SENATE—*Tuesday, January 2, 1996*

The Senate met at 12 noon, and was called to order by the Honorable JOHN WARNER, a Senator from the State of Virginia.

PRAYER

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

In Sirach we hear:

To the poor man extend your hand,
that your blessing may be complete;
Be generous to all the living,
and withhold not your kindness from the dead.
Avoid not those who weep,
but mourn with those who mourn;
Neglect not to visit the sick—
for those things you will be loved.—
Sirach 7:32–35.

Let us pray:

We praise You Lord for the light of creation; we praise You for the light You give us in Your law, in the prophets, and wisdom of the Scriptures.

Lord send Your blessing on these servants of Yours, Senate and their staff. Help them work together in this time of need, help them be faithful to the light You have given them, and let them faithfully serve You and their neighbor.

Glory and praise to You for ever and ever. Amen.

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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 2, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint Hon. JOHN WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

SCHEDULE

Mr. DOLE. Today there will be a period for morning business until the hour of 12:30 p.m. and hopefully after that we can turn to the so-called back-to-work bill, S. 1508. There may be some modification to that. I will be in touch with the Democratic leader before we do that. It is also my hope we can reach some agreement on expedited procedures. In the event we should reach an agreement on all sides—the President and members of the Senate leadership, and members of the House leadership want a balanced budget.

Any other thing we can do by unanimous consent, we can do today, but otherwise I think we have indicated to Members they would be given plenty of time to return if there are any rollcall votes. We understand we have to delay those.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. I ask unanimous consent, and this has been cleared by the Democratic leader, the Senate proceed to executive session to consider the following nominations on the day's Executive Calendar: Calendar Nos. 267, 378, and 410.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I would indicate that those calendar numbers referred to Judges A. Wallace Tashima of California, Sidney R. Thomas of Montana, and John Thomas Marten of Kansas.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

A. Wallace Tashima, of California, to be United States Circuit Judge for the Ninth Circuit.

Sidney R. Thomas, of Montana, to be United States Circuit Judge for the Ninth Circuit.

John Thomas Marten, of Kansas, to be United States District Judge for the District of Kansas vice Patrick F. Kelly.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30, with Senators permitted to speak therein for up to 5 minutes each.

THE GOVERNMENT SHUTDOWN

Mr. LEAHY. Mr. President, I have been here on the floor several times during the past few days over the New Year's weekend, as have the distinguished Republican leader and the distinguished Democratic leader, the distinguished Senator from North Dakota [Mr. DORGAN], and others who have been working the effort of trying to get this budget back together.

It is ironic that we are here and we hear statements coming from some, primarily in the other body from back in their home States and home districts, that show to me at least the disconnect with reality. I hope some of these Members when they return to Washington will have a fresh perspective on the human toll this foolish Government shutdown has taken. This foolish Government shutdown has taken a human toll. In fact, it is ironic that the House and Senate cannot seem to come together and get the work done necessary to get us out of this, but we are getting paid at the same time there are hundreds of thousands of Federal employees who want to work and they are not being paid. There are others deemed essential who go to work and will not be paid.

These people have mortgages. These people have rent, heat, food, child care, everything else, to pay. They are not getting their paychecks. They are real human beings, whether they are in Vermont or any other State.

My New Year's wish is that the House may replace its severe case of intransigence with some true leadership to get us out of this, because this kind of Government close-down foolishness is not necessary.

The balanced budget talks are going on right now with the President, with the distinguished leadership on both sides. That has nothing to do with whether Congress completes its work. We have 13 appropriations bills that are supposed to be passed by the end of the fiscal year. The reason much of Government is closed down is because a number of those bills have not been passed. I might suggest a bill that the House could accept, if they are unwilling to pay Federal employees, they ought to pass the bill that the Senate has already passed which says that Members of Congress will not be paid until this is done. They will not do

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

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that. In fact, we had one Member of the House who said that he has to be paid because he is in the Constitution. I looked through the Constitution. I did not find his name, and I would love to see which copy he is referring to.

The fact is that we have people, Federal workers, who are being punished unnecessarily. I would like to have some of these members who do not want us to go back to work to talk to Angelia and Jeffrey Brace of Milton, VT. They cannot go to work at the Immigration and Naturalization Service office in South Burlington, VT, and they and their 3½-year-old daughter are not going to get a paycheck. There are headlines like this in the Vermont press, "Budget Squeeze Hits Home." It is happening in every one of our States.

I know the distinguished Republican leader and the distinguished Democratic leader, if it was left to them and with the President, we could get this done. We have passed legislation here to put us back to work. If it was left to the leadership here in the Senate on both sides of the aisle this could be done. Just because some—in this case, a small group of freshmen who I admit each have 12 months of experience with the Government—have made a decision that we will become a laughingstock to the rest of the world because our Government is shut down, because they are not getting every bit of their way.

Mr. President, I have a letter to the editor in my hometown newspaper from Mr. George D. Sack, president of the Vermont chapter of the National Treasury Employees Union, that says if the chief executive officer of IBM and the board of directors had a dispute over policy, it is doubtful they would close their plants until they reach a decision. Yet that is exactly what happened when Congress and the administration closed the Government.

This is not the way to do things. This is costing taxpayers hundreds of millions of dollars in wasted productivity, wasted time. Some will go on and say, "Do you miss the Government?" Ask that of somebody trying to get a visa, or ask that of somebody who has a mortgage application before the Veterans Administration. Ask any number of people, and it will go into the millions of people being inconvenienced. Ask the people who are in private business who are being hurt because the Government is closed down.

The fact of the matter, Mr. President, we could put the Government back to work in the next hour and we would still have negotiations on the budget, negotiations that would bring about a balanced budget in 7 years. We are not going to have a Clinton budget or Gingrich budget or Dole budget or Leahy budget, but we could have a budget where we all work together, protect the environment, protect education, protect people that need medical care, still balance the budget. That is what we ought to do.

This kind of posturing, when it hurts people who cannot pay the mortgage, the heat, their children's doctors' bills, that is cruel.

It is especially cruel when the taxpayers have paid for airplane tickets for those same House Members to go home for Christmas vacation; the taxpayers have paid them a couple of thousand dollars a week to sit at home doing nothing. They ought to be back here getting us back to work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. There are 5 minutes allocated to each Senator for morning business.

A CLEAN CONTINUING RESOLUTION

Mr. SARBANES. Mr. President, I rise to make once again a very strong plea for a clean continuing resolution in order to allow the Federal employees to go back to work and for the Government to function while the negotiations continue over a 7-year budget plan.

The shutdown of the Government ought not to be used as a coercive tactic in order to reach a particular solution with respect to the 7-year budget plan. Unfortunately, that is what has happened.

The employees are being used as pawns in this game, in this tragic game. And what is happening now is that you have over 500,000 employees who have been going into their offices and working, but who are not being paid for the period since December 16. You have another 260,000 employees who have been furloughed. So you have a total of almost 800,000 employees not being paid for doing their jobs.

Of course, their inability to do their jobs affects citizens all across the country. There is an impact upon the private sector and upon millions of citizens. The NIH, which should be processing its grants to the private researchers, is not able to do so because people are on furlough. A number of States are slowing down the operation of their safety and health programs and their unemployment insurance programs because of the partial closedown in the Federal Government. You have a number of agencies that are not providing very needed services—the passport office, for example. A lot of people get passports for business reasons. Others have planned trips for long periods of time. All of a sudden, none of them can carry through on their plans often at great expense and inconvenience.

The impact of this partial closedown on the Federal Government is disrupting the lives of millions of people, not only the Federal employees, but ordinary citizens who depend upon the Federal employees to provide them with important services.

There are strong differences about the basic 7-year plan. Those differences ought to be fought out. But the employees in the Government ought not to be taken hostage as a coercive tactic in that debate, in that sharp difference over what the budget priorities ought to be. We have discussed those differences at length on the floor of the Senate, and I assume further discussions are going on, about the deep cuts in Medicare services, and in Medicaid services versus tax breaks for people at the top end of the economic scale. But we ought not to be holding hostage Federal employees to that debate.

This week, people will receive paychecks that pay them for only 1 week, up until the 16th of December, when the last continuing resolution expired. Instead of a 2-week paycheck, they are going to get a 1-week paycheck. They will not get the second week because that was beyond the time of the continuing resolution, although over 500,000 of these employees were brought in to work. Although these employees were brought in to work, over half a million of them—and another 260,000 who have been furloughed find themselves in the same situation—they will get the 1-week paycheck, not beyond that. Then, after this week, unless the Congress takes action, they are not going to get paid.

It is said that we are going to pass a provision which later, when we get a budget and an appropriation, will go back and pay these people. That is only decent and humane and just, it certainly should be done. But what are these workers to do in the meantime? There seems to be an assumption on the part of many Members of the Congress—maybe it reflects their own particular financial situation—an assumption that people somehow have money stashed away that they can simply draw down on. So when the paycheck does not come in, it does not make any difference in their standard of living.

That is not true for a great many people. Most people need a regular paycheck in order to make car payments, house payments, tuition payments—to meet their ordinary living expenses. This is particularly true of people at the lower and middle grades, but it applies throughout the Federal service.

What is being done to dedicated employees is an absolute outrage. It defies all reason and all common sense. There is no way, rationally, one can justify what is now happening and it clearly flouts common sense.

The Washington Post, in a very strong editorial—and I ask unanimous consent the editorial be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. The Washington Post editorial said:

Federal employees have every right to feel as if they are the real pawns in this sorry mess. One day they are proud and productive members of the Federal Government, protecting the health and safety of the Nation; the next, they are handed a slip of paper and sent home with no idea when they will be paid. That is no way to motivate a work force, let alone demonstrate respect for it.

Let us pass a clean continuing resolution. Let the people go back to work. Let the Government function. And then let the debate over the broader budget, the 7-year budget plan, continue without this coercive effort to use the Federal employees as a pawn in that debate.

EXHIBIT 1

[From the Washington Post, Dec. 17, 1995]

A SHUTDOWN'S OTHER COSTS

There is more to the stalemate of the government than the failure of the president and the GOP to agree on a seven-year balanced-budget plan. The furloughing of federal employees exacts a terrible cost from a valuable work force. Nothing can be more demoralizing to men and women who look out for the nation's veterans, hunt for the cures to deadly diseases, keep our air and water clean, send out the Social Security checks and otherwise serve the nation in ways most of us don't think about, than to be told that despite their fidelity and contribution, they are really "nonessential." That insult, being added to all the other guff federal workers catch in the halls of Congress, on talk shows and from television comics, comes as an undeserved kick in the teeth from their own government.

Federal employees have every right to feel as if they are the real pawns in this sorry mess. One day they are proud and productive members of the Federal government, protecting the health and safety of the nation; the next they are handed a slip of paper and sent home with no idea when they will be paid. That is no way to motivate a work force, let alone demonstrate respect for it.

The daily payroll cost for the furlough of employees is no small matter—even if employees are paid retroactively for their days out of work. But there are consequences of the cavalier treatment of the federal work force that will be felt long after the government is back in business.

A government that is in gridlock—worse yet, shuttered—does little to bolster a political system already losing the public's confidence. It downright debilitates its own work force. As a furloughed federal economist said during the last interruption, "Can you imagine a Fortune 500 company operating like this? If they had a dispute between their board of directors and their president, and they sent everybody home?" And in addition to the effect on morale, can such interruption be supposed to be a help to the work they do?

In an open letter to federal employees, President Clinton and Vice President Gore signaled their recognition of the shabby treatment afforded the federal work force: "you remain good people caught in what Churchill called the 'worst system of government devised by the wit of man, except for all the others,'" they wrote. Good people—and they are—should not be made to pay for the failures of their leaders. Getting federal employees out of the middle and back on the job is the way to respect them.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

TIME FOR AN AGREEMENT ON A BALANCED BUDGET

Mr. THOMAS. Mr. President, I rise also to talk about the dilemma that we are in. I agree with the Senator from Vermont and the Senator from Maryland that we ought not to be where we are. I believe it is time that we come to an agreement on the balanced budget. If you really want to come to a solution, you could have come to a solution by now—all of us. If you want to find a solution, you can find a solution. You cannot just continue to talk and say we have had useful conversations and walk away, having made no decisions. That is not a way.

I have a little different view, however, of some of the reasons that we are here than the Senator from Maryland. The President could have signed the appropriations bills. He could have had those people back to work. He chose not to do that.

We started on November 14, I believe, with an agreement to find a balanced budget in 7 years, using CBO numbers. And that was not done. On the part of the administration, nor indeed the other side of the aisle, a process to do that was not forthcoming.

So, I think we should not be where we are. I have been here since Thursday, hoping the leadership would come forward and say, "Here is a way to put people back to work." I have been here each of those days to do that. We have had objections from the other side of the aisle not to do that. "We do not want to do that."

So that is where we are, and we ought to change that.

Let me talk a little bit about what we are really doing here, that is, trying to balance the budget. In 45 days we have not done that. The administration promised to bring that forward. There were four budgets, none of them balanced. Instead of that, there has generally been posturing at the polls, saying what an exaggerated effect would happen if we reduced the rate of growth in the budget. That is what we talked about, when everyone in this place knows you have to reduce the rate of growth in the budget. Not a soul in here would deny that has to be done.

Still, we cannot do it. Everyone rises up and says, "I want to balance the budget. We have to balance the budget." But can we go forward? We hear all of the reasons why we cannot do that. We have not done it for 30 years. We have not balanced the budget one time. Then I guess we wonder why it is that when you say "then we will talk about balancing the budget," we say, "That is what you said when we tried to get an amendment to balance the budget." We are going to gut Social Security, so we cannot do that. It did not have anything to do with Social Security.

So here we are. I agree entirely we ought not to be here. Not only Federal employees in my State, as in your State, many people, Yellowstone Park concessionaires, for example, are out of work because the President did not sign the Interior bill, among other things. So Yellowstone Park is closed.

What are we talking about? We are talking about some fundamental changes. You know, not going around the edges and trying to do a little something. We are talking about a balanced budget, one that has to do with financial and fiscal responsibility, one that has to do with not continuing to put it on the debt so our kids have to pay it. Our credit card is maxed out. We know that. We cannot come to any kind of agreement. We are going to talk some more today, I guess, and talk some more tomorrow. We probably will not be able to come to an agreement.

There is lots of room to come to an agreement. The parameters are pretty large—a balanced budget in 7 years, CBO numbers. Aside from that, you can bargain in there. That is a pretty broad parameter. We could do that. We could do that.

Mr. President, we ought to do that. We ought to get folks back to work. This is a ridiculous arrangement. We have to make some decisions. The people who are doing the negotiating need to make some decisions. That is our job. We are trustees for the American people and our job is to do something. Our job is to make decisions. Our job is to move forward. Mr. President, we ought to do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

THE OBLIGATION TO KEEP GOVERNMENT FUNCTIONING

Mr. BINGAMAN. Mr. President, we are now in the 18th day of the longest Government shutdown in the history of the Nation. Serious negotiations continue on the budget, but still the Republican majority in Congress refuses to pass legislation to fund the normal function of Government; that is, a clean continuing resolution. This persistent refusal to provide funding for normal Government operations is irresponsible. It is irresponsible conduct by the Republican majority, particularly in the House, which must originate appropriations bills regardless of which side may be right or wrong on the policy issues in the budget negotiations.

Any time the negotiation occurs, each side begins by assessing its own as well as its opponent's strengths and weaknesses. Each side determines the actions that it can take to put pressure on the other to reach concessions.

In these negotiations over the budget, for the first time in our Nation's

history the Republicans who are controlling Congress have determined that they have the right to shut down the Government and they can use that right as a bargaining chip in their negotiations with the President. They do not see the obligation to keep Government functioning as a shared obligation. They do not see it. They do not see it as an obligation of both the executive and the legislative branches as previous Congresses have. Instead, they are quite willing to assign that responsibility exclusively to the President while, for their own part, keeping the Government closed as a bargaining ploy. This is a profound change in the way Congress views its responsibilities. It is simply wrong to see this is as more business as usual, more of the traditional bickering that characterizes Washington politics.

In November, we had the longest shutdown in the 207-year history of the Republic, and it was 6 days long. Now we are at 18 days and counting in the second shutdown of this Congress.

When our Founders embarked on the task of bringing to life the constitutional system, they devised in Philadelphia in 1787, it was the legislative branch of the Government which they called on to commence proceedings under the Constitution.

The Congress met in New York in 1789, organized itself, provided for the counting of Presidential electoral votes and the inauguration of the President. The Congress then passed legislation to establish the great departments of the executive branch, to provide for the organization of the judicial branch, and to furnish appropriations to enable all the branches of our new national Government to perform their constitutional functions.

It would be, frankly, unimaginable to our Founders that our branch, the first branch of Government whose duty it was to bring to life the Framers' plan, would ever think that it was within its purview to disable that plan by refusing to perform the Congress' primary constitutional responsibilities.

It would be unimaginable for the new Congress to have decided not to complete the work of setting up the Government that the Constitutional Convention contemplated. In fact, it would have precipitated a major constitutional crisis for a radical majority in the first Congress to decide not to set up a particular department or not to fund a particular department just to get the bargaining leverage with a new President. Such a step then might have doomed the future of our new constitutional Republic.

My Republican colleagues argue that it is not they who are acting irresponsibly in causing Government to remain closed. After all, they passed appropriations bills and the President has chosen to veto those bills. They are right; the President has exercised his veto. He has done so as provided in the Constitution. He has returned those bills to the Congress, also as provided in the Constitution. But when the President uses the veto, the Framers of the Constitution contemplated that Congress would either muster the two-thirds majority in each House needed to override the veto or make the changes necessary in the bill to satisfy the President's objections. When time has been required to resolve differences between the President and Congress on spending bills, all previous Congresses, 103 of them, have enacted continuing resolutions to maintain the normal functioning of Government.

When this Congress and this Republican majority came, that all changed. For the first time in our Nation's history, the majority in Congress is refusing to perform its primary constitutional responsibility to maintain a functioning Government. It is abusing its power under the Constitution. This refusal, this abrogation of responsibility, this abuse of power is being explained away as a natural consequence of policy differences between the President and the Congress. But there have been many times in our history when policy differences between Congress and the President were great and were strongly held. Never before has Congress approached the negotiations of those differences with the view that responsibility for maintaining a workable Government rests exclusively with the President and the ability to keep the Government closed is a bargaining chip that Congress brings to the negotiations.

If this Republican view is accepted with respect to a partial Government shutdown, why should it not also apply with respect to increasing the debt limit and extending the full faith and credit of the United States? If it is OK to shut down the functioning of Government to force the President to accept the Congress' negotiating position, why would it not be just as acceptable for the Congress to refuse to increase the debt limit for the same purpose? Why would it not be just as acceptable for the Republicans in Congress to say it is the President's responsibility alone to ensure the full faith and credit of the United States and he has to do it by agreeing to whatever we in Congress demand?

This view by the Republican leadership of Congress is as radical as it is wrong. The Founders of our Nation provided for a government in which responsibility as well as power was to be shared. If the Congress will not hold itself responsible for maintaining a workable government, then the people who elect the Congress will surely do so.

Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are in morning business until 12:30, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business and have the time for morning business extended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

END THE SHUTDOWN

Mr. DORGAN. Mr. President, I come from a town of 400 people in southwestern North Dakota, a very small community, a community probably like most other small communities in this country. Good people live there, thoughtful people, people who help others. Oh, the community has a few hotheads like most communities have, a few freeloaders like most communities have.

My home community is probably not unlike the Congress; 535 people serve here in the U.S. Congress, mostly good, thoughtful, hard-working people, Republicans and Democrats who love their country and care about doing the right thing for their country. And we have a few hotheads here and we have a few hot dogs here, I guess.

We find ourselves today in a most remarkable position, one that I think causes all Americans to scratch their heads and wonder, what on Earth can they be thinking about in the U.S. Congress?

We have a disagreement over a 7-year budget plan. The disagreement is not over small issues; it is over some very significant issues. And there is a good reason that there would be disagreement over large questions, such as a $245 billion tax cut, a $270 billion proposed cut in Medicare spending, and a range of other things. There is good reason that there would be very substantial disagreement about those issues. And yet we know from two centuries of history that in a democracy you find compromise; you reason together; you find a way to come together and reach common solutions.

This year, however, it has been different. There is a disagreement on the 7-year budget plan. There are talks now ongoing at the White House, and I have been involved in some of those talks over this weekend at the White House, and I shall not talk about the merits of the balanced budget issues because I have been a part of those discussions. But I did want to say that because we find ourselves at this junction, we now have a partial shutdown

of the Federal Government by some who want to use that shutdown as leverage to try to get what they might think they can get in this 7-year balanced budget negotiation.

It does not make any sense to me that we use a partial shutdown of the Federal Government as leverage. There is no connection. It does not make any sense.

Can you imagine the city council of my hometown or your hometown, a city council that says we, as a city council, cannot agree on a budget, so you know what we are going to do? We are going to decide that city workers will not come to work, or we are going to have half of them not come to work and half of them come to work, and to those we prevent from coming to work we say, you stay home, we will not allow you to come to work and when this is over, we are going to pay you for work we will not allow you to do. To those who come to work we say, you come to work because that is your responsibility, and when you get here we are not going to pay you, but we will pay you later when we resolve this dispute.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. DORGAN. This would be nurses at a veterans hospital, security guards at the prisons, and so on.

Mr. SARBANES. Will the Senator yield?

Mr. DORGAN. Many of whom work from paycheck to paycheck and live paycheck to paycheck. And that is who we are telling in this circumstance that they should bear the brunt of this dispute.

I would be happy to yield for a moment.

Mr. SARBANES. Very quickly. The Washington Post in a recent editorial said, and I quote them, "Can you imagine a Fortune 500 company operating like this, if they had a dispute between their board of directors and their President and they sent everybody home."

It is a coercive bargaining tactic that ought to have no place in the picture. As the distinguished Senator from New Mexico said, the regular operations of Government ought to be able to continue while we try to thrash out the very tough questions involved in this 7-year budget projection.

Mr. DORGAN. I appreciate the Senator's comments. I might say Senator DOLE has been in the Chamber and he has made the point several times that it is not his desire to see this shutdown continue.

I think and I hope very much that we will be able to pass a clean continuing resolution to end the shutdown. I know the previous Senator who spoke this morning said, well, we—meaning people on his side—have proposed to bring the Government workers back to work but we have objected.

Well, that sort of paints a different picture than exists. We have over 2 weeks now proposed clean continuing resolutions that people come back to work and be paid for coming back to work, and they have been objected to.

Aside from what has happened in the past, we ought to today, on Tuesday, all of us, decide that this is the day to end this shutdown, end this bizarre impasse, and pass a clean continuing resolution to have the Federal workers come back to work, to be paid for coming back to work, and stop this nonsense.

It does not make any sense to dangle those Federal workers at the end of a chain here and say, you are the ones who will be used as a pawn in this budget issue. That is not fair to them. I wonder, if we were talking about CEO's or Wall Street investors, whether someone would be saying, well, we would like to dangle you; we would like to use you as bait here in budget negotiations. I do not expect you would see people using CEO's like that or Wall Street folks like that. It is just the Federal work force that people think they can use like that.

My hope is that at the end of the day we in the Senate, Republicans and Democrats, all of us who understand this makes no sense—the Presiding Officer in the chair has made that same point—my hope is all of us can decide at the end of the day, at least with respect to the Senate, we will pass a clean continuing resolution, send it to the House and urge that they do the same. Then we should move on to honestly and aggressively negotiating an end as well and a solution as well to the 7-year balanced budget plan.

It can and should be done and, I think, will be done, but this shutdown really makes no sense. It pokes the American taxpayer in the eye and dangles Federal workers as bait or as pawns in a circumstance that is terribly unfair to them.

In an hour—in a half hour, for that matter—we could, it seems to me, pass a clean appropriations bill to continue funding and end this shutdown, and I hope that will be the case this afternoon.

Mr. President, I yield back the remainder of my time.

Mr. SARBANES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent to be recognized for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POLICY DIFFERENCES AND CONSTITUTIONAL RESPONSIBILITIES

Mr. SARBANES. Mr. President, I want to thank the distinguished Senator from North Dakota for his very strong statement. I know how keenly he has followed this matter. I also want to thank the distinguished Senator from New Mexico for his very thoughtful analysis. He made some extremely important points about the workings of the American constitutional system.

We have a system of separation of powers and checks and balances. That means that one branch cannot simply abdicate itself from assuming a measure of responsibility when sharp policy differences confront decisionmakers.

There are sharp policy differences over the components of a 7-year balanced budget. One approach would make a cut of $270 billion in Medicare and give tax breaks of $250 billion. There are many of us who think that is a wrong set of priorities, that we ought not to be giving the tax breaks and, by not doing so we would not be making deep cuts in Medicare. That is an issue that needs to be argued out among the Members of the Congress and between the Congress and the President.

The President has stated he wants to move to a balanced budget, but he does not want to do it at the sacrifice of important priorities involving Medicare, Medicaid, health care for our citizens, involving educational programs, the opportunity for young people to go to college, involving environmental matters, in terms of safeguarding our air and water and protecting and enhancing our environment. So there are sharp differences over priorities.

Many of us regard the proposal to make sharp cutbacks in the level of services for those programs as a radical proposal. In any event, no matter how one resolves such issues, the closedown of the Government ought not to be a coercive tactic that is permitted. In other words, workers are being taken financial hostage in order for one side to get its way on a set of policies.

There are millions of citizens who are not getting services that they require. It is impeding the functioning of the private sector, of the private economy all across the country. The private sector is not able to carry forward as it otherwise would do because the Government is not providing certain important services which everyone agrees need to be provided.

In addition, the punishment that is being inflicted upon those who work for the Government is extremely unfair and unfortunate.

I do not know what people assume about the ordinary person's ability to meet their financial obligations week to week and month to month. I really ask people all across the country to stop and think for a moment: If you cease to be paid, if you were not getting your salary check, your paycheck, how would you meet your obligations? There are some people—I think a limited number—who could handle that situation without any difficulty. They have lots of savings, they have lots of accumulated wealth put away and they

would simply draw down on it. But that is not true of the ordinary citizen, and it is not true of the ordinary Federal worker. They now are confronted with what amounts to family crises.

Over half a million of those workers have been coming in to work. They have been called in. They have been working, but they are not getting paid. Another 260,000 have been furloughed. They are not getting paid. The answer to this is, of course, for the Government to start up again under a clean continuing resolution while the budget discussions continue and allow the Government to function and provide its services to allow its employees to be paid; not to hold them hostage as part of a coercive strategy in order to achieve one's way with respect to the broader budget question. Very important budget questions, but we ought not to be using this tactic in order to coerce the opposite party into submission to a set of budget priorities about which there is sharp disagreement.

So I hope that in short order we will be able to pass a clean continuing resolution that allows the workers to come back to work, allows the Government to open up and allows the workers to be paid.

There is another proposal discussed last week to bring them in, but they would not be able to do anything because they would be precluded from incurring new obligations—in other words, the Government would not really perform its functions—and at the same time the workers would not be paid. Some of the employee groups have gone into court asserting bringing them in to work and failing to pay them violates their constitutional rights. I do not know what the outcome of that judicial proceeding will be, but it is very clear that you are inflicting tremendous personal and family harm on people who are in no position to meet their obligations if you cease to provide them with their regular pay.

So I hope very much that we will stop this practice, cease this use of the Federal employees as pawns which has put them in a state of turmoil and apprehension. Let these dedicated people go back to work, let them be paid, and let the citizens of the country receive the benefits of the services that they are dedicated to providing.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, let me first commend the Senator from Maryland for his comments. I think they are right on target.

Mr. President, I ask unanimous consent to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator may proceed for 5 minutes as in morning business.

Mr. BREAUX. I thank the Presiding Officer for being here and keeping the Senate in session.

ENOUGH BLAME TO GO AROUND

Mr. BREAUX. Mr. President, this is a most unusual time that we are in. There are people in Washington who are now arguing about who are essential employees and who are nonessential employees. I think the people of my State of Louisiana have already made a conclusion. After seeing the Congress over the last 24 days not able to keep the Government in working order, they have decided that the Congress is nonessential; that we are incapable of governing, that we are incapable of keeping the Government working.

I have been in Congress over 23 years now, and I have never been in a situation like we are in today, and it is most unfortunate.

When people look to find who is to blame for this, I think there is, quite frankly, enough blame to go around for everybody. That is not going to get us out of this predicament. Deciding that it is the fault of the Republican Party or the Democratic Party is not going to solve the problem.

My colleague on the Republican side, Senator CHAFEE, and I offered a proposal about 2 weeks ago now which was a compromise. It was significant in that it was not just two U.S. Senators but that it was 14 who signed up in a bipartisan fashion to make a recommendation that would have brought this stalemate of trying to reach a balanced budget to a conclusion.

That proposal said that there would be tax cuts, but the tax cuts would be less than many Republicans would like to see. That proposal said, "Yes, there were going to be reductions in Medicaid and Medicare," and more than many Democrats would like to see. But the bottom line is, that was the essence of an agreement, it was an outline, a blueprint of how balancing the budget in 7 years could be achieved.

It used CBO numbers and made recommendations that were tough on both sides. But it was an agreement. It was actual, real numbers on the size of a tax cut. It was actual, real numbers on the size of reductions in various programs that are going to have to see less money being made available than in the past if we are going to balance the budget in 7 years.

That was really the first bipartisan agreement that I have seen that has been offered by Members of both parties as a way out of this mess. It is very clear that a way out is not just to blame the other side. We are past that. The people in my State of Louisiana and people in many States have come to the conclusion that something is basically wrong when people who are elected to govern can no longer govern, can no longer keep the Government operating the way it should.

While we have done some things, I imagine when people read some of the things we have done compared to what we have not been able to do, they are going to scratch their heads in further amazement at the inability of the system to work as it was designed to work.

One of the things we did do, which I think is sort of ironic, is that the Federal Government and the Senate did manage to pass one piece of business, as this article of yesterday, January 1, points out. They gave final approval to a bill ensuring that the Palestine Liberation Organization office in Washington would stay open. Without the legislation, the PLO office would have closed.

If we can keep the PLO office open, how come we cannot keep nine Departments of our own Government open?

If we can keep the Palestine Liberation Organization open and operating, why can we not keep the Department of Commerce working?

If we can keep the PLO office open, how come we cannot keep the Education Department working?

If we can keep the PLO office open, how come we cannot keep open the Health and Human Services Department?

Or if we can keep open the PLO office in Washington, how come we cannot find enough intelligent men and women to come together to find a way to keep the Departments of Housing and Justice and Labor and State working?

So it really is a question of priorities, and I think that so many of us on both sides of the aisle have tried to offer suggestions and ideas about what to do. As I mentioned, and I see the distinguished junior Senator from Virginia on the floor, and he joined with me and Senator CHAFEE and 14 other Senators to offer a package of suggestions that would have brought this stalemate to an end, would have opened up the nine departments, along with the PLO office that we were able to open, keep it open and functioning.

I was talking to people over the recess here in Washington that are actually prohibited from going into the Department of Education. The guards at the desk have a list of who is essential, and if you are not on the list you cannot even come to the building and work if you wanted to. You cannot volunteer to keep your job going to serve the people of this country because Congress has not been able to come together. We have come together to keep the PLO office open.

People are really wondering in amazement what has gone wrong in Washington. They are telling me "Enough is enough. We have heard the arguments, we have heard the blame game. Can't you folks get together and make it work? That is what we elected

you for." There are some, particularly in the other body, who make the argument we will keep the pressure on the President by shutting down the Government and by shutting down the Government and making these people not be able to work and not get paid while we keep the PLO office open—somehow that will put pressure on the President to make compromises he might otherwise not make. That has proved fruitless—24, 25 days now the Government has been partially closed.

I hope this evening in the negotiations with our team of negotiators and the Republican team and the President, who are supposed to meet at 6 p.m, hopefully we can move toward an agreement. I hope somebody in that meeting would pick up the Chafee-Breaux proposal along with the Senator from Virginia, Senator ROBB, and say, is this not a pretty good starting point, and throw that down on the table see if there is a way to split some of the differences and get an agreement.

I want to point out just for a minute or two the illogic of trying to say that by shutting the Government down and hurting the Federal employees and telling the people that we cannot govern that somehow that will pressure the negotiators to come to an agreement. Mr. President, we are getting full salary. We are getting paid like it is a normal day. We get $133,600 a year; the leadership gets a little bit more than that, and they richly deserve it. As long as the Congress is continuing to get paid like nothing is happening, we are not going to have any real pressure.

Senator BARBARA BOXER from California offered a resolution to cut the pay of Members of Congress several weeks ago. I said that is, maybe, just a little too extreme. That type of rhetoric is not really essential and really necessary. But as each day has passed I have come to the conclusion that she is right, that as long as we are getting paid for performing our duties—which I suggest we are not performing as we should—there is not a lot of pressure for us to make the real compromises that are essential to get the job done.

I was amazed by an article which I ask unanimous consent to have printed in the RECORD from the Washington Post of Tuesday, January 2, 1996, entitled, "Don't Touch Our Pay, House Republicans Say." "Hill Checks Protected During Budget Fight."

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

[From the Washington Post, Jan. 2, 1996]

DON'T TOUCH OUR PAY, HOUSE REPUBLICANS SAY

HILL CHECKS PROTECTED DURING BUDGET FIGHT

(By Larry Marasak)

House Republicans have offered an abundance of proposals in their drive for a balanced budget agreement, but giving up their paychecks apparently isn't one of them.

While the partial government closure will leave some 760,000 federal workers with pruned paychecks, House GOP leaders repeatedly have rebuffed attempts to halt congressional pay during a shutdown.

House Majority Whip Tom DeLay (Tex.), the third-ranking House Republican, offered these reasons for the opposition in a recent CNN appearance: Balancing the budget "has nothing to do with our pay"; Democrats were "demagoguing" the issue by trying to change the subject from a balanced budget; and, as a member of Congress, he was a "constitutional officer," not a federal employee.

Rank and file House lawmakers—Republican and Democrat alike—are paid $133,600; Speaker Newt Gingrich (R-Ga.) gets $171,500; Majority Leader Richard K. Armey (R-Tex.) gets $148,400, as does Minority Leader Richard A. Gephardt (D-Mo.).

Although some federal employees make more than $100,000 a year, the norm is the same as "most working Americans, the majority of whom live paycheck to paycheck," said John Koskinen, deputy director of the Office of Management and Budget.

President Clinton, who makes $200,000 a year, has not given up his pay, though his aides have said for days that his staff was researching whether forsaking his salary would be constitutional.

Three times, the Senate uanimously approved language that would decree—during a full or partial shutdown—that no paychecks go out to the 435 House members, the 100 senators or the president.

Five times, Rep. Richard J. Durbin (D-Ill.) said he tried to get the House to consider the proposal and was rebuffed by Republicans—especially in the leadership-controlled Rules Committee.

"I think the Republican leadership is very two-faced," said Sen. Barbara Boxer (D-Calif.), the chief Senate sponsor of the legislation. "They want federal employees and contractors [serving the government] to sacrifice themselves on the altar of their balanced budget plan, but are not willing to sacrifice themselves on that altar."

"It's cowardice on their part for them to put the paychecks of a lot of innocent people on the line and refuse to put their own paychecks on the line," Durbin said.

In addition to Durbin's rejection in the Rules Committee—the gatekeeper panel that decides which bills and amendments go to the floor—the Boxer proposal was deleted by a House-Senate conference from legislation to abolish the Interstate Commerce Commission.

When DeLay was asked on CNN's "Talk Back Live" on Dec. 19 whether he would support congressional pay cuts during a shutdown, he told the audience participation show: "No, I would not, I am not a federal employee. I am a constitutional officer. My job is in the Constitution of the United States.

"I am not a government employee. I am in the Constitution."

Boxer has introduced another version of the legislation to answer congressional critics who said stopping their pay could treat members of Congress more harshly than other federal workers. The latest bill would treat lawmakers the same as the most adversely affected federal employee.

"If they lost a week's pay we would lose a week's pay," Boxer said. "If their pay was delayed, our pay would be delayed."

Mr. BREAUX. Some of the quotes are absolutely amazing, from some of our Republican colleagues: "Balancing the budget has nothing to do with our pay."

A further comment was, "As a Member of Congress this Member was a constitutional officer, not a Federal employee."

Three times the Senate has passed unanimously language that would, during a full or partial shutdown of our Government, say that no paychecks would go out to the 435 Members of the House and the 100 Members of the Senate. Five times they tried to enact that same legislation in the House. Each time they were prevented from bringing it up. When this particular Member was asked about whether they would support this congressional pay provision, they said "No, I will not. I am not a Federal employee. I am a constitutional officer. My job is in the Constitution of the United States. I am not a Government employee. I am in the Constitution."

Mr. President, I think people back home have had enough. They have had enough of people who grandstand, of people who play the blame game, and people in the Congress who say they are better than anyone else. We are getting full salary and let the rest of the people suffer because we want to make a point.

I think it is time to come to insist on rather drastic action. I support the efforts of Senator BOXER. I think she was right on target. She was early and ahead in the game in offering something that I guarantee will make a difference.

If we had our pay cut today, can you imagine how many Members would be back in Washington, no matter where they might be in the world or in their respective States. No matter how many times flights would change and schedules would change, Members would be rushing back to Washington to say, do you know something, we are not getting paid, we better get back and fix the problem. There is not going to be any pressure that anybody can put on anybody in the Congress like saying we are not going to get paid when we cannot make the Government work. To some of us that is our only income. It will make one heck of a big difference.

I thought it was pretty much high rhetoric when initially offered. I cannot think of anything else to do. We got together with a bipartisan group. We offered a bipartisan suggestion. This is a blueprint or an outline. It has not worked. It still has not made the progress that I think is essential.

I suggest, Mr. President, that when, as I understand it, we have to have another continuing resolution that is going to be offered, I think maybe tomorrow sometime, because there is a continuing resolution to ensure that foster care payments and AFDC payments and veteran payments and Medicare payments would have to be made, that at that time if we have not reached some kind of a framework of an agreement, I will attempt to offer

once again a suggestion, and part of that legislation, an amendment to that continuing resolution which will say Members of Congress shall be treated in the same manner as the basic pay of the most adversely affected Federal employees who are not going to be compensated during the shutdown period.

Mr. President, we cannot be treated better than the people that we are responsible for their jobs. I guarantee that if that amendment passes there will be a rush back to Washington by Members of both parties who will come to Washington, roll up our sleeves, and stay here and not leave until we get the job done. That may be the only way I think that we are going to push ourselves into making a proper compromise that is absolutely essential and necessary.

Mr. ROBB. Mr. President, I ask unanimous consent the period for morning business be extended by an additional 5 minutes and I be recognized to speak therein.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

THE GOVERNMENT SHUTDOWN

Mr. ROBB. Mr. President, I have been listening to our colleagues this morning and I was not initially planning to say anything but with my distinguished senior colleague in the chair at this particular moment I know that I reflect his views in what I say, and what I say is that the continuing shutdown of the Federal Government and the impact it is having on not only Federal employees—and in most cases it is the most vulnerable and the least able to withstand this kind of treatment—but the impact it is having on many, many others who are directly or indirectly affected by the Federal Government or by the activities of the Federal Government.

Mr. President, the continuation, indeed, the extent, indeed, the fact that we are having a shutdown at all, is unconscionable. I think that it makes no sense, no sense for either side, no sense for anyone who is involved in this particular debate, to see this protracted shutdown, the protracted demeaning, demoralizing impact on so many of our citizens continue.

I recognize that the feelings on both sides are very deeply felt. I recognize that there are important philosophical differences that are being debated, and indeed I have been very much supportive of the basic thrust of those who want to achieve more fiscal discipline. As the distinguished Presiding Officer knows, during the time I served as Governor of the Commonwealth of Virginia, one of the things I was most often identified with was fiscal responsibility and making certain that we acted within our means. I have voted for, on several occasions, a 7-year balanced budget using CBO numbers. I think there is general agreement on both sides that we are going to come up with such a budget, hopefully in the near term, although some of the philosophical differences are very, very deep and may not be resolved but we should not ask those who are most vulnerable to continue to bear the brunt of this shutdown.

Again, I am not speaking just of the 200,000-some Federal employees, many of whom reside in the State that the distinguished Presiding Officer and I represent, but all over the country, but so many others dependent on the effective operation of our Government. A huge number of citizens are uncertain whether they will be able to make their payments. For some, it will be a very basic decision as to whether or not they will be able to purchase food, medicine, what have you, the next time around, because they live from paycheck to paycheck. Others have mortgages, they have rent payments, they have car payments, they have all kinds of tuition payments, everything that you can imagine. Many things that we cannot imagine.

I have been in the last few days here at the Capitol, listening to stories of individuals who have been enormously inconvenienced by this continued shutdown. I appeal to the leadership on both sides. I believe in the Senate that there is virtual unanimous agreement that this shutdown should not continue. Indeed, the Senate has attempted on several occasions to pass some legislation that would keep the Government functioning.

But I appeal to those who are in a position to make decisions at this time to move forward, to not let this continue. Do not let this debilitating shutdown, which is so unconscionable, continue, and to put the people we are asking to provide Government services back to work, to stop the complete inefficiency and the waste of taxpayer dollars, and then to get on to the serious business of negotiating some very real differences that I acknowledge.

Mr. President, I thank the President and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

A CONTINUING RESOLUTION

Mr. WARNER. Mr. President, before my distinguished colleague from Virginia leaves the floor, I wish to express my appreciation to him for the references he made about me while I was the Presiding Officer. I know that my fellow Senator from Virginia has worked very diligently on the question of trying to resolve this budget impasse.

But, Mr. President, I would also like to suggest in his very careful comments about the Federal employees, which I do share, we should also bring to the attention of the Senate the severe suffering that has been placed upon the Nation's Capital, the Greater Metropolitan Washington area, composed of the District of Columbia, Virginia, and Maryland, because this area not only houses the Federal Government in large measure, but it also houses so many of the private organizations and institutions that have, as a consequence of this shutdown, been closed. That is bringing about a severe financial crisis here in the Nation's Capital because, as my distinguished colleague knows, tourism is one of the major sources of income in this region. The Commonwealth of Virginia, together with Maryland, provides the facilities for so many of these tourists to stay for whatever period, overnight, or, hopefully several days. It provides the meals and quality of life. That industry is virtually at a standstill.

So the distinguished colleague of mine from Virginia, and I, together with those colleagues from Maryland, have a very special desire to see that the Government returns to work.

Mr. ROBB. Mr. President, I ask my distinguished senior colleague to yield for a comment?

Mr. WARNER. Yes, I yield.

Mr. ROBB. Let me join with my colleague and say I fully understand the point he was making. Indeed, perhaps less eloquently, I tried to make the same point. But it is not just in the Nation's Capital. It is not just in our Commonwealth of Virginia. I think people would expect it of us, representing a disproportionate number of those who are directly affected, but it is all over this country and indeed all over the world in terms of Federal employees and people who depend on the Federal Government. Many of those small businesses, people who depend on the national parks and other facilities for their living, when those parks are shut down, when those visitor attractions are shut down all over this country, small business men and women who make their living being accessible to those who come to those institutions are going through the same kind of a shutdown. They do not have any guarantee. Indeed, they are not going to be paid back whatever they lose after the shutdown is over. That is why this makes so little sense.

If everybody who has been laid off or furloughed in this process is going to be ultimately made whole, it is an enormous waste of taxpayer dollars. But those individuals after the inconvenience and the trauma, in many cases, of not being able to pay their bills on time, are going to be made whole. Many others, who are directly related to those, are not going to be made whole. The impact is a little bit like a cancer. It is corrosive and it continues. And I thank my senior colleague for yielding on that particular

point. It is clearly important to those of us who represent the States contiguous to our Nation's Capital, but it affects everyone throughout this country and many, many small businesses and others who are simply not on anybody's radar screen are wondering right now whether or not they are going to make it.

With that I thank the Chair and I yield.

Mr. WARNER. Mr. President, I thank again my distinguished junior colleague. A day or so ago, as a matter of fact I think it was on Saturday, the distinguished majority leader, Mr. DOLE, together with others, passed legislation here in the Senate to enable the military to receive their pay raise, which was in the defense authorization bill. My distinguished colleague and I, since we both serve on the Armed Services Committee together with the Presiding Officer, the Senator from Idaho, recognize that there was at least some recognition of the urgency to move on with this.

I would like to add also, Mr. President, I thank the distinguished Senator from North Dakota, Mr. DORGAN, for his kind remarks about the majority leader today, Senator DOLE. Indeed, the leadership of the Senate, I think, has been working diligently to bring this impasse to resolve.

I am very pleased to hear this morning, by and large, constructive comments about this problem. I think it is not in the interests of the Senate, indeed the Congress as a whole, to have a blame game going on, sort of passing the football back and forth to each other as to who is at fault. It seems to me certainly America saw this weekend, over a period of 72 hours, enough football, some 12 magnificent games played across our Nation. I think it is time for the Congress to recognize maybe we better put the football of blame on the 50-yard-line and blow a timeout so the President, together with the distinguished majority leader, Mr. DOLE, and others can work with the leadership of this institution, the Congress of the United States, again, today, to try to resolve this problem.

I am going to be joining with the distinguished majority leader, Mr. DOLE, on a continuing resolution which I hope will be offered at the earliest opportunity, and that will provide the restoration of the pay and full benefits for a period of time here, into January, such that these negotiations can continue.

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

Mr. WARNER. Yes, Mr. President, without yielding the floor.

Mr. SARBANES. I commend the Senator from Virginia for that statement. I know how hard he has been working at this issue. I think it is very important that we pass a clean continuing resolution.

People should be put back to work and they should be paid. If you bring them in but do not pay them, you still are creating a financial crisis in their lives. I know the Senator is most sensitive to what people are going through and I appreciate his efforts.

Mr. WARNER. I thank the Senator from Maryland. We have worked together these many years in this Chamber on behalf of the Greater Metropolitan Washington area. I listened very carefully, as I was privileged to preside this morning, to his comments, and particularly the reference to the hardship being thrust upon the innocent persons, some 500,000 who are basically working without pay, and another 260,000 remaining at home, in all close to 800,000 individuals. They are indeed hostages. I am hopeful with this CR we can stop that at the earliest possible time and restore them to work. And, in a sense, restore America's confidence in the ability of the Congress of the United States to work with the President to resolve such problems.

No Senator feels more strongly about the balanced budget and the 7-year stipulated timeframe within which to resolve this problem than the Senator from Virginia. Indeed, I would say both Senators from Virginia have stood steadfast on that principle.

As my colleague from Maryland stated this morning, and, indeed the Senator from Virginia, who has taken a very active role in negotiations with a group of Senators over here on, should we say, a third proposal—neither the President's nor that being pursued primarily by the leadership of the House and Senate—this third proposal, all of those have to be melded together to see what we can do.

With the majority of both the House and the Senate under the control of the Republican Party, America put that power into the hands of the Republicans, such that we have the responsibility to redirect, in a major way, the course on which this Nation has been embarked for so many years, and such a tragic deficit that is being rolled up each year together with a mounting national debt now at some $5 trillion.

I commend my colleagues who are working on this situation. I am very hopeful we can resolve it here in the near future and that, today, we can pass, or at the earliest tomorrow, given that the House of Representatives, as I understand it, although subject to call is not in session today—that we can put a stop to the question of the Federal employees.

Mr. President, I see on the floor the distinguished Senator from Alaska who, likewise, has been a tower of strength with respect to the Federal employees all through these many years that I have been privileged to serve with him in the Senate.

Therefore, I ask, at the request of the majority leader, unanimous consent that the Senate stand in recess subject to the call of the Chair, following a period for the remarks by the distinguished senior Senator from Alaska.

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

The Senator from Alaska is recognized.

THE SHUTDOWN OF THE FEDERAL GOVERNMENT

Mr. STEVENS. Mr. President, I had hoped to stay in Alaska. I have been in Alaska and had a very interesting visit. I intended to spend the rest of the week, but due to a call I received from my good friend from New Mexico, Senator DOMENICI, I have returned so I can confer with him about matters on the Balanced Budget Act of 1995.

I have come to the floor today to talk a little bit about this shutdown. I think there have been some statements in the press, unfortunately, made without knowledge of the past history of these lapses in appropriations.

For those Members who are interested, I have spoken on the floor before about the work of James P. McGrath, who is the analyst in American national government, in the Government division of the Congressional Research Service. He has issued a series of bulletins on this whole subject of lapses in appropriations and the shutdown of the Federal Government and the effects on the Federal work force.

I find it very interesting. It has been pointed out in his report that from fiscal year 1962 to fiscal year 1981, in the 2 decades preceding the opinion of Attorney General Civiletti, who was President Carter's Attorney General, that the General Accounting Office found interruptions in agency fundings took place 32 times. Mr. McGrath reports that,

> Such lapses appear to be the rule, rather than the exception, according to GAO, which noted that from 1961 to 1980, "85 percent of appropriations bills for Federal agencies have passed after the start of the fiscal year."

The reason we now have a different circumstance is that in a landmark opinion in 1980, just prior to leaving office, Attorney General Civiletti issued an opinion concerning the Anti-deficiency Act, and Mr. McGrath's report states that "Prior to that landmark 1980 decision, Federal agency managers, while cognizant of the anomaly of continuing to operate during a lapse of appropriations, and while concerned about the legal implications thereof, did precisely that." I am still quoting from this report:

> They did so under the belief that "Congress does not actually intend that the Federal Government shut down while the agencies wait for enactment of appropriations or the passage of a continuing resolution."

Now, what has changed? In 1981, as I said, the Attorney General issued this

opinion. The problem that we have now is that notwithstanding the substantial interruptions of the past—and, Mr. President, let me clear that up, too, while I am at it, because we have a very good chart that has been made by the CRS, and I ask unanimous consent that it appear in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. STEVENS. In fiscal year 1978, which was really the calendar year 1977, Congress had a lapse from September 30 until October 13, the next lapse was from the October 31 until November 9, and the next one from November 30 through December 9.

In other words, Mr. President, in 1977, during the term of President Carter, there were three lapses, substantial lapses. In 1978, for fiscal year 1979, again there was a substantial lapse, from September 30 until October 18. As a matter of fact, lapses as we have indicated have been the rule rather than the exception. The difference is this year we have the great problem of the fact that the President has vetoed five bills, five appropriations bills, a continuing resolution, and the debt ceiling and has decided to put pressure on the Congress by sending people home. I find that very unfortunate, and I think it is harming a lot of people, people who do live from paycheck to paycheck, as Senator DOLE has said, people who really need their income.

They are people who work on an annual salary basis, Mr. President. They are people who are going to get paid anyway. They have been paid—no Congress has ever failed to pay an employee who is subject to a lapse in appropriations, and both leaders have said this is not going to happen this time. Why in the world should we send them home? Why does the President send them home?

I take the position that there is no nonessential Federal employee. If they are not essential, they should not be on the payroll to start with. And we are looking at the opinion of an Attorney General in interpreting the problem of the Antideficiency Act, and that is why we are all in this situation.

I believe that we should all, the President and the Congress, get together and agree that what Congress did before the Civiletti opinion was right. Congress presumed, the managers presumed that Government would go on, that employees would be paid, and in fact they were paid. This President has taken the unprecedented action of borrowing from the trust funds of the Federal retirement plans. As chairman of that committee, I am going to make a report one of these days as to what actually happened in terms of that. But we have not reached the point where we have a crisis in Government due to the failure to have funds to operate. Everybody knows that. We have not reached the point where the debt ceiling act is really putting the pressure on the President to do what he has done. As a matter of fact, in my judgment, it is not something the President alone should bear. The Congress bears some of the responsibility here, too. And we have to find a way to put these people back to work.

They are people who live as I used to live when I worked in the Department of the Interior years ago with a family of five small children. We could not have gone from one paycheck period to another paycheck period without having some help.

This is a most unfortunate situation for Government employees. I have been chairman of the subcommittee on Government employees in Federal service this year, and I was before for 7 years. I have served on it now for a very long time in the Senate. But I say to the Senate and to the Congress and to the President, these people are public servants. They have been employed to work for the Government. They have not done anything wrong. They are going to be paid when this is all over. There is no reason for them not to be called back to work.

I say that as strongly as I can. There is no reason for these people not to be called back to work. It is absolutely essential that we end this situation where the only pressure between the Congress and the President is being felt down at the level of the employee who cannot work or cannot exist without his or her paycheck every pay period. That is something we must face up to. It is, in my judgment, a sad, sad follow-on to the opinion of the Attorney General that I mentioned that was issued in 1980.

There has been one other thing brought to my attention this morning, Mr. President, and I thank Liz Connell of my office for bringing this to my attention, and Phil Baker-Shenk of the Senate Indian Affairs Committee. The two of them this morning have mentioned that the lack of the continuing resolution means the Interior appropriations bill has not been passed. By the way, we hope that bill will be sent back to the President again. It is one of the ones he vetoed. But the lack of funding for the Interior Department is now going to have a substantial impact on American Indians and Alaska Natives. Native American self-determination contracts and self-governance compacts operate, Mr. President, on a calendar-year basis. That is the reason that until now it has not been a matter of great concern. Until December 31, the funds on which the tribal organizations operated these programs were there. Beginning today, however, these organizations have no money to operate or to pay employees.

This is the situation where Congress, under what is known as Public Law 93-638, authorized the BIA and the IHS to contract with Indian and Native organizations to run the entities that assist our aboriginal people in this country. The organizations receive funds under contracts or compacts with the BIA and the IHS. As of December 31, those funds expired.

The great problem now is—and we need to get rulings from the BIA and the IHS on this, I believe—we do not believe they are Government contractors in the usual sense. As far as I am aware, no backpay promise has been extended to Federal contractors like building security guards or truck drivers. But tribal contracts and compacts have been understood by law to be different from Federal procurement contracts, because tribes stand in the shoes of the Federal agency, assuming responsibilities for activities and programs formerly carried out by the Federal Government for the tribes. Tribal contracts and compacts have also been considered to be different from Federal privatizing contracts because the tribal contracts and compacts maintain and enhance the ongoing government-to-government relationship between tribes and the United States.

These people are people who are carrying out the work of Government in connection with the organizations that assist American Indians and Natives. For instance, child care, job training, and provision of health care services—programs that do not flow through the normal process of the Health and Human Services appropriations—come through the Interior appropriations bills to the BIA and IHS, and then go out to these agencies that conduct programs for American Indians and Alaska Natives.

The BIA and the IHS apparently have no solution to how we are going to get money to these contract entities that actually hire the people who are doing this work, which is essential. If these people were still on the Federal payroll, they would have been deemed essential by the bills we passed before the end of the year. Now, I do want everyone to be aware of the fact that their phones are going to ring off the hook if they live in areas that have American Indians or Native populations, because they are going to wake up to the fact today that the moneys to run their contract entities and their contracting operations expired on December 31, 1995. To make matters worse, there is currently no provision for employee back pay or operating expenses for these 638 contractors.

That is another reason I am on the floor. It is another reason I have come back from Alaska, to try to find a solution. Many, many Alaska Natives are employed by or receive funds that they are entitled to through the 638 contractors who are in fact Alaska Native organizations.

Mr. President, I am quite hopeful that we can find a way to deal with

this. I wish to assure my friends from Virginia, I heard what they said. I hope that we would work together in good faith to find some way around this. But it is not a one-sided thing to me.

I would say to the Senator from Virginia that when I was home I talked to many, many people who are being affected by this inaction of Congress.

Not one of them asked me to come back here and try to change the course that we are on. They asked me to come back here and find out why Congress and the administration—together—have allowed this hiatus to develop as far as Federal employees being on the job. They are going to be paid anyway.

I am sure the Senator from Virginia has heard the same concerns from his constituents that I have heard from mine. Not one of them has failed to ask me, "Why aren't you letting those people work if you are going to pay them?"

I believe this problem has come about because of our failure to recognize that Civiletti's opinion was wrong. The President and the Congress, prior to Civiletti's opinion, assumed that we did not intend this stupid result and, therefore, it did not take place.

We have to find some way to reverse the Civiletti opinion, and that is what the bill that the distinguished Senator from Virginia and I cosponsored and was offered by Senator DOLE does. I am hopeful the House will pass that bill. At least it will take care of a portion of the problem we face and certainly is something that must be done very soon.

It will not, unfortunately, take care of the problem I mentioned about Indians and Alaska Natives. That is something that comes because of a failure to have a continuing resolution for the Interior appropriations bill and is something that must be addressed rather quickly, because, there again, some of the most indigent people in this country are American Indians and Alaska Natives. They should not be hung out to dry because of this battle between the executive branch and the Congress, in which I support the congressional position, as I am sure the Senator from Virginia does, but it is our job to find a solution to eliminate this hiatus.

EXHIBIT 1

TABLE 2.—APPROPRIATIONS FUNDING GAPS: FISCAL YEARS 1977–1995

Fiscal year	Date gap commenced [1]	Full day(s) of gaps	Date gap terminated [2]
1977	Thursday 09–30–76.	10—Friday through second Sunday.	Monday 10–11–76
1978	Friday 09–30–77	12—Saturday through second Wednesday.	Thursday 10–13–77
	Monday 10–31–77.	8—Tuesday through second Tuesday.	Wednesday 11–09–77
	Wednesday 11–30–77.	8—Thursday through second Thursday.	Friday 12–09–77
1979	Saturday 09–30–78.	17—Sunday through third Tuesday.	Wednesday 10–18–78

TABLE 2.—APPROPRIATIONS FUNDING GAPS: FISCAL YEARS 1977–1995—Continued

Fiscal year	Date gap commenced [1]	Full day(s) of gaps	Date gap terminated [2]
1980	Sunday 09–30–79	11—Monday through second Thursday.	Friday 10–12–79
1981	[none]		
1982	Friday 11–20–81	2—Saturday, Sunday.	Monday 11–23–81
1983	Thursday 9–30–82.	1—Friday	Saturday 10–2–82
	Friday 12–17–82	3—Saturday, Sunday, Monday.	Tuesday 12–21–82
1984	Thursday 11–10–83.	3—Friday, Saturday, Sunday.	Monday 11–14–83
1985	Sunday 9–30–84	2—Monday, Tuesday.	Wednesday 10–3–84
	Wednesday 10–3–84.	1—Thursday	Friday 10–5–84
1986	[none]		
1987	Thursday 10–16–86.	1—Friday	Saturday 10–18–86
1988	Friday 12–18–87	1—Saturday	Sunday 12–20–87
1989	[none]		
1990	[none]		
1991	Friday 10–5–90	3—Saturday, Sunday, Monday.	Tuesday 10–9–90
1992	[none]		
1993	[none]		
1994	[none]		
1995	[none]		

[1] Gap commenced at midnight of the date indicated.
[2] Gap terminated during the date indicated because of the enactment of a full-year continuing resolution or another short-term continuing resolution.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I may proceed in morning business 3 minutes.

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

Mr. WARNER. Mr. President, I do not dispute what my distinguished colleague from Alaska said. When I made reference to the need to recognize that there is an entirely added class of individuals that is suffering as a consequence of this shutdown, they are not Federal employees. It is the infrastructure in the greater Metropolitan Washington area, primarily Virginia, of persons being affected by this shutdown and losing in the same manner as others, and there is no restitution in sight for them.

Mr. President, I am going to ask unanimous consent to print in the RECORD the assurances that the distinguished majority leader, Mr. DOLE, has given this Senator and others from time to time about restitution of pay to Federal employees. But there is no restitution that is going to the infrastructure of hotelkeepers and innkeepers and all others who are trying to work their way through this crisis at a time when Congress has not been able thus far to resolve the problem with the President.

Again, I strongly believe that we have to cool the rhetoric in Congress and, as I said earlier, do the best we can to give support to our leadership on this side of the aisle and that side of the aisle, to work with the President to resolve this thing.

Mr. President, I ask unanimous consent to print in the RECORD the assurances to which I referred earlier in my remarks.

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

U.S. SENATE,
December 18, 1995.

Hon. BOB DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: During the last furlough of government employees, you and Speaker Gingrich signed a letter indicating your commitment to retroactively restoring any lost wages, which was done after the last Continuing Resolution was passed.

As we are now in another shutdown, and even closer to Christmas, I would appreciate it if you would once again indicate your position in writing. Even though the number of furloughed employees has dropped since last time, it is at least as disruptive to those who are not now at work. Your letter was a morale booster during the last furlough, and my furloughed constituents need all the positive influences possible now.

As was the case before, I stand ready to assist you in any way to resolve this latest shutdown, and I appreciate your concern for our federal employees.

Sincerely,

JOHN WARNER.

CONGRESS OF THE UNITED STATES,
December 20, 1995.

Hon. JOHN WARNER,
U.S. Senate

Hon. FRANK R. WOLF,
Hon. CONSTANCE A. MORELLA,
Hon. TOM DAVIS,
U.S. House of Representatives.

DEAR COLLEAGUES: Because of your interest in the ongoing budget negotiations and your strong support for federal employees, we wanted to take this opportunity to reaffirm our letter of November 10, 1995, in which we made clear that employees furloughed through no fault of their own should not be punished.

It is unfortunate that President Clinton has chosen to veto appropriations bills that would have funded the salaries of federal employees at the Departments of Justice, State, Commerce, Veterans Affairs, and Housing and Urban Development, as well as independent agencies such as the Environmental Protection Agency. Similarly, procedural objections by Democrats have prevented the funding of salaries at the Department of Labor, HHS and Education.

The direct result of those actions is that furloughed federal employees at those particular agencies cannot be paid. However, we would like to reaffirm our commitment to restoring any lost wages for federal employees in a subsequent funding bill.

Thank you for your continued and strong leadership on behalf of federal workers.

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

GOVERNOR GEORGE ALLEN CALLS ON PRESIDENT, CONGRESS TO STAY AT WORK UNTIL JOB IS DONE

BALANCED BUDGET CRITICAL TO ECONOMIC HEALTH

RICHMOND.—Governor George Allen today said that Congress and the President should work until they can reach a balanced budget agreement to balance the budget in seven years. The following is the Governor's statement:

"Today, for the second time in as many months, nearly a quarter of a million federal

workers—many of whom live in Virginia—are on furlough. For the sake of these workers—and all Americans—it's time to put an end to the merry-go-round and complete the work on an honest bill that will balance the federal budget.

"It would be cruel for President Clinton and Congress to go off to enjoy their holidays with the budget still unresolved and folks left wondering when and if they are going to be furloughed again.

"But the worst cruelty is the price all Americans will pay if Washington fails to complete the long-awaited agreement to put us on the path to a seven-year balanced budget. A balanced budget means lower interest rates on home mortgages, automobiles, student loans, and even the interest paid by states and localities ($548 million debt service savings for Virginia alone; $75 million for Norfolk and $42 million for Virginia Beach). It means we stop piling more debt onto our children and grandchildren (a child born this year immediately inherits a lifetime tax bill of $187,150 to pay interest on the national debt).

"The Republican Congress made a good start with the Seven-Year Balanced Budget Act that the President vetoed. It was a tough bill that got the job done, and in the process overhauled the failed welfare system, provided critical tax relief to working Americans, and freed states from Washington's Medicaid mandates that have been threatening to bankrupt us.

"It is past time for the President to come to the table with an honest budget proposal. And it is essential that any agreement reached not just shift costs to the states, as would the per capita cap on Medicaid the President has proposed. The states can make the most of scarce federal dollars only if they have real freedom, and real flexibility as provided in the new MediGrant program in the Seven Year Balanced Budget Act.

"Virginia and virtually every other state passes and lives within a balanced budget year after year—I submitted another balanced budget just yesterday. It's been 27 years since we saw a balanced budget from Washington. Roll up your sleeves, stay at work, and get the job done!"

GOVERNMENT SHUTDOWN AFFECTING CONTRACTORS

Impact of Shutdown will be felt by Contractors. Federal employees are not the only group that will be effected by a shutdown. Thousands of companies which are federal contractors will be impacted the same, if not more, due to the uncertainty, inconsistency, and risk.

Shutdown/Startup is Costly to Government. Shuting down a contract for a few days and restarting the function adds cost to the government. Government laws require that contractors divide all their costs evenly among all government contracts. If there are changes in the indirect costs and overhead rates, which will occur if employees cannot be directly charged to a contract for a day's work, those costs will be spread across all government contracts. Even a 1 day shutdown can alter rates for the entire year.

Payments to Companies may be Delayed or Not Paid. For-profit companies depend on revenues for services rendered, in order to remain in business and continue employing individuals. A company who performs for the government during a shutdown runs the risk of not being paid or having to wait for payment beyond the time when accounts payable are due. For example, employees are paid on a set schedule and subcontractors require payment in a timely manner. Even if the government does not pay or delays payment, the accounts payable still must be made. This disruption cuts into operating funds and potentially profits, negatively affecting the financial health of the company.

Private Companies may have to Layoff Employees. Many companies working as contractors to the federal government operate on very small profit margins (2%-4%) and their overhead rates remain very low in order to stay competitive. These companies cannot afford to carry employees for an extended period of time who are not directly billable to a contract, because those expenses go into the overhead rate. Therefore, if a shutdown occurs private sector employees may be laid off, because a company cannot afford to keep idle employees on the payroll.

Delays in New Systems, New Solutions will Occur. The mission-critical systems that are a priority to move to completion will be halted and deadlines slip, if the government shuts down. Congress and agencies have priority projects such as new intelligence tools or peacekeeping systems or critical databases that are expected to be delivered in a short deadline. If the government stops working, federal employees are requiring contractors, in many cases, to stop working as well. This puts a hold on project completion.

Claims and Disputes Likely will Result from Inconsistencies. Federal contracts have a system whereby contract claims or disputes can be adjudicated. This system could be overloaded with cases of inconsistent or inappropriate handling of contracts, due to a shutdown. The result of increased case loads is greater operating costs to the government, unanticipated payments for settlements in future years, and loss of productivity for employees spending time on the case.

Mr. STEVENS. Mr. President, the Senator did not intend to end my comments, did he?

Mr. WARNER. Mr. President, I understood the Senator was finished.

ORDER FOR RECESS

Mr. WARNER. Mr. President, on behalf of the majority leader, I again make this request that the Senate stand in recess subject to the call of the Chair following the conclusion of the remarks of the distinguished Senator from Alaska and the remarks of the distinguished Senator from Iowa, which I understand will be 5 minutes, the Senator from Iowa having been on the floor earlier and was unable to obtain recognition.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object. I hope I am not held to absolutely 5 minutes. I would like to have a little leeway. I do not think I will go for 10 minutes, but it will be less than 10 minutes.

Mr. WARNER. The Chair has been instructed by the majority leader to try and contain the remarks of Senators on both sides of the aisle to 5 minutes. Should we say 7, in compromise, for the Senator from Iowa, which will follow the remarks of the distinguished Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

SUBSTANTIAL ECONOMIC IMPACT THROUGHOUT COUNTRY

Mr. STEVENS. Mr. President, I intended to close following the statement of my good friend from Virginia. I want the RECORD to show the District of Columbia is not the only place that relies substantially upon the income of Federal employees or the activities of the Federal Government. There is substantial impact throughout the country. Even my own city of Anchorage had an impact because of the shutdown.

The difficulty I have with coming here today is that I do not think most Members nor the executive branch have thought over the consequences of Attorney General Civiletti's opinion.

It is my judgment, and I say this advisedly as the chairman of the Governmental Affairs Committee now, that we should join together and find a way to legislate permanently so that this kind of a situation does not continue to occur. I think the taxpayers have every right to be very, very irate over the fact that we will pay a substantial number of people for not working, and those people who have been sent home as being nonessential Federal employees are chagrined over that decision of their superiors. They, too, take the position that their job is essential and that they should be paid.

I believe it is absolutely essential that we not send Federal employees home in the belief that somehow or another pressure will be created on one branch of government or the other as a result of these people not being allowed to do their work. The real pressure ultimately comes on the taxpayer who is paying for work that is not done, and I think it is our job to change that. I hope the Congress will do something this week about it.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 7 minutes.

THE 18TH DAY OF SHUTDOWN

Mr. HARKIN. Mr. President, here we are in the 18th day of a partial Government shutdown, the longest in our history. The Senator from Alaska just said the taxpayers ought to be irate. They should be irate—all taxpayers—because it is not just the more than 700,000 Federal employees who are either working and not getting paid, or are staying home and not getting paid, but who know they will be paid some time in the future who are being affected. The fact is, this shutdown is estimated to cost taxpayers $40 million a day.

Mr. President, 18 days, that is $720 million. We are approaching $1 billion that this unnecessary shutdown has

cost the taxpayers of this country, and yet those who prolong it fancy themselves as fiscal conservatives. They are willing to throw the taxpayers' money away by shutting down the Federal Government.

Senator DASCHLE, the Democratic leader, has offered time and time again a clean continuing resolution that would continue the Government operations to a date certain. This would put these Federal workers back to work and end the waste, yet that has been turned down time and time and time again by the Republican side. All we've asked is to pass a clean continuing resolution, keep the Government operating to a date certain and we do not care what that date is. We can do it once a week or something similar, but at least get these people back to work and stop the $40 million a day waste of taxpayer money.

I forget how many times Senator DASCHLE has tried to offer that or has offered it here and has been turned down. More than 10 times, I believe.

So we have tried on this side of the aisle to save the taxpayers this $40 million a day and to try to have some compassion and understanding toward Federal Government workers who have to make their house payments and their car payments and pay their doctor bills and everything else. Yet they are not getting their paychecks. Oh, they will get it some time in the future, but how do they make those payments right now? And to have done it over the Christmas season to me is just being hardhearted at its worst.

However, Mr. President, one group stands above it all: Members of Congress. Unlike Federal workers, our pay is guaranteed no matter what happens. Senator BOXER from California and I have offered on a number of occasions a bill that says that Members of Congress should not be treated differently, they should be treated like other Federal workers. It has passed three times in the Senate. Yet, it always seems to die someplace in conference or in the House of Representatives.

Here is an article that appeared in the Washington Post just today. The headline is: "Don't Touch Our Pay, House Republicans Say."

The article goes on to say that the House majority whip, TOM DELAY of Texas, the third ranking House Republican, said that "I'm not a Government employee. I'm in the Constitution," when he was asked about this bill that says that we should be treated like other Federal employees.

On CNN's "Talk Back Live" on December 19, asked whether he would support congressional pay cuts during a shutdown, he told the audience participation show: "No, I would not. I'm not a Federal employee. I'm a constitutional officer. My job is in the Constitution of the United States. I am not a Government employee. I am in the Constitution." That statement was made by House majority whip Congressman DELAY. Talk about the arrogance of power. I ask the House majority whip, who signs his paycheck? Is it signed by the U.S. Constitution? No, it is the Secretary of the Treasury. It is the Federal Government. You may be in the Constitution but first of all, we are all Federal Government employees. We are paid by the taxpayers of this country.

Our bill is being held up by arrogance, an arrogance of power. Some Members obviously see themselves as above the average person. They are above Federal employees. Senator BOXER, I and others have offered, and we will do so again, an amendment that says that if the Government is shut down, Members of Congress should be treated like the most adversely affected Federal employee. If they are not getting their pay, we should not get ours either. If they are going to get paid back sometime in the future we would get paid back sometime in the future.

It is, again, an arrogance of power for us to say to a Federal employee, you have to go to work but you do not get paid. That is what we are saying. Or, you can stay home and not get paid, but you will get paid later on sometime. I think we should cover Members the same way and make sure that Members of the Senate and the House are treated just like the most adversely affected Federal employee.

Last, Mr. President, this Government shutdown is not about whether or not we have a 7-year budget agreement. The shutdown is related to whether or not our annual appropriations bills are passed and signed into law. They are not. And I again point out, at the end of the fiscal year, last September, only two appropriations bills had been passed. Only 2 of 13. We did not filibuster any of them, Mr. President. We did not filibuster one appropriations bill on this side. We wanted them to go through. The President, then, of course, has his constitutional prerogative to veto them and we try to work out something that he will sign.

I heard the Senator from Wyoming earlier say he mentioned November 14 when the negotiations started. I say that this summer, is when appropriations bills should have been passed and sent to the President—before September 30. Let the President, if he wants to veto them, he has that right, and we could have spent October and November working out appropriations bills that would pass. That was not done. Last year we passed every appropriations bill on time before September 30 last year.

Again, we should not get this confused. The reason the Government is shut down, the reason it is costing taxpayers $40 million a day has nothing to do with reaching a 7-year balanced budget agreement which we all support. It has to do with whether or not we are going to do the job we should have done last year before September 30 in getting the appropriations bills passed and down to the President. We should not confuse those two.

We have to be about getting a balanced budget agreement. We have to make sure in reaching that in balancing the budget which I strongly support—and I know the present occupant of the chair supports—we may have a difference in how we get there—but I believe there is room to negotiate as long as we do not hurt people, as long as we do not take it out of the elderly and our young students in order to give big new tax breaks for the wealthy in this country and we cut down on corporate welfare.

Yes, then we can reach a balanced budget in a way that is fair, decent, compassionate and caring to people of this country. If we can agree on that we will have a balanced budget in 7 years. However, if all we want to do is give new tax breaks to the highest income Americans and we want to make the elderly pay a lot more for their Medicare, I do not see how we can do that. We have to hold firm. We have to hold firm that we are not going to balance this budget in 7 years on the backs of the elderly or on the students or on hard working people in this country. I yield the floor.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business December 29, the Federal debt stood at $4,988,664,979,014.54, about $12 billion shy of the $5 trillion mark, which the Federal debt will exceed in a few months.

On a per capita basis, every man, woman, and child in America owes $18,937.06 as his or her share of that debt.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess subject to the call of the Chair.

Thereupon, at 1:40 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 4:43 p.m., when called to order by the Acting President pro tempore [Mr. WARNER].

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ASSURING ALL FEDERAL EMPLOYEES WORK AND ARE PAID

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the House

message to accompany S. 1508, the back-to-work bill, and that it be in order for me to offer one amendment, the text of which is the following: Striking the expedited procedure language; two new sections regarding unemployment compensation and leave policy, as requested by the White House; legislative language to implement several administrative programs such as the Administration on Aging, unemployment insurance—in fact, their number probably is seven or eight: Protection and services for children, unemployment insurance, District of Columbia, programs for Native Americans, veterans that we need to act quickly on so that benefits will not be lost and, as I understand, we will have consent to offer the legislative language.

We will provide that to the clerks.

Mr. DORGAN. Reserving the right to object, and I shall not object, I will say to the majority leader, Minority Leader DASCHLE is on the way to the White House for a meeting. We have no objection to this request. My understanding is that this request will be followed by a second unanimous-consent request dealing with a broad continuing resolution, and I would like to comment on that as well. But we have no objection to this request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1508) entitled "An Act to assure that all Federal employees work and are paid", do pass with the following amendment:

At the end of the bill, add the following:

SEC. 2. EXTENSION OF AUTHORITIES.

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), as amended by Public Law 104-47, is amended by striking "December 31, 1995" and inserting "March 31, 1996".

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) prior to January 10, 1996, the written policy justification dated December 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

SEC. 3. CONGRESSIONAL CONSIDERATION OF THE BALANCED BUDGET BILL.

(a) INTRODUCTION OF THE BALANCED BUDGET BILL.—The balanced budget bill, which is described in subsection (e), shall be introduced in both the House of Representatives and the Senate on the same day. In the House, the bill shall be introduced by the Chairman of the Budget Committee of the House. In the Senate, the bill shall be introduced by the Majority Leader, after consultation with the Minority Leader.

(b) CONSIDERATION OF THE BALANCED BUDGET BILL IN THE HOUSE.—Consideration of the balanced budget bill shall be made in order pursuant to a special order reported by the Committee on Rules.

(c) CONSIDERATION OF THE BALANCED BUDGET BILL IN THE SENATE.—

(1) PLACED ON THE CALENDAR.—The balanced budget bill introduced in the Senate shall not be referred to committee but shall be placed directly on the Calendar.

(2) MOTION TO PROCEED.—The motion to proceed to the balanced budget bill shall not be debatable and the bill may be proceeded to at any time after it is placed on the Calendar.

(3) RECONCILIATION PROCEDURES.—The Senate shall consider the balanced budget bill as if it were a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, with the following exceptions:

(A) A motion to recommit shall not be in order.

(B) All amendments proposed to the balanced budget bill shall be considered as having been read in full, once the amendment is identified by sponsor and number.

(C) Debate in the Senate on the balanced budget bill, and all amendments, thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. Upon expiration of the 10 hours of debate, without intervening action, the Senate shall proceed to vote on the final disposition of the balanced budget bill.

(D) If the Senate has received from the House the balanced budget bill introduced under subsection (a) prior to the vote on final disposition of the Senate bill, the following procedures shall apply:

(i) The balanced budget bill received from the House shall not be referred to committee and shall be placed on the Calendar.

(ii) The Senate shall proceed to and consider the balanced budget bill introduced in the Senate, however—

(I) the vote on final passage shall be on the balanced budget bill received from the House, if it is identical to the balanced budget bill then pending for the vote on final disposition in the Senate; or

(II) if the balanced budget bill received from the House is not identical to the balanced budget bill then pending for the vote on final disposition in the Senate, following third reading of the Senate bill, the Senate shall, without intervening action or debate, proceed to the House balanced budget bill, strike all after the Enacting Clause, substitute the text of the Senate bill as taken to third reading, adopt the Senate amendment, and vote on the final disposition of the House balanced budget bill, as amended.

(E) Consideration of House Message shall be limited to 5 hours. Debate on any motion necessary to dispose of a House Message on the balanced budget bill shall be limited to 1 hour and debate on any amendment to such motion shall be limited to 30 minutes.

(F) Upon proceeding to any conference report on the balanced budget bill, the bill shall be considered as read. Debate on any conference report on the balanced budget bill shall be limited to 5 hours.

(4) WAIVER OF SECTION 306.—Section 306 of the Congressional Budget Act shall not apply to the consideration of the balanced budget bill.

(d) REVISIONS TO AGGREGATES, ALLOCATIONS, AND DISCRETIONARY SPENDING LIMITS.—

(1) AUTHORITY TO ADJUST AGGREGATES AND DISCRETIONARY LIMITS.—For purposes of enforcement under the Congressional Budget Act of 1974 and H. Con. Res. 67 (One Hundred Fourth Congress), upon the introduction of the balanced budget bill in the House and Senate, and again upon submission of a conference report thereon—

(A) the discretionary spending limits; and

(B) the appropriate budgetary aggregates,

as set forth in H. Con. Res. 67, shall be adjusted in accordance with paragraph (3).

(2) AUTHORITY TO ADJUST COMMITTEE ALLOCATIONS.—For purposes of enforcement under the Congressional Budget Act of 1974 and under H. Con. Res. 67 (One Hundred Fourth Congress), at any time after the introduction of the balanced budget bill, but prior to consideration of that bill in the House or Senate, as the case may be, and again upon submission of a conference report thereon, the allocations to the Committees of the Senate and the House pursuant to sections 302 and 602 shall be adjusted in accordance with paragraph (3).

(3) ADJUSTMENTS.—The adjustments required by paragraphs (1) and (2) shall be made by the Chairman of the Committee on the Budget of the Senate or the House of Representatives (as the case may be) and shall be consistent with the budgetary impact of the balanced budget bill. The adjusted discretionary spending limits, allocations, and aggregates shall be considered the appropriate limits, allocations, and aggregates for purposes of enforcement of the Congressional Budget Act and for enforcement of provision of H. Con. Res. 67 (One Hundred Fourth Congress).

(4) REPORTING REVISED SUBALLOCATIONS.—Following the adjustments made under paragraph (3), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b) and 602(b) of this Act to carry out this subsection.

(5) TECHNICAL ADJUSTMENTS TO HOUSE ALLOCATIONS.—Upon the enactment of a balanced budget bill introduced under subsection (a), the chairmen of the Committee on the Budget of the House may make necessary technical revisions to the revised allocations made under paragraph (2).

(e) BALANCED BUDGET BILL.—As used in this section, the term "balanced budget bill" means any bill that achieves a balanced budget not later than fiscal year 2002, which is introduced pursuant to subsection (a).

AMENDMENT NO. 3114

Mr. DOLE. Mr. President, I move that the Senate concur in the amendment of the House with a further amendment, which I send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3114.

(The text of the amendment will appear in a future edition of the RECORD.)

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

So the motion was agreed to.

Mr. DOLE. I think the amendment was adopted in the agreement.

The ACTING PRESIDENT pro tempore. That is correct. The foregoing amendment is agreed to.

UNANIMOUS-CONSENT AGREEMENT

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

"A bill to provide for deficit reduction and achieve a balanced budget by fiscal year 2002," and the majority and minority leaders are in agreement, that the bill should be considered under the reconciliation process, and then once the Senate begins consideration, the bill be deemed a reconciliation bill, and all provisions under the Congressional Budget Act of 1974 apply to the bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me just comment briefly here, because this is a matter of some contention. Even though it is a Senate matter, the reason we had expedited procedure in the other provision is we tried to get consent on the Senate side and it was objected to. So the House put in a bill and sent it over here. I think the concern was if we did reach some agreement with the President and the Democratic leaders in the House and Senate and Republican leaders in the House and Senate, that when it came to the Senate, it could be subject to filibuster and might take 2 weeks or 3 weeks.

So I have discussed this at length with the Democratic leader, Senator DASCHLE, and we have agreed that if we have an agreement with the President and leadership, we will, in effect, say it is considered in the reconciliation process and be a reconciliation bill.

Under those procedures, I can move to reduce the time to 15 hours, to 20 hours, whatever, and it would speed up the process considerably. I hope my colleagues in the House appreciate the fact that we think we have moved along the process here considerably if, in fact, there should be an agreement. That is why we have stricken the expedited process language out of the previous bill.

TEMPORARY EXTENSION OF THE CONTINUING RESOLUTION

Mr. DOLE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 1643, MFN status for Bulgaria; that the Senate proceed to its immediate consideration; that there be one amendment in order, the text of which is a clean continuing resolution for all agencies of Government without funding at this time which shall expire January 12, 1996; that the amendment be deemed agreed to, the bill be read a third time and passed, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

I send up the amendment.

Mr. DORGAN. Reserving the right to object, and I shall not object, Mr. President, it seems to me this is a significant advancement in this process. I know that the majority leader has not been an advocate for a shutdown. He has indicated that a number of times on the floor of the Senate. We have all wanted to get to this point where the Senate could pass a clean CR. We have offered on 10 occasions a clean CR. This is a clean continuing resolution that provides additional funding through a date certain. We would prefer that it be beyond January 12 but we certainly are in agreement that doing it this way would bring Federal workers back to work with pay, restore the Federal Government to the functions that it was able to perform previous to this shutdown. This is a major step forward.

I hope very much that the House of Representatives will see fit as early as possible to also accept this clean continuing resolution. Doing so would then end this partial shutdown that now exists. I do not object to this and fully support the continuing resolution.

As I have indicated, we were prepared today to offer on the 11th occasion a clean CR that is identical to the unanimous-consent request that has been made.

Mr. DOMENICI. Reserving the right to object, and I will not object, Mr. President, let me congratulate the distinguished majority leader on his last proposal. While I supported two previous ones, I think the important one to many, many Americans is the last one which would say through the 12th day of January the U.S. Government goes back to work. The people that work for the Government would go back to work and would be paid. I think it is time we do this.

Obviously, I understand the House has some different problems than we have. I think it is right for the U.S. Senate under your leadership to proceed this evening to send this measure to the U.S. House for their consideration.

I want to suggest to the Senate that in my home State where, obviously, we have a considerable number of Federal employees, even those who are not Federal employees are very perplexed and concerned about something they do not understand. I think they make a great point. That is, Federal employees are furloughed but there is a commitment that when they come back to work we will pay them for the time they did not spend working. More constituents are calling me asking, what kind of business is that? We have people who are being paid for not working, and then you have Federal employees who have been deemed necessary, they are on the job and they are being paid but they must work. Frankly, most Federal employees are saying they would like to work for their pay.

As I understand the distinguished majority leader's proposal, not only would it open Government through the 12th day of this month, but pay the back pay for all the workers who have been furloughed. We would be back to a position where they would all receive their money and their back pay and the other things that are bothering us around the country. I compliment him for that.

I hope the House gives serious consideration to this and soon we will get to part of our efforts to get a balanced budget, which is separate and distinct, but nonetheless we must have the White House negotiating. They must concede some issues. They cannot win everything. Hopefully, that will continue while we move ahead with the continuing resolution at this time. I yield the floor.

Mr. DOLE. It would also provide that there would be no double-dipping. You could not get unemployment compensation then be paid back pay. You would subtract any unemployment compensation pay for the pay that you should have been entitled to, which I think is fair.

Let me just say I read a wire story there is a split between the House and the Senate on what ought to happen. I do not get that feeling at all in talking with the Speaker. In fact, we just had a 30-minute meeting. The Senator from Virginia was there, I was there, the Senator from New Mexico was there, the Speaker, the majority leader of the House, Mr. ARMEY was there, and we had a good discussion. I think there is some difference on just how we should proceed, but in my view what we really want, of course, is to get people back to work.

I felt that way for some time. I have a hard time rationalizing paying people for not working when I know they want to work. If they did not want to work, I say they should not be paid. These people want to work. They are caught. They are in the middle. They are pawns. I do not believe at this point—I think if there was a point to make, that point has been made. I know the Speaker indicated you just have to do what you have to do.

We are going to send this to the House. The House will be back tomorrow. Hopefully tonight at 6 o'clock we will have serious discussions. I think we have had enough preliminary discussions at the White House. It is time that I think we will get serious about whether or not we will reach a balanced budget over the next 7 years.

I wanted to correct an impression that there might be some rift between the House and the Senate. I think there are some House Members who have a different view. They feel this is helpful in bringing about a balanced budget. That is not my view. I think it may have been helpful the first time around, but if you add up the time people have had off with the two shutdowns, it would be almost a month—about 30 days they have been out of work which they will be paid for. It is no fault of theirs. I am not critical. That is a huge cost when the work was not performed by willing workers.

It seems to me that if we extend this continuing resolution until the 12th of January we will know by then if we are serious about a balanced budget over the next 7 years. If we do not know by then, we ought—I do not know what we do. I think we would not have to be a rocket scientist to know by then. That way we will all be covered.

Mr. WARNER. Mr. President, I wish to commend our distinguished majority leader. I had the opportunity to be in that meeting. I suggest he look at his words again. He said half an hour; it was 2½ hours that we were there.

Indeed, I certainly perceive no split between the distinguished majority leader and the Speaker of the House. There are a wide range of issues which were discussed in a very objective manner. I think there was a clear perception that the American public now understands the complexity of this situation and there is a feeling of a sense of fairness emerging. That sense of fairness says to the Congress, we have to work with our President to come to some conclusion. It is not fair to the Government employees. They are being held hostage. More than that, there is a ripple effect. It is not just the Federal Government employees. It is many others who are dependent upon a functioning of the U.S. Government for their daily livelihood. Particularly that class of individual cannot look to compensation subsequently, like the Government employees, and I again thank the distinguished majority leader and indeed the speaker and others for confirming they will be paid. But this other group, this ripple effect, they are not likely to get any compensation. An empty hotel room tonight is an empty hotel room forever. A lost wage to a taxi driver, all of the people, for instance, in the greater metropolitan area who are here every day to make it possible that tourism—one of the largest industries in this area—can function are suffering irreparably. People are losing wages, and that is taking place all across the country, not only in the greater Washington metropolitan area.

I wish to be a cosponsor, Mr. Leader.

Mr. DOLE. The Senator is a cosponsor and the Senator from New Mexico will be a cosponsor.

Mr. WARNER. I commend you again.

The PRESIDING OFFICER (Mr. DOMENICI). Is there objection to the unanimous-consent request of the majority leader with reference to the continuing resolution?

Mr. SARBANES. Would it be possible to speak for a couple of minutes after its adoption? I am quite content to have it go ahead.

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

So the amendment (No. 3115) was deemed agreed to, as follows:

Strike all after the enacting clause and insert the following:

SEC. . TEMPORARY EXTENSION OF THE CONTINUING RESOLUTION.

(a) IN GENERAL.—Section 106(c) of Public Law 104–56 is amended by striking "December 15, 1995" and inserting "January 12, 1996".

(b) EFFECTIVE PERIOD.—The amendment made by subsection (a) shall be considered to have taken effect on December 16, 1995.

SEC. . ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.

Begining on January 2, 1996, any federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be eligible for unemployment compensation benefits with no waiting period for such eligibility to accrue. With respect to any person who is eligible for such benefits by reason of the preceding sentence, any such benefits received shall be subject to repayment in the same manner and to the same extent when eligibility by reason of the preceding sentence ceases as if such cessation were an end to the period of unemployment.

So the bill (H.R. 1643), as amended, was read the third time and passed.

Mr. SARBANES. Mr. President, I want to commend the distinguished majority leader and all who have worked with him in bringing forth this clean extension of the CR with which my distinguished colleague from Virginia said it is not just the Federal employees affected, although they are clearly very much affected, but there is a large part of the private sector also impacted and impacted in a very negative way by what has occurred.

This, of course, will carry through until the 12th of January and give us an opportunity to correct the difficulties that have existed thus far and hopefully avoid any difficulties from arising in the future. I think it will bring, at least for now, significant relief in terms of anxiety and apprehension and tension and turmoil to a lot of families which have been very negatively impacted. I very much hope it will be adopted on the House side when they consider the matter.

Mr. WARNER. Mr. President, both Senator DOLE and myself have been in contact almost on a daily basis with Congressman WOLF, Congressman DAVIS, and Congresswoman MORELLA. They are very much included. We are going to start meeting daily on this problem to give to the leadership of both Houses our best judgment as to the severity of the problem in the greater metropolitan area of Washington. I welcome the participation by my distinguished colleague from Maryland.

Mr. DOLE. Mr. President, I hope the House would take a look at this tomorrow. They are all back tomorrow. It was an opportunity for them to have been in their districts.

I know some have said this is an indication that the Government is too big, that they are not essential or they have not been missed, what is the big deal?

If we want to make the Government smaller, then we ought to make the Government smaller. If we want to eliminate departments—some of us do—then we ought to do it. Bring it out here, have the debate, and say, OK, we will eliminate Energy and HUD and Commerce and Education, for example. But this is not the way to do it. If we do it through legislation, that is one thing, but if we just say we are not going to pay people, I, at least, think that is not, in my judgment, how it ought to be done.

People who work for the Federal Government are good people, and they understand that from time to time, as part of the Federal establishment, they have to make certain sacrifices when it comes to cost-of-living adjustments or even temporary Government shutdowns. So this is the second shutdown. This has been a lengthy shutdown. And, as I said earlier, if there is any point to be made I think that point should have been made by now.

Some of these Federal employees—in fact, I am certain the Senator from Maryland knows, what percentage make less than $25,000? Probably 20, as a percent of the total?

Mr. SARBANES. Probably even more than that, I would say.

Mr. DOLE. And they live from paycheck to paycheck.

Mr. SARBANES. Exactly.

Mr. DOLE. When they do not get the check, we say, "Oh, well, they can borrow the money." If they borrow the money, they have to pay for it—if they can borrow the money.

So I hope, based on fairness and getting people back to work and eliminating some of the stress that I am certain some have undergone, that the House will look upon this favorably. If not, I think the second option—I know it is not the preferred option by a lot of people—would be the first bill we passed, which deems all workers essential and promises they will be paid. That is not the same as being paid. Plus, we added a number of categories—the Senator from Maryland was not here at the time—to take care of Meals on Wheels, protective services for children, unemployment insurance—there are about 11 States, plus D.C., which will have exhausted Federal funds for administering the Federal Unemployment Insurance Program, including, I might add, the State of Kansas, where somebody said today they shot out the windows at the unemployment office. I have not verified that story. In other words, if the office is closed, people with unemployment benefit claims cannot have their claims addressed.

The District of Columbia would be included, and also assistance payments to 53,000 Indian families and foster family care for about 3,000 Indian children. Then we have the same problem with about 170,000 veterans. And we believe that, of course, if you have a CR, you do not have to worry about that. If you do not have a CR, then the backup

would be adopting the deeming provision.

Let me just say, in fairness—I will not make all these requests, because I hope that we have a bipartisan, or nonpartisan solution here that can be dealt with in the same way on the House side—but I would say, everybody wants to assign blame. I am not here to assign blame. I am just here to suggest that we have three appropriations bills that were vetoed. Had they not been vetoed, a lot of people would be working, they would not be worrying about the 7- or 9-day CR. But the President vetoed those bills. I understand some of them just have two or three areas where we have disagreements. I urge my colleagues—on the Interior bill, for example, I understand there are only three areas of disagreement. If we can work out the areas of disagreement, we ought to pass the bill, meet the President's request, and send it back and that will take care of any future problems in case the Government was shut down a third time. I hope that would not happen.

The same is true with VA–HUD. I understand that is another bill that could be, with a little effort, worked out, just a give and take on both sides.

State, Justice, Commerce, I think there are probably a number of differences there. I am not certain that can be accommodated.

On the D.C. appropriations bill, there is one issue, vouchers. Only one issue keeps that bill from going to the President and being signed by the President.

Foreign operations, one issue, one issue on the Mexico City policy. That is the only issue that keeps that bill from going to the President. I do not think he has a problem with that bill.

Finally, Labor-HHS, and we have had two party-line votes on bringing it to the membership on the floor. It takes 60 votes. It has been a party-line vote so we have not been able to bring Labor-HHS to the floor. Maybe there is some way to work out our differences there.

But one way to avoid the CR's and the potential problems of a shutdown would be to get together on the appropriations bills. We are urging our colleagues on this side to do that starting immediately. We would be happy to accommodate anybody on the other side. I know there is a lot of interest in Interior and State, Justice, Commerce; foreign operations; HUD; District of Columbia. If those bills could be passed—and three of them have been vetoed—but passed again, to accommodate some of the concerns raised by the administration, then we would not be here worrying about 5 days, 9 days, and 10 days.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The acting minority leader.

Mr. DORGAN. Mr. President, let me just observe that we have seen previous vetoes of appropriations bills in the history of the U.S. Congress, but that did not result in a shutdown of the Federal Government. I would not want people listening to this to believe that because appropriations vetoes occurred this year, that resulted in a shutdown of the Government. That is not why we have a shutdown. The shutdown, it seems to me, was a matter of strategy by some.

I might say, not the majority leader. He has made it, I think, clear a number of times on the floor of the Senate that he is not an advocate of shutdowns. Nonetheless, I think it has been a matter of strategy to use the shutdown as leverage with respect to the balanced budget talks.

Another Senator mentioned that his constituents could not understand this shutdown. I would say, my constituents have told me the same thing—they could not understand it. I have said that is pretty reasonable, because it is not an understandable policy. It defies all common sense. It does not make any sense to decide to shut the Government down, pay $40 million a day for labor that you prevent being performed by Federal workers, but that you say you will reimburse later. I think, when all of the noise and all of the dust and all of the wind is over, at least today we will have been seen as taking a first sensible step. That is a CR that funds the Government, brings Federal employees back to work, and pays them.

I might say that the proposal that we have offered on previous occasions, a continuing resolution to fund these functions of Government and bring people back to work, would take us through the end of January. The CR that we are enacting today in the Senate takes us only through January 12. While we would prefer that this go to the end of January, and that during this period, between now and the end of January, we would have a set of budget negotiations that would result in an agreement and we would not again be faced with the circumstances of a threatened shutdown, we accept January 12 because it is a step forward. If the House will address this, it will resolve this impasse.

Again, my fervent hope is that early tomorrow the House of Representatives will take this up. I hope they would agree with it by a voice vote as the Senate has and restore people back to work, pay them for coming back to work. And, I say again as I said before, I commend the Senator from Kansas for this initiative.

We have offered this initiative previously. I know the Senator from Kansas has not been an advocate of a shutdown. But nonetheless we were faced with this set of circumstances. If the House acts on this in the morning, it seems to me we finally have this back on track and perhaps we will not again see a shutdown that penalizes the American taxpayer, penalizes Federal workers, and does nothing good for anyone that I can see. It is fundamentally a nonunderstandable policy.

Again, I thank the Senator from Kansas, the majority leader. We were happy to accommodate the unanimous-consent request.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Virginia.

Mr. WARNER. Mr. President, throughout the day the distinguished acting minority leader has been on the floor, active in the debate. But I think it was very important that the majority leader bring up the fact that the veto of the appropriations bills is a very strong factor in the problem that we are addressing here with the CR.

The distinguished minority leader has stated his case. But I also feel very strongly that the majority leader, in good conscience, had to bring that matter up.

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

The PRESIDING OFFICER. The acting minority leader.

Mr. DORGAN. I accept his point. My only observation was we could debate all this. On Labor-HHS, Republicans deserted on the vote there as well. Some of the vetoes were fully expected, in terms of what was in the legislation when it went to the President.

My hope is that now, beginning at 6 o'clock, the negotiations on the balanced budget plan will bear fruit and we will have no further shutdowns. We will have appropriations bills resolved the way they should be resolved, not by the leverage of a Government shutdown but by the give and take as between the Congress and the President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I said earlier today it is senseless that we pass the football to your side, you pass it back to us. The blame game exchange will not get us anywhere. Let us put the football on the 50-yard line and blow time out on the blame game and let us get behind the President and the distinguished leaders of this body, who will go down in just a matter of minutes and try and reconcile this problem.

We all wish them luck.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I just make the observation that I think all of the appropriations bills that were mentioned had legislation on an appropriations bill. Of course, if we did not do that to begin with, why, it would be an easier task dealing with the appropriations bills. The President took issue with some of that and vetoed the bills.

I listened carefully to the majority leader who suggested maybe if some of

those objections could be accommodated, it might be possible to work out the differences between the President and the Congress on that legislation. Therefore, there is a chance some of them might be enacted. And it seems to me that is a worthwhile path to explore.

The other thing though is I do feel very strongly, as I indicated earlier today, that this closing down of the Government was without reason and without common sense. And I wish to underscore one point because I think it tends to get overlooked. There is a tendency to think of this in terms of the Federal employees who are not working. That is a very important aspect of it. But by not working, they are not providing services that are needed by the private sector. So it is having an impact, a far-reaching impact through our economy and through our country.

In other words, people who want passports are not able to get those passports. You have people who planned trips for years. You have had business reasons to take such trips. Grants by the NIH have been put on the shelf, and so forth and so on. So there is a strong impact. People who contract with the Federal Government have found themselves unable to carry through and, of course, that is going to start affecting unemployment offices; they are closing down. That is not unemployment offices for the Federal workers. That is unemployment offices for everyone. So someone who gets laid off from some private job in some States now is not going to be able to find an open unemployment office with which to file a claim in order to obtain unemployment benefits in order to carry his family through a very difficult period.

Now, obviously, the way to address it is the way it is being addressed here, and that is with a clean CR which brings the workers back in, pays them, they do the job, they perform the services, they meet the need, the private sector can then interact with the Government as it does, and we can move forward from there.

So I again wish to thank the majority leader for moving forward with this CR, and I am hopeful that the House will accept it when it takes it up on tomorrow.

Mr. ROBB addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. ROBB. I would like to add my own word of thanks and appreciation to the distinguished majority leader and those who have worked with him to propose the continuing resolution at this point. I think it is very important. Understandably, because of the serious differences in some of the philosophical questions that have been presented in this debate, it is not easy for leaders on either side of the debate to make a move toward getting us beyond a step which many of us feel is simply unconscionable and indefensible to continue.

I hope that the leadership that the distinguished majority leader has provided in moving us to this point will indeed provide an impetus for our colleagues in the other body to act in accord so that we may move beyond this particular impasse.

The big issues can still be debated, but the question of whether or not it makes any sense to continue the furlough of Federal employees who will eventually get paid so this Government is saving no money but which represents an enormous waste of taxpayer resources and an inconvenience for many and serious economic concerns for others who interact with the Federal Government, for many small businesses that are dependent upon the successful actions of the Federal Government, all of this can be resolved at least in the near term with this particular action, and all of the essential arguments that have been made by both sides are preserved for full debate at the appropriate time.

I again thank the majority leader for exercising this leadership. I thank my distinguished colleague and senior Senator from Virginia, the distinguished senior Senator from Maryland, and others in the region who are most impacted by this particular situation but all who have shown the good will in an attempt to get beyond the difficulties that have held us up.

So to all, including my good friend from Rhode Island, who may be about to speak on this topic, I say thank you for bringing us to this point and hope that they will succeed in urging our colleagues in the other body to follow the leadership of our distinguished majority leader.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. DOLE. I thank my friend from Virginia. I will be happy to yield the floor.

Mr. CHAFEE. Mr. President, I just want to join in congratulating the majority leader for what he has done today. This is really terribly important. And while many citizens in the country are not suffering at all—they are getting their Social Security check, the VA checks, the AFDC checks—there are literally hundreds, and, indeed, thousands who truly are suffering out of this, whether it be a passport they cannot obtain, having made payments on flights that are not redeemable, whether it is the AmeriCorps individuals who are working in the inner cities and live paycheck to paycheck and are not receiving their check, whether it is those who are under some Government contract and not being paid. There is a lot of suffering taking place across the country.

And so I just give high praise to our distinguished majority leader, the senior Senator from Kansas, for what he has done, and I just hope the House accepts it. It is, as I understand, until January 12. And in the meantime the negotiators on the biggest subject, namely the budget, can keep working. This is not something that is fostering—in other words, the shutdown is not fostering the talks. Nothing is being gained from that. The administration is not being bullied, and the Republicans are not being bullied. It is a nonwinner. It is one of those rare things where everybody loses.

So I congratulate the majority leader, and I just hope the House accepts this and we can get on with the Government reopening. If things are not worked out by January 12, well, then have another. But meanwhile I just know everybody who is involved is trying to reach a settlement on this budget.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. DOLE. Mr. President, I thank my colleagues. I certainly share their view. I do not see any sense in what we have been doing, frankly. Maybe I missed the point. I have been here a while. Maybe something went by me. But I think we have had shutdowns before lasting a day or 2 days, and you can handle that. But when it is—what is today, day 18? And we have already had a 7-day. As I said earlier, you are going to have 30 days here very quickly. I do not believe any side gains.

I do not believe we are sitting down because the Government is partially shut down. I do not believe the President is sitting down because the Government is partially shut down. We better be sitting down because we agreed we ought to balance the budget in 7 years. And the Federal employees are going to be part of that. I think they are going to be asked to make sacrifices like everybody else if that is done. But to say that they cannot work and they cannot be paid until we put together an agreement—I know there are some of my colleagues in the House who feel just as strongly the other way, but I do not quite understand the logic of it all. As I said earlier, I think the Speaker is inclined to be receptive. All the House Members are back, I understand, tomorrow, and they will have an opportunity to discuss this. I hope that we could have quick action. People have been gone from their jobs long enough. Enough is enough.

I ask unanimous consent that Senator STEVENS be added as a cosponsor to amendment 3115, the CR until January 12, 1996.

Mr. DORGAN. And anybody else who wants to——

Mr. CHAFEE. I want to join.

Mr. DOLE. Senator ROBB, and Senator DORGAN already have.

Mr. DORGAN. Senator DASCHLE.

Mr. DOLE. Senator DASCHLE, and Senator SARBANES, and anybody else.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I wonder if I might ask unanimous consent to have printed in the RECORD a description of the effects of the shutdown offered by OMB. I believe it was the description that Senator DOLE referred to, and I think it would be useful to have that in the CONGRESSIONAL RECORD.

Mr. DOLE. Let me indicate we did not cover all those in the other one because we thought some were not as urgent as others, but I think we ought to enable people to be able to get a passport, to open the parks, and other things that I think are important to all people.

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

EFFECTS OF THE CONTINUING SHUTDOWN, TUESDAY, JANUARY 2, 1996

Administration on Aging: 600,000 elderly Americans face the potential of losing their services of "Meals on Wheels," transportation and personal care provided by HHS if a CR is not passed this week.

Protection and services for children: As of today, states will lose $74 million in quarterly grants for discretionary child protection programs, which help states respond to more than 2.5 million reported cases of child maltreatment each year. In addition, the Federal Parent Locator Service, to which 20,000 child support cases per day on average are referred, is closed.

Unemployment insurance: By the end of this week, 11 states (plus DC and the VI) will have exhausted Federal funds for administering the unemployment insurance program (NJ, AL, RI, TN, KS, AK, MA, NH, VT, UT, NM). In order to keep unemployment offices open, states will have to fill the gap with their own funds. Otherwise, unemployment offices would have to close and benefit payments would cease. Kansas has already closed its unemployment office.

Securities markets: The SEC's funds are expected to be exhausted by the end of next week, causing review of an estimated three-fourths of pending and new SEC filings for the months of January to be delayed. A delay in review of filings for initial public offerings, mergers and acquisitions, and filings for new debt or stock offerings would eventually impact the flow of corporate financing and capital formation.

Home-buyers: Each day of the shutdown, the Federal Housing Administration cannot process 2,500 home purchase loans and refinancings ($200 million of mortgage loans) for moderate- and low-income working families.

Protection of workers: Since the start of the shutdown, over 1000 workplace safety complaints have gone unanswered and 3,500 investigations involving pension, health and other employee benefit plans have been suspended.

Environmental protection: All EPA non-Superfund civil environmental enforcement actions have stopped, costing $3 million a day in fines or injunctive relief against polluters; and as of today, up to 32 Superfund cleanups will be shut down.

District of Columbia: The December 22 CR expires tomorrow which will continue the uncertainty over how DC an continue to operate its services.

Passports: Each day, the State Department can't process 23,000 applications for passports that it would receive.

Programs for native Americans: The Bureau of Indian Affairs cannot make general assistance payments due to about 53,000 Indian families and individuals, or to guardians and foster families that care for about 3,000 Indian children.

Veterans: While the December 22 CR provided funding for certain benefits and payments, it expires tomorrow; consequently, contractors providing services and supplies to hospitals will not be paid and benefits for January will not be paid (on February 1). In addition, approximately 170,000 veterans did not receive their December Montgomery GI Bill education benefits and will not receive benefits in January. Funding has also lapsed for processing veterans' claims for educational & rehabilitation counseling, and enabling veterans to obtain VA guaranteed home loans.

Small businesses: Each day of the shutdown, over 260 small businesses are not receiving SBA-guaranteed financing; and 1,200 small business owners are not receiving SBA-Sponsored training and counseling normally available to them.

National parks/forests and related businesses: Each day, an average of 383,000 people cannot visit National Parks. Potential per day losses for businesses in communities adjacent to National Parks could reach $14 million, due to reduced recreational tourism.

Foreign visitors: Each day, the State Department cannot issue 20,000 visas to visitors, who normally spend an average of $3,000 on their trips.

Export promotion: On an average day—export licenses with a value of $30.5 million that would otherwise have been approved by the Bureau of Export Administration will not be acted upon; more than $92 million in sales of U.S. products are blocked due to inability to process license applications; and more than 2500 telephone calls and faxes from U.S. businesses seeking export information are not being answered.

EFFECTS ON FEDERAL WORKERS

Due to Congress' failure to approve short-term funds, beginning last Friday, December 29, about three-quarters-of-a-million Federal employees received only half their usual pay. They received pay for December 10 to 15, but not December 16 to 23. Unless the Congress approves funding by late this week, emergency and furloughed employees will not receive pay for the current pay period on time (i.e. next week).

480,000 emergency workers are working, and the government is obligated to pay them, but they can't be paid until Congress approves funds to end the shutdown (includes federal law enforcement officials, prison guards, and nurses at Veterans Hospitals).

280,000 non-emergency workers are currently furloughed and not being paid (and have no guarantee they will receive back pay unless Congress acts to approve back pay).

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. I ask unanimous consent that the Senate immediately proceed to executive session to consider the nomination of Norman Johnson, Executive Calendar No. 348; that the nomination be confirmed, the motion to reconsider be laid upon the table, and that any statements relating to the nomination appear at the appropriate place in the RECORD; the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

SECURITIES AND EXCHANGE COMMISSSION

Norman S. Johnson, of Utah, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 1999.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

REPORT ON LOAN GUARANTEES TO ISRAEL PROGRAM—MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Enclosed is an unclassified report on the Loan Guarantees to Israel Program and on economic conditions in Israel, as required by section 226(k) of the Foreign Assistance Act of 1961, as amended (Public Law 87–195), and section 1205 of the International Security and Development Cooperation Act of 1985 (Public Law 99–983).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 30, 1995.*

ADDITIONAL COSPONSORS

S. 956

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 956, a bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1462

At the request of Mr. GRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S.

1462, a bill to amend the Agricultural Adjustment Act to provide that imported tomatoes are subject to packing standards contained in marketing orders issued by the Secretary of Agriculture, and for other purposes.

S. 1463

At the request of Mr. GRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1463, a bill to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes.

AMENDMENTS SUBMITTED

FEDERAL EMPLOYEES LEGISLATION

DOLE AMENDMENT NO. 3114

Mr. DOLE proposed an amendment to the bill (S. 1508) to assure that all Federal employees work and are paid:

(The text of the amendment will be printed in a future issue of the RECORD.)

BULGARIA MOST-FAVORED-NATION TREATMENT LEGISLATION

DOLE (AND OTHERS) AMENDMENT NO. 3115

Mr. DOLE (for himself, Mr. WARNER, Mr. DOMENICI, Mr. STEVENS, Mr. ROBB, Mr. CHAFEE, Mr. SARBANES, Mr. DORGAN, Ms. MIKULSKI, and Mr. DASCHLE) proposed an amendment to the bill (H.R. 1643) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria; and follows:

Strike all after the enacting clause and insert the following:

SEC. . TEMPORARY EXTENSION OF THE CONTINUING RESOLUTION.

(a) IN GENERAL.—Section 106(c) of Public Law 104-56 is amended by striking "December 15, 1995" and inserting "January 12, 1996".

(b) EFFECTIVE PERIOD.—The amendment made by subsection (a) shall be considered to have taken effect on December 16, 1995.

SEC. . ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.

Beginning on January 2, 1996, any federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be eligible for unemployment compensation benefits with no waiting period for such eligibility to accrue. With respect to any person who is eligible for such benefits by reason of the preceding sentence, any such benefits received shall be subject to repayment in the same manner and to the same extent when eligibility by reason of the preceding sentence ceases as if such cessation were an end to the period of unemployment.

ORDERS FOR WEDNESDAY, JANUARY 3, 1996

Mr. DOLE. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11:55 a.m. on Wednesday, January 3, and immediately following the prayer the Journal of proceedings be deemed 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, and the time for the two leaders be reserved for their use during the day, and the majority leader be immediately recognized to adjourn the Senate until the second session of the 104th Congress reconvenes at noon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. It will be a short 5 minutes there. So I just say for the information of all Senators we do begin the second session of the 104th Congress at noon tomorrow, January 3, 1996.

I ask unanimous consent that once the Senate reconvenes, the leaders' time be reserved for their use later in the day and there be a period for the transaction of morning business until the hour of 12:30 p.m., with statements limited to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. As I have said almost on a daily basis, there will be no rollcall votes tomorrow. If somebody should demand one on something—I do not know what it would be—we would certainly give our colleagues ample time to return to the Senate. I do not anticipate any votes this week. I think we can work out anything that needs to be done, including putting people back to work, by unanimous consent on the Senate side. So we will give everybody notice if there should be a vote, but I do not see any votes this week and hopefully none next week.

ADJOURNMENT UNTIL 11:55 A.M. TOMORROW

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

There being no objection, the Senate, at 5:22 p.m., adjourned until Wednesday, January 3, 1996, at 11:55 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 2, 1996:

SECURITIES AND EXCHANGE COMMISSION

NORMAN S. JOHNSON, OF UTAH, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 1999.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

A. WALLACE TASHIMA, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

SIDNEY R. THOMAS, OF MONTANA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

JOHN THOMAS MARTEN, OF KANSAS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF KANSAS.