

protecting Medicare, Medicaid, the environment, and education.

Mr. Speaker, let us put partisan politics aside and balance the budget. No more brinksmanship, no more gunfights at the OK Corral. Let us do it the right way, and we all can come out winners.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). The Chair will entertain one more 1-minute on each side.

#### NO MORE PARTISAN BICKERING OVER THE BUDGET

(Mr. LONGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONGLEY. Mr. Speaker, I want to echo the comments of my good friend, the gentleman from New Mexico [Mr. RICHARDSON]. I think he is exactly on track. The public is tired of the partisan bickering. They sent us here to do the people's business. I think we have reached a milestone in government where we are all in agreement that the time has come to balance the Federal budget in 7 years.

I understand the concerns of many who are upset with the Republican budget. Now I have to tell my friends on the other side of the aisle that the shoe is now on the other foot. If we are not spending enough money, then somebody needs to quantify not only how much more money needs to be spent, but how are we going to pay for it. We have been hearing a lot of "I am for favoring balancing the budget." Now the time has come to deliver.

#### THE CAPITAL GAINS TAX CUT VERSUS THE FAMILY TAX CREDIT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, one of the previous speakers on the Republican side asked the question, I think rhetorically, at the end of his remarks, "What more could we do to stimulate the economy of our country than to give a capital gains tax break?" I think the answer to that is educate our children, invest in our children.

That is one of the complaints I have with the Gingrich Republican reconciliation bill. In it, they give a capital gains tax break to the wealthiest people in our country. But listen to this: It is retroactive until last January 1. The much-heralded \$500 family tax credit? That is only effective October 1. So, effectively, the tax credit for American families, the \$500 tax credit is \$125 for 1995, while the capital gains reduction for the wealthiest people in our country goes back retroactively to January 1995.

Mrs. SCHROEDER. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I think what the gentlewoman knows, it must be harder to raise a capital gain than it is a child.

#### PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state it.

Mrs. SCHROEDER. What is the method for extending speakers when a limit comes at the beginning of the hour on 1-minutes? Does each side just make a request to extend whenever they have extra speakers show up?

The SPEAKER pro tempore. It is the Chair's power of recognition.

Mrs. SCHROEDER. Continuing parliamentary inquiry, Mr. Speaker. The Chair can decide at any time not to abide by the limit that was put on at the beginning of the hour if the Chair so desires?

The SPEAKER pro tempore. The Chair felt that it was accommodating Members on both sides to adjust that limitation at the end, as Members continued to come into the Chamber.

Mrs. SCHROEDER. Further parliamentary inquiry, Mr. Speaker. Does that mean both sides go to the Chair before the extension, then, is granted?

The SPEAKER pro tempore. The Chair would normally make that statement at the beginning, and they would then abide by that. It came later today.

#### PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND ADJOURNMENT OF THE HOUSE

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 32) providing for a conditional recess or adjournment of the Senate on Monday, November 20, 1995, until Monday, November 27, 1995, and a conditional adjournment of the House on the legislative day of Monday, November 20, 1995, or Tuesday, November 21, 1995, until Tuesday, November 28, 1995.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 32

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Monday, November 20, 1995, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until a time to be determined by the Majority Leader on Monday, November 27, 1995, or until one hour after the House has voted on H.J. Res. 122, unless the House agrees to the Senate amendment.*

SEC. 2. The two Houses shall convene at 12:00 noon on the second day after Members are notified to reassemble pursuant to section 3 of this resolution, whichever occurs

first; and that when the House of Representatives adjourns on the legislative day of Monday, November 20, 1995, or the legislative day of Tuesday, November 21, 1995, it stand adjourned until 12:30 p.m. on Tuesday, November 28, 1995, or until 12:00 noon on the second day after Members are notified to reassemble pursuant to section 3 of this resolution, whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and Minority Leader of the House, shall notify the Members of the Senate and the House respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken after debate has concluded on the motion to suspend the rules, but not before 5 p.m. today.

#### AMENDING COMMENCEMENT DATES OF CERTAIN TEMPORARY JUDGESHIPS

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2361, to amend the commencement dates of certain temporary Federal judgeships.

The clerk read as follows:

H.R. 2361

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

#### SECTION 1. COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by striking out the last sentence and inserting in lieu thereof "The first vacancy in the office of district judge in each of the judicial districts named in this subsection, except the western district of Michigan, occurring 5 years or more after the confirmation date of the judge named to fill a temporary judgeship created by this Act, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes, and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 2361, to amend the commencement dates of certain temporary Federal judgeships.

In 1990 the Federal Judgeship Act, Public Law 101-650, part of the Judicial Improvements Act of 1990, created 13 temporary judgeships. These temporary positions are unique in that 5 years after the effective date of the act, December 1, 1990, the next vacancy occurring in each of those 13 courts will not be filled. Therefore, under the present provisions of the act any vacancy created by death, retirement, or by a judge taking senior status after December 1, 1995 will not be filled. This has the effect of allowing districts with clogged dockets to receive the benefit of an extra judge for a temporary period of 5 years.

The problem arises because the confirmation process is time-consuming and the temporary judgeship positions were not filled in some districts until 1994. For those courts a vacancy created soon after December 1, 1995, by death, retirement, or a judge taking senior status, would result in that court having had the benefit of the temporary position for a little as 14 months rather than the 5 years intended by Congress.

The proposed change would establish the confirmation date of the judge named to fill the temporary position as the starting point for the 5 years. Any vacancy occurring 5 years after that confirmation date would not be filled. This change would assure that all affected districts would receive the benefit of the temporary judgeship position for the full 5 years.

This amendment has bipartisan support and will appreciably enhance the administration of justice in those districts where the caseloads necessitated the creation of temporary judgeships. All identical bill was introduced by Chairman HATCH and passed in the Senate.

I urge a favorable vote on H.R. 2361.

Mr. Speaker, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I join our subcommittee chairman in supporting this bill. This is really a simple technical amendment to ensure that districts that have been authorized for temporary judgeships get the full 5 years' benefit of their temporary judge, as Congress originally intended.

The Federal Judgeship Act, passed by Congress in 1990, created 13 temporary judgeships in order to give judicial districts with serious docket backlogs an extra judge for 5 years. Unfortunately, because of the time consumed by the confirmation process, the intended 5-

year benefit will be whittled away to just over 1 year in some districts unless we enact the bill before us today. This bill will ensure that the affected districts receive a full 5-year temporary judgeship.

This bill will greatly enhanced judicial administration in the affected Federal districts. I thank the subcommittee chairman for his work on this bill, and I urge my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS], the ranking member of the full committee.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding time to me, and commend the leaders of this important subcommittee of the Committee on the Judiciary.

This is a bill that we can all support, the reason being that these temporary judgeships created by our former chairman of the full committee, the gentleman from Texas, Jack Brooks, is an excellent idea in terms of a way to deal with temporary shortages in the judicial districts across the country. I support it, and we suspect that every Member in the House does as well.

In Michigan, Mr. Speaker, we had the unique circumstance in the western district in which they have taken care of their shortage and have returned the temporary judgeship, of all things. This has never happened in the annals of American judicial history, and may not likely happen again soon, so we were delighted about that.

The law created 13 unique, temporary judgeships for a 5-year period ending in 1995. Optimists on this side assumed that the incumbent President will get the benefit of naming these extra judges, but I do not want to spoil this discussion, now that we have all arrived at great harmony on this subject.

The bill responds to the oversight in the law by specifying that the districts in question benefit from the added position for the full 5-year term, beginning on the date that they were filled, as Congress originally intended, rather than the date that the temporary judgeship law became effective. So I congratulate the chairman of the subcommittee and the ranking member, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of H.R. 2361, which will restore the original intent of the Judicial Improvements Act of 1990 to assure that certain jurisdictions which receive temporary judgeships under that act will indeed have the benefit of those judges for a full 5-year period.

This bill is important to the State of Hawaii which was one of the 13 court districts which received a temporary Federal judge under the 1990 act in order to assist in completing a backlog of cases. As a result of the 1990 act, Hawaii has four Federal judge positions instead of three.

The original act set the 5-year period for the temporary position to begin the date of enactment, December 1, 1990, ending on December 1, 1995. However, many of the temporary Federal judges were not confirmed in a timely

manner and as the December 1, 1995, end date is near, many jurisdictions including Hawaii have not had the benefit of an additional judge for the full 5 years.

The original act stipulates that any vacancy that occurs after the five-year period—December 1, 1995—in one of the 13 districts will not be filled. Hawaii currently has a vacancy in one of its three permanent Federal judge positions due to the death of Judge Harold Fong. It is impossible at this point for a new judge to be nominated and confirmed before December 1, 1995, which means that under the original provisions of the Judicial Improvements Act of 1990, the current vacancy will not be filled, even though Hawaii has not had the benefit of an additional temporary judge for the full 5-year period.

H.R. 2361, would resolve this problem and assure that Hawaii and the 12 other court districts receive the full benefit of a temporary judge for a full 5-year period. The bill establishes the confirmation date of the judge named to fill the temporary position as the starting point for the 5 years. It stipulates that the first vacancy occurring 5 years after that confirmation date will not be filled, retaining the temporary nature of the position, but assuring that the jurisdictions have the service of the temporary judge for full 5 years.

I urge my colleagues to support this bill which will restore the original intent of the Judicial Improvements Act of 1990 and provide necessary assistance to these 13 Federal court districts.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 2361, the bill to change the expiration date of certain temporary judgeships established in 1990. Instead of expiring 5 years from the bill's date of enactment, the judgeships will expire 5 years from the date of confirmation.

It is of critical importance that this legislation be approved and sent to the President for his signature prior to December 1. Without a change in the law, as many as 13 districts will not be able to take advantage of the temporary judgeships because of delays in the confirmation process.

The temporary judgeships will enable the Federal courts to better handle their extensive workload. That is why I am strongly supporting this legislation which simply makes a technical change and allows the original intent of the law—5-year temporary judgeships for certain Federal district courts.

I hope my colleagues will join me in supporting this bill so we can forward it to the President for his signature before the December 1 expiration date.

Mrs. SCHROEDER. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 2361.

The question was taken; and (two-thirds of those have voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the Senate bill (S. 1328) to amend the commencement dates of certain temporary Federal judgeships and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, I do so to yield to the gentleman from California [Mr. MOORHEAD] to explain his request.

Mr. MOORHEAD. Mr. Speaker, this is a companion Senate bill. This action will enable the bill to go to the President.

Mrs. SCHROEDER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1328

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

**SECTION 1. COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.**

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by striking out the last sentence and inserting in lieu thereof "The first vacancy in the office of district judge in each of the judicial districts named in this subsection, except the western district of Michigan, occurring 5 years or more after the confirmation date of the judge named to fill a temporary judgeship created by this Act, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2361) was laid on the table.

□ 1500

**CONCURRING IN SENATE AMENDMENT TO HOUSE JOINT RESOLUTION 122, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1996**

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that it be in order to take from the Speaker's table the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes, with the Senate amendment thereto, and to consider in the House a motion offered by the chairman of the Committee on Appropriations to dispose of the Senate amendment, that the Senate amendment and motion shall be considered as read, that the motion shall be debatable for 1 hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations or their designees, and that

the previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

**POSTPONING ELECTRONIC VOTE ON HOUSE JOINT RESOLUTION 122**

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that if a recorded vote is ordered, or yeas and nays are ordered, or a vote is objected to under clause 4 of rule XV, on the question of adopting the motion that the House concur in the Senate amendment to House Joint Resolution 122, then the Chair may postpone further proceedings on that question until a later time or place in the legislative schedule of the current legislative day, any may resume such proceedings as though postponed pursuant to clause 5(b)(1) of rule I.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the order of the House, I call up the joint resolution (H. J. Res. 122), making further continuing appropriations for the fiscal year 1996, and for other purposes, with a Senate amendment thereto, and I offer a motion.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

**SENATE AMENDMENT:**

Strike out all after the resolving clause and insert:

*That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:*

**TITLE I**

**CONTINUING APPROPRIATIONS**

**SEC. 101.** (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

*The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 53 of the Arms Control and Disarmament Act;*

*Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under*

*current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.*

(b) *Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of the date of enactment of this joint resolution, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.*

(c) *Whenever an Act listed in this section has been passed by only the House or only the Senate as of the date of enactment of this joint resolution, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is funded in the applicable appropriations Act for the fiscal year 1995 and not included in the version passed by the one House as of the date of enactment of this joint resolution, the pertinent project or activity shall not be continued except as provided for in section 111 or 112 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.*

**SEC. 102.** *No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1995 or prior years, for the increase in production rates above those sustained with fiscal year 1995 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1995: Provided, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.*

**SEC. 103.** *Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.*

**SEC. 104.** *No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.*