□ 1349

The Clerk announced the following pairs:

On this vote:

Mr. Young of Florida for, with Mr. Waxman against.

Mr. Quillen for, with Ms. Kaptur against.

Mr. Lewis of California for, with Mr. Johnston of Florida against.

Mr. GILMAN changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO DISPOSE OF SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 261, I call up the joint resolution (H.J. Res. 115), making further continuing appropriations for the fiscal year 1996, and for other purposes, with Senate amendments thereto, and I offer a motion.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. DREIER). Pursuant to House Resolution 261, the Senate amendments are considered as read.

The text of the Senate amendments is as follows:

Senate amendments:

Page 2, line 20, after ''1948,'' insert: *section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236),*

Page 10, line 19, after ''resolution.'' insert: *Included in the apportionment for the Federal Payment to the District of Columbia shall be an additional $15,000,000 above the amount otherwise made available by this joint resolution, for purposes of certain capital construction loan repayments pursuant to Public Law 85–451, as amended.*

Page 15, strike out line 1 and all that follows over to and including line 7 on page 36, and insert:

TITLE III

PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS WITH TAXPAYER FUNDS

SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any other provision of law, any organization receiving Federal grants in an amount that, in the aggregate, is greater than $125,000 in the most recent Federal fiscal year, shall be subject to the limitations on lobbying activity expenditures under section 4911(c)(2)(B) of the Internal Revenue Code of 1986, except that, if exempt purpose expenditures are over $17,000,000 then the organization shall also be subject to a limitation on lobbying of 1 percent of the excess of the exempt purpose expenditures over $17,000,000 unless otherwise subject to section 4911(c)(2)(A) based on an election made under section 501(h) of the Internal Revenue Code of 1986.

(2) An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engaged in lobbying activities during the organization's previous taxable year shall not be eligible to receive Federal funds constituting a taxpayer subsidized grant. This paragraph shall not apply to organizations described in section 501(c)(4) with gross annual revenues of less than $3,000,000 in such previous taxable year, including Federal funds received as a taxpayer subsidized grant.

(b) DEFINITIONS.—For the purposes of this title:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term ''client'' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term ''covered executive branch official'' means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term ''covered legislative branch official'' means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term ''employee'' means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term ''foreign entity'' means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) GRANT.—The term ''grant'' means the provision of any Federal funds, appropriated under this or any other Act, to carry out a public purpose of the United States, except—

(A) the provision of funds for acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States;

(B) the payments of loans, debts, or entitlements;

(C) the provision of funds to, or distribution of funds by, a Federal court established under Article I or III of the Constitution of the United States;

(D) nonmonetary assistance provided by the Department of Veterans Affairs to organizations approved or recognized under section 5902 of title 38, United States Code; and

(E) the provision of grant and scholarship funds to students for educational purposes.

(8) LOBBYING ACTIVITIES.—The term ''lobbying activities'' means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(9) LOBBYING CONTACT.—

(A) DEFINITION.—The term ''lobbying contact'' means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term ''lobbying contact'' does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(10) LOBBYING FIRM.—The term ''lobbying firm'' means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(11) LOBBYIST.—The term ''lobbyist'' means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(12) MEDIA ORGANIZATION.—The term ''media organization'' means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(13) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(14) ORGANIZATION.—The term ''organization'' means a person or entity other than an individual.

(15) PERSON OR ENTITY.—The term ''person or entity'' means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(16) PUBLIC OFFICIAL.—The term ''public official'' means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(17) STATE.—The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

DISCLOSURE REQUIREMENTS

SEC. 302. (a) IN GENERAL.—Not later than December 31 of each year, each taxpayer subsidized grantee, except an individual person, shall provide (via either electronic or paper medium) to each Federal entity that awarded or administered its taxpayer subsidized grant an annual report for the previous Federal fiscal year, certified by the taxpayer subsidized grantee's chief executive officer or equivalent person of authority, setting forth—

(1) the taxpayer subsidized grantee's name and grantee identification number;

(2) a statement that the taxpayer subsidized grantee agrees that it is, and shall continue to be, contractually bound by the terms of this title as a condition of the continued receipt and use of Federal funds; and

(3)(A) a statement that the taxpayer subsidized grantee spent less than $25,000 on lobbying activities in the grantee's most recent taxable year; or

(B)(i) the amount or value of the taxpayer subsidized grant (including all administrative and overhead costs awarded);

(ii) a good faith estimate of the grantee's actual expenses on lobbying activities in the most recent taxable year; and

(iii) a good faith estimate of the grantee's allowed expenses on lobbying activities under section 301 of this Act.

PUBLIC ACCOUNTABILITY

SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING DISCLOSURE FORMS.—Any Federal entity awarding a taxpayer subsidized grant shall make publicly available any taxpayer subsidized grant application, and the annual report of a taxpayer subsidized grantee provided under section 302 of this Act.

(b) ACCESSIBILITY TO PUBLIC.—The public's access to the documents identified in subsection (a) shall be facilitated by placement of such documents in the Federal entity's public document reading room and also by expediting any requests under section 552 of title 5, United States Code, the Freedom of Information Act as amended, ahead of any requests for other information pending at such Federal entity.

(c) WITHHOLDING PROHIBITED.—Records described in subsection (a) shall not be subject to withholding, except under the exemption set forth in subsection (b)(7)(A) of section 552 of title 5, United States Code.

(d) FEES PROHIBITED.—No fees for searching for or copying such documents shall be charged to the public.

(e) EFFECTIVE DATE.—The amendments made by this title shall become effective January 4, 1996.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LIVINGSTON moves:

(1) That the House concur in the amendment of the Senate numbered 1,

(2) That the House concur in the amendment of the Senate numbered 2,

(3) That the House concur in the amendment of the Senate numbered 3 with an amendment as follows:

Delete the matter proposed by said amendment, and beginning on page 15, line 1 of the House engrossed joint resolution, H.J. Res. 115, strike all down to and including line 7, on page 36, and redesignate Title IV as Title III, and renumber sections accordingly.

The SPEAKER pro tempore. Pursuant to House Resolution 261, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I yield myself as much time as I may consume.

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

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and that I be permitted to include tabular and extraneous material.

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

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, last night, the Senate amended House Joint Resolution 115, the second continuing resolution. The amendments: insert language included in the first CR to permit spending by the USIA in the absence of an authorization; insert a provision that would increase the amount made available to the District of Columbia by $15 million so that it could make guaranteed loan payments to the Treasury; and modify the Simpson-Istook-McIntosh political advocacy language.

Mr. Speaker, I am offering a motion to dispose of these amendments. The first two are not controversial and make improvements to the CR and my motion is to concur with these amendments, for they are fine. The modification to the Simpson-Istook-McIntosh language unfortunately is technically insufficient and therefore, is not acceptable. There is agreement that we can not get an acceptable version on this matter agreed to on this CR.

Therefore, my motion is to delete the Senate proposed modification and to delete the underlying Simpson-Istook-McIntosh language, so that it hopefully will be addressed at another time.

We need to keep the Government operating. The current CR expires on midnight, Monday, November 13. Disposing of the Senate amendments to this CR will kick it back to the Senate for their action when they return on Monday afternoon. This is the proper course for us to take at this time. I urge all of my colleagues to support my motion.

I urge all of my friends on both sides of the aisle to be brief.

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

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the primary job of the Congress, when it comes to appropriation bills, is simply to make all of its financial decisions and get all 13 appropriation bills finished by the end of the fiscal year. This year that did not happen, for one very clear reason. It has nothing whatsoever to do with any fault of the gentleman from Louisiana, the distinguished chairman of the committee. He has done a fine job.

The reason we are late is because the first 100 days of the session were devoted to passing what was known as the Contract With America, which the Congress and the country were told had been developed through extensive polling to determine exactly what the public wanted. And we were told by, among other people, the Speaker's pollster, that each and every proposal in the contract had been thoroughly tested.

Now, in fact, today's newspapers carry the confession from the Speaker's pollster that in fact those ideas were not tested with the American public, that the only thing that was tested were the advertising slogans associated with the sales job on that contract. So we spent 100 days in the beginning of the session working on legislation which was produced without the extensive documentation that we were told had taken place with respect to public opinion.

Because of that fact, the Congress did not have time to finish its appropriation bills. This chart demonstrates where we are at this point. This chart, which looks like a number of horses on a race track, shows that there are only 2 of the 13 appropriation bills which have passed the finish line, the military construction bill and the agriculture bill, and they both have been signed by the President. The third bill which has passed the congressional finish line, energy and water, has been finished by the Congress and I expect it will soon be signed by the President.

That means that there are 10 of the remaining appropriation bills which have still not gone through both houses of Congress, been conferenced out and sent to the President. That means that those 10 bills are literally stuck in the mud, and at this point they constitute 88 percent of the appropriated portion of the budget for the coming fiscal year.

So 88 percent of the Congress's work is not yet done, and yet today, because of that fact, we are told that we should pass a continuing resolution which ''puts more pressure on the President,'' rather than simply passing a straight, clean continuing resolution to give the Congress more time to do its own work.

I find it quaint that we are being asked to ratchet up the pressure on the President because he has not signed bills that have not yet been sent to him. I really find that logic very difficult to follow.

□ 1400

Instead of sending a simple, clean CR to the President, which he has already indicated he would sign and which we have tried twice already today to get on this floor to pass, instead we are told we have to add two totally unrelated legislative riders. The first is that we are told we have to raise Medicare part B premiums by $13, from basic law; and, second, until a few minutes ago, we were told that we needed to also add the Istook amendment, which put a gag on virtually every major charity in this country.

Now we are being told that the motion that the gentleman is going to be making will drop the Istook amendment. I thank you for small favors. That amendment has hung up the appropriation process for 53 legislative days. It does not belong on any appropriation bill whatsoever. I am happy that, belatedly, the majority party recognizes that fact.

But I would say also that neither does an unrelated rider belong on this bill which will force the Congress to ratify the decision of the majority party to raise the Medicare part B premium. In fact, they not only want to raise it, they want to raise it by $2 more per month than they did just 2 weeks ago in their basic budget.

Now, we have heard today that they are doing that to save Medicare. Well, again, we remember what Mr. GINGRICH and Mr. DOLE said just 2 weeks ago behind closed doors when Mr. DOLE said on October 24, ''I was there fighting the fight, voting against Medicare, 1 of the 12, because we knew it would not work in 1965.''

Then we had the Speaker talking to Blue Cross-Blue Shield, and he was discussing Medicare and saying:

> We don't get rid of it in round one, because we don't think that is politically smart and we don't think that is the right way to go through a transition period. But we believe it is going to wither on the vine, because we think people are voluntarily going to leave it.

That does not sound like a crew interested in compromise. It certainly does not sound to me like a crew interested in saving Medicare. They cannot resist coming to the floor at every opportunity and trying to push up the cost of Medicare to seniors and to squeeze at the same time what the Federal Government will pay to meet Medicare costs.

I would simply urge the majority party to do what every person in this room knows ought to happen, to drop the ideological zeal, to drop the hunger for creating additional divisions.

Our main duty today is not to have further partisan fights. Our main duty is to simply keep the Government going. You can do that by passing a clean CR without trying to hold Medicare hostage to a Presidential signature on the continuing resolution.

I urge a vote no on the Livingston motion.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, my friend, the gentleman from Wisconsin, would have us believe that this resolution is unusual in some way. Well, he knows that while the Democrats were in control of the House of Representatives for 40 uninterrupted years, going back as far back as 1977, which is the last date I have figures for, we had 1 continuing resolution for 1 bill; again, in 1978, another bill; in 1979, for 3 bills; in 1980, 4 bills; in 1981, 4 bills; in 1982, 6 bills; 1983, 3 bills; 1984, 8 bills; 1985, 7 bills; and then 1986 and 1987, they were still in control, 13 bills each.

Continuing resolutions were a way of life under the Democrat-controlled House of Representatives. Frankly, I tend to agree with the gentleman. I would just as soon not have continuing resolutions.

I am sorry we did not get the business done, but we did go through the Contract With America for 4 months. This Congress, by David Broder's admission and the admission of most of the other commentators who follow Capitol Hill, has been one of the most productive Congresses in the history of modern times in America. We have been busy. We have worked hard. Everybody knows about the hours we are putting in. The appropriation bills have not been completed, and that is not unusual.

The fact is, we have totally completed three bills. The President has signed two, and he has sent back one, and I still, 6 weeks later, have yet to understand why he did not sign that bill, the legislative branch bill.

We have three others ready for him right now. They are just on their way. In fact, one is on the way. Energy and water is before him as well. These bills are working their way through. In another 2 weeks, we will have virtually all of them to him.

Now, this is a regular, routine, traditional process. Yes, we are scaling back on the continuing resolution funding rate this time, our second one, because we want to make it less attractive, not only for the President but for the Congress, to operate on a continuing resolution. It is more important that we go ahead and pass the appropriation bills

and that they become the law of the land and that we not fund government under continuing resolutions. So we do not want to make a continuing resolution more attractive than the alternative, thirteen regular bills through the traditional legislative process.

But we are asking for 2 additional weeks, 2 additional weeks, from November 13 through December 1. That is not outrageous, and it is not outrageous to ask the President to sign 2 additional weeks. But he is making a grandstand effort, using intemperate language. I think Leon Panetta said, ''We are holding a gun to his head, threatening to blow him up, blow up government, if nothing happens.'' That is intemperate.

The point is, all the language, all of the rhetoric, all of the extreme talk that we have been hearing over the last few days, is just that. It means nothing. We are going to pass this continuing resolution today.

We have dropped the Simpson-Istook-McIntosh language, because, unfortunately, what the Senate did last night turned out to be technically less than perfect. It was not their fault. It was just a drafting problem that left us in a quandary. So we will address that issue at another date.

That was an objection of the President's. We are taking that objection out. There is no reason for him not to sign this bill. It is a perfectly good bill.

When it leaves here, it will go to the Senate, and they will just simply agree to what we did, and then he will have it on his desk on time, by November 13, and then he can sign it.

By the way, that is my 30th wedding anniversary. I remember that day.

I think that what we are doing is not properly represented by all the hue and cry and extreme rhetoric we have heard. This bill should be passed. Let us vote on it. Let us go home and go home quickly so people can catch their planes.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me simply say, the gentleman can talk about deep, ancient history as often as he wants. The fact is that last year, when I chaired the Committee on Appropriations, every single one of these appropriation bills was passed on time before the end of the fiscal year. The reason that happened is because I went to the ranking Republican and we worked out a bipartisan approach to each and every one of those 13 bills.

That is what the gentleman from Louisiana's leadership should have allowed him to do. If they had, we would not be here today with the need for this resolution, and we would not be facing an extraneous debate on Medicare just because your party has a compulsion to raise Medicare fees every time they hit the floor of the House of Representatives.

Mr. LIVINGSTON. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, it is a big lie that Dachau never happened, and yet I hear people say it never happened in Germany. And here I heard that a balanced budget and the items in the contract and right here in appropriations were not tested.

Well, it was not only tested across America, you ask any American if the balanced budget and line-item veto and Congress acting like everybody else is not tested. And then there was even a greater test right here on the House floor, Mr. Speaker. It received 315 votes, and failed in the Senate only by 1 vote, and we had two of the California Senators from the other body that voted against it, after they pledged in their campaign that they would vote for it; and, yes it was defeated in the Senate. So we place it on a bill, because we think that Americans want a balanced budget amendment. The President claims he wants a balanced budget amendment, and yet he will not sign it.

The gentleman says, ''Look, we passed all of the appropriations bills when we were in power last year.'' They had the House, they had the Senate, they had the Presidency. And let us look what those bills were. They increased the marginal tax rate on the middle class after they promised they were going to decrease the tax on the middle class. They cut the COLA of the military. They increased the Social Security tax on our chronologically gifted folks. They cut defense $177 billion, after saying $50 billion would put us into a hollow force. So, yes, they passed it. And the liberals left agenda of this House, when they had all bodies, is the exact reason why we have more Democrats changing over to Republicans since the Whig Party.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I have listened very carefully to the gentleman from Louisiana, and I have not heard him mention the word ''Medicare'' in any of his remarks. I would yield to the gentleman for a question: Does the gentleman's amendment delete the provision in the continuing resolution which increases the Medicare premiums by 25 percent?

Mr. LIVINGSTON. Mr. Speaker, if the gentleman will yield, the gentleman knows this amendment has passed as part of this continuing resolution, gone to the Senate and passed, and it has a majority of the votes. It is simply an attempt to keep the Medicare program on track so it will be there for our children and grandchildren, and so that people who need assistance can get the assistance.

Mr. DURBIN. Mr. Speaker, reclaiming my time, I think the answer is no. I think after you listen carefully, what the gentleman came to conclude was no.

What it means is there are two objectionable provisions in this bill. One is this rather strange Istook provision which keeps wandering back and forth. Finally they had the good sense to take that out. But they have left in the provision that is a real problem.

The Republicans, in order to continue the business of the Federal Government, to keep the lights on, insist, insist, that the President must sign a bill to increase Medicare premiums on seniors by 25 percent. He is not going to sign that bill.

This is an issue like Banquo's ghost wandering through, rattling through the Halls of the Capitol. Speaker GINGRICH is determined to raise Medicare premiums, at any cost. He will shut down the Federal Government so that he can raise Medicare premiums.

The President has told him this is irresponsible. For many seniors, it will put an economic burden on them which they cannot shoulder. We have to make sure that Medicare is strong, but we cannot hit the most vulnerable seniors in our society by an increase in premiums.

My friend from Louisiana has spoken long and eloquently about everything in this bill, and never mentioned the word ''Medicare.'' The reason, he cannot stand it. He cannot stand to bring this issue up, because he knows that three out of four of the American people believe Speaker GINGRICH and the Republicans have gone too far, cutting Medicare to balance the budget, cutting Medicare to provide tax cuts for wealthy people.

There is an old poem that went something like this: As I was going up the stair, I met a man who wasn't there; he wasn't there again today, I wish that man would go away.

The man we are talking about here is Medicare. The Republicans do not want you to know it is in this bill, but it is right here on page 52, an increase in premiums, that will result in a veto by President Clinton, a veto for the American people, for the seniors in this country, an embarrassment to the Republicans that they will not even discuss on the floor of this House of Representatives.

It is a sad commentary that next Tuesday we will be shutting down Federal agencies. Many people who will call these agencies to sign up for veterans benefits, for Social Security benefits, will find that nobody answers the phone. Some folks who are waiting at home to get their checks, whether it is from the Veterans Administration or college student loans, will wonder what happened to the checks. The checks will not be coming. The phones will not be answered, because the Republican strategy is to shut down the Government to raise Medicare premiums.

Mr. LIVINGSTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, it is a sad commentary. Shame on you. I am going to read how many times we had continuing resolutions under the Democrat's control just since 1977. I am also going to read how many times

they shut the Government down during Bush and Reagan Presidencies, because of their tactics. And here they come down on the House floor and shed these crocodile tears, how upset they are we are going to shut the Government down, and how we are forcing the Democrat Party to accept something against their will.

Listen carefully, my colleagues. Since 1980 the Government has found itself with a funding gap nine different times.

Nine different times the other side controlled Congress, so all of my colleagues coming down here with their crocodile tears does not hold water. Nine times the Democratic-run Congress shut down the Government.

□ 1415

In 1990, and guess who was chief, guess who was head of the Committee on the Budget at that time? Mr. Leon Panetta.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I will not yield to the gentleman from Maryland, at this time, I regret.

When President Clinton's own Chief of Staff, Mr. Panetta, was the chairman of the House Committee on the Budget we shut the Government down, the Congress did, and Mr. Panetta was leading the charge. This is the same Mr. Panetta who now calls shutting down the Government this way a blackmail. Crocodile tears. Come on.

Certainly, Mr. Speaker, this must be the pot calling the kettle black because Mr. Panetta was involved intimately with this business until the wee hours. We all remember, that we were here, until Christmas.

In 1987, the Democrats shut the Congress down. In 1986 and 1984, once for 2 days and again 1 more day. In 1983, shut it down again. In 1982, twice more. Both times for 4 days. And then in 1981 they shut it down. How can they come down to the House floor and shed all these tears and talk about how this is terrible when they shut it down themselves nine times?

Since 1977 the Democratic-run Congress has passed 55 continuing resolutions instead of a complete budget.

Now, I ask the gentleman from Wisconsin [Mr. OBEY], bless his soul, 55 times we have had continuing resolutions yet we have all these charts and all this rhetoric talking about, oh, gee, we cannot have these continuing resolutions. But we have had 55 of these since 1977. Now their leaders claim such a resolution is a major problem.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. STEARNS. Mr. Speaker, I will not yield.

Mr. OBEY. Mr. Speaker, the gentleman asked me a question.

Mr. STEARNS. It was a rhetorical question.

Mr. OBEY. It certainly was.

Mr. STEARNS. Mr. Speaker, where were they when they passed 55 of these continuing resolutions?

Mr. Speaker, we have before us legislation that would end the history, the 40-year history, of Democratic continuing resolutions, debt ceiling increases and, for once, set us on the right course toward a balanced budget. When those in opposition to this bill call this a crisis that we have caused, when those over there that are starting to stand say there is a crisis here in the House that we, the Republicans, have caused, I urge them to look at the record, look at their own mistakes, and say to them that Republicans have learned to do better.

Mr. Speaker, we do not intend to duplicate their failures. My colleagues on this side and that side of the aisle, let us start fresh and new and pass this bill.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, the gentleman wants to talk about history as if Ronald Reagan and George Bush had not participated in it. The fact of the matter is the gentleman from Kansas, BOB DOLE, tries to pretend it is going to be the President who shuts down Government, but, apparently, for the last 40 years it was the Congress that shut down Government when Ronald Reagan or George Bush vetoed those CR's.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, I don't recall that the gentleman yielded to me. If I could have recalled that, perhaps I would.

The fact of the matter is, ladies and gentlemen, we know what we should do responsibly. We know that we ought not to, in this bill, for the next 12 days, have to attack senior citizens and their Medicare and put them additionally at risk. That does not happen until January 1. There is no panic on that. Why is this Medicare proposal in here to increase the premium on seniors? It is not necessary.

This does put at risk, as all of us know, because the President has said very clearly, I will not sign this bill. Therefore, we have a decision to make. Do we pass a continuing resolution which substitutes for our ability to do our job? Not the President, but our ability.

As the gentleman from Wisconsin [Mr. OBEY] said, last year all the bills passed in a timely fashion and were signed by the President. The fact of the matter is that we have not done our job and, therefore, what we should do, responsibly, is not look back and blame and point fingers. We should do the responsible thing today, and the responsible thing to do today is to say if we have not done our job, then we will provide for the next 2 weeks or 4 weeks for the ongoing operations of Government, which everybody intends to happen, without placing at risk Federal employees, but, more important, without placing at risk all Americans who rely on the jobs they do day to day.

Ladies and gentlemen of this House, let us not go through the charade of striking Istook and sending it to the Senate, then going to the President and having him veto it and come back here. Let us do our job first and do it responsibly.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman kindly. The Republican majority does not want to shut down the Federal Government. I think that has been clearly stated. However, we are absolutely committed to placing our financial house in order. We had 25 years without balancing a budget. We have heard that before, but it is about time we started on the road to accomplishing that fact.

Balancing the budget is no small task, Mr. Speaker. If it was easy, it would have been done a long time ago. So it does take some diligence, some dedication, and some perseverance to cut Government spending.

Some in this body believe the majority here on the Republican side should just simply give in to President Clinton and continue the policies of spend now and worry later. I think most of us disagree. Certainly I disagree very strongly. We have to hold steadfast to our commitment to reduce discretionary spending and eliminate the deficit.

The gentleman from Louisiana, Chairman LIVINGSTON, recalled that over the years the CR is nothing new. This is not a new gimmick, a new gag, something we are trying to pull on our colleagues. In fact, for 2 years in a row there were 13 bills. That is the total number of bills in the appropriations lineup. So, Mr. Speaker, the Republican majority is acting responsibly.

I heard the gentleman previous to me speak about not doing our job. Well, I tell my colleagues that we have done our job. The Constitution says we pass the bills and the President has to sign them. Now, the President will have an opportunity on Monday to do just that. It is his decision, it is his choice, and if President Clinton decides to veto the CR, a Federal Government shutdown will occur but it will be because, and only because he decided to place politics above the interests of the American people and the future of America's children.

I say this is a proper CR. I say we pass it. I urge support.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the previous speaker needs to understand, we have not passed our bills. The President cannot sign appropriations bills we have not yet sent him, and 10 out of the 13 appropriation bills have not escaped the clutches of this Congress.

Mr. KNOLLENBERG. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Mr. Speaker, no, I will not. I do not have the time.

For the gentleman to suggest that it is the President to blame for the Government not functioning, when the Congress has failed to pass 88 percent of its appropriated items is, to me, baffling logic.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, tomorrow we celebrate Veterans Day. Tomorrow we honor the service of our Nation's veterans to this country, but sadly, today, we are doing a grave disservice to those very same veterans. Instead of honoring our veterans with a 21-gun salute, as we should, the Republican leadership today is launching a three-pronged attack against our veterans.

First, this continuing resolution, which we will vote on in just a few moments, locks in a $500 million decrease in VA health care below the President's request, a level for veterans health care even lower than that passed through cuts in the House budget. That is wrong and it is unfair. If anyone thinks that today's veterans are getting better health care than they deserve, then I encourage them to vote for this continuing resolution.

The second attack today on our Nation's veterans is that we are increasing Medicare part B premiums for World War II veterans. What an odd way to celebrate the 50th anniversary of the end of that war.

The third attack of the Republican leadership on our veterans is that they want us to have a weekend recess while the U.S. Government is on the verge of being shut down Monday at midnight. Let me make that clear. We are on the verge of shutting down many services provided in terms of health care to our Nation's veterans. We are on the verge of shutting down VA regional offices that provide pensions and care for our veterans, many of whom are service-connected disabled. And while we are on the verge of shutting down that important service and services to our veterans, the Republican leadership wants us to take a recess this weekend. They want us to go home and make speeches.

I have a message: the veterans are more interested in health care service than lip service. That is wrong.

Mr. LIVINGSTONE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF], a distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations, who will respond to those frivolous charges.

Mr. WOLF. Mr. Speaker, many have asked what will happen to Federal employees. The gentleman from Virginia [Mr. DAVIS] and the gentlewoman from Maryland [Mrs. MORELLA] and I asked the CRS to give us a paper on what has happened in the past.

No Federal employee has ever lost a dollar. I want to read the text of a letter we received today from the Speaker and also the majority leader, the gentleman from Kansas [Mr. DOLE]. It said:

We will be sending soon to President Clinton a bill to continue funding for the Federal Government through December 1, 1995. Besides providing for government services, this bill also funds Federal workers' salaries.

If the President decides to veto this vital legislation to keep government operating, the possibility exists that some Federal workers may be furloughed. In the event that this takes place, it is our commitment that Federal employees will not be punished as a direct result of the President's decision to veto funding for their salaries. Should this happen, we are committed to restoring any lost wages in a subsequent funding bill.

Again, we want to reassure you that if the President vetoes the continuing resolution and requires Federal workers to be furloughed, we are committing to restoring any lost wages retroactively.

That has been the way we have handled it in the past and that is the way we will handle it this time.

Mr. Speaker, I submit the letter referred to for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 10, 1995.

Hon. FRANK WOLF,
Cannon House Office Building,
Washington, DC.

DEAR FRANK: We will be sending soon to President Clinton a bill to continue funding for the federal government through December 1, 1995. Besides providing for government services, this bill also funds federal workers' salaries.

If the President decides to veto this vital legislation to keep government operating, the possibility exists that some federal workers may be furloughed. In the event that this takes place, it is our commitment that federal employees will not be punished as a direct result of the President's decision to veto funding for their salaries. Should this happen, we are committed to restoring any lost wages in a subsequent funding bill.

Again, we want to reassure you that if the President vetoes the continuing resolution and requires federal workers to be furloughed, we are committed to restoring any lost wages retroactively.

Sincerely,

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

Mr. DAVIS. Mr. Speaker, I thank my colleague for yielding, and I want to just say that I appreciate his efforts and those of the gentlewoman from Maryland [Mrs. MORELLA] in working with the Speaker and the majority leader from the other body to make sure that this guarantee to Federal workers is going to be honored at the appropriate time, as it has in the past.

I would note to my colleagues that the last time this happened, Federal workers were later paid, but it ended up costing the Federal Government $200 million per day for every day that they were furloughed. So we are here talking about saving money, but in the long term, if an agreement is not worked out mutually between the White House and Congress, the taxpayers suffer. That is not right.

There is an old saying when the elephants fight, the grass gets trampled. We have 800,000 Federal employees in this case who are going to be not paid as a result of this. I think this letter will give them some guarantee down the road. I know my colleagues on the other side of the aisle are happy with this part of it as well.

□ 1430

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I remember opening day here. Do my colleagues remember those grand speeches about how well-run the House was going to be? We were going to have good management here; that our work was going to proceed on time with open rules, with efficiency.

What have we got? An abject failure for Congress to meet its responsibilities to do its work on time.

Mr. Speaker, now we could solve this problem really quite simply: A clean extension of the authority of this Government to keep functioning after Monday. But, instead, a scene out of Lawrence of Arabia. Take no prisoners in the determination to raise Medicare premiums, a determination to throw this Government into the street in order to make sure that some of America's most vulnerable citizens have got to pay more.

Thank goodness President Clinton has stood fast against this kind of moral and political bankruptcy and against this kind of mismanagement of the business of this country.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Speaker, for a number of days, we have heard people come to the floor and tell us if we would only take a mild, more bipartisan approach, we could, in fact, solve some of these problems. We have heard day after day that the Istook amendment was the problem on this bill; that if we could just remove the Istook amendment and take a bipartisan approach, that we could get these problems solved.

Mr. Speaker, guess what? We solved the Istook amendment, and the very same Members who were concerned about the Istook amendment now come to the floor with other things. The fact is that they come to the floor now, and they have new complaints. The fact is that some Members just are not willing to be bipartisan. They want the President to veto the bill under any circumstances.

Mr. Speaker, we gave the President one continuing resolution. It was clean. Did that bring the White House to the negotiating table? No, they did nothing. The Speaker spent 25 hours on the plane and the President did not even talk to him.

Mr. Speaker, the main complaint that we are hearing here today is the fact that they do not like a continuing resolution that is the lower of the funds of the two Houses. The White House has a complaint about that; our Democratic colleagues do.

We have had so many years of continuing resolutions around here. Continuing resolutions actually have traditions. This particular tradition is called the Michel formula. We worked it out on a bipartisan basis over the years. The lower of the two House funds. It is one of the great traditions, after 40 years of continuing resolutions out of Democrats. Now, they say they cannot take it. It is not something that ought to be included in this.

Mr. Speaker, I hear the sound, yea, I hear the distinct sound of hypocrisy fogging the minds in this Chamber, and we are not seeing the kind of bipartisanship, because they simply do not want to do what has been done in the past when they were in the majority.

Mr. Speaker, I say to my colleagues, it is time, folks, to stop the excuses. It is time to stop the gimmicks. It is time to budget balance the budget. Start now. It would be nice to do it in a bipartisan way, but bipartisanship is not the intention of the minority.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Speaker, the last speaker reminded me of an oft-quoted quote of the late Will Rogers when he said, ''It ain't people's ignorance that bothers me so much; it is them knowing so much that ain't so that is the problem.''

Medicare is not the issue today. The fundamental question is: Why is it in a continuing resolution? That is a simple question. It is not like we could not get a unanimous vote to have a clean CR sent to the President that he will sign. That can be done, guaranteed 100 percent.

The problem is we have spent 314 days not doing our work, as we have seen the chart time after time. Now, we are wasting 5 additional days in the same way we have wasted a good part of the previous 314 days, sending something to the President that the President has already said he would veto.

Mr. Speaker, I ask simply: Why are we doing this? Why are we wasting a weekend? Why are we having to have our own staffs get ready to be furloughed? Why are we having the possibility of 800,000 of our Federal workers going on a furlough? For what reason? To send a message to the President?

Mr. Speaker, the best way to send a message to the President is to do our work so we have got something to negotiate. And to those that say that is not an issue, what about those of us in this body that would like to work with somebody on appropriations bills, on the continuing resolution? Why do we have to have bloodhounds out finding out where you are meeting? Why, when we call the chairman of our own committee, they do not know what is going on? Because the Speaker has not told them yet what it is we are doing.

Mr. Speaker, the issue is very clear. We can send a clean CR; we can spend this weekend working instead of speechmaking; we can get on with doing our work and we can quit being ugly to each other and the American people.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MICA], the chairman of the Subcommittee on Civil Service.

Mr. MICA. Mr. Speaker, first I want to regress just to address one thing on what we did a few minutes earlier in passing an increase in the debt ceiling.

Mr. Speaker, I did not get to mention it in my remarks, but basically, we heard they are dipping into these trust funds now; and the Secretary of Treasury says it does not matter what the Congress does; Even though they are in charge, we are going to steal from these funds no matter what.

But, in fact, if we ran in the private sector our retirement funds in the fashion that this Congress operates, we would basically go to jail. It cannot be done that way in the private sector. The only difference here is that we have an unlimited resource and that is taxpayers' wallets.

Mr. Speaker, let me talk about why we are in this situation, and we are in this situation. Until October 1, this Congress was running under the past Congress' financial plan. We do not like that plan. We do not think that the solution to the problems of this country and this Congress is throwing more money at problems.

Regarding education, for example, we spend billions of dollars and look at what we get. In my communities and in Florida, 50 percent of our students entering community college need remedial education. Is that success?

In the area of environmental protection, they say we want to do damage. When we spent 85 percent of our money on attorneys' fees and studies in our Superfund, is that success?

Mr. Speaker, because of this process, because they had their way to run this place and misused it until October 1, now we want to send more direction. We want to send some guidance on not just throwing money at these problems, but doing it with some wisdom, with some direction, with some results, and with some economy and some efficiency.

Under current law, we cannot even drink the water in this community today. So, we are asking for changes, and we want to see them changed through this appropriations process.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore (Mr. DREIER). The gentleman will state it.

Mr. WALKER. Mr. Speaker, what is the regulation in the House with regard to use of charts on the House floor?

The SPEAKER pro tempore. The Chair wishes to observe that charts may be used when the person who is speaking has placed them up, but they are not to be used in the Chamber unless the person who is speaking has them up.

Mr. WALKER. Mr. Speaker, a further parliamentary inquiry, if charts are knowingly inaccurate, are they allowed to be used on the House floor?

The SPEAKER pro tempore. Any Member may object to the use of a chart.

Mr. WALKER. Mr. Speaker, further parliamentary inquiry, and then what would be the process of the House? What is the remedy available to the House if the House does have objections to a false or misleading chart on the floor?

The SPEAKER pro tempore. Under rule XXX of the House, if objection is made, then the question on the use of the chart will be put. The question can be placed before the Members.

Mr. WALKER. Mr. Speaker, I just want to clarify, if the chart that is involved is, in fact, a distortion of someone's remarks, so that it constitutes essentially a lie, is that chart then permitted to be used, unless the House ruled otherwise?

The SPEAKER pro tempore. The objection can be made by any Member to any chart that is used.

Mr. WALKER. Mr. Speaker, and that objection does not have to have a basis?

The SPEAKER pro tempore. Any Member may object to the use of any chart.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. FROST. Mr. Speaker, very recently, I believe it was last week, an objection was made to the use of charts during the abortion debate, and ultimately those charts were permitted to be used on the floor as an issue of free speech. Is this the same issue?

The SPEAKER pro tempore. A vote was taken, and a majority of the membership of the House made the decision that that chart in that instance could be used.

Mr. FROST. Mr. Speaker, as a matter of free speech?

The SPEAKER pro tempore. The vote was a procedure that was determined under rule XXX of the House.

Mr. MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MILLER of California. Mr. Speaker, what is the situation when a chart is used and the quote is crushingly accurate, but a Member in the Chamber does not like it?

The SPEAKER pro tempore. Under rule XXX, if it is crushingly accurate, any Member may still object.

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

The SPEAKER pro tempore. The gentleman will state it.