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WASHINGTON, WEDNESDAY, DECEMBER 27, 1995

No. 209

House of Representatives

(Legislative day of Friday, December 22, 1995)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 5 o'clock and 3 minutes p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In the stillness of this moment, in the quiet of our prayer, we place before You, O God, that which is in our hearts and souls, those thoughts and ideas and feelings that make us what we are and direct us along life's way. We pray, gracious God, that You would refresh us and encourage us, that You would heal our hearts and make us strong, that You would forgive us when we miss the mark and give peace to every soul. For the wonders of the world and the little miracles of every day, we offer these words of prayer and thanksgiving. In Your name, we pray. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maryland [Mrs. MORELLA] come forward and lead the House in the Pledge of Allegiance.

Mrs. MORELLA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, December 27, 1995.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, December 27, 1995 at 2:15 p.m.: That the Senate passed with amendment H.R. 1358 and made appointments to National Skill Standards Board and United States Commission on Civil Rights.

With warm regards,
ROBIN H. CARLE,
*Clerk,
House of Representatives.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, December 27, 1995.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Wednesday, December 27, 1995 at 3:50 p.m., and said to contain a message from the President whereby he transmits a determination certifying that suspending U.S. economic sanctions on Serbia and Montenegro and lifting the arms embargo are necessary to achieve a negotiated settlement of the conflict in Bosnia.

With warm regards,
ROBIN H. CARLE,
*Clerk,
House of Representatives.*

PRESIDENTIAL CERTIFICATION TO SUSPEND SANCTIONS IMPOSED ON THE FEDERAL REPUBLIC OF YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security, the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Transportation and Infrastructure and ordered to be printed:

To the Congress of the United States:

Section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (hereinafter the "Act"), requires that the sanctions imposed on Serbia and Montenegro, as described in that section, shall remain in effect until changed by law. Section 1511(e) of the Act authorizes the President to waive or modify the application of such sanctions upon certification to the Congress that the President has determined that the waiver or modification is necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

In accordance with this provision, I have issued the attached Presidential Determination stating that the suspension of the sanctions described in section 1511(a)(1-5) and (7-8) and in conformity with the provisions of United Nations Security Council Resolutions 1021 and 1022 is necessary to achieve a negotiated settlement of the conflict. As described in the attached Memorandum of Justification, this sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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the General Framework Agreement for Peace in Bosnia and Herzegovina initiated in Dayton, Ohio, on November 21, 1995 (hereinafter the "Peace Agreement").

I have directed the Secretaries of the Treasury and Transportation to suspend immediately the application of these sanctions on Serbia and Montenegro and have authorized the Secretary of State to suspend the arms embargo at appropriate stages consistent with United Nations Security Council Resolution 1021. The first stage would be 91 days after the United Nations Secretary General reports to the United Nations Security Council that all parties have formally signed the Peace Agreement.

The measures taken to suspend these sanctions may be revoked if the Implementation Force (IFOR) commander or High Representative determines that Serbia and Montenegro or the Bosnian Serbs are not meeting their obligations under the Peace Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, December 27, 1995.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state it.

Mr. HOYER. Mr. Speaker, would it be in order at this time to ask for a unanimous-consent request to bring up S. 1508, which will then declare all Federal employees to be essential and put the Government back to work tomorrow?

The SPEAKER pro tempore. Under the Speaker's guidelines, such an action would not be permitted until it is fully cleared.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. ARMEY. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 324), the election of a Member to certain standing committees of the House, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 324

Resolved, That the following named Member be, and he is hereby, elected to the following standing committees of the House of Representatives:

Committee on Banking and Financial Services: Mr. Campbell of California, to rank following Mr. King of New York.

Committee on International Relations: Mr. Campbell of California.

Mr. HOYER. Parliamentary inquiry.

The SPEAKER pro tempore. Without objection, the resolution is agreed to.

There was no objection.

The SPEAKER pro tempore. Without objection, a motion to reconsider is laid on the table.

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. HOYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. It is my understanding that that is subject to a vote; am I correct?

The SPEAKER pro tempore. The Chair has just declared the resolution adopted by unanimous consent and the motion to reconsider has been laid upon the table.

Mr. HOYER. That was during the time that I was asking for this parliamentary inquiry.

The SPEAKER pro tempore. The answer to the gentleman's question is that the resolution has now been dealt with.

Mr. HOYER. If I may continue my parliamentary inquiry, based upon that, that was a voice vote, I take it.

The SPEAKER pro tempore. No. It was adopted by unanimous consent. The motion to reconsider was laid upon the table.

Mr. HOYER. Mr. Speaker, let me say that I was asking for the parliamentary inquiry during the course of your talking, and you did not stop for me to make my parliamentary inquiry.

The SPEAKER pro tempore. The gentleman asked for a parliamentary inquiry during the time that the Clerk was reporting the resolution, and he is not eligible to be recognized during the time that the Clerk is reporting the resolution. The gentleman did not reserve the right to object when the Chair made that particular representation to the House.

Mr. MORAN. Mr. Speaker, parliamentary inquiry. Is not the Speaker required to enunciate the proper procedure to determine whether there, in fact, is unanimous consent? This Member did not hear unanimous consent requested, and thus was not able to respond.

The SPEAKER pro tempore. The Chair said that without objection, the resolution is agreed to and the motion to reconsider is laid upon the table. That was the point that the Chair made. It is the gentleman's duty to follow the proceedings of the House.

Mr. MORAN. This Member was waiting for a response from the Speaker, assuming that a parliamentary inquiry had to be responded to before any further determinative action by the body could take place.

The SPEAKER pro tempore. The Chair, in a timely manner when the gentleman asked for a parliamentary inquiry, did, in fact, take the gentleman's parliamentary inquiry. The gentleman could have reserved the right to object at the point that the Chair put the issue of adoption.

Mr. MORAN. In other words, just to understand the Speaker's interpretation, if a Member is asking for a parliamentary inquiry, they would first have to reserve the right to object in order to state their parliamentary inquiry.

The SPEAKER pro tempore. The Chair has explained. The gentleman had propounded his parliamentary inquiry during the time that the Clerk was reporting the resolution. That is not a timely parliamentary inquiry. The Chair, upon the reporting of the resolution, did, in fact, allow the House to respond to the Chair's presentation to the House that this was being adopted by unanimous consent. This is in line with the way that other resolutions regarding the election of Members to committees are handled in the House.

The Chair did not deviate at all from the way in which this matter is handled on all other cases where the caucus is bringing to the Chamber a resolution electing Members to committees, so that this was all handled in the normal process.

REQUEST TO ADDRESS THE HOUSE

Mr. HOYER. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute for the purposes of propounding a question to the majority leader.

Mr. ARMEY. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WALKER) at 12 o'clock and 1 minute a.m.

RECESS

The SPEAKER pro tempore. Pursuant to the second section of House Resolution 320, the Chair declares the House in recess subject to the call of the chair.

Accordingly (at 12 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the chair.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes; to the Committee on the Judiciary.

S. 1509. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to

the Federal acquisition of real property, to permit certain local educational agencies to apply for increased payments for fiscal year 1994 under the Impact Aid program, and to amend the Impact Aid program to make a technical correction with respect to maximum payments for certain heavily impacted local educational agencies; to the Committee on Economic and Educational Opportunities.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 394. An act to amend title 4 of the United States Code to limit State taxation of certain pension income.

H.R. 1655. An act to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intel-

ligence Agency Retirement and Disability System, and for other purposes.

H.R. 1878. An act to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan.

H.R. 2627. An act to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the founding of the Smithsonian Institution.

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. MORELLA (for herself, Mr. DAVIS, Mr. WOLF, and Mr. MORAN):

H.R. 2840. A bill to assure that all Federal employees work and are paid; to the Committee on Government Reform and Oversight.

By Mr. DORNAN:

H. Con. Res. 129. Concurrent resolution expressing the sense of the Congress that Thai-

land should release the six Hmong/Lao refugee camp leaders arrested for refusing to repatriate to Laos in 1994 and that Thailand should allow resettlement of eligible Hmong refugees in Thai refugee facilities at Ba Na Pho, Sikhiu and Phanat Nikhom; to the Committee on International Relations.

By Mr. ARMEY:

H. Res. 324. Resolution electing Representative Campbell to the Committees on Banking and Financial Services and International Relations; Considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 895: Mr. WELDON of Florida, Mr. SKEEN, Mr. GILMAN, Mr. MCKEON, and Mr. FRANKS of New Jersey.

H.R. 1046: Ms. PELOSI.

H.R. 2214: Mr. PETERSON of Florida.

H.R. 2705: Ms. NORTON, Ms. KAPTUR, Mr. KLINK, and Mr. MARTINEZ.

H.R. 2748: Mr. GUTIERREZ, Mr. MATSUI, Mrs. CLAYTON, Mr. FRAZER, Mr. GENE GREEN of Texas, Mr. THOMPSON, and Mr. TORKILDSEN.



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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, WEDNESDAY, DECEMBER 27, 1995

No. 209

Senate

The Senate met at 1 p.m., and was called to order by the Honorable DAN COATS, a Senator from the State of Indiana.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Paul Lavin, pastor of St. Joseph's on Capitol Hill.

PRAYER

The guest Chaplain, Father Paul Lavin, offered the following prayer:

In the Book of Wisdom, Solomon prays: "God of my fathers, Lord of mercy, You who have made all things by Your word and in Your wisdom have established man to rule the creatures produced by You, to govern the world in holiness and justice, and to render judgment and integrity of heart, give me wisdom, the attendant at Your throne and reject me not from among Your children."

Let us pray:

Good and gracious God, give to the men and women of this Senate and to their staffs a share in Your wisdom. Let it be by the light of Your understanding that they see the real needs of our Nation and of the world. Let it be by the grace of Your courage that they each take the next best step in responding to those real needs. Share with us, O Lord, Your wisdom. We ask this in Your holy name. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 27, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable DAN COATS, a Senator from the State of Indiana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

SCHEDULE

Mr. SMITH. Mr. President, Senator DOLE has asked me to announce today that the Senate will be in only for a brief period this afternoon and that there will be no rollcall votes during today's session of the Senate.

The Senate will complete action on any legislative or executive matter that can be agreed to by unanimous consent.

For the remainder of the week, Senator DOLE has stated that rollcall votes are not likely. However, if a rollcall vote becomes necessary, ample notification will be given to all Members.

It is expected that the Senate will be in session for a brief pro forma session on Thursday and will return on Friday.

Regarding Friday, just a brief update on what is scheduled to go on. The Senate budget negotiators are scheduled to meet on Friday morning. If that meeting is fruitful, there is hope there will be a meeting later in the afternoon or at some point later on in the day with the President. The leader will update the Senate and our colleagues on this when the Senate convenes on Friday morning.

At this point, those are all the announcements that I have.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH. These calendar items have been cleared by both sides, Mr. President, so I ask unanimous consent that the Senate immediately proceed to executive session to consider the following calendar numbers on today's Executive Calendar: Nos. 443, 444, 445, 446, 447, and 448.

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

Mr. SMITH. I further ask unanimous consent, Mr. President, that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, and 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.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF STATE

Eric James Boswell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

Anthony Cecil Eden Quainton, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

Joseph Lane Kirkland, of the District of Columbia, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Jeanne Moutoussamy-Ashe, of New York, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

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



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Tom Lantos, of California, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Toby Roth, of Wisconsin, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to 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 2 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

ADDITIONAL STATEMENTS

NOMINATION OF JOSEPH H. NEELY

• Mr. LOTT. Mr. President, I am very proud that my fellow Mississippian, Joseph H. Neely, commissioner of the Mississippi Department of Banking and Consumer Finance, has been nominated to serve on the FDIC Board. I would urge his prompt confirmation by the full Senate.

Joe will bring a unique perspective to the Board. Having been both a community banker and a State bank supervisor, I believe he is imminently qualified for this position. He is a man of character and integrity. He has earned a reputation as an excellent regulator who is able to balance safety and soundness issues with an understanding of the banking industry. His wealth of on-point community banking experience and familiarity with the broad range of supervisory issues affecting the FDIC Board will make him a valuable addition to the Board.

Joe is the first Mississippian to ever be nominated to serve on the FDIC Board. He was born in my hometown of Grenada, MS. He attended the University of Southern Mississippi where he obtained his undergraduate and graduate degrees. He was a college professor before beginning his banking career in 1977.

He was appointed the commissioner of the Mississippi Department of Banking and Consumer Finance by Gov. Kirk Fordice in 1992. As such, he is the primary regulator and supervisor of all State-chartered banking and thrift institutions. He also supervises State-chartered credit unions as well as all consumer finance activities within the State. Joe is held in high esteem by people in Mississippi and in other States. His experience as a board member of the Conference of State Bank Supervisors has already drawn national attention to his talents.

He has done a super job as the commissioner. In that capacity: He has been very active in initiating and supporting improvements in the State banking system; he pressed for legislative authorization for realignment of the department which allowed the department to attract and keep qualified, experienced examination staff; he also worked in support of legislation to standardize and modernize a number of State statutes to improve supervision of State banks and savings institutions; and, under his leadership, the department entered into cooperative agreements with the FDIC and the Federal Reserve whereby the banking department and the Federal regulators cooperate in the examination process.

I know that Joe will bring much academic, practical, and supervisory expertise to the FDIC Board. They are fortunate to have someone of his caliber join them. I am thankful that Joe is willing to go into public service and look forward to welcoming him, his wife Linda, and their two children, Joel and Jessica, to Washington.●

NOMINATION OF JOSEPH H. NEELY

• Mr. BENNETT. Mr. President, I ask that with regard to the nomination of Joseph H. Neely, the following letter be inserted in the RECORD at the appropriate place.

The letter follows:

STATE OF UTAH, DEPARTMENT OF FINANCIAL INSTITUTIONS,

Salt Lake City, UT, October 15, 1995.

Re: Joe Neely's nomination to FDIC board

Hon. ROBERT BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATOR BENNETT: This letter is to inform you of my strong support of President Clinton's nominee, Joseph H. Neely, to the vacant fifth seat on the FDIC board. I have personally known Joe many years in his current role as Mississippi Bank Commissioner. I have always found him to be very articulate and informed on all issues concerning financial institutions. I have appreciated his ability to listen and then respond to the issue or question. I believe he would add considerably to the breadth and depth of FDIC board deliberations.

Joe would bring a state banking commissioner's view to the FDIC board. I believe this state perspective on banking issues is needed to counter the inordinate number of U.S. Treasury Department personnel having a seat on the FDIC board.

I urge your continued support of his nomination as it goes to full Senate hearing.

Thank you for your favorable consideration of this matter.

Sincerely,

G. EDWARD LEARY,
Commissioner.●

(At the request of Mr. BREAUX, the following statement was ordered to be printed in the RECORD.)

PASSAGE OF THE SOURCE TAX BILL

• Mr. REID. Mr. President, I am extremely pleased to announce that the source tax bill has again passed both houses of Congress. As many of you

know, this legislation was passed in the 102d and 103d Congresses, and again in the 104th Congress as an amendment to the budget bill, only to be struck because of the so called Byrd rule. I have been working on this issue virtually since I came to Congress.

There are many people who have been essential to the bill's passage, and I wish to acknowledge some of them now. This issue was brought to my attention by a Nevadan named Bill Hoffman. He told me about the unjust cases of retirees being taxed by States they no longer were living in. Many of these stories were very tragic, because the retiree relied completely on their pension incomes to survive.

Bill and his wife Joanne heard so many of these tragic stories that eventually they started an organization known as Retirees to Eliminate State Income Source Tax [RESIST]. RESIST was founded in July of 1988 in Carson City, NV. In less than 4 years, it had grown in membership to tens of thousands of members. It includes members of every State of the Union. RESIST is truly a nonprofit, grass roots organization, and I congratulate and thank Bill and Joanne today for their tireless efforts. Without their help the source tax bill would not have made it to this stage today.

I would also like to extend my sincere thanks to Chairman ROTH and Senator MOYNIHAN, their staff, and especially the Finance Committee staff, for all of their help getting the source tax bill out of committee and to the floor. With everything that has been going on in recent weeks, they made this bill a priority and I am very grateful for their hard work.

I also extend my thanks to Senator BRYAN and Congresswoman BARBARA VUCANOVICH and her staff. The Congresswoman has also been working on this bill for a very long time, and my colleague, Senator BRYAN, has been continually supportive and essential in the passage of this bill.

Currently, retirees may be forced to pay taxes to States where they do not reside, and from which they receive no benefits. This is truly an unfair practice, especially for those retirees with relatively low incomes. This bill prohibits States from taxing the retirement income of nonresidents. It ends taxation without representation. It will protect all income received from pension plans recognized as qualified under the Internal Revenue Code. It will also exempt income received under certain nonqualified deferred compensation plans.

Often times, the pension income retirees receive is the only income they have on which to live. I have heard many stories of the devastating effects of taxing these pensions. One story, which I have told on this floor before, is of an older woman from Fallon, NV who had an annual income of between \$12,000 and \$13,000 a year. One day she

receives a notice from California saying she owes taxes on her pension income from California, plus the penalties and interest on those taxes.

The California Franchise Board had gone back to 1978 and calculated her tax debt to be about \$6,000. That is half of her annual income. This story, as unfair and unequitable as it sounds, is unfortunately not unique. That is why this legislation is such a big victory for all retirees in this country.●

ORDER OF BUSINESS

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR THURSDAY, DECEMBER 28, 1995 AND FRIDAY, DECEMBER 29, 1995

Mr. SMITH. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11

a.m., Thursday, December 28, for a pro forma session only, and immediately upon convening, the Senate stand in adjournment until 12 noon, Friday, December 29, and following the prayer on Friday, 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 later in the day, and there then be a period for morning business not to extend beyond the hour of 12:30, with statements limited to 5 minutes each.

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

PROGRAM

Mr. SMITH. Mr. President, the Senate will be in tomorrow for a pro forma session only. No business will be conducted during Thursday's session. After the pro forma session, the Senate will adjourn until Friday. Once again, for the information of all Senators, Senator DOLE has stated that rollcall votes are not expected for the remainder of the week.

RECESS UNTIL 11 A.M. TOMORROW

Mr. SMITH. Mr. President, if there is no further business to come before the

Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:12 p.m., recessed until Thursday, December 28, 1995, at 11 a.m.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate December 27, 1995:

DEPARTMENT OF STATE

ERIC JAMES BOSWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE.

ANTHONY CECIL EDEN QUINTON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

JOSEPH LANE KIRKLAND, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JEANNE MOUTOUSSAMY-ASHE, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOM LANTOS, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOBY ROTH, OF WISCONSIN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

IN SUPPORT OF S. 1508—LEGISLATION AIMED AT ENDING THE PARTIAL FEDERAL GOVERNMENT SHUTDOWN BY ALLOWING FEDERAL EMPLOYEES TO RETURN TO WORK

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 1995

Mr. DAVIS. Mr. Speaker, I rise today to introduce the House companion bill to S. 1508—a bill that was approved by the Senate on December 22, 1995, and that would allow all furloughed Federal employees to return to work. This bill enjoys widespread bipartisan support and would save millions of taxpayer dollars while giving Federal employees a legally binding claim to be paid.

S. 1508 is a short bill that simply declares that all Federal employees be deemed to be performing services relating to emergencies involving the safety of human life or protection of property. This "emergency" designation will last through February 1, 1996, and will temporarily circumvent the legal obstacles that require Federal agencies to classify employees as either "excepted from the furlough" or "furloughed" whenever there is a lapse in appropriations without temporary spending legislation enacted. This legislation will meet the demands of taxpayers who want Federal services to be available, as well as Federal employees and contractors who simply want to be able to perform the duties that Congress and the President have assigned them to perform.

S. 1508 will reopen those national parks and museums that remain closed due to the President's veto of the Interior appropriations bill and will make it possible for thousands of Americans to obtain much-needed passports and visas that are currently unavailable due to the President's veto of the State, Justice, and Commerce appropriations bill. Further, many contractors who have now endured a combined 18 days—during the two shutdowns of 1995—without pay will be able to resume work because this legislation allows their contracts to be properly supervised and managed by Federal employees who have been furloughed. Finally, by allowing the remaining 280,000 furloughed workers to return to work,

taxpayers can expect to receive the quality services that they pay for each April 15. Each day that we fail to end this shutdown costs the taxpayers an estimated \$40 million in lost productivity and uncollected user fees and fines.

Unfortunately, S. 1508 is only an incremental step toward achieving pay for the 760,000 Federal workers who currently work for agencies that do not have approved appropriations for fiscal year 1996. On December 20, the Speaker and majority leader pledged to retroactively pay all Federal employees once a balanced budget or continuing resolution is enacted. The measure I am introducing today will give Federal employees an enforceable legal claim to receive pay for services rendered. With the adoption of this measure, Federal workers should be in a stronger position to negotiate with creditors regarding any late payments that are necessitated by the Federal Government's failure to honor its payroll obligations in a timely manner. Further, S. 1508 will also move Congress and the President closer to a full agreement that would fund these agencies and pay for their employees and contractors.

I am committed to working continuously with Members from both parties and with the President to bring an end to this unnecessary, but extremely costly, partial shutdown. The framework for an agreement that would have avoided this impasse was established on November 21, 1995, when the President signed his name to a continuing resolution that endorsed a Federal budget that balances in 7 years according to the nonpartisan Congressional Budget Office economic forecasts. Today, more than 5 weeks later, the President has still not offered a budget plan that meets the criteria that he agreed to in November. His most recent budget plan was rejected by the House of Representatives by a unanimous and bipartisan 412-to-0 vote.

While concerned taxpayers continue to wait for a good faith effort by the President to offer a balanced budget plan, Congress should act to provide relief to the innocent victims in this dispute—the 760,000 Federal workers and thousands of additional contractors who remain unpaid. By returning furloughed civil servants to work, this bill takes an important step toward the eventual complete retroactive pay for affected Federal workers, and for the resumption of work for contractors and services for taxpayers. I urge my colleagues to

support this bipartisan bill that has already been approved by the other body.

INTRODUCTION OF S. 1508 WHICH WOULD DEEM ALL FEDERAL WORKERS TO BE ESSENTIAL EMPLOYEES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 27, 1995

Mrs. MORELLA. Mr. Speaker, I am pleased to join with my colleagues from Virginia, Congressmen TOM DAVIS, FRANK WOLF, and JIM MORAN, to introduce legislation that would deem all Federal workers to be essential employees.

This bill, the House companion to S. 1508, would allow Federal workers to go back to their jobs. If I don't know anything else about Federal workers, I know this: Federal workers across the country and in my district want to work. All week long, I have been getting calls from scientists at the National Institutes of Health [NIH] who are frustrated because they cannot get into their labs. These dedicated Federal workers should not be prevented from working on a cure for cystic fibrosis or for breast cancer. We need these people to be working. They should not be kept from their work for a week; not even for 1 day.

Most importantly, this legislation would eliminate the distinction between "essential" and "nonessential" employees. I cannot think of a term more misleading or misguided than "non-essential." The term must be eliminated from the Federal vocabulary.

We are experiencing the longest Government shutdown in American history. It is a demoralizing and divisive experience for our work force. It is costly and disruptive to the taxpayers. It has hurt businesses in the District of Columbia and elsewhere in the local area.

Clearly, I would have preferred to pass a continuing resolution that would keep the entire Government running.

This bill, which passed the Senate, is an incremental step toward getting Government totally operational again.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Wednesday, December 27, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S19295–S19297

Nominations Confirmed: Senate confirmed the following nominations:

Eric James Boswell, of California, to be an Assistant Secretary of State.

Anthony Cecil Eden Quainton, of the District of Columbia, to be Director General of the Foreign Service.

Joseph Lane Kirkland, of the District of Columbia, to be an Alternate Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Jeanne Moutoussamy-Ashe, of New York, to be an Alternate Representative of the United States of

America to the Fiftieth Session of the General Assembly of the United Nations.

Tom Lantos, of California, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Toby Roth, of Wisconsin, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Page S19297

Recess: Senate convened at 1 p.m., and recessed at 1:12 p.m., until 11 a.m., on Thursday, December 28, 1995, for a pro forma session.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 1 public bill, H.R. 2840; and 2 resolutions, H. Con. Res. 129, and H. Res. 324 were introduced.

Page H15639

Presidential Message—Bosnia-Herzegovina: Read a message from the President wherein he certifies to Congress that he has determined that the waiver of sanctions imposed on Serbia and Montenegro is necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties—referred to the Committees on National Security, International Relations, Banking and Financial Services, and Transportation and Infrastructure and ordered printed (H. Doc. 104–153).

Pages H15637–38

Committee Election: House agreed to H. Res. 324, electing Representative Campbell to the Committees on Banking and Financial Services and International Relations.

Page H15638

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Recesses: House reconvened at 5:03 p.m. and recessed at 5:11 p.m.; and reconvened at 12:01 a.m. and recessed at 12:02 a.m. on Thursday, December 28.

Page H15638

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1511)

H.R. 2481, to designate the Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, as the "Ronald Reagan Building and International Trade Center". Signed December 22, 1995. (P.L. 104–68)

H.J. Res. 136, making further continuing appropriations for the fiscal year 1996. Signed December 22, 1995. (P.L. 104-69)

H.R. 325, to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone non-attainment areas designated as severe. Signed December 23, 1995. (P.L. 104-70)

H.R. 1240, to combat crimes by enhancing the penalties for certain sexual crimes against children. Signed December 23, 1995. (P.L. 104-71)

S. 1465, to extend au pair programs. Signed December 23, 1995. (P.L. 104-72)

H.R. 1747, to amend the Public Health Services Act to permanently extend and clarify malpractice coverage for health centers. Signed December 26, 1995. (P.L. 104-73)

H.R. 2336, to amend the Doug Barnard, Jr.—1996 Atlanta Centennial Olympic Games Commemorative Coin Act. Signed December 26, 1995. (P.L. 104-74)

**COMMITTEE MEETINGS FOR THURSDAY,
DECEMBER 28, 1995**

(Committee meetings are open unless otherwise indicated)

Senate

No meetings are scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

11 a.m., Thursday, December 28

Next Meeting of the HOUSE OF REPRESENTATIVES

Saturday, December 30

Senate Chamber

Program for Thursday: Senate will meet in pro forma session.

House Chamber

Program for Saturday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

Davis, Thomas M., Va., E2455
Morella, Constance A., Md., E2455



Congressional Record

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