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No. 202

## House of Representatives

The House is in recess subject to the call of the Chair.

## Senate

SUNDAY, DECEMBER 17, 1995

The Senate met at 5 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

Gracious God, when there is no place else to turn, it is time to return to You. The present crisis over the budget has confronted us with our human inadequacy to handle things on our own.

So here we are on a Sunday afternoon. We all believe in You, love our Nation, and are called to patriotism. We pray very specifically for our principal leaders. For the welfare of the Nation, the good of the Government, and the continued respect of our people, we ask You to motivate President Clinton to call together BOB DOLE, TOM DASCHLE, NEWT GINGRICH, and all those involved in assisting in this negotiation. We join with millions of Americans in praying that You will give these leaders the courage to keep working until the issues are resolved, the determination to find answers, and the desire to give as well as take in the disputation. You are ready to help those who confess their dependence on You for wisdom to find workable solutions and creative compromises. When we humbly ask for Your guidance together, You open the channels of communication and give us the will to negotiate. The place for greatness is here; the time for greatness is now. We thank You in advance for the answer to this prayer. In the name of our Lord. Amen.

### RECOGNITION OF THE MAJORITY LEADER

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

Mr. DOLE. Mr. President, first I thank the Chaplain. I hope everyone was listening. Maybe we need all the guidance we receive and probably more.

### SCHEDULE

Mr. DOLE. Mr. President, I think it is fairly certain we will not be getting any continuing resolutions from the House today, so we will not be in session but for a few moments. It seems to me that there is not much reason to stay here if we are not going to have a continuing resolution come over from the House side.

But I think in an effort to make that final determination, I would now move the Senate stand in recess subject to the call of the Chair. As soon as I have that information, we will come back.

Mr. KENNEDY. Could I ask the majority leader, the Senate had an announcement about the LIHEAP, the President taking action to release LIHEAP funds, which is enormously important for many areas in the country. This is something very, very significant to many of the people, I know, in my own State, New England, out in the Far West. I just wanted to address the Senate for 3 or 4 minutes on that subject. And there may be a lot of other people that want to talk.

I do not want to interrupt the normal flow, but I just wonder if—

Mr. DOLE. The Speaker is in my office, so I can find out rather quickly. It will not be a long recess. But I do not want to get into a Sunday afternoon brawl here on the floor about the budget. If it is not about the budget—I mean the President knows how to reach us up here. And we do not need to debate the budget this afternoon. We need to sit down, the principals, and try to work it out.

Mr. DORGAN. I wonder if the majority leader would yield for a question?

Mr. DOLE. Yes.

Mr. DORGAN. Mr. President, the minority leader, Senator DASCHLE, has been here all day, and temporarily had to leave the Capitol, but will be returning. I am prepared on his behalf to offer a unanimous-consent request. I am wondering if the majority leader intends to allow us to be recognized to do that.

Mr. DOLE. Oh, yes. In fact, we may want to accept that request if we can add to it the Labor-HHS bill which the Democrats will not let us bring up on the floor. If the Senator can add that to the CR, we might do some business here this afternoon. That would put 150,000 people back to work, and we think that is very important. So the Senator might see if he can amend that. We might be able to agree to it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). Is there objection?

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE addressed the Chair.

UNANIMOUS-CONSENT REQUEST—  
H.R. 2127

Mr. DOLE. Mr. President, let me indicate that I have met with the Speaker, and I think it is unlikely that there will be any continuing resolution. In fact, there will not be a continuing resolution coming from the House tonight, and I do not see any reason for the Senate to be in session. If there was any hope that there might be a continuing resolution coming over from the House side, we would have stayed here as long as we could.

Then I understood that earlier the Senator from North Dakota, on behalf of the minority leader, Senator DASCHLE, was going to propound a unanimous-consent request which would in effect be a 5-day extension until December 22. It is an S.-numbered bill, which the House can refuse.

But, in any event, it occurred to me that maybe a better way to approach that would be to add the continuing resolution to the Labor-HHS bill which has been pending here since September 15. We have had two cloture votes so far. We have had a number of unanimous-consent requests rejected. We will have another cloture vote sometime on Tuesday. That is one appropriations bill that has not left the Senate, and it is because of objections on the other side of the aisle. It has been along party lines, and I would hope that we could resolve it. It involves I think about 150,000 Federal workers, and if we could do that tonight, I understand again from the Speaker that he will use every effort to take the bill that we send to him and pass it in the House and send it to the President for his signature tomorrow.

So on that basis, I will propound a unanimous-consent request. I ask unanimous consent that the Senate turn to consideration of Calendar No. 189, H.R. 2127, the Labor-HHS appropriations bill, that the committee amendments be considered and agreed to, en bloc, the bill be further amended with language to change section 106(c) of Public Law 10-456 to strike "December 15th, 1995" and insert "December 22nd, 1995," that the bill be then immediately read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The assistant minority leader is recognized.

Mr. DORGAN. Mr. President, the majority leader has just offered a unanimous-consent request that included a number of things, including consideration of an appropriations bill that he knows contains an extraneous item that is very controversial that has held

up that legislation for some long while. It also includes a continuing resolution.

We believe there ought to be a continuing resolution adopted by the Senate. There is no need for a shutdown of the Government. We would hope that the majority leader would accept the unanimous-consent request that I will propound in a moment that will provide a clean continuing resolution for 5 days, and in 30 minutes from now the Government shutdown will end.

There is no reason for a Government shutdown. It does not make any sense. It, in effect, penalizes the American people for our failure to reach agreement on a budget issue here in the Congress, and it certainly makes no sense at all to penalize both the American taxpayer and also Federal workers.

I was constrained to object to the unanimous-consent request by the majority leader because the request that he made included not only a continuing resolution but also an appropriations bill, one of the largest—the largest—appropriations bill that would come to the floor and that would be deemed to have been passed, which includes an issue—striker replacement—which he knows is very, very controversial. It is an extraneous item to the appropriations bill that should not be there. If it was not there, we would have passed this appropriations bill. It would have gone to the White House, and presumably it would have been negotiated before and signed into law, and we would not have these issues in front of us with respect to both Labor and HHS.

But we do have these issues dealing with the shutdown, and it does affect Labor-HHS and other appropriations. The way to solve that—not only for Labor and HHS, but for all other areas that are so affected—would be for us to at this moment agree to a 5-day continuing resolution, clean, without any riders, without any extraneous provisions.

So I will propound the unanimous-consent request on behalf of the minority leader, the Democratic leader, Senator DASCHLE.

UNANIMOUS-CONSENT REQUEST—  
S. 1410

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 240, S. 1410, a clean continuing appropriations bill, that the bill be read a third time and passed, as amended, with the date changed until December 22, and with language that will permit the expenditures of funds for low-income energy assistance.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, I object.

Let me indicate, of course, that the appropriations bill originates in the House. This does not have any standing in any event, but it would have standing if done in the way I prescribed because it would be attached to the bill. It would go to the House.

I want to make the record very clear because I think sometimes people fail to understand why certain things happen. The Labor-HHS appropriations was reported, and it has been on the Senate calendar since September 15. Senator HATFIELD, chairman of the Appropriations Committee, has been prepared every day since that time—along with Senator SPECTER, chairman of the subcommittee—prepared to bring that bill to the floor, and so has, I might add, the Senator from Iowa, Senator HARKIN, the ranking Democrat on the subcommittee. The leadership on the Democratic side, because of striker replacement—in other words, if we repeal the President's Executive order—will not let us bring the bill up. They are not willing to take their chances in a debate and are not willing to try to strike that provision on the Senate floor. So we have been stymied.

So I would say to all of the people at the Labor Department, Mr. Reich, Secretary of Labor, and the Secretary of HHS, and others who are non-essential—they are not nonessential—but the nonessential workers who will not be going to work tomorrow, to just take a look at the record—do not listen to the press—and take a look at the facts. The facts are that since September 15 that bill has been on the calendar. We have tried to get it up three or four times by unanimous consent. That has been objected to by my colleagues on the other side.

We have had two cloture votes. We failed on cloture votes because of striker replacement. We failed along party-line votes. We only have 53 Republicans. We need 60 to shut off debate, and we will have another cloture vote on Tuesday.

So what I suggest—and we want to keep the Government open until the 22—is to bring that bill up, pass it by unanimous consent, and add a 5-day additional continuing resolution to it so the Government will be open until December 22, which will be next Friday at midnight.

It seemed to me that was a good way to dispose of two items that are still here that should have been disposed of weeks and weeks and weeks ago. And I regret that because of one provision, because of the President's allegiance to the organized labor leaders—not the working people—because of his allegiance to the labor leaders and all the money they pump into the Democratic Party, that because of this one little provision that deals only with an Executive order made by the President, we are going to keep 150,000 workers from their jobs tomorrow and maybe the rest of the week and a lot of other things, funding for NIH, a lot of other programs, including the Low-Energy Assistance Program in the Labor, HHS appropriations bill.

So the public ought to know that when the labor leaders speak, my colleagues listen. They will not let this bill come up because the labor leaders are opposed to one provision—one provision. I know it is difficult for the media to print the facts and report the facts, but these are the facts. Do not

take my word for it. It is all in the CONGRESSIONAL RECORD.

Where is the calendar that will show how long it has been on it, to make certain I have it right? I think it is September 15.

Reported by the committee September 15. So it has been around September to October, October to November, November to December. It has been around 3 months, 90-some days, and we cannot pass it because my colleagues on the other side will not let us pass it because of one provision—one provision and we could have opened up the Government. The Speaker said if we would get consent to do this, he would try to pass it tomorrow. So we have made an effort again, I hope in good faith. We tried before to bring this bill up.

Let me also include in the RECORD, because I know I read today in the Washington Post how the tourists were frustrated and there may be some in the—the zoo is closed but the Senate is open. That ought to tell you something. I know what it tells you. But we are here. The bears are resting. In any event, maybe it ought to be the other way around. Close this up and open the zoo. If you cannot get into the zoo, this may be the next best choice.

We wrote the President yesterday. We suggested to the President that he ought to sign the three bills that have been on his desk—Commerce, Justice, State, the Judiciary, which employs 194,000 Federal workers; the Interior bill, which employs 103,800 workers; and the VA-HUD bill, which employs 293,000 workers.

Now, that is a total of 620,900 workers. All these bills have been on the President's desk. With all the stories today about the parks being closed and people came all the way here, it is an unfortunate thing that they came back here to see certain sights and participate in some of the holiday period festivities and all the buildings are closed.

The President can take care of that with a stroke of the pen. He can do it right now. It is a little late for the weekend. But they would be open tomorrow morning.

The bill is there, Mr. President. All you have to do is sign it, sign the other bills, and a lot of people will go back to work.

So, again, I would like to include in the RECORD the list of the bills. If he would sign these bills, it covers the following agencies: Justice, Commerce, the Judiciary, State, Small Business, USIA, the Interior, Indian Health, Forestry, Energy, NASA, National Science Foundation, Veterans, Housing and Urban Development, EPA. In all these different agencies, people would be back to work, and we think that is important. So I would like to include that information along with a copy of the letter that the Speaker and I sent to the President yesterday indicating that we hoped that he would sign those bills.

We also advised the President we could pass the DC appropriations bill tomorrow evening. We hope we can get consent to deem that passed in the Senate after it passes the House. And we also suggested to the President, I might add, the Labor, HHS bill and pointed out to the President that we have made repeated efforts to bring up

the Labor, Health and Human Services, and Education appropriations bill but the Senate Democrats have prevented the bill from moving forward. We asked for the President's help. We asked him yesterday to help us get the bill passed so that we can send it to him for his consideration and another 150,000 workers could continue working. So I ask unanimous consent that those be printed in the RECORD.

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

U.S. CONGRESS,  
Washington, DC, December 16, 1995.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: The best way to avoid sending federal workers home from work on Monday morning, December 18, is for you to sign the appropriations bills that Congress has already sent to you. You have on your desk right now three bills that would allow 620,000 workers to remain on the job. We urge you to sign those bills before Monday. You can keep them on the job with a stroke of your pen.

The Interior Appropriations bill would let 133,800 workers remain on the job. The Veterans Affairs, HUD, and Independent Agencies bill would keep 293,000 employees on the job. And the Commerce, Justice, State, Judiciary bill would let 194,000 workers stay on the job. You should approve those three bills for the sake of those federal workers and to fund the federal programs included in those bills for the rest of the fiscal year.

We also hope on Monday to deliver to you the appropriations bill for the District of Columbia so that the D.C. Government can continue to operate.

Since September 15, we have made repeated efforts to bring up the Labor, Health and Human Services, and Education Appropriations bill for consideration on the Senate Floor, but Senate Democrats have prevented that bill from moving forward. We ask for your help with members of your party so that we can move that bill to you for your consideration. Upon your approval, another 150,000 workers could continue working.

Your prompt approval of the remaining appropriations bills is in the best interest of the Nation and will ensure continued operation of the government.

Sincerely,

BOB DOLE,  
Senate  
Leader. Majority  
NEWT GINGRICH,  
Speaker of the  
House.

BILLS AWAITING CLINTON'S SIGNATURE  
What's Shut Down If He Vetoes

DEPARTMENTS (MAJOR RELATED FUNCTIONS)

Commerce:  
(National Oceanic & Atmospheric Admin.)  
(Maritime Administration)  
(Federal Communications Commission)  
(Small Business Administration)  
(National Weather Service)  
Justice:  
(Federal Bureau of Investigation)  
(Drug Enforcement Administration)  
(Immigration & Naturalization)  
(Federal Prisons)

State

Veterans

Interior:

(Forest Service)  
(Indian Health Service)  
(Smithsonian)

Housing & Urban Development

INDEPENDENT AGENCIES

Consumer Product Safety Commission  
Environmental Protection  
Federal Emergency Management  
National Aeronautics & Space

National Science Foundation

THE BALL'S IN THE PRESIDENT'S COURT

The following bills have been sent or are on their way to the President's desk. If the President signs these bills, the following employees can head back to work.

Commerce, Justice, State, Judiciary:

Justice .....	102,000
Commerce .....	25,000
Judiciary .....	28,000
State .....	25,000
SBA .....	5,800

USIA .....	8,000
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Total .....	194,000
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Interior:

Interior .....	76,000
Indian Health .....	15,500
Forest .....	38,000
Energy .....	2,300
Misc. ....	2,000

Total .....	133,800
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VA-HUD:

NASA .....	20,000
Nat'l Science Found .....	2,000
Veterans .....	240,000
HUD .....	11,000
EPA/misc. ....	20,000

Total .....	293,000
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Overall total .....	620,900
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Mr. DOLE. Tomorrow, if we can renew our request, maybe by that time, if we have some word, if we could do this tomorrow morning, we could still get it over to the House; they could still act tomorrow. And again it would extend the Government to December 22, the partial shutdown would be lifted until December 22. Perhaps at that time there could be some agreement on the budget.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I understand why the majority leader characterized the circumstances of the shutdown in the appropriations bills, but I would say to him that it is not the lack of passing the Labor, HHS bill that will cause a shutdown tomorrow morning. It is the lack of passing a clean CR for 5 days. We could pass a clean CR and in 30 minutes the Government shutdown will end, and that is what we ought to be doing.

For those who listen to this process and watch this process, they ought to understand what is at work with respect to an appropriations bill that the majority leader described in some detail. There is a discussion about the process in the system here in Congress where somebody sticks something on a piece of legislation that has nothing at all to do with the legislation. It has no relationship at all. And then it just moves along.

Well, some people objected to that on the Labor, HHS bill, a provision that has nothing at all to do with that bill. If it were taken off, it would pass very quickly. But because it was not taken off, that piece of legislation is not advanced. But it seems to me, at 6 o'clock on Sunday evening, the question of whether the Government will be shut down tomorrow is a question that can be answered affirmatively in terms of our intent to keep it open by passing a 5-day continuing resolution.

Whether it originates here or in the House is irrelevant to me. What is relevant is that it does originate. I hope that one body or the other would originate a continuing resolution to say let us not hold anybody hostage, let us not make anybody pay a price at this point for our failure. Let us continue to negotiate around the clock and let us not have the Government shut down while these negotiations continue.

I know that the Democrats were meeting today in the Capitol. I was a part of those meetings most of the day. I am sure that Republicans were meeting in the Capitol. I hope that people of good will on both sides want to find a way to solve this problem. The American people expect this problem to be solved. But the failure to provide a CR for a very short time and to have a Government shutdown remain in effect tomorrow morning is, in my judgment, an approach that simply penalizes both the American taxpayers and also Federal workers. I guess I hope that the way we would decide the issue at 6 o'clock on Sunday night is to pass a continuing resolution without clauses and without conditions—just do it, get the Government up, operating and open for the American people, and then let us in the next day or two or three or four solve this problem of the balanced budget with the right priorities and do it for our country. That is what I hope the majority leader will consent to. And if he does not consent now, I hope that one way or the other very soon we will find a way to consent to a clean 5-day CR to avoid the continuation of the Government shutdown.

Mr. DOLE. Mr. President, I am not a shutdown advocate. I think the Senator knows that I am not one of those who advocates it. I think the Federal workers become pawns in this exercise, which is not fair to them. And I have held that view. They are sort of caught in the middle. It is a very, very difficult issue that we are trying to bring together. The American people want us to balance the budget. They have wanted us to do that for a long time. They want a balanced budget amendment. We failed by one vote in the Senate.

They want a 7-year—I think they would rather have a quicker one, but a 7-year balanced budget makes a lot of sense to many Americans because they see their interest rates lowering when they go out to buy a car or home loan or student loan. It will be much less expensive. It is like a tax cut for particularly middle-class Americans.

So the American people are on the side of a balanced budget. They want welfare reform. They want us to preserve and strengthen Medicare. I think most Americans with children want tax cuts for families with children.

So there are a number of very important matters that we need to resolve. We are not going to do it here this evening, obviously. But I say again, it seems to me that if people look at the record—and understand that this

Labor-HHS bill, striker replacement, affects labor. It is on an appropriations bill, but it certainly is not the first time. I bet there are a dozen other measures on that bill that probably should be in an authorization bill.

But in any event, there has been an objection. I regret there has been an objection. We could have sent it to the House where they could have taken it up tomorrow and maybe removed the partial shutdown.

I have just been notified that Mr. Panetta, the chief of staff of the White House, indicates that the President will call Republican leaders tomorrow and apparently discuss a temporary spending authority bill. I hope that in addition to that, the President would discuss, how do we resolve the dilemma, how do we get together a balanced budget for 7 years?

Again, I think it is time for adult leadership. It is time for the principals to be principals. We are prepared to do that. This is not an exercise that we want to take up through the rest of this week and all next week. But if necessary, I think the American people, once it is done and once they see the benefits, will thank us for staying here and getting our work done. That is what we get paid for.

#### LIHEAP

Mr. KENNEDY. Mr. President, I was pleased to learn earlier this afternoon that President Clinton plans to act tomorrow, Monday, to release \$578 million in Federal funds for the Low-Income Home Energy Assistance Program, known as LIHEAP. The President's action will make \$22.89 million available to Massachusetts immediately.

As we all know, the availability of LIHEAP funds had been drastically restricted under the two stopgap funding bills passed by Congress since the end of September. With the expiration of the latest stopgap bill at midnight last Friday, President Clinton is free to release the funds and will do so tomorrow.

So this means Christmas will be arriving a week early for the 137,000 low-income families in communities across Massachusetts who rely on Federal energy assistance to keep their homes warm in winter weather. President Clinton deserves great credit for taking advantage of this window of opportunity to release these urgently needed funds.

In recent weeks, with cold weather already hitting Massachusetts and many States hard, we have been urging Congress and the administration to find a way to end the unfortunate and irresponsible impasse over LIHEAP funding and enable the assistance to start flowing to low-income families facing large heating bills.

By this time last year, Massachusetts had received about \$32 million in

LIHEAP funds. So far this year, only \$9.6 million has been received because of the restrictions in the stopgap funding bills. Under President Clinton's action, this year's LIHEAP funding will be on a par with last year's, and families will be getting the relief they need and deserve.

#### ORDERS FOR MONDAY, DECEMBER 18, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m., Monday, December 18, that following the prayer, the Journal of proceedings be approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, 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 11:30 a.m., with Senators permitted to speak for up to 5 minutes each.

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

#### PROGRAM

Mr. DOLE. Mr. President, following morning business on Monday, the Senate will resume consideration of the DOD authorization bill. I understand we are trying to get an agreement when we might vote on that bill Tuesday morning. The House will be taking up, in late afternoon because of the holiday tomorrow—after 4 or 5—the D.C. appropriations bill, which if passed by the House and passed by the Senate would then at least permit D.C. workers to be back on the job.

It is my hope that we can get an agreement on the Senate side that would deem the conference report passed when received in the Senate; otherwise we might have to stay here until late tomorrow evening. I do not believe there will be any rollcall votes. If a rollcall vote is required on that bill, we would have to wait until Tuesday morning. But I believe under the urgency of passing this bill we can reach some agreement with colleagues on both sides of the aisle.

There will also be a vote on the motion to invoke cloture to proceed to the Labor-HHS appropriations bill sometime Tuesday morning after consultation with the two leaders.

#### ADJOURNMENT UNTIL 11 A.M., TOMORROW

Mr. DOLE. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

Thereupon, at 6:13 p.m., the Senate adjourned until Monday, December 18, 1995, at 11 a.m.