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## Senate

(Legislative day of Friday, December 29, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

### PRAYER

The guest Chaplain, Father Paul Lavin, pastor of St. Joseph's on Capitol Hill, Washington, DC, offered the following prayer:

Let us listen to the words of the prophet Isaiah.

*Cry out full-throated and unsparingly, lift up your voice like a trumpet blast; Is this the manner of fasting I wish, of keeping a day of penance: That a man bow his head like a reed, and lie in sackcloth and ashes?*

*Do you call this a fast, a day acceptable to the Lord?*

*This, rather is the fasting I wish, releasing those bound unjustly, untying the thongs of the yoke; Setting free the oppressed, breaking every yoke; Sharing your bread with the hungry, sheltering the oppressed and the homeless; Clothing the naked when you see them, and not turning your back on your own.—Isaiah 58:5-8.*

Let us pray:

Blessed are You, Lord God of mercy, You have given us the law, the prophets, the wisdom of scripture, the commandment of love for one another. Send down Your blessings on the men and women of the Senate and on their staffs who have sought and accepted these offices of service. When they are called on in times of need, let them be faithful to You, and to their neighbor. We give glory and praise to You for ever and ever.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 30, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. THOMAS thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the time for the two leaders has been reserved.

### SCHEDULE

Mr. DOLE. There will be a period for morning business until 10:30 a.m. with Senators permitted to speak for up to 5 minutes each. We are continuing budget negotiations today. As I said yesterday, I think we have made some progress, and we will continue again, beginning at 11 a.m. There is hope that the Senate can pass legislation today that would deem all Government employees essential, thereby sending everybody back to work. If that legislation can be worked out, it would be the intention of the leadership to pass that bill by unanimous consent.

I am also advised the House may take action on that bill today and send it to the Senate, so that would require us to take some action. In addition to that, they may add to that the Middle East Peace Facilitation Act, plus the expedited procedure would also be in the House bill.

Also today, before we go over until tomorrow, we hope to pass the military COLA increase contained in the DOD authorization bill and vetoed by the President. We may include in that other provisions that need to be attended to in the next few days, so there

will be a further announcement on that. Again, I hope we can do that by unanimous consent. I do not know of any objection to the military COLA increase contained in the DOD authorization bill.

I will not make any unanimous-consent requests at this time, but I will probably later in the day, and I will advise the distinguished Democratic leader, Senator DASCHLE, so there will not be any surprises.

Again, let me indicate I hope we can work out some expedited procedure. If we are going to get an agreement where all the party leaders are involved—Democrats, Republicans, and the President—it seems to me that we ought to be able to agree on some procedure in the Senate so we can pass the 7-year balanced budget once we agree to it. Otherwise, we could be in debate here for weeks and weeks and weeks because of Senate rules. That is all that is holding up all these Federal workers going back to work. We are prepared to pass that bill immediately. Federal employees can go back to work and be guaranteed their pay. To me, that would be a big step in the right direction.

I hope we can resolve this before the day is finished. We will be discussing it, I am certain, with Senator DASCHLE and others throughout the day.

I understand that the Senator from North Dakota, Senator DORGAN, wishes to speak, and following his remarks, unless there are any other requests, I move we stand in recess subject to call of the Chair.

### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. As I understand, Senator DORGAN cannot be on the floor right at this moment, so I ask unanimous consent that the Senate stand in recess

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



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now subject to the call of the Chair and try to work it out with him later.

There being no objection, the Senate, at 10:06 a.m., recessed, subject to the call of the Chair.

The Senate reassembled at 11:06 a.m., when called to order by the Presiding Officer (Mr. DOMENICI).

The PRESIDING OFFICER. The majority leader is recognized.

#### STATUS OF LEGISLATION

Mr. DOLE. Mr. President, we have been in recess subject to the call of the Chair, and we will recess again in a moment, but I wanted to announce that the House did pass the bill that we tried to pass last night in the Senate. It extends the Mideast Peace Facilitation Act for I think 90 days. It deems all Federal employees essential. In other words, they can all go back to work. It guarantees they are going to be paid. And it also has attached to it expedited procedure so when we get a balanced budget, we will not be engaged in weeks and weeks and months and months of debate in the Senate.

Now, some of my Senate colleagues may wonder why that is in the House bill. It is in the House bill because we could not pass it on the Senate side. So they agreed to put it in their bill. And we have been working together on the theory that if we get a balanced budget agreement with the President of the United States and with the Democratic leaders and the Republican leaders, we ought to pass it. The American people want us to pass it.

So I would only say that later this afternoon, after having an opportunity to visit with the Democratic leader, I will make a unanimous-consent request that we turn to the message from the House on S. 1508, the so-called back-to-work bill, which also provided for expedited procedure and extension of the Middle East Peace Facilitation Act. That is what we will try to clear later today. If we cannot do it, we cannot do it. It just takes one objection.

I wish to commend the House for their leadership, Congressman WOLF and Congresswoman MORELLA and Congressman DAVIS, for their initiative this morning in getting this done and also the majority leader, Congressman ARMEY, and the Speaker, Congressman GINGRICH.

So hopefully we will get this done. If this happens, people can start making plans to go back to work after the New Year's holiday.

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

Mr. DOLE. I now ask unanimous consent that the Senate stand in recess subject to the call of the Chair, and hopefully that will be within the next hour or so, so employees will not have to wait all day while we meet at the White House.

There being no objection, the Senate, at 11:09 a.m., recessed subject to the call of the Chair.

The Senate reassembled at 6:16 p.m., when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. The majority leader is recognized.

#### AUTHORIZATION OF FUNDS FOR PAY AND ALLOWANCES AND QUARTERS ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES

Mr. DOLE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1514, introduced today by myself for Senators STEVENS, THURMOND, COATS, and others which would authorize a 2.4-percent increase in pay and allowances and a 5.2-percent increase for basic allowance for quarters for the members of the uniformed services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill.

There being no objection, the Senate proceeded to consider the bill.

• Mr. STEVENS. Mr. President, the bill I have proposed will provide the increases adopted by Congress for military pay and allowances. This action is necessary today for one reason—the President vetoed the Defense authorization bill.

H.R. 1530, the fiscal year 1996 National Defense Authorization Act, passed both Houses of Congress with bipartisan support. I regret the President chose to veto this legislation. Beyond addressing these vital requirements to support the men and women who serve in the Armed Forces, and their families, this bill authorized important initiatives to accelerate modernization of the Armed Forces, and enhance our defenses against theater and intercontinental ballistic missiles. These priorities are fully funded in the 1996 Defense Appropriations Act, which became law on December 1.

Mr. President, with 20,000 Americans on their way to Bosnia, and 15,000 more deploying in support of the 1st Armored Division, this is not the time for the President to play politics with the pay and economic well-being of military families. With thousands more Americans deployed to the Persian Gulf, standing watch in Korea, and keeping the peace in Haiti, they should not have to worry about whether we will do our part to make sure they receive the pay and benefits they have earned through their service.

Mr. President, this bill should not be controversial. The House and Senate each passed these pay and allowance increases in legislation earlier this year, and endorsed these funding levels in the appropriations bill. The pay raise for civilian Federal workers will take effect on January 1—that does not require further legislation. There is no rationale to deny this modest increase for the men and women of the Armed Forces, and I hope the Senate will pass this bill without objection.

It had been my intention to offer an amendment today which would have

authorized for all of 1996 the full military pay and allowance increase. At this time it is not possible to get unanimous agreement for this approach, therefore I reluctantly accept a time limitation as the way to ensure that the men and women of our Armed Forces will receive their pay and allowance increases in a timely manner.

Just 2 weeks ago, the Senate voted with a large bipartisan majority to express its support for the military personnel ordered to Bosnia. Many of us disagree with the process that sent them there, but I believe all Members of the Senate strongly support those soldiers, sailors, marines, and Air Force personnel who are doing their duty. Even more than our expression of support for their mission, this bill gives us a chance today to take action, to enhance their economic well-being and the welfare of their families.

We must act on their legislation today, to ensure that they will receive the full increase in pay and allowances for the month of January. I appreciate the efforts of the majority leader, Senator DOLE, to move this legislation and protect the pay and benefits of all military personnel. I hope that the President will join with the Congress and sign this bill, and permit the pay and benefits increase already approved by Congress to become law. •

• Mr. THURMOND. Mr. President, this bill will correct a problem created when President Clinton vetoed the 1996 Defense authorization bill. By so doing, he denied the full pay raise and the increase in the basic allowance for quarters provided in that bill. Military pay is again slipping further behind comparable civilian pay. This is happening at a time when our military personnel are increasingly being called upon to deploy in support of U.S. commitments around the world. Our troops deserve this raise and they should receive it without delay. At this very moment, and throughout this holiday season, our troops have been leaving their families in Germany and throughout the United States to fulfill a commitment made by the President to try to bring peace to Bosnia and other parts of the former Yugoslavia. These young men and women, and their families, deserve the best we can provide for them in every way. They should have a standard of living at least as high as they could expect in the civilian sector and they should have the very best in supplies and equipment. That is what our authorization bill was designed to provide for them. However, the President chose to veto that bill for reasons that are apparently more political than substantive. This was done as our soldiers were trying desperately to stem the flood of the Sava River just to get into Bosnia. A commander should always have the welfare of the troops paramount in his mind. A Commander in Chief should act similarly. Although he did not, this bill will help to restore some of what was lost in his veto.

I appreciate the cooperation of Senators DOLE and STEVENS in the expeditious consideration of this bill.●

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be considered read a third time, passed, and the motion to reconsider be laid upon the table.

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

So the bill (S. 1514) was considered to have been read the third time and passed, as follows:

S. 1514

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC. . That notwithstanding the Executive order of the President, or any other provision of law, funds appropriated by Public Law 104-61 for purposes set forth in section 601 of H.R. 1530, the Conference Report accompanying the National Defense Authorization Act for Fiscal Year 1996, House Report No. 104-406, 104th Congress, 1st Session, as passed by the House of Representatives on December 15, 1995 and by the Senate on December 19, 1995, may be obligated and expended for such purposes in accordance with such section: *Provided*, That authorities provided under this section shall expire on April 2, 1996.

#### 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 December 30, 1995, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1508. An act to assure that all Federal employees work and are paid.

#### 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. DOLE (for Mr. STEVENS (for himself, Mr. DOLE, Mr. THURMOND, Mr. COATS, Mr. KEMPTHORNE, Mr. BYRD, and Mr. NUNN)):

S. 1514. A bill to authorize the obligation and expenditure of appropriated funds for a 2.4 percent increase in pay and allowances and a 5.2 percent increase for basic allowance for quarters for the members of the uniformed services; considered and passed.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

#### BRINGING FEDERAL WORKERS BACK TO WORK

Mr. DASCHLE. The majority leader and I have been discussing the effort to bring people back to work. Unfortunately, we are not at a point where a resolution will be offered this evening. I must say I am very frustrated by the current set of circumstances. I know it is hard for the American people to understand what is going on. Frankly, it

is hard for me to understand. All rationality seems to have been lost in this process, but let me try to explain the situation as I see it.

All year, the Speaker and his lieutenants have warned that they would shut the Government down as part of their revolution. They did not care what the price was; they wanted to force their radical agenda on the President and on the American people. And each day there has been a new demand, each day a new hostage—Federal employees, people who depend on Government services, now even the Middle East peace process.

The majority leader has worked in good faith in an effort to try to resolve this matter. And he has said he does not believe in shutting the Government down. I believe him, and I share that view very strongly. The Government remains shut because some Members in the House want it shut. It is government by gimmick, and it is wrong.

The majority leader offered a bill to declare all Federal employees essential, and that bill was pending in the House for a long period of time. They could have passed it at any moment and sent it directly to the President. It was pending for 8 days. Instead, the House has chosen to play political games with it.

Furthermore, while I support the Dole-Warner bill, I must say it falls short of what I think we need to do, frankly. It is an important step, but it is not a solution to the problems caused by the Republican Government shutdown.

Congress has to pass legislation to fund the Government. Not once, not twice, but on nine separate occasions now we have offered a continuing resolution to do that, but each time it was met with Republican objections. Under the measure that is now being contemplated, a measure which would make all Federal employees essential, Government workers still could not obligate new funds, make new purchases or do any traveling; they could not spend any money; they could not pay contractors; they could not make grants; they could not buy supplies; they could not be paid.

Let me emphasize, under the Dole-Warner legislation, Federal workers would be at work but they would not be paid until some later date, and then they would be paid retroactively. So we will be asking them to go to work, which is better than asking them to stay home, but we will be asking them to go to work and not be paid.

Mr. President, keeping the Government closed is an unacceptable situation. We should not allow that to occur. Small businesses would not be able to get SBA loans, and 2,500 FHA home mortgage closures would be blocked; health researchers awarded NIH grants would still not be funded. If a forest ranger's truck ran out of gas in a national park, there would be no money to fill it up. State and local entities would not be funded for programs

like Meals on Wheels; students would not get their college loans.

I believe that the House wants confrontation, not solution. Time and again we have offered solutions. Time and again, working with the majority leader, who I believe wants solutions, we have not been able to get that job done.

So we will keep working toward a solution. And as I say, I commend the majority leader for his efforts in trying to accomplish what we know we must do. We are not there yet. I have very, very grave reservations about the fact that we still on this day have not been able to send a clear message to Federal employees or to the U.S. taxpayers that this issue can be resolved. Let us hope that prior to Tuesday it will be resolved.

I yield the floor.

#### GETTING FEDERAL EMPLOYEES BACK TO WORK

Mr. DOLE. Mr. President, I will just take a minute or two. I do share the view expressed by the Democratic leader that it is not fair to the Federal employees. And I must say that a lot of people call me and say it is not fair to the taxpayers; if you are paying people for not working, that is not a very good idea either. I do not suggest the Federal employees want it that way, but that is precisely what has happened.

It is my hope we can come to some resolution here very quickly. That is why we will come in again tomorrow at noon, in the hopes that tonight we can work out something so that people can go back to work on Tuesday, and that if they cannot be, as the Democratic leader indicated, paid immediately, at least they can be assured they will be paid.

I think we have made progress in our budget negotiations with the President, with the Democratic leadership, Senator DASCHLE, Congressman GEPHARDT, myself, Speaker GINGRICH, and Majority Leader ARMEY on the House side. We will go back tonight, we are going to be there tomorrow morning, and maybe even later tomorrow, but at least tomorrow morning. I hope during that time tonight and tomorrow morning the Democratic leader, Senator DASCHLE, and I can devise some way to come back up here tomorrow, pass a resolution, send it to the House, and that the House will accept it.

It seems to me that on Tuesday Federal employees should be back to work, parks should be open, and we ought to be about our business. I hope we can get that resolved.

I just say, so that the record is complete, a number of bills were passed that were vetoed by the President: VA-HUD, a lot of Federal employees involved; State, Justice, Commerce, vetoed by the President, a lot of Federal employees involved; the Interior bill, vetoed by the President, a lot of Federal employees involved; Labor-HHS, we cannot get it up because of a party

split on the Senate floor, a lot of Federal employees involved. We do have a CR for the District of Columbia until the 3d of January. That leaves one bill that is still hung up because of one difference. We ought to be able to resolve that one difference. The foreign operations appropriations bill is very important, and I hope we can resolve it perhaps as early as Wednesday or Thursday of this next week. We are prepared to proceed. We had hoped we might have passed the bill with the Mideast Peace Facilitation Act, deeming all employees essential, and the expedited procedure. That is not going to happen. We need to find another way to address the problem.

As the Democratic leader indicated, the primary aim is to get people back to work as quickly as possible, either with pay or certainly with the assurance that they will be paid, so that they can make plans that are necessary. I know I speak for my colleague, Senator WARNER of Virginia,

who has been in contact with me daily, and I know other Members of the House who were in contact with me today, Congresswoman MORELLA of Maryland, Congressman WOLF, and Congressman DAVIS of Virginia. We will be working with them and others who have an interest in this. I thank my colleague.

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ORDERS FOR SUNDAY, DECEMBER 31, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that once we complete our business today, the Senate stand in recess until the hour of 12 noon on Sunday, December 31, 1995, 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 with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. DOLE. I think we have indicated to other Senators we will continue negotiations, we will attempt to clear the House message, maybe with a modification, the back-to-work bill, and if we cannot find some solution, it may be that we will just pass the Middle East Peace Facilitation Act. We will not be in session, I do not think, very long tomorrow. I hope we are not in session on New Year's Day.

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RECESS UNTIL TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:26 p.m., recessed until Sunday, December 31, 1995, at 12 noon.