already built. The Corps denied the permit, and demanded that the road be removed. In addition, the Corps demanded that the Stamps also remove the water and sewer lines which had been placed on their property. The Corps refused to consider any additional permits until the Stamps complied with their demands.

Realizing the mess they were in, the Stamps hired an expert consultant to help them with their wetland problems. After surveying the area with the Corps' own manual, the consultant came to the conclusion that the area where the Stamps built their road wasn't even a wetland. Just to be sure, he brought in two other wetland and soil scientists to look at the area. In a letter to Mr. Stamp, one of the experts, a dean at the University of Rhode Island, wrote: "The delineation of wetlands on that portion of your property is obviously in error." The other consultant, a former New York State soil scientist, concluded, "Since the soils would not qualify as hydric soils, the area would not be a wetland under the U.S. Army Corps of Engineers jurisdiction."

Yet when the Corps was asked to reevaluate the site, it refused. The consultant, feeling that the Stamps had been wronged, wrote the Washington headquarters of the Corps and asked for a re-evaluation. The Acting Assistant Secretary of the Army, G. Edward Dickey, refused, "because the Corps is a decentralized agency, the divisions and districts are responsible for most permit decisions and other related regulatory decisions, including delineations." (Perhaps someone should tell the secretary of the Army that he is now in charge of a "decentralized agency.")

Now, after the Stamps have spent thousands to restore the "wetland," as well as having paid \$15,000 in fines, thousands of dollars in legal fees and a lot more in increased property taxes, the original permits from the state of Rhode Island have expired. Unless the state can come through with new permits in the next few weeks, the Stamps will be unable either to sell or develop their land, and their financiers will likely foreclose on their farm in January.

Some might argue that in order to protect our nation's fragile wetlands, some errors and unfortunate incidents will happen, but in the long run it will be worth the price. The problem with this reasoning is that the 404 program doesn't really protect wetlands. Although the unwitting can get caught in the regulatory morass of the 404 program, savvy developers are aware of myriad exemptions, such as a rule that if the Corps does not respond within 30 days of being notified about a construction project of less than 10 acres, the developer can proceed with the project.

Because of such loopholes it is not surprising that many environmentalists detest the 404 program almost as much as landowners. An article published last spring in Audubon magazine described the 404 program as "a hoax perpetrated and perpetuated by a wasteful, bloated bureaucracy that is efficient only at finding ways to shirk its obligations and that when beaten on by developers, spews wetland destruction permits as if it were a pinata." The environmentalists'

argument isn't just liberal griping. Recent data from a nationwide survey of wetlands, conducted by the U.S. Agriculture Department, suggests that even though wetland regulation has increased in the last decade, wetland losses to development have not slowed. Even more ironic is that despite the continued loss of wetlands to development, a host of non-regulatory, incentive-based programs have restored so many wetlands that this year the U.S. will gain more wetlands than it lost.

Recently, Sen. John Chafee (R. R.I.), chairman of the Environment and Public Works Committee, announced plans to consider the re-authorization of the Clean Water Act, including the 404 program. The senator has the power to eliminate a program that both landowners and environmentalists agree is a bloated, wasteful bureaucracy. Maybe he can do it before another farm in his home state goes belly up.

Mr. BOND. Mr. President, there are many ways in which we can reform this program. We can do so in a bipartisan way. We can do so in a way that cuts redtape and offers new incentives for wetlands protection. We can do so in a way that includes more respect for those who currently protect wetlands—private property owners. We can bring rationality to the program and turn an important program into a more effective and maybe—maybe—even a more popular program. In the process, we might even give the States a greater role. In my State, I know we have officials who understand and care just as much about wetlands as the folks who work here in Washington. I am hopeful that these issues can be addressed. In the meantime, this legislative provision is an important start toward removing duplicative redtape and an important test for the President to see if he is so wed to the regulatory status quo, that he would reject this common-sense reform.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go", as the British put it, with our pop quiz. Remember—one question, one answer.

The question: How many millions of dollars in a trillion? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the enormous Federal debt that is now about \$12 billion shy of \$5 trillion.

To be exact, as of the close of business Wednesday, January 3, the total Federal debt—down to the penny—stood at \$4,988,377,902,358.91. Another depressing figure means that on a per capita basis, every man, woman, and child in America owes \$18,935.97.

Mr. President, back to our quiz—how many million in a trillion? There are a million million in a trillion, which means that the Federal Government will shortly owe \$5 million million.

Now who's not in favor of balancing the Federal budget?

#### THE NEW YEAR

Mr. MOYNIHAN. Mr. President, the new year is now upon us, a Presidential

year, and already the competition is fierce among candidates for election to "Safire's New Political Dictionary: The Definitive Guide to the New Language of Politics." Accordingly, Mr. President, I have the honor to propose as first-in-the-field, a remarkable triple-hyphenated safe bet and sure winner from the new year's day editorial of the Washington Post entitled, appropriately enough, "The New Year." The editorial looked back to its predecessor 50 years ago, when the Post editorial writer of that age, contemplating the end of the Second World War, pondered whether the United Nations might now bring peace on Earth. This year's editorial comments, "That sort of world-federal-ish talk seems almost quaint today." Indeed, it does. Cord Meyer apart, there are not likely to be as many as half a dozen Americans alive who remember the World Federalists and their unflinching attachment to world government. That, of course, is just the role editorials play in our lives; to remind us of forgotten fancies and dashed dreams, lest we become too much impressed with the wonders of our own age.

Mr. President, I can report that Mr. Safire, interviewed by telephone in his posh Washington offices, readily concurred that "world-federal-ish" was definitely an early starter for this year's pol-lexigraphic race, adding that it might prove a watershed compound and go on to win a triple crown.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. COATS. Mr. President, may I inquire, what is the current status of the Senate?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. COATS. Mr. President, I ask unanimous consent to extend the time of morning business for an additional 10 minutes, and that I be permitted to speak during that time.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, reserving the right to object, could I suggest to my colleague that we extend it until 2 o'clock with Members allowed to speak therein for 10 minutes?

Mr. COATS. Mr. President, I have been informed that it is the leader's intention to go into recess subject to the call of the Chair immediately after my statement.

Mr. SARBANES. There is a Member on our side who actually has left his office and is on his way to the floor, and

we would like for him to have 10 minutes.

Mr. COATS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, I think we have an agreement here that we would extend the period of time for morning business by 20 minutes, with 10 minutes allocated to this Senator and 10 minutes allocated to the Senator from Arkansas, as given by the Senator from Maryland. If that is acceptable, I so ask unanimous consent.

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

Mr. COATS. And thereafter, Mr. President, I ask unanimous consent the Senate go into recess subject to the call of the Chair.

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

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

#### TIME TO BALANCE THE BUDGET

Mr. COATS. Mr. President, I have come for the first time to a disturbing conviction. That conviction is that I do not believe this budget process is going to succeed. I am beginning to believe that any amount of negotiating in the future is not going to result in agreement. I have come to this point because 44 days after the President said he agreed that we should enact a balanced budget, nothing has happened, and I am not sure that negotiating and bargaining is being done in any way that would fulfill that commitment.

The President, first of all, has not demonstrated any history of supporting or proposing a balanced budget and has yet to put a balanced budget as scored by the agency that he insisted it be scored by, on the table.

He has vetoed the only real budget that has come before his desk, and even now, today, January 4, as I said, 44 days after he agreed to enact a balanced budget, he has yet to propose a balanced budget. President Clinton has now proposed four budgets, none of which has produced a balance. The third so-called balanced budget he proposed was scored by the Congressional Budget Office as \$200 billion per year over balance as far as the eye could see, and then his fourth budget only managed to reduce the deficits to \$100 billion a year for every year ad infinitum.

Not one Member of the Senate, Republican or Democrat, has voted for the President's budget. In one vote, it was defeated 96 to nothing, in another 99 to nothing. So this is just not Republican rhetoric. This is a unanimous

rejection of the President's attempts to balance the budget by all Republicans and all Democrats in the Senate.

So for anybody who is under the illusion that the President has proposed a balanced budget with honest numbers, no one in this body, Republican or Democrat, agrees to that.

It seems to me, third, that at every stage of the negotiations the President has purposely tried to distract the Nation's attention from a balanced budget.

First, he talked about the number of years it would take to balance the budget and finally agreed, under duress I think, that 7 years would be the right number. But he was quoted as saying, and I quote again, "[As President] I would present a 5-year plan to balance the budget." He said that on Larry King in June.

And then in July, he said, "But I do not believe it is good policy, based on my understanding of this budget—which is pretty good, now—to do it in 7 years." That he said in a Rose Garden ceremony in July.

Then he said, well, I think we ought to "balance the budget in 10 years. It took decades to run up the deficit, it's going to take a decade to wipe it out." That was during his Presidential address to the Nation.

Then he used the scoring issue, that is, determining whether or not the numbers were real, as a distraction. He challenged us—and I sat over at the House of Representatives during his State of the Union Address—when he said, "Let's at least argue about the same set of numbers so the American people will think we are shooting straight with them." That was in his address before a joint session of Congress on administration goals in February 1993.

And so we accepted that challenge, and we said we will agree, Mr. President; let us use the agency that you want to use. That is the Congressional Budget Office. And then we argued back and forth, back and forth, and the President said, well, the Congressional Budget Office, I do not agree with them. I wish to use my own numbers.

For nearly 9 months he was able to distract the press, the Congress, and the American people from the real issue of balancing the budget by focusing the debate on how long it ought to take, on what numbers we ought to use. So he—I have to give him credit—he masterfully maneuvered and shifted the debate for month after month after month when the real issue was balancing the budget.

The President's attitude is particularly destructive because we are at a unique moment in recent history. We have the opportunity to pass a real balanced budget, interestingly enough, at a time when the differences between us are not that great. We have a chance to negotiate because really we are quite close. A number of Democrats have worked with Republicans in trying to put together an alternative budget

that would reach balance, and the number differences really are not that far apart.

The differences between the Republican budget and the President's only amounts to 2 percent of the entire budget. Even on the most divisive issues, those issues of Medicare, Medicaid, and welfare reform, we are quite close.

On the most contentious issue of all, Medicare, both the President and the First Lady have essentially stated that they would do more to slow the rate of growth than what the Republicans have done. In 1993 the President said:

... Medicare and Medicaid are going up at three times the rate of inflation. We propose to let it go up at two times the rate of inflation. This is not a Medicare and Medicaid cut.

The First Lady in 1993 said:

We are talking about beginning to reduce the rate of increase ... in the Medicare from about 11 percent ... increase annually to about 6 or 7 percent increase annually.

So what the Republicans have done in their budget is exactly what both the President and the First Lady had indicated that we ought to do. And yet now it is politically turned to the fact that the Republicans are trying to cut when it is not a cut. We are trying to do what they suggested.

My point is, not necessarily that the President is playing politics with this, although clearly he is, my point is that we are not far apart at all.

I think we need to understand also that this partial shutdown of Government could be solved overnight if the President had simply signed the appropriations bills that were sent to him. He chose to veto the Interior appropriations, the Commerce, Justice, State appropriations, and the VA-HUD appropriations bills. Those hundreds of thousands of workers, Federal workers that are not now working that we hear about every day at drumbeat out of the White House could all be at work if the President had just signed the bills that we sent to him.

What is discouraging, Mr. President, is that we have come so close for a result so important and that the remaining differences between us are narrow. But it seems to me that the President is willing to sacrifice perhaps one of the most important things the U.S. Congress could do in this decade if not this century. We are sacrificing that, the demands of history for the demands of politics.

Look, this game cannot continue indefinitely. We have to end this political posturing. I think we have a moral obligation to do so. I am convinced that we should set some kind of firm deadline and prove once and for all if the President has any intention of supporting a balanced budget. That deadline ought to be set in weeks, not months.

If the President refuses to negotiate in good faith to reach that agreement and do what he said he would do, that is, put a budget on the table that actu-

ally balanced, if he is not willing to do this, then I think we should end this politically motivated pretense that is going on.

It would then become an issue to be decided in the 1996 elections. Voters would be presented with a very clear choice: The status quo, continue the Government growing as it has, leave it the same, that Government needs to do more, keep spending, keep taxing, or change the fundamental direction and course of Government and achieve a balanced budget.

If we do that, we can pass appropriations bills that produce enough savings to ensure that we can still reach a balanced budget in 7 years during this interim period between the time we cut off negotiations and the election of 1996.

Mr. President, I suggest that it is time for the games and the politics and the distractions to end. There is one issue, and one issue only that we must decide: Will we fulfill the promise of this unique moment in passing a balanced Federal budget? All the rest can be negotiated if both sides negotiate in good faith. If the President refuses to do so, as he has done to this moment, then the question will need to be put to the American people—is it enough for a President to talk about a balanced budget or do we need a President who will actually agree to a balanced budget?

Mr. President, I yield back any time I have remaining.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

#### HOW LONG UNTIL SOME MEMBERS IN CONGRESS COME TO THEIR SENSES?

Mr. BUMPERS. Mr. President, when I was a young man the Governor of Tennessee, the then-Governor of Tennessee, Frank Clement, delivered the keynote address at the Democratic national convention. As I matured and studied speeches like that, I decided it was not quite as great as I thought it was at the time. But the thrust of the speech was, "How long, America?" And he kept coming back to that recurring theme. "How long, oh, how long, America?" In other words, how long are we going to wait for solutions to these problems?

That would be a good speech to give today, how long the American people are going to have to wait until some people in this body, but especially in the House, come to their senses.

This morning we had a group of Social Security workers come into our Little Rock office. I was out at the time. My legislative director suggested that they call the Speaker of the House. He told them he would be happy to give them the names of the 73 freshmen Congressman over there, their telephone numbers, and reminded them that the Senate had voted to do precisely what should be done, thanks to the courage of the majority leader.

The majority leader probably is not interested in having a Democrat compliment him for what he did because I am sure he is taking unbelievable flak from some quarters in his own party. That goes with the leadership. If you are not willing to stand up for what you believe, you do not deserve to be called a leader. If you do not stand up for responsible Government, you do not deserve to be here.

We have a saying in Arkansas when something is really out of the ordinary. We say, "I have been to two State fairs and a goat rope, and I never seen anything like this before." I can tell you, I have never seen anything like this before. I pray to God we never see anything like it again, because if the checks and balances of the Constitution can be circumscribed and circumvented by a simple hard-core majority who are willing to stick together, and most of whom distrust Government, strongly distrust Government, the next question you have to ask yourself is, if people are willing to abuse their power by circumventing the Constitution in a way that was never intended by Madison and the other Framers, how long can we continue to govern ourselves? That is a very legitimate question that you are going to hear asked more and more if this is not resolved shortly.

The American people are divided to some extent. They do not understand it. But I can tell you, each day that goes on they become increasingly apprehensive about just what is going on, what is the meaning of it. They are not Federal employees, and so they are not very perturbed about it. But as they see their lives disrupted, as everybody's lives are going to be, if this goes on much longer, they are going to acclimate themselves and attune themselves to what is going on here.

We should not for one moment forget what is the overriding issue here. There is a minor constitutional crisis that could loom very large in the future; there is, obviously, a tremendous political battle going on, and that is where the American people really do not understand why we would subject this country to this for political reasons.

But we should not ever forget one simple fact: All we have to do is what the Senate did the night before last and pass a continuing resolution and get Government up and running. It has nothing to do—it has nothing to do—with the discussions going on at the White House. You can resolve every single issue that is at stake here without sending 250,000 workers home and others with half paychecks and scaring the pants off a lot of American citizens.

The tax cut is one of the issues. That is not an unsurmountable problem. I cannot tell you how I detest the thought of that \$245 billion tax cut, and every time I look at the statistics on who gets that \$245 billion, I am literally stunned that every newspaper in

the country is not editorializing on it every single day.

Think about it. The people who make less than \$30,000 a year get virtually not one dime of it, and if you make \$300,000 a year, you are going to get over \$8,000 a year in tax cuts. What kind of a nation passes tax bills like that?

Let me go back. That is based on a CBO assumption that the budget will be balanced in the year 2002, and by doing so, interest rates will decline to the point that over a 7-year period, we will save \$245 billion. I can tell you that is a massive assumption, one that I can almost guarantee you will never come about.

In order for that to come true, every single projection of growth rate, interest rates, and unemployment which the Congressional Budget Office puts out would have to come true, literally true—every one of those things.

It also means that next year and the next year and the next year, through 7 years, Congress will do precisely what was projected in this 1995 budget resolution. We will not even do what the budget resolution does in 1996. I can bet you we will not do it. We certainly are not going to do it every year between now and the year 2002. You are going to have tornadoes in my State, you are going to have floods in the Midwest, you are going to have hurricanes in Florida, you are going to have droughts throughout the Midwest, and we are going to pick up the tab for every bit of it. None of that is anticipated in the budget resolution.

But for purposes of argument, because the President did, in fact, come out with his own tax cut, not nearly as massive as this one, but why not say to the Republicans: "You're hot for a \$245 billion tax cut. You want to spend all of \$245 billion the Congressional Budget Office says you are going to save over the next 7 years. We do not believe that. Not only do we disagree strongly on who would get the tax benefits, we do not think those savings will ever materialize. But to prove our good faith, why don't we do this? Let's wait until the budget for 1998 comes up before we get into this tax-cutting business. If all CBO's projections have come true, interest rates are as low as they projected, all the other economic indices are the way they projected them and the savings are materializing, then say, 'OK, we'll accept a \$200 tax refund for all the children in America,' and if it goes according to Hoyle for 2 more years, up it to \$400."

Why would that not be a simple solution to it? After all, once you put that tax cut in place, if this place falls apart and the dome of the Capitol falls to the ground, you will not be able to take that tax cut away. You are going to be spending the money for a tax cut that you do not have, because we will never undo it. So why do it, unless you know the savings are going to be there?

I heard the majority whip say this morning that this President is the first

President that ever wanted more money. He never heard of anybody vetoing a bill because they wanted more money. I remind the Senator from Mississippi, Ronald Reagan used to go around saying, "I'm being accused for these massive deficits, and you know I can't spend a penny that Congress doesn't appropriate."

To the ordinary layman out there, that is fine, because the people always liked the President better than Congress.

I ask unanimous consent for 5 additional minutes, Mr. President.

The PRESIDING OFFICER. Under the order, we were to go into recess. The Senator is recognized for 5 additional minutes.

Mr. BUMPERS. While he was saying, "I can't spend a penny that Congress doesn't appropriate," he was never vetoing any money bills. He signed everything we sent him, and the people should be grateful, because while he was President, Congress appropriated billions less than he asked for. But he vetoed a defense bill because it was not high enough, and we had to give him more money to get him to sign the bill.

Mr. President, the American people last fall were angry about a host of things. There was no one single thing that people were angry about. There were a whole host of things they were angry about. It is an interesting thing, you take 1 percent of the vote last fall and shift 1 percent of the vote here, here and there, and we would not have anything bordering on an American revolution.

As far as the bonded Contract With America, so far two things have passed both Houses and have been signed by the President, and both of them would probably have been passed without the so-called Contract With America.

People were not voting for the Contract With America, because they did not know anything about it. They were voting because they were angry. They were angry about the deficit, they were angry about gays in the military, they were angry about some Members getting in trouble. It was a whole host of things.

But I can tell you, Mr. President, the one thing they were not voting for was chaos. So far, that is all they have gotten out of it.

The other day I mentioned James Baldwin, a great black author, who wrote a book called "Go Tell It on the Mountain." In the book—it was sort of autobiographical, I guess—the person who was the central character in the book was obviously James Baldwin.

He described the churches when he was a youngster and how people would have dinner on the grounds after church. Senator HEFLIN, and southerners like Senator HEFLIN and I know what that is like. He has been to a thousand dinners on the grounds after church on Sundays, just as I have.

James Baldwin describes in the book listening to some of the black preachers talk about how many souls they

had saved in the last revival, how many souls they had saved in the last year, and this youngster who wanted to be a preacher was offended by the way they talked about how many souls they had saved, not as individual people who were actually saved but macro numbers, and he took a vow that never would he take the gift of God so lightly.

As you might guess, as you go on into the book, he becomes a minister, and the first thing you know, he is one of the big stars at the dinner on the grounds after the church services, and he is talking about how many souls you save, as he said originally, as though you were talking about ears of corn being lopped off the stalk. Yes, he fell into it, too. It was a magnificent novel. I recommend it to you. Here we talk about 250,000 employees, which is a big number. Do you know what they are? They are red-blooded human beings with families, with obligations. Some of them are losing their credit rating right now because they cannot pay their bills. They, each one, count.

When people sometimes ask me how I would sum up our democracy and the Constitution of the United States—which is sacred to me—I always say the Constitution of the United States says one thing. Well, it does not say it, but it means one thing and, that is, each one of us counts. Our criminal justice system, our whole legal system, all of our freedoms in the Constitution say each one of us counts, and each one of these 250,000 people who are suffering count. I know how nice it is to go into a coffee shop. "It has not hurt me any." "I have not lost a thing." "It looks to me like we can probably do without those 250,000 from now on." You let this go on another 2 weeks and see what they are saying in the coffee shops.

So, Mr. President, these are human beings, and they are depending on Congress to do the right thing, to govern and not abuse their power. What is the cost of this? Why are the American people not up in arms about this? They say \$45 million a day. I do not know who computed that, but add \$12 million to that as of Sunday night. The 10-percent airline costs—do you want to take a guess what revenues that produces to the U.S. Government every year? Between \$4 and \$5 billion. We are losing \$12 million a day. Add that to the \$45 million, and then you take the loss of revenues of the communities who are dependent on Government, national parks, and so on. You are going to be at \$100 million a day, while we continue to negotiate and bargain and bicker about sums much, much smaller than that. It is the height of irresponsibility to hold this country hostage in order to get your way. It is an outrageous abuse of power. I do not mind saying, in a partisan way, that I believe a lot of people are going to pay for this come next November.

I yield the floor.

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER (Mr. COATS). The Senator will state it.

Mr. DOMENICI. What is the situation in the Senate now?

The PRESIDING OFFICER. The Chair indicates to the Senator that we are acting on a unanimous-consent request that the Senate go into recess subject to the call of the Chair immediately after the remarks of the Senator from Arkansas, and those have just finished.

Mr. DOMENICI. Mr. President, I have not had an opportunity this morning to speak because I had to be elsewhere, which you might suspect.

I ask unanimous consent that there be a quorum call for 5 minutes after which I be permitted to speak for up to 10 minutes and then the Senate recess subject to the call of the Chair.

The PRESIDING OFFICER. The Senator can ask for a quorum call but cannot predetermine what takes place after that. The Senator can ask unanimous consent to speak or put in a quorum call and then state that request, and the Chair would consider that.

Mr. DOMENICI. The quorum call needs to run before I make the request?

The PRESIDING OFFICER. Yes.

Mr. SARBANES. If the Senator will withhold for a moment, is the Senator prepared to proceed now?

Mr. DOMENICI. I need that 5 minutes that I was seeking.

Mr. SARBANES. Senator NUNN would also seek 10 minutes. Why do we not take a quorum call and then see if we can work that out.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Reserving the right to object. Could we have 3 minutes on this side, as well? We have been doing an equilibrium thing here all day.

I amend the request to ask unanimous consent that this side of the aisle have 3 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming is recognized.

#### THE NEED FOR A LIMITED CONTINUING RESOLUTION

Mr. THOMAS. Mr. President, I have been in the chair listening for some time, and I wanted to make a couple of observations. First of all, I agree thoroughly with Senator DOLE and the

Members of this body in seeking to have a resolution which would put the Government back in place. It seems to me that that is what we should do. We ought to have a limited CR in which there is time to proceed with what I hope are useful negotiations that are going on. We need to put this thing behind us and get on with resolving the problems.

There are, however, I think, a couple of other things that we also ought to be able to expect. One is that the White House and the President should deliver what they said they would. We did this on November 19, I believe. We had an agreement that we would have a CR, that during that time there would be a balanced budget based on CBO numbers, over 7 years. It did not happen. That did not happen. Then we had an opportunity—the White House did—to pass appropriations bills, to put almost all those back to work who are now furloughed. They did not do that. He vetoed it.

Mr. President, there is another difficulty that we have had in Wyoming. It has to do with Yellowstone Park. There was an article in the paper this morning about it. Our Governor sought to negotiate with the Secretary of the Interior so that the State would take responsibility for part of Yellowstone Park. There was no real effort on the part of the Secretary to do that. Promise to return calls, promise to do something to consider a proposition by the State, did not do that. So not only are the employees of the National Park Service in this case not working, but neither are the concessionaires, neither are those who had contracted to do work, because the Department of Interior did not, frankly, make the real effort to do anything about that. So there has to be some responsibility assigned there in terms of doing what we said we would do.

Second, Mr. President, it seems to me that those who are doing the negotiating, if they really wanted to find a solution, if there was a real, honest-to-goodness effort on the part of the parties to find a solution, they could do that. It is time to do that.

Frankly, I suggest that the three principles sit down, the President, the majority leader, and the Speaker of the House—eliminate all the observers, eliminate the staff—and come to some agreement, come to the snubbing post on what we ought to do. There is a lot of leeway within this outline, and we can do that. Mr. President, that is our job.

Our job is to find solutions. That is what we are here for. That is why we are the trustees for the American people. Our job is to keep the Government functioning in as effective way as we know how. Our job is to make decisions and to move forward. We have great opportunities to do that, great opportunities in this place to do that. There are opportunities in the White House.

There is not much point in assigning blame, but there is plenty to go

around. We ought to come to the snubbing post and make some decisions. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. I ask unanimous consent that notwithstanding the previous order, I be recognized to speak for not more than 10 minutes, Senator NUNN be recognized thereafter for up to 15 minutes, and following those remarks, I ask that the Senate stand in recess subject to the call of the Chair.

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

#### THE CURRENT SITUATION

Mr. DOMENICI. Mr. President, there has been a rather lengthy discussion this morning about the continuing resolution and the status of our public employees. I very much wanted to be here this morning to talk about it, but obviously I had some other things I had to do as we seek to get a balanced budget.

I thought I might take just a few minutes and talk about the fact that the situation that we are in today is the result of both the President of the United States and the Congress of the United States having certain rights and certain responsibilities. In a sense, it is a two-way street, not a one-way street like everybody has been talking about, including the President, who used the words "cynical strategy" to talk about the Republican Congress, albeit he chose to say it was the Republican House rather than both of us. "Cynical strategy" seemed to indicate that the entire blame for where we are today should be borne by the U.S. House Republicans, or a combination of the House Republicans and the Senate Republicans.

Mr. President, and fellow Americans, that is not true. Let me state what Republicans have done and what I perceive that the President has not done that put us in this situation that we are in today. Before I begin that, I would like very much to state once again that I hope we can resolve the issue of Federal employees who have not been paid and who have been relying upon their paychecks while they work without pay or relying upon them because we promise to pay them. I think we ought to solve that issue and solve it quickly. They are not responsible for the problem.

Having said that, Republicans in both Houses produced a balanced budget using real numbers and using the Congressional Budget Office estimates. We already did that. The President of the United States, in his capacity as the Chief Executive, chose to veto that.

Had that been signed, obviously we would not be in this mess.

I am not standing here saying the President has no prerogative to veto that. He vetoed it. Nonetheless, we had already passed many of the appropriations bills, and the President got on television yesterday and enumerated a whole series of things that were situations where either people are suffering because we have not passed certain appropriations bills, or the Government cannot do certain things like issue visas, so many foreigners cannot get in the country. And the President is critical of the Congress—in particular, the Republicans in the House—because he says they are to blame for this.

Let me remind the American people this is a two-way street. Had the President of the United States signed three bills which he vetoed—Commerce, State, Justice; Interior appropriations; VA-HUD appropriations—many of the long list and litany of things that have gone wrong in America would not have gone wrong. They would have been taken care of by these bills.

Now, there are some who took to the floor this morning and said the President has this absolute right to veto but Congress has no rights; they must respond and either give him what he wants or suffer the consequences of partial closure of Government. Not so. No student of our Constitution is going to tell you that. When he vetoes them, he bears some responsibility for vetoing them. We certainly have a responsibility to say, well, if he vetoed them, try something else and see if we can get through this.

I understand that is being tried and some targeted appropriations are being worked on. I hope it works. I hope the President understands the next time we send him something that is targeted that he does not have the absolute right to veto them and then claim it is our responsibility because the Government is closed. We have a right to stand up and say, "Mr. President, these are tough times. We do not agree on a lot of things, but you do not have the absolute immunity to veto bills and blame us because the Government is closed."

You might have to look at the next Interior bill. Mr. President, there was not very much money involved in that Interior bill. Frankly, you got some bad advice on the Interior bill, yet you get up and talk about cynicism when most of those U.S. monuments, the museums, would have all been opened if you had signed that bill. You look at your list, Mr. President, of why you vetoed it—pretty flimsy stuff. If you have some responsibility in this, then the public ought to look at why you vetoed them and what were your reasons.

Let me also suggest that the President used some very, very strained—strained—words when he spoke of cynical strategy. I am working in good faith with this President to try to get a balanced budget, but I believe he and his entire administration have been en-

gaged in a cynical strategy since June of this year when they produced a budget allegedly in balance that did not use the Congressional Budget Office numbers and economics but used their own, concocted by their own economists, by their own OMB personnel, and have never to this day produced a balanced budget using the Congressional Budget Office numbers. That is a strategy. It is a beautiful strategy. Since the word "cynical" is battered around, it is a cynical strategy because never to this day—while blaming Republicans for all kinds of things—never to this day has the President of the United States had to put a balanced budget on the table. We are negotiating with him and he still has never put one on. He has not put it on in the negotiations. And I am breaching nothing there, everybody understands he has not. He did not when we asked him to, and he signed a continuing resolution that said we would be bound by the Congressional Budget Office economics and numbers, and the conclusion on that is that means the final agreement will be judged that way, not that I have to produce one. Is that not interesting?

So, to this date, no balanced budget in 7 years using the CBO numbers has been produced by this White House, by this President, by his Cabinet. And they are now engaged in blaming this whole episode on Republicans.

At least it is a two-way street from here to Pennsylvania Avenue, and when Presidents veto bills that fund Government, they take a bit of the responsibility of what will happen if Congress chooses not to fund some of those. After all, I do not advocate this, but the truth of the matter is the Constitution is eminently clear. Congress has the purse strings of the U.S. Government. We decide how to spend the taxpayers' money, and that is not a shared responsibility, I regret to say. That is a singular responsibility, and we have been choosing not to fund what the President wants.

We are also trying to get a balanced budget, which the President either does not want or wants something different on. These are difficult political and philosophical times. What is at stake is big. For some of us what is at stake is whether future generations have to pay for our bills or whether we will pay for them ourselves.

So, whenever we have stories about things going wrong because Government is closed, none of us like that. But the big reason for all this, it all starts because Republicans have come to the conclusion that we want to live up to our commitment to use real numbers, no phony numbers, use Congressional Budget Office numbers and produce significant change in Government so as to produce a balanced budget.

So I wish I could have done this earlier in the day, but I think I have made my case. I think I have made my case that the reason we are in this mess is

not just because Republicans have not sent bills to the President to fund Government; the President bears some of the blame, and I have elaborated that as best I could here today. It is a two-way street, and bantering around words like cynicism, and a cynical strategy, deserves a response. Or it is not too far-fetched to conclude that their strategy in the White House has been a cynical strategy of rather significant proportions.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SARBANES. Will the Senator from Georgia yield me 30 seconds?

Mr. NUNN. I yield the 30 seconds.

Mr. SARBANES. Mr. President, I think it is important at this point to have printed in the RECORD a quote from Investor's Business Daily, November 8 of 1995.

Gingrich has said he would force the government to miss interest and principal payments for the first time ever to force Democratic Clinton's administration to agree to his seven-year deficit reductions.

And a quote from Representative SHERWOOD BOEHLERT, a quote from the Los Angeles Times of November 14:

You have a group in our conference who could not care less if the government shuts down. . . . They will be cheering.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

#### BUDGET IMPASSE AND CENTERS FOR DISEASE CONTROL

Mr. NUNN. Mr. President, I have made it clear in previous remarks and other public statements that I oppose shutting down portions of the Federal Government as a tactic in the budget debate. I have supported the continuing resolutions that would restore funding for full Government operations as we continue to move toward the objective of a balanced budget.

I applaud the leadership of Senator DOLE, Senator DASCHLE, and others in this body who have concluded that the current situation is artificially created, it is unnecessary and is a wasteful burden on Federal workers and on the taxpayers they serve.

Mr. President, I recall here over the last 20 years, several debates on holidays, whether we ought to add another holiday to the overall holidays the Federal Government observes. I remember people totaling up the amount of money it costs to have one holiday and projecting that over 20 years and talking about the astounding cost when you pay people for a holiday. If anyone stops and thinks about what we are doing now, I believe we are about on day No. 20—there may be a few more days in that counting the previous shutdown—we really have had 20 to 25 additional holidays this year where the taxpayers of this country are paying for people who want to work but who are not allowed to work, but they are



going to be paid. And that is, to me, a real paradox, as to how you possibly can start off a quest to save \$1.2 trillion over 7 years by declaring over 20 paid holidays for workers.

And then, it is not only the workers themselves—it is unfair to them because they want to work, they are not getting paid now, and that is a hardship—but also it is terribly unfair to literally hundreds of thousands and growing to be millions of Americans who are suffering because of this shutdown.

Mr. President, there are many examples of the harm being done by the shutdown. One example which has not drawn much attention is the fact that the U.S. Centers for Disease Control and Prevention, the CDC in Atlanta, GA, is virtually shut down. Today is the 50th year of operation of the Communicable Disease Center, and it is effectively closed. Except for a skeleton staff, no personnel are available to fulfill the functions of the CDC.

This is bound to have an impact on the health and safety of the American people and, indeed, citizens around the world. The workers at the CDC are the same Federal workers who pinpointed the cause of Legionnaire's disease and toxic shock syndrome. These are the same men and women who risked their lives to investigate the recent outbreak of ebola and track the course of influenza, AIDS, and TB across the Nation and indeed the world. Their job is to investigate, to define, to monitor and to prevent disease—to get out in front of emerging infectious diseases, food and waterborne diseases, respiratory infections, birth defects, lead poisoning, air pollution, radiation, and other environmental health emergencies.

The problem in this area is you do not know it is an emergency if you are not out in front of it before it is too late. We will be lucky if we get by with this shutdown and closedown of the CDC without having some serious problem and erosion in the health of the American people.

In some cases, the CDC implements control measures during a critical time when minutes and even seconds count. Rarely a week passes by without the CDC directing the Nation's attention to important new research findings on public health issues. At this point, we do not know what public health crisis will emerge in 1996. With a CDC shutdown, we do not know what might be happening right now. What we do know is that the CDC plays a critical role in watching for signs and sustaining sophisticated surveillance and monitoring communications with medical health officers in our Nation and throughout the world. We do not know the impact of the Government shutdown on the health of the U.S. citizens. We may not know it until it is too late.

Like other Federal employees, the people in CDC are deeply dedicated, hard-working persons, scientists, physicians, and public health profes-

sionals. Some even risk their lives to investigate outbreaks of unknown, sometimes even deadly diseases. These people are protecting the Nation's health and they are anxious to return to their jobs.

In addition, the CDC personnel who are not at work, who would otherwise be there, they would be providing critical funding for technical assistance to State and local programs for sexually transmitted diseases, TB, HIV, childhood immunization, environmental health, national and international chronic and infectious disease prevention, breast and cervical cancer. We all need to recognize they are not on the job.

Mr. President, diseases, viruses, bacterial infections, and cancers do not stop because of a Government furlough or a partisan political and budget debate.

CDC grants to State health agencies to fund prevention programs that are fundamental to saving lives and maintaining the health of our population are also being affected adversely. Programs in 20 States for rape prevention are in danger, and funds for staffing hotlines for public health emergencies, such as violence, STDs, and HIV, may halt operations. All of this is in great risk.

We cannot afford to wait to open the doors at the CDC. The health of the Nation and the world could be at stake.

I urge our colleagues in the House to think again about the tactics they are using. They are trying to get the budget balanced, and that is a goal that all of us should work toward. And I hope we can achieve that. But the tactics being used are totally counterproductive to the taxpayers and to the country and to the health of our citizens. We must not continue to hold hostage the health and safety of American citizens who are paying for a service that is not being rendered.

#### THE BUDGET DILEMMA—A TWO-WAY STREET

Mr. NUNN. Mr. President, my friend from New Mexico talked about the rights of the Congress regarding the purse strings, and the rights of the President regarding the veto. And he emphasized that this is a two-way street. I agree that the budget dilemma, the budget challenge, the effort to balance the 7-year budget, is indeed a two-way street. The American people should hold all of us accountable for that.

But this continuing tactic to keep the Government closed down is not a two-way street. There are a group of people who believe—I think erroneously so—that it gives them leverage. In effect they are saying that the President should care more about the health of the American people, about the workers out there, than the Congress does. Otherwise, why is it leverage? Is it leverage for you to hold somebody hostage if both have an

equal stake in returning that innocent victim without being harmed? If it is not leverage, then why do it? If it is leverage, that means that the Congress does not have an interest in the workers and does not have an interest in the people who are being affected in this country, and indeed abroad.

Mr. President, I do not understand any logic behind the House Republicans' position. And I again am gratified that the leadership of the Senate on both sides of the aisle recognize that this is counterproductive, and recognize that the wrong people are being held hostage in this high-level game of Russian roulette.

Mr. President, one closing thought again in response to the thoughts voiced by my good friend from New Mexico, Senator DOMENICI.

This effort to get the budget under control is indeed a two-way street. As I think we have set forth in the Chafee group composed of about 10 Democrats and about 10 Republicans, there is no reason the parties cannot come together. It is not easy. It is not something that can be done in an hour or two hours but over a 2-, 3-, 4- or 5-day period should be able to be done.

I do not think there is any question about the responsibility of keeping the Government closed. That is a tactical decision made by House Republicans. But all of us are involved in the effort to try to get the budget under control. It is very clear what has to be done. The administration and Democrats have to be willing to save more on entitlements, to restrain the growth of entitlements more than has thus far been indicated. Republicans have to be willing to come down some on what they are doing in terms of the cuts in Medicare and Medicaid which are too severe. That is very apparent.

It is also apparent that both the Republicans and the White House need to take another thorough look at tax cuts. It is to me almost unbelievable that we can be starting a quest to get the budget under control by declaring a very large dividend at the very beginning before we have implemented anything. That is what large tax cuts do. So I am hoping that the tax cuts will come down, and that the Republicans will agree to that.

I am hoping that those of us on the Democratic side will recognize that we have to restrain the entitlement growth. That is the heart of what has to be done. It is apparent for all of us to see. There are a lot of complexities in doing it. But we will have to make those movements.

In the final analysis, there is a right of the President to veto, and there is a right of Congress not to appropriate. There also is a right of the American people to say, "We have had enough; a plague on both your houses. We send people to Washington to be able to reach reasonable compromises to govern this Nation effectively and both political parties are failing at that task."

At some point the American people are going to come to that conclusion,

and they are going to come to the conclusion that both parties are to blame. I hope everyone recognizes that because that day, if it has not already arrived, is fast approaching.

I believe it is up to all of us to put aside some of the harsh and unreasonable rhetoric and some of the incivility that has gone into this debate and to recognize we all have an obligation to the American people and to our children and grandchildren to get this Nation's fiscal house in order and to do it in a responsible way, a way that will not be looked back on in a year or two as an absolute march of folly but a way that is fair and effective for the American people.

#### TRIBUTE TO ADM. ARLEIGH A. BURKE

Mr. NUNN. Mr. President, today a grateful Nation pays its final tribute to a true patriot and hero, Adm. Arleigh A. Burke, who died on Monday at the age of 94.

Admiral Burke will be buried on the grounds of the Naval Academy in Annapolis, where he graduated in 1923. His service to the Nation will serve as a model to Academy graduates as well as all members of the Armed Forces for generations to come.

Admiral Burke said he was attracted to the Navy because, in his words, the rules were "strict, known and observed." His adherence to the rules was a matter of personal honor, not bureaucratic timidity. When it came to strategy and tactics, he was a bold innovator. During World War II, he initiated dramatic changes in naval doctrine, developing and implementing tactics relying on the speed and maneuverability to destroyers armed with torpedoes to undertake offensive operations.

Admiral Burke's Destroyer Squadron 23, known as the "Little Beavers" compiled an outstanding combat record in the Pacific in 1943, which earned him the Distinguished Service Medal, the Navy Cross, and the Legion of Merit. During the assaults on Bougainville and Buka in the Solomon Islands, he made two dramatic high speed runs, crippling Japanese airfields and sinking a large number of Japanese vessels. Reflecting the speed and daring of these maneuvers, Adm. William F. Halsey gave him the nickname "Thirty-One Knot Burke" after Burke sent a message to American transports announcing: "Stand aside! Stand aside! I'm coming through at 31 knots." A Presidential Unit Citation praised the squadron's "daring defiance of repeated attacks by hostile groups" and its attacks on the "enemy's strongly fortified shores to carry out sustained bombardments against Japanese coastal defenses and render effective cover and fire support for \* \* \* major invasion operations \* \* \*."

Subsequently he helped plan the invasions of Iwo Jima, Guam, the Marianas, and Okinawa. At Okinawa, the ship on which he was serving was hit

by kamikaze suicide planes, and he was awarded the Silver Star for rescuing sailors trapped in a compartment by smoke and fire resulting from the attack.

After the war, he served in the office of the Chief of Naval Operations, where he produced an influential report emphasizing the vital role of the Navy in the post-war national security establishment. Although the inter-service rivalries of the period nearly cost him promotion to the grade of admiral, President Truman recognized his skills and character and he was promoted.

During the Korean war, Admiral Burke served as commander of a cruiser division and as a member of the Military Armistice Commission. In 1955, he was appointed by President Eisenhower and confirmed by the Senate as Chief of Naval Operations, a position he filled for an unprecedented three terms. He played a key role in the development of antisubmarine technology, the Polaris submarine, and strengthening allied navies.

President Kennedy offered him the opportunity to serve a fourth term as CNO, but Admiral Burke declined so that the Navy could have younger leadership. After retiring from the Navy, he helped to establish and lead the Center for Strategic and International Studies, which has provided numerous influential studies on national security matters. He also served as president of the Capital Area Council of the Boy Scouts of America. In January 1977, Admiral Burke was awarded the Nation's highest civilian award, the Medal of Freedom, by President Ford. The Navy's *Arleigh Burke* class is named in his honor. When the lead ship, the *Arleigh Burke*, was commissioned in 1991, he gave the crew a simple, direct message reflecting his belief in providing the Navy with the best equipment and hard training: "This ship is built to fight," he said. "You'd better know how." It is most fitting that the crew of the lead ship, the *Arleigh Burke*, will be present to honor him today.

The current Chief of Naval Operations, Adm. Mike Boorda, summed up Admiral Burke's career when he said: "Admiral Arleigh Burke defined what it means to be a naval officer: relentless in combat, resourceful in command and revered by his crews. He was a sailor's sailor."

I wish to express my condolences to his wife of 72 years, Roberta "Bobbie" Gorsuch Burke, and to express my appreciation for his devoted service to our Nation.

I think we can indeed say—all of us can say—that he followed military affairs, and that Admiral Burke, in Admiral Boorda's words indeed " \* \* \* defined what it means to be a naval officer: relentless in combat, resourceful in command and revered by his crews." He was, indeed, "a sailor's sailor."

Mr. President, I thank my colleagues for the time, and I will yield back any I have.

#### ORDER OF PROCEDURE

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there is a unanimous-consent agreement, as I understand it, to recess subject to the call of the Chair. I wonder if I could ask unanimous consent that I might be heard for not more than 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Vermont is recognized for up to 3 minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer.

He, like I, was among the skeleton crew here during the Christmas and New Year's time as we were trying to move things along, and I know he has had more than enough time to sit in that chair and I hate to add to it.

#### REFUSING MY PAY DURING THE GOVERNMENT SHUTDOWN

Mr. LEAHY. Mr. President, tomorrow, like other Members of Congress, I will receive a paycheck for the last 2 weeks. In good conscience, however, I cannot use this money while thousands of Federal Government employees are denied their paychecks because Congress refuses to reopen the Government. Until this Government shutdown ends, I will be putting the amount of my paycheck into escrow.

As a matter of principle, Members of Congress should be treated the same as all Federal employees. I work for the people of Vermont, including the hard-working Federal workers who are being punished by this Government shutdown. If the Federal workers in my home State cannot receive a paycheck, then I will not receive a paycheck.

I am a cosponsor and strong supporter of Senator BOXER's no budget-no pay bill which would stop the pay of Members of Congress during a Government shutdown. The Senate has passed this legislation three separate times, but the leadership of the House of Representatives refuses to bring the bill to a vote. I would also note that the Senate has passed legislation to put people back to work. The distinguished majority leader, Senator DOLE, introduced a continuing resolution which passed to that effect. But that has been rejected by the House of Representatives.

I urge the House Speaker and my other colleagues in the House and Senate to also give up their paychecks until Congress ends this foolish Government shutdown. Speaker GINGRICH and the House Republicans are all accepting their pay while Federal workers are working without pay or forced to stay home without pay. In fact, at least one Member of the other body said he would accept his pay "because he is in the Constitution," although I do not find his name in my copy of the Constitution. I believe it is the height of arrogance for them to accept it. In fact, they even accepted travel money

from the taxpayers to go home for a Christmas vacation.

If the Speaker and his followers would also give up their pay as I am, I believe the House would quickly vote to reopen the Government. Maybe if they went without pay for a while, they would find out what it is like when you are working but not getting paid. They would learn that the bills keep coming even though the paychecks do not, which is what thousands of Federal workers in Vermont and throughout the country are now finding out.

My family is no different than any of the other hundreds of Vermont families that are going to miss that paycheck because of this shutdown. I will not enjoy my pay if they cannot enjoy theirs.

Mr. President, I yield the floor.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 2:43 p.m. took a recess subject to the call of the Chair.

The Senate reassembled at 5:47 p.m. when called to order by the Presiding Officer (Mr. BOND).

#### NOMINATION JOINTLY REFERRED TO COMMITTEE ON FINANCE AND COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the nomination of Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade, received on January 4, 1996, be jointly referred to the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs.

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

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was jointly referred to the Committee on Banking, Housing, and Urban Affairs and to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House proceeded to reconsider the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated; the said bill did not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced the House proceeded to reconsider the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated; the said bill did not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 153. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 2029) to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

#### MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on January 4, 1996, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1925. An act to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks.

H.R. 2203. An act to reauthorize the tied aid credit program of the Export-Import Bank of the United States, and to allow the Export-Import Bank to conduct a demonstration project.

H.J. Res. 153. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the House proceeded to reconsider the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, returned by the President of the United States with his objections,

to the House of Representatives, in which it originated; the said bill did not pass, two-thirds of the House of Representatives not agreeing to pass the same.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1764. A communication from the Director of the Office of Administration, the Executive Office of the President, transmitting, pursuant to law, the personnel report for fiscal year 1995; to the Committee on Governmental Affairs.

EC-1765. A communication from the Director of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, the report on the Public Health Service Commissioned Corps Retirement System; to the Committee on Governmental Affairs.

EC-1766. A communication from the Commissioner of the Office of Social Security, transmitting, pursuant to law, the accountability report for fiscal year 1995; to the Committee on Governmental Affairs.

EC-1767. A communication from the Commissioner of the Office of Social Security, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC-1768. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the valuation of the U.S. Coast Guard Military Retirement System for fiscal year 1994; to the Committee on Governmental Affairs.

EC-1769. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a notice relative to the Civil Service Retirement and Disability Fund; to the Committee on Governmental Affairs.

EC-1770. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Inspector General for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S.J. Res. 46. A joint resolution making further continuing appropriations for the fiscal year 1996 for the operations of the Passport Office of the Department of State; to the Committee on Appropriations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S.J. Res. 46. A joint resolution making further continuing appropriations for the fiscal year 1996 for the operations of the Passport Office of the Department of State; to the Committee on Appropriations.

PASSPORT OFFICE CONTINUING APPROPRIATIONS

Mr. MOYNIHAN. Mr. President, we find ourselves in the 20th day of an untenable situation. Large parts of the

Federal Government are closed. Spending authority is suspended for 9 Cabinet departments and 38 agencies, commissions, and boards, which have responded by closing virtually all functions.

Prior to 1982, the Federal Government had never closed. This is now the 12th closing in 14 years. Recall that the British arrived in Washington in 1814. They burnt the White House. They burnt the Capitol. We still did not close down the Federal Government. In the 1930's, in the midst of the worst depression we have ever had, we kept the Federal Government open. We now have an army in the Balkans. They deserve a better example.

One critical service forced to close is the Passport Office of the Department of State. Last night, the Senate passed a continuing resolution attached to H.R. 1643 and the majority leader's back-to-work bill, S. 1508. Both of these measures would reopen our passport offices. But, apparently, the House may balk at approving these eminently reasonable and logical measures. Accordingly, I rise to introduce legislation to reopen the Passport Office. Last year 5.3 million Americans applied for passports. This year the agency expects a record 5.6 million applications. Today, the Washington Post reports that the Government closing has created a backlog of 200,000 passport applications. This is no way to begin a record-breaking year at the Passport Office.

Speaking of the backlog of passport applications is perhaps too callous. All of these applications were submitted by citizens who expect that the Federal Government will provide them with a passport so they can travel to other countries to conduct business, study, visit family and friends, and vacation. Two hundred and fifty constituents have contacted my office seeking assistance; however, the passport office will only issue passports in cases considered life or death emergencies. One man was unable to attend his daughter's wedding in London because his passport had expired and could not be renewed. Another who is employed abroad fears losing his job if he cannot get his passport renewed. For years, we badgered the Soviet Union to grant more passports to its citizens. Now we are denying them to our own.

Article 12 of the International Covenant on Civil and Political Rights, ratified by the U.S. Senate on April 2, 1992, recognizes that "Everyone shall be free to leave any country, including his own." This is a binding international obligation of the United States, yet we have now taken action which violates that covenant.

A 1- or 2-day delay might be considered a nuisance. For this to continue for 3 weeks leads to incalculable waste, as people are forced to cancel plans and seek refunds for reservations. This is not just. Closing passport offices and other large swaths of the Federal Government erodes the confidence of all Americans, disrupts the lives of those

who rely on Government services, and discourages Federal workers. Clearly we have entered an Orwellian realm in which employees are paid not to work so that negotiations to save money can continue.

The Founders of our Nation were astute students of government. They searched history to analyze the strengths and weaknesses of various political systems as they debated and later formed our own Government. They perceived how government power is derived from the consent of the governed. They perceived how government power is derived from the consent of the governed. In the Declaration of Independence they reveal their insights:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, . . . Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes;

Governance is a covenant between the people and their leaders. Perhaps not since secession has that covenant been so trampled. The closing of the Government ought never have begun. Now we should end it without further delay. At a minimum, we should reopen our passport offices.

#### ADDITIONAL COSPONSORS

S. 912

At the request of Mr. KOHL, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes.

S. 1453

At the request of Mr. BURNS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1453, a bill to prohibit the regulation by the Secretary of Health and Human Services and the Commissioner of Food and Drugs of any activities of sponsors or sponsorship programs connected with, or any advertising used or purchased by, the Professional Rodeo Cowboy Association, its agents or affiliates, or any other professional rodeo association, and for other purposes.

#### ADDITIONAL STATEMENTS

##### THE ROAD TO MOUNT RUSHMORE IS A BALANCED BUDGET

• Mr. PRESSLER. Mr. President, Mount Rushmore, set in the heart of the Black Hills National Forest, was created as a shrine to America's de-

mocracy. As a powerful American symbol, it is the jewel of the National Park System. Like all other units of the National Park System, Mount Rushmore was forced to close as part of the Government shutdown on December 15, 1995.

However, thanks to the extraordinary dedication of one man, Mount Rushmore will remain illuminated for all to see during this dark period preceding fiscal responsibility. Mr. Art Oakes has graciously donated funds to ensure that the monument is able to remain lit for the more than 2 million visitors it receives each year.

I share with all Americans the frustration that the Federal Government remains partially shut down. It is clear that Americans want a balanced budget and are willing to shoulder the burden to get it done.

Mr. Oakes has shown us just how dedicated Americans are to a balanced budget. He is willing to give up his own hard-earned money to help Mount Rushmore through this shutdown crisis. He recognizes that Mount Rushmore is not just a park, but a symbol of what America represents—both to other Americans and to tourists from overseas.

Today, my wife Harriet and I would like to show our support for Mr. Oakes' efforts by donating \$200 for continuing the nightly illumination of the Mount Rushmore monument.

As many of you may know, Mount Rushmore was designed in 1927 by Gutzon Borglum, the son of Danish immigrants. The monument is a shrine of American Presidential heroes: George Washington, Father of the Nation; Thomas Jefferson, author of the Declaration of Independence; Theodore Roosevelt, conservationist and trustbuster; and Abraham Lincoln, the Great Emancipator and preserver of the Union.

More than 65 years later, Mount Rushmore is still one of the most powerful symbols of America. It represents the freedom of democracy, the melting pot country which offers the hope of a better life. Yet how can we continue to promise a better life if our President refuses to agree on a plan to balance the budget?

We need a balanced budget. The American people want and deserve an end to shamelessly wasteful spending programs. Washington must operate under a budget where we live within our means—as people in my home State of South Dakota do every day.

I feel passionately that we must give the dream of America—represented by Mount Rushmore—back to our children. We can do that only if Bill Clinton agrees on a balanced budget. I want the National Park Service and the rest of the Federal Government back at work and fully functioning. This will happen if Bill Clinton agrees on a balanced budget. It is that simple. Bill Clinton should stop stalling and start leading. He should support our goal of a balanced budget. ●

# CONGRATULATIONS TO CONGRESSMAN KWEISI MFUME

• Mr. SARBANES. Mr. President, I am most pleased to join with the citizens of Baltimore and Maryland in expressing warmest congratulations to Congressman KWEISI MFUME upon his appointment as president and chief executive of the NAACP. Those of us privileged to have worked closely with Congressman MFUME are convinced that the NAACP, the African-American community, and all Americans of goodwill will be well served by this appointment. It is an inspired choice.

KWEISI MFUME's accomplishments compellingly demonstrate the quality, strength, and determination of his character. Against great odds, Congressman MFUME overcame what would be considered for most people insurmountable obstacles in shaping his life and career. In his first elected office, he established an outstanding record for public service as a member of the City Council of Baltimore. This was followed by service in the U.S. House of Representatives where as chair of the Congressional Black Caucus, he led that group with exceptional effectiveness and vision.

It is very encouraging that the NAACP Board of Trustees has called upon Congressman MFUME's leadership at such a critical time in the history of the organization and of the civil rights struggle. He brings to this demanding responsibility unique dimensions of perception and experience. His long-time grassroots involvement has equipped him with a special understanding of needs of individuals and community groups, while his proven and tested national leadership gives him a unique knowledge of the realities and demands of the public and private sectors. These insights and experiences will greatly benefit the NAACP.

Congressman MFUME's appointment further solidifies the historic and productive relationship between Baltimore and the NAACP, whose national headquarters is located in our city. He follows in the footsteps of other distinguished Baltimoreans who were critical to civil rights progress: the late, great Supreme Court Justice Thurgood Marshall, who led the relentless effort which finally brought down the legal structure of segregation; Clarence Mitchell, Jr., the NAACP's chief Washington lobbyist, whose legislative genius was critical to the passage of every landmark piece of civil rights legislation and, Dr. Lilly Jackson and Ms. Enolia MacMillan, two courageous leaders of Maryland's NAACP who inspired their counterparts throughout America.

Congressman MFUME's presence will be deeply missed in the Congress. But, like another esteemed colleague, former Representative William Gray, now the President of the United Negro College Fund, he is continuing the struggle for justice and equality in a newer arena.

I salute the NAACP for this outstanding appointment and pledge to

continue working with its members and new leader in the continuing struggle for an America which provides opportunity and fairness for all its citizens. I ask to have printed in the RECORD several articles from the Baltimore Afro-American, the Baltimore Jewish Times, the Baltimore Sun, the New York Times, and the Washington Post describing the achievements and life of this extraordinary man and the great challenges which lie ahead for him.

The articles follow:

[From the Baltimore Afro-American, Dec. 16, 1995]

## NEW HOPE AT THE NAACP

It borders on the ironic that after a nationwide and lengthy search to find a new leader for the much beleaguered NAACP, the right candidate—and some would say the perfect candidate—came from the same city where the association has its headquarters—Baltimore.

In selecting Rep. Kweisi Mfume as its President/CEO the NAACP—to use an apt description—has struck oil. Rarely has the naming of an individual to such high profile position been greeted with such an unanimous chorus of approval, from the President of the United States, to the man and woman in the street.

If ever things were meant to be, then probably it was meant to be that Mr. Mfume would be called upon to resurrect the nation's oldest and largest civil rights organization, and that he would respond at the cost of giving up a seat in the U.S. Congress to which he could have been reelected as long as he wished.

A more qualified candidate—and here we are not simply talking about what appears on paper but what's inside—would be most difficult to find. It is as if the man and the job were waiting for each other.

There are the challenges ahead for Mr. Mfume of eliminating the \$3 million plus debt, rebuilding staff, redefining the role of the NAACP, rebuilding bridges of understanding that his immediate predecessors destroyed, and above all, restoring the faith of people in the NAACP.

This is a tall order, but we believe Mr. Mfume is the right person, in the right place, at the right time, to fill it.

He can not do this however, unless the African American people, who have always been the rock on which the NAACP stood, rally now to its support.

Either through donations, or memberships, or a combination of both, it is imperative that all of us join Mr. Mfume in a grand and glorious campaign to set matters right at the NAACP.

Without it, we would indeed be in dire straits.

[From the Baltimore Jewish Times, Dec. 15, 1995]

## MFUME'S ADVANCEMENT

Rep. Kweisi Mfume's decision last week to leave Congress and assume the leadership of the National Association for the Advancement of Colored People is an important development for a black community that needs strong and farsighted leadership to fight the unprecedented attack on the civil rights advances of the past half-century now underway in Washington. It also is welcome news for a Jewish community that remains concerned about the decay of our cities, and rising signs of black anti-Semitism.

Rep. Mfume's story—his rise from a life on the streets and the kinds of social problems that have become epidemic in our cities—is

legend in Baltimore. And he has become, as described by Baltimore Jewish Council Executive Director Arthur C. Abramson "a strong and supportive friend of the Jewish community." (See "A Friend, In Deed," on Page 22.)

His tenure as chair of the Congressional Black Caucus was not without controversy; it was Rep. Mfume, after all, who suggested a "covenant" between the influential congressional group and Nation of Islam leader Louis Farrakhan. But he also helped give the caucus a new prominence and ability to help shape the national agenda.

These are discouraging times in Congress—for Democrats and black legislators, in particular. The civil rights agenda is under assault; important social programs that have helped keep stabilize cities despite growing poverty and growing despair are being decimated.

Rep. Mfume faced an extraordinary choice; stay in a safe congressional seat, and fight from within to head off the most sweeping Republican cuts—or work to rebuild an organization that was once the towering giant of the civil rights movement, but which has failed to adjust to the harsh realities of the 1990s.

Rep. Mfume's decision for the latter reflects his deep commitment to his people and to a nation that can no longer afford to turn a blind eye to the agony of our cities.

Rep. Mfume, who has worked closely with Jewish leaders over the years, can provide the soul for a revitalized alliance that should benefit both communities.

*Kain Y'hee Ratzon*, Rep. Mfume.

So may it be.

[From the Washington Post]

A FIGHTER IN THE PUBLIC ARENA—IN MFUME, NAACP HIRES A DIRECTOR IT HOPES CAN PUSH IT TO RECLAIM ITS HISTORIC LEADERSHIP

(By Hamil R. Harris and Michael A. Fletcher)

In choosing Rep. Kweisi Mfume as its new leader, the NAACP reached out to a former street fighter and seasoned politician to take on a daunting array of internal and external challenges facing the historic civil rights organization.

NAACP officials hope Mfume (D-Md.), who was named president and chief executive officer Saturday, can bridge the divide between blacks and whites, battle the increasingly powerful congressional conservatives and heal the internal divisions that have crippled the organization in recent years.

"The organization needed a jolt of electricity, and he is exactly the man to give it to them," veteran civil rights activist Roger Wilkins said yesterday. His uncle, Roy Wilkins, headed the NAACP for years.

Mfume "is a man who understands the streets. He also has operated in the highest policy spheres in the United States. He is smart, he is tough, and he has integrity," Wilkins said. For Mfume, the job offers a chance to broaden his role as a national black leader by reaching out to a new generation of activists while reassuring the old guard of the civil rights establishment, who form the core of the NAACP's support. He has pledged to work to recruit young people and others who have seen the NAACP, the nation's oldest and largest civil rights organization, as elitist and increasingly irrelevant.

"The time is now for a new generation to join the NAACP," Mfume, 47, said during his acceptance speech Saturday. "While we value maturity and experience, we must learn to cherish youth. . . . I reach out to the current generation and say to you in the clearest terms that it is all right to come back home to the NAACP." Baltimore

NAACP member Kobi Little, 24, welcomed Mfume's comments. He is suing the organization because youth members, ages 17 and younger, are barred from voting in branch and national elections. "I think it will mean good things for the organization," he said.

Mfume is in his fifth term representing Baltimore's predominantly black 7th Congressional District in the House. In 1992, he was elected and served for two years as chairman of the Congressional Black Caucus, when it enjoyed the peak of its power working with a Democratic president and a Democratic majority in Congress. He plans to resign from the House and assume his new post Feb. 15. "We are at the crossroads of tremendous change in our nation," Mfume said. "Despite the gains made by African Americans, racism continues to divide our country and polarize our people. We can stand by and watch in the comfort of our own circumstances, or we can step forward and dare to lead."

Mfume has scored his first victory by uniting the fractious NAACP board behind his selection, which was unopposed, despite some board members' previous plans to challenge the search committee's candidate. The challenge "never materialized," said board member Joe Madison, who was a finalist for the job. "I'm just ecstatic about the choice and relieved that someone of the stature of the congressman would step up and take the job."

Mfume said he plans to reach out to the NAACP's historic allies in the corporate and white communities. He also plans to make a "long list" of courtesy calls on national black figures, including Nation of Islam leader Louis Farrakhan.

Mfume's selection won cautious praise from Jewish activists who traditionally have supported the NAACP but have been alarmed in recent years by its overtures to Farrakhan, whose rhetoric has been denounced as antisemitic.

Abraham H. Foxman, national director of the Anti-Defamation League of B'nai B'rith, hailed Mfume's selection yesterday. He said, "We need the NAACP to be strong and active and to be a major voice for civil rights, for unity, and to fight discrimination."

But he added: "I will have a problem if he looks to Farrakhan for leadership. I hope and believe he will not." Born Frizzell Gray in West Baltimore, Mfume—in the words of poet Langston Hughes—didn't ascend to power on a crystal staircase. He dropped out of school and fathered five sons by four women by age 22.

Gray hung out on street corners, got into fights and drifted between menial jobs. But he changed his life as radically as he changed his name. He said the name, which is of African derivation, translates as "conquering son of kings."

Mfume received a degree in urban planning from Morgan State University and became a talk show host on the college's radio station. Mfume championed issues of the poor and the disenfranchised and won a seat on the Baltimore City Council in 1979. NAACP board member and civil rights activist Julian Bond was on the search committee that selected Mfume. Bond said that what is at stake now is the very survival of the NAACP—"its future, its very existence."

[From the Washington Post, Dec. 15, 1995]  
BIG CHOICE FOR KWEISI MFUME—AND THE NAACP

(By William Raspberry)

Every now and then someone will make a choice that, however little you might have anticipated it, immediately strikes you as brilliant—even obvious.

That's my reaction to the NAACP's selection of Kweisi Mfume to be its new leader.

The 47-year-old Baltimore congressman was nowhere on my list of candidates for the job; I'd simply never thought of him in that connection. But as soon as I heard that he'd been chosen, I could only think: Yes!

Clearly, it's a brilliant choice for the troubled organization as it wrestles with the difficulties of changing directions without losing its fundamental character. Mfume is young enough, savvy enough and "street" enough to deal with the young people his predecessor, the Rev. Benjamin Chavis, tried to reach during his foreshortened tenure. As a fifth-term congressman, former chair of the Congressional Black Caucus and widely respected civic and political leader, he is experienced enough and solid enough to instill confidence in the rest of his potential constituency.

Nor, now that I think of it, is it a bad choice for Mfume himself. He may have been close to the limit of his political influence and patience, given the country's tightening purse strings and rightward movement. The NAACP leadership gives him a shot at leadership on a new, higher, more effective level.

But even brilliant choices are not guaranteed success. If Mfume will permit a word of caution from an admirer:

The NAACP is, in some ways, two organizations—one devoted to a glorious past of fighting Jim Crow, school segregation and laws calculated to limit black advancement; the other groping for relevancy at a time when so many of black America's problems (though arguably spawned by racism) are perpetuated and exacerbated by our own inappropriate choices and behavior.

Kweisi Mfume is also two men—the one accepting the traditional view that racism is our number one problem, the other bold enough to see the need for blacks to change their behavior, no matter what white people do or fail to do.

Which Mfume is taking charge of the NAACP? His acceptance speech of last Saturday offers a small clue. "We are at the crossroads of tremendous change in our nation," he said. "Despite the gains made by African Americans, racism continues to divide our country and polarize our people. We can stand by and watch in the comfort of our own circumstances, or we can step forward and dare to lead."

A guaranteed applause line, that. And yet I hear myself asking: Lead where? For if he is talking about leading a fight against racism, I fear he is missing the boat. Racism has not disappeared from American life; far from it. But I really do believe that it is no longer the main barrier to black progress—particularly among those of us most in need of progress. Does Mfume?

Like most of us, I suppose he is of two minds. The recent settlement of cases involving discrimination at Denny's restaurants, the humiliation of two innocent black teenagers by security people at the Eddie Bauer's outlet in suburban Washington, the race killing of two civilians by white supremacist soldiers from Fort Bragg, N.C.—all these things and more counsel vigilance against racism. Mfume understands that.

But he understands something else: that lasting change must come from within. It wasn't racism that made Mfume (then known as Frizzell Gray) a violent, street-running dropout who fathered five sons by three women—all "without benefit of clergy." And it wasn't the defeat of racism that helped him to turn his life around.

He's not sure precisely what it was. But he does know that once he made the decision to get himself together, to make something of himself, he had lots of help and advice from people who had it to give. There is something deeply inspirational about his journey

from irresponsible street bum to respected leader who, by the way, took the trouble to build a relationship with his sons.

Which experience should guide his efforts to reach out to young blacks, as he has vowed to do: the humiliations of racism or the power of decision? They may be equally authentic, but, as his own life teaches, they are not equally effective at producing.

[From the New York Times, Dec. 11, 1995]

MFUME: NOT JUST LEADER, A SAVIOR TO N.A.A.C.P.

(By Steven A. Holmes)

WASHINGTON, December 10.—When Representative Kweisi Mfume walked into a hotel conference room here to interview with the board of directors of the National Association for the Advancement of Colored People on Saturday, the group broke out into spontaneous applause. It was perhaps the first time in more than two years the full board had found anything to cheer about.

For an organization mired in debt and increasingly accused of being archaic and out of touch, Mr. Mfume, who was named on Saturday as the N.A.A.C.P.'s president and chief executive officer, is viewed by many within the civil rights group as a savior. So much so that the descriptions of him that flow from some quarters lapse effortlessly into hyperbole.

"In our new president we have the brilliance of Dubois, the eloquence of Martin Luther King, the toughness of Thurgood Marshall, the caring of Ms. Bethune and Harriet Tubman and Sojourner Truth," A. Leon Higginbotham, Jr., a retired Federal Judge said, comparing Mr. Mfume to a pantheon of icons of the anti-slavery and civil rights movements.

While neither Mr. Mfume nor anyone else could be such a giant, he clearly provides skills, outlook, visibility and a personal story that could help revive the ailing organization.

Born Frizzell Gray in Baltimore in 1948, Mr. Mfume spent his early years under the hand of an abusive stepfather who, until Mr. Mfume's mother divorced him, beat his wife and belittled his stepson. When Mr. Mfume was 16, his mother died of cancer, leaving him feeling alone and abandoned.

For several years, Mr. Mfume went through what he later called his "lost years," dropping out of high school, hanging out on the tough streets of the city's west side, where he was known by his nickname of Pee Wee, and fathering five children out of wedlock by four different women.

"I came out of a disjointed family structure," Mr. Mfume said in a speech last year. "I grew up in the worst possible conditions. I became homeless after my mother's death, hit the streets and dropped out of school, flirted with every temptation that was around, became a teen parent before my time, felt left out and victimized."

But Mr. Mfume grabbed hold of his life. He earned a high school equivalency diploma, attended Morgan State University, a historically black college in Baltimore, and later gained a reputation as a disk jockey and radio talk show host. Along the way he took a new name (pronounced Kwah-EEE-see Oom-FOO-may), which in a Ghanaian dialect means "conquerer of kings."

"It's different," Mr. Mfume once said of his name. "So is Zbigniew Brzezinski."

After seven years as a member of the Baltimore City Council, Mr. Mfume was the surprise victor of a 1986 Democratic Primary to replace retiring Representative Parren J. Mitchell. In the heavily Democratic district, the win virtually guaranteed election to Congress. He has been reelected four times, often gaining more than 80 percent of the vote in the general election.

As a Representative, Mr. Mfume made his mark as Chairman of the Congressional Black Caucus from 1992 to 1994, a time when the number of blacks in the House shot up to 40 from 26.

With new-found strength because of its increased size, the caucus under Mr. Mfume flexed its muscles as never before. It pointedly chastized President Clinton for bowing to criticism and withdrawing Lani Guinier, a professor at the University of Pennsylvania Law School, as his nominee for Assistant Attorney General for Civil Rights.

The caucus also pressed Mr. Clinton to use American troops to restore ousted Haitian President Jean-Bertrand Aristide to power, one of the few groups to do so publicly for what was considered by many to be a hopeless cause.

Mr. Mfume's tenure as head of the caucus was not without its missteps. In 1992, he angered Jews and some members of the Caucus when he declared that the group had entered into a "sacred covenant" with the Nation of Islam.

In the face of criticism and in the wake of an anti-Semitic, anti-Catholic and anti-white speech by one of Mr. Farrakhan's aides, Khalid Abdul Mohammed, Mr. Mfume disavowed any association with the group and spent much time mending fences with Jewish leaders in Baltimore.

As a five-term Representative from Baltimore, where the N.A.A.C.P. is based, Mr. Mfume brings political acumen to the civil rights group, the country's oldest but one whose political relevancy has been questioned in recent years. He has shown an ability to raise money, a skill badly needed for a group saddled with a \$3.2 million debt. As a former Baltimore street tough who turned his life around, he also lends credibility to a message of personal responsibility for black youths.

"The time is now—right now—to restore the financial, spiritual and political health of this historic, American institution," Mr. Mfume said at a news conference following the board's decision. He added, "And my job is to provide the leadership that will make that happen."

His career has been free of scandal, a stark contrast to the recent history of the N.A.A.C.P. In the last two years, the organization has fired its executive director amid charges of sexual discrimination and harassment and replaced a board chairman who was accused of financial improprieties.

With his handsome looks, smooth manner and current girlfriend—an actress, Lynn Whitfield, who won an Emmy Award in 1991 for her portrayal of Josephine Baker in a cable television movie—he brings a measure of glamour to an organization sometimes seen as frumpy.

At his news conference on Saturday, Mr. Mfume spoke of the need for the N.A.A.C.P. to maintain a commitment to coalition politics with whites and others. In doing so, he appeared to be trying to assuage the concerns of some whites and blacks who had been put off by the attempts by Benjamin F. Chavis Jr., the former executive director, to align the organization with Mr. Farrakhan, who preaches a black separatist ideology.

"It is easier to accomplish things when you maximize the number of people who you have working with you and working for you," he said in an interview.

As a condition of taking the job, Mr. Mfume wrested concessions from the N.A.A.C.P. board, which since the mid-1980's has taken much power and control from the organization's chief executive but has fallen short in raising money and in debating and formulating policy.

Rather than report to a 64-member board, Mr. Mfume will deal with a smaller execu-

tive committee and have the authority to hire and fire staff, a power that had been stripped from the top executive. And to denote who will be in charge, his title will be president and chief executive officer, not executive director.

The need to symbolically change the position back to president—something, although small—was powerful in terms of what is said about the position," he said in an interview.

One unknown question, however, is Mr. Mfume's administrative skills. As member of Congress, and before that, the Baltimore City Council, Mr. Mfume has never had to run an organization as large as the N.A.A.C.P. But officials of the organization say they are not overly concerned.

"If that becomes a problem, we could get him a manager," said one board member who spoke on condition of anonymity. "Because he brings so much else, if he's weak there, we could prop him up."

[From the Baltimore Sun, Dec. 10, 1995]

#### MFUME TRANSFORMED HIMSELF

MATURING: AS HE PROGRESSED FROM THE BALTIMORE CITY COUNCIL TO THE U.S. CONGRESS, KWEISI MFUME DEVELOPED INTO A POLISHED CONSENSUS BUILDER

(By Tom Bowman and Karen Hosler)

"We are going to change," Rep. Kweisi Mfume declared yesterday after being chosen to head the NAACP.

He could have been talking about himself. Kweisi Mfume, 47, began his political career as a dashiki-clad political activist on the Baltimore City Council. But when he arrived on Capitol Hill, he quickly transformed himself into a polished consensus builder.

Battling Mayor Donald Schaefer and Council President Clarence H. "Du" Burns, he first ran in 1979 on a campaign to "beat the bosses," advocating for the poor and the powerless.

After two terms on the council, he decided in 1986 to make a run for the seat of Rep. Parren J. Mitchell, a retiring civil rights legend who served 16 years in the House. Defeating a Republican, St. George I. B. Crosse III, in a bitter contest for the 7th District seat, he embarked on a bridge-building effort, forging a relationship with Governor Schaefer.

The dashikis gave way to finely tailored dark suits. The once-angry voice took on a measured and mellifluous cadence. "I'm the same fighter, but the arena has changed," he explained once. "Sometimes I will do it by compromise, sometimes I will do it through confrontation."

He reached out to all his constituencies, from Catonsville to West Baltimore to Charles Village to East Baltimore and Hampden. Some white areas in the district had felt snubbed by Mr. Mitchell.

The new congressman set up town meetings with his neighboring Democrat, Rep. Benjamin L. Cardin, and followed his predecessor, Mr. Mitchell, to the House Banking, Finance and Urban Affairs Committee.

But Mr. Mfume became more adept at dealing with the opposition than was the often-acerbic Mr. Mitchell. "Mfume's style is, 'You'll like me and respect me,'" Daniel P. Henson III, the city housing commissioner, said several years ago. "Parren's style was, 'You may not like me, but you'll respect me.'"

On the Banking Committee, Mr. Mfume matured into a skilled legislative craftsman. He was instrumental in saving programs that aided minority businesses. And he embraced issues outside the traditional black agenda, from high-technology development to business tax breaks.

Within two years, he became a leader in the Congressional Black Caucus, which elected him one of two vice chairmen.

"He's serious. He's thoughtful, He's a consensus builder," Rep. Mike Espy, a Mississippi Democrat, said in December 1992, when Mr. Mfume was elected chairman of the Black Caucus.

With his elevation to caucus chair and the election of a Democratic president, Mr. Mfume found his profile rising in Washington. President Clinton desperately needed the votes of the 39-member Black Caucus to get his legislative agenda through Congress.

As head of the group, Mr. Mfume proved a tough negotiator and a shrewd bargainer, often holding out for concessions from Mr. Clinton on programs such as the tax credit for the working poor. The man who once had a popular radio talk show on Morgan State's WEEA now became a fixture on the nationally televised Sunday TV talk shows.

The Black Caucus, under Mr. Mfume, provided Mr. Clinton with critical votes for his crime bill, despite deep-held opposition to death penalty provisions.

Mr. Mfume's term as caucus chairman had its stormy moments. He made many of his more traditional colleagues uncomfortable by reaching out to the Nation of Islam and its chairman, Louis Farrakhan, who has a history of making inflammatory remarks about Jews and other groups.

But after Republicans took control of Congress this year, the Black Caucus members were mere voices in the wilderness. Because the caucus members are among the most liberal in Congress, few found any common ground with the ruling Republicans.

Mr. Mfume found himself in an unhappy eclipse. Once surrounded by reporters every time he left the House floor, the Baltimore Democrat could recently be seen ambling alone past the press-mobbed Republican leaders.

No longer in the majority party, he would become the 20th House Democrat to leave or announce plans to do so. Five others have switched to join the GOP.

When Mr. Mfume assumed the leadership role in the Black Caucus three years ago, Mr. Espy offered words that would apply today as Mr. Mfume assumes the leadership of the NAACP.

"He has a professional style, which we need," Mr. Espy said in 1992. "It will be difficult. I know he's up to the job." ●

#### FDA REVIEW OF OLESTRA

● Mr. GLENN. Mr. President, I rise to comment on the decision currently before the Food and Drug Administration regarding the Procter & Gamble Co.'s petition for its food additive, olestra.

Olestra is a fat-free food additive invented by the Procter & Gamble Co. This synthetic cooking oil and the decision by FDA are the subject of this week's Time magazine cover story.

The scientific issues under review by FDA are fascinating and I commend FDA for its management of the review by the Food Advisory Committee.

The Procter & Gamble Co. undertook its efforts to better understand fat in the human body in the 1950's and developed olestra in the 1960's. In 1971, Procter & Gamble began the approval process at FDA.

More than two decades later, olestra has not yet been approved. Nobody is faulting the FDA; approval of olestra has posed unique and unprecedented scientific questions that had to be researched. Accordingly, the FDA has approached this unprecedented food additive with appropriate prudence, and



Procter & Gamble was required to invent new protocols to test olestra's safety for human consumption.

Regulatory review by the FDA is necessary to ensure the public health and safety. At the same time I believe that we should encourage innovation by American industry. I believe that unnecessary delay in the approval of new products will have a negative impact on the investment in research and development. Without the FDA approval, olestra cannot be manufactured for and used by the Nation's consumers. Procter & Gamble has invested more than \$200 million in the development of this product and expects to invest many more millions to construct manufacturing facilities should olestra be approved. Therefore, I am pleased that the FDA has indicated that it will complete its decisionmaking process very soon.

Mr. President, I ask that the text of my letter of December 13, 1995, to Commissioner Kessler of the FDA be printed at the conclusion of my remarks.

U.S. SENATE,

Washington, DC, December 13, 1995.

DAVID A. KESSLER, M.D.,  
Commissioner of the Food and Drug Administration,  
Park Lawn Building, Rockville, MD.

DEAR MR. COMMISSIONER: I am writing in regard to the food additive petition for olestra, the non-calorie fat substitute. Because of olestra's development by the Ohio based Procter & Gamble Company, I have been interested in the product and its review by the FDA. I am pleased to hear that the Food Advisory Committee has recommended to the FDA that olestra meets the statutory standard of "reasonable certainty of no harm."

I want to commend FDA for its management of the Food Advisory Committee review process. It is my understanding that based upon an objective scientific process, no significant new safety issues were raised and no new data raising concern were introduced. I further understand that the issues of labeling statements and postmarketing surveillance raised by Committee members were addressed and agreed to by Procter & Gamble prior to the meeting.

FDA's commitment to further the process is certainly evidenced by the November 13 publication of the Federal Register notice announcing that all data, information and public comments on the petition were to be filed by December 1 in order to facilitate the FDA decision making process. I am pleased that the notice also indicated that the FDA intends to render a decision within 60 days of the conclusion of the Food Advisory Committee meeting provided no significant new safety issues are raised. Given the favorable review by the advisory committee and the absence of significant new safety issues or concerns, I believe that the FDA should take the necessary steps to ensure that the decision making process is completed within the timetable on or about January 17, 1996. I look forward to the final agency action on the olestra petition.

Best regards.

Sincerely,

JOHN GLENN,  
U.S. Senator.●

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### OUTSTANDING ACCOMPLISHMENTS IN WISCONSIN COLLEGIATE ATHLETICS

● Mr. KOHL. Mr. President, I rise today to recognize two outstanding accomplishments in Wisconsin collegiate athletics. Over the weekend of December 9-10, 1995, two Wisconsin schools were crowned as national champions. On Saturday, December 9, the University of Wisconsin-La Crosse captured the NCAA Division III Football Championship, by defeating Rowan, NJ, 36 to 7 in the Amos Alonzo Stagg Bowl, held in Salem, VA. Also finding success in the Commonwealth of Virginia, the University of Wisconsin claimed their first NCAA Division I Men's Soccer Title, downing Duke University, 2 to 0 in Richmond. Both championships can be attributed to a team first attitude, and a work ethic that is second-to-none.

Behind an uncompromising defense that allowed just 153 yards, including yielding only 4 yards during the 3d quarter, and a balanced offensive attack that amassed 451 yards, the UW-La Crosse Eagles earned their second national title in 4 years. Although they trailed Rowan early in the game, the "never-say-die" Eagles went on to score 36 unanswered points including an 85-yard scoring strike by senior All-American quarterback, and Division III Player of the Year, Craig Kusick, that seemed to decimate the valiant efforts of the Rowan defense. Inspired by their offensive counterparts, the unrelenting Eagle defense held Rowan scoreless for the final three quarters, and gave UW-La Crosse the lead for good after tackle Mike Ivey stopped an overmatched Rowan back for a safety. The championship marks the second Division III title for Eagle head coach Roger Harring and caps off his 27th season with an undefeated campaign, 14-0.

Defense has also been the key on the road to the Badgers' title run. While allowing only 11 goals all season, and never more than 2 in a game, the Wisconsin defense continued to stonewall its opponents by becoming the first team ever to go through the entire five-game tournament without allowing a goal. The 2-to-0 victory over Duke in the final extended their shut-out string to 7 consecutive games and the 17th blanking over their 25-game schedule. Truly a team effort, Coach Jim Lauderdale's Badgers were the first Wisconsin team to advance past the NCAA quarterfinal.

There is a cliché that says, "Offense wins games. Defense wins championships." Although somewhat simplistic, it can be no more true than in the results of the championships attained by our fine Wisconsin universities. Wisconsin is truly proud of all its student athletes, and on behalf of the State of Wisconsin, I salute our national champions for their dedication to their common goal and for a job well done.●

#### TRIBUTE TO PATTY CALLAGHAN, ACTION FOR EASTERN MONTANA, GLEN DIVE

● Mr. BAUCUS. Mr. President, I wish today to give tribute to one of eastern Montana's treasures, Patty Callaghan. Patty recently retired after 20 years with Action for Eastern Montana.

Patty retired as executive director to attend Luther Seminary in St. Paul, MN. She hopes to return to eastern Montana as a lay leader with rural churches.

Montana needs more leaders like Patty Callaghan. Rural Montana needs the love for and knowledge of our State that people like Patty have.

Patty's work with Action actually led to her decision to choose the seminary. When funding cutbacks in the programs that she administers forced her to look to other resources, Patty found the churches responding generously. She found the needs of rural communities to be much the same as the need of rural congregations—energy, leadership for change, accountability, respect, and compassion.

Patty has dealt with many family issues that will serve her well in her new life. She found the work at Action for Eastern Montana rewarding and the Glendive community generous when a need was identified.

In a recent tribute to Patty, family members, coworkers, friends, and many others including Montana's Governor Marc Racicot expressed their respect and appreciation for her life's work.

I would also like to express my profound respect and admiration for Patty Callaghan and what she has done for eastern Montana. Public service can bring out the best and worst in people. With Patty, her compassion and caring has only deepened. Eastern Montana desperately needs this commitment to its communities.

Thank you, Patty. We wish you the best and look forward to seeing you again soon.●

#### ORDERS FOR FRIDAY, JANUARY 5, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. on Friday; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 12 noon with Senator permits to speak for up to 10 minutes each.

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

#### PROGRAM

Mr. DOLE. For the information of all of our colleagues, negotiations with the Republican and Democrat leadership, the White House, and the President will continue tomorrow to see if

we can reach some agreement on a balanced budget. I also believe there will be a meeting on Saturday afternoon, maybe into the evening. We do not expect any rollcall votes during Friday's session of the Senate.

#### FEDERAL EMPLOYEES AND A BALANCED BUDGET

Mr. DOLE. Mr. President, it had been our thought we might remain in session tonight because the House may take action with reference to our deeming resolution which passed here the other day. There will be a House Republican conference at 7 o'clock. They have not yet passed, and I do not know precisely what, if anything, will pass, but we wanted to be here if something passed later this evening. I now understand that would be objected to—an effort to do it tonight—so if there is any action it would come tomorrow. I had hoped we would do it tonight because if it passed Federal employees could be back to work tomorrow morning. I know that is the hope of the Senator from Virginia who has been working on this on a daily basis. We have had meetings throughout the day on the balanced budget amendment and we have also talked about Federal employees. Speaker GINGRICH is very forthcoming. I know he has been in meetings throughout the day.

I think all of us regret the deadline of January 3 passed without reaching a balanced budget agreement. We have not given up. We will be back, as I said, negotiating tomorrow afternoon and probably Saturday afternoon. I would say perhaps by the weekend or sometime early next week we probably ought to have some agreement—or disagreement, maybe; that we cannot put it together. But we have not reached that point yet. I will keep everybody informed.

If there are any rollcall votes, as I have indicated to the Democratic leader, Senator DASCHLE, there would be at least 24 hours' notice provided to our colleagues.

Mr. WARNER. Mr. President, I again salute our distinguished majority leader. I know how hard he has worked on this.

I have been in consultation with my colleagues from Virginia in the House of Representatives, and most specifi-

cally Congressman DAVIS, here, within the hour.

As you state, the House will have its caucus tonight. I, just speaking for myself, am optimistic, without going into the details, that there will be some action. Therefore, if that is done, it is likely that this body, the Senate, would review it tomorrow, would that be correct?

Mr. DOLE. I would do it as quickly as we can. I thought if the House took it up in the morning it might be finished at 11 o'clock and we could take it up at any time it comes from the House.

I will say, as I said before, some of our House colleagues have a different view of this than some of us in the Senate; maybe not all of us in the Senate. But I also add, at least this Senator has been here the last couple of weeks doing a lot of the heavy lifting. We explored almost every option I can think of to get people back to work. I know that is the view of all the House Members, both Republicans and Democrats, that they should be working and they should be paid, and you should not pay people for not working. In this case the workers are willing.

I hope there will be some positive measure to come from the House tomorrow so we can take it up and pass it very quickly and then get back to where we ought to be, back on our message. Our message is balancing the budget over the next 7 years. It is not a Government shutdown. Our message is to balance the budget. That is what the American people want us to focus on, on both sides of the aisle. That, and a number of other issues like welfare reform and tax cuts for families with children.

In my view, the other message is an impediment. If you watch the evening news tonight you will probably see two or three stories on the Government shutdown but not one on the balanced budget, not one. So I think somewhere along the way we have gotten off message. I hope things will move along here, we will get back, get our work done.

I would think Members on both sides would like some free time this month or next month because we have sort of gone around the calendar here.

Mr. WARNER. Mr. President, again, I commend my distinguished colleague and friend, the majority leader. I know full well, having shared many of the

hours here over the past couple of weeks with you, that you have done more than your share of the heavy lifting and you have explored in a very objective way, recognizing the diversity of views within our own party as well as across America. But the keystone is the balanced budget using the CBO figures. I am hopeful the President will recognize that obligation on his part to send to the Congress, as early as possible, such a balanced budget.

I think, when the history is written on this, the turning point in this classic chapter of our history will be when the distinguished majority leader stood right here, and I was privileged to be on the floor, and you said those important words, "Enough is enough." That was the turning point.

Mr. DOLE. I thank Congressman WOLF and Congressman DAVIS and also Congresswoman MORELLA, because they have been working with us, with the Senator, with our office, and I know they have been working on the House side. They may be in a little better position to appreciate the importance of some early action because they have a great number of Federal employees in their districts. Obviously, they are very concerned.

Mr. WARNER. Mr. President I would like to add Congressman BATEMAN. He joined with us in our regular daily meetings today because a significant part of the Federal establishment in Virginia is in the Tidewater, of which he is a Representative.

Mr. DOLE. That is true.

#### RECESS UNTIL 11 A.M. TOMORROW

Mr. DOLE. If there be no further business to come before the Senate, I ask unanimous consent the Senate now stand in recess under the previous order.

There being no objection, the Senate, at 5:54 p.m., recessed until Friday, January 5, 1996, at 11 a.m.

#### NOMINATIONS

Executive nominations received by the Senate January 4, 1996:

##### DEPARTMENT OF COMMERCE

STUART E. EIZENSTAT, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE JEFFREY E. GARTEN, RESIGNED.