

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 and, in my view, impermissible 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.