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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. CLINGER].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 13, 1995.

I hereby designate the Honorable WILLIAM F. CLINGER, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Tim Sanders, one of his secretaries.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties with each party limited to 30 minutes and each Member other than the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN] for 5 minutes.

GROSS MISMANAGEMENT OF CONGRESSIONAL SCHEDULE

Mr. DURBIN. Mr. Speaker, America is aware of the fact that if Congress does not take immediate action at midnight tonight, the Federal Government will shut down. How did we reach this point?

First, we have seen gross mismanagement of the congressional schedule this year in the House of Representatives. In the first 100 days with the so-called Contract With America, Speaker GINGRICH and the Republicans insisted on considering 31 bills on an emergency basis, many of them without committee hearing. As a result of 100 days of action and activity on the floor of the House, 31 different bills were called; 3 have been signed into law.

Because of our dedication of time to that Contract With America, we have fallen behind in our responsibility to pass appropriation bills. The budget resolution was a month late; the appropriations bills which keep the Government running were supposed to be presented, all 13 of them, to the President by October 1—2, 2 of the 13 have made it.

So now we are considering what we call a continuing resolution, a spending bill to keep us in business, and along comes the Republican leadership and Mr. GINGRICH, and instead of sending a bill to the President just to keep the Government running while we do the rest of our business on Capitol Hill, he insists on this paragraph.

This is the reason the Government is shutting down. Mr. GINGRICH insists that in order to keep the Government running, he wants to include these nine lines, which increase Medicare premiums on senior citizens as of January 1 by 25 percent. What does this have to do with keeping the Government running? Little or nothing. But it is part of the political egoism which we are seeing as part of this crisis.

Mr. Speaker, I have a solution to this problem and the solution is very simple. It is H.R. 2281. It does not even take up two pages. It is a bill I introduced in the House and Senator BARBARA BOXER introduced into the Senate. It is very simple. It simply states, no budget, no pay.

It basically says to Members of Congress, if you cannot keep Government in operation, if you want America to default on its national debt, why should you be paid? You have failed in your responsibility as Members of Congress elected to this body. How can the train crew that caused the train wreck ask to be paid while the passengers are suffering? How can Speaker GINGRICH and Members of Congress send 800,000 Federal employees home tomorrow without pay and continue to draw their own paychecks?

The failure of the Republican leadership to pass appropriations bills required by law or to produce an honest continuing resolution is a complete abdication of responsibility. Penalizing Federal employees and the American people by shutting down the Government is a shameful political ego trip. If the Government shuts down, so should congressional paychecks.

So, Mr. Speaker, I will be following the provisions of H.R. 2281: no budget, no pay. I will be returning my pay while the Government is shut down.

Perhaps if Speaker GINGRICH and his leaders tasted the bitter medicine of a government shutdown personally, they might be willing to help this country get well.

I urge every one of my colleagues and every American who is sick and tired of this political gamesmanship to call Speaker NEWT GINGRICH in Washington and demand that no budget, no pay, H.R. 2181 be voted on on an emergency basis. Senator BARBARA BOXER and I are joining in a letter to the Speaker today to urge that this be brought before the House.

We are going to spend the whole day on a series of suspension bills which are unimportant. They are innocuous and unnecessary. We ought to bring up no budget, no pay, and perhaps avert this Government crisis.

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Mr. Speaker, it is time for some of the Republican leaders in Congress to put their money where their over-active political mouths have been.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are guests of the House of Representatives, and that any manifestation of approval or disapproval of proceedings is a violation of the Rules of the House.

NEGOTIATING TOWARD A BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New Mexico [Mr. SCHIFF] is recognized during morning business for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I also want to talk about the budget disagreement that is going on today and my views are a little bit different than the gentleman from Illinois who just spoke.

First of all, I want to point out that this is a very complex matter because, to begin with, we are considering two different bills. One bill would keep the Government authorized to spend money; that is, in a continuing resolution. I might add that a use of a continuing resolution has been done many times in the past by the Democratic Party when they were the majority in Congress. There is nothing new about it, nothing in the Constitution that says a continuing resolution cannot be used in place of an appropriations bill.

Further, we are considering a separate bill that would continue the Government's ability to borrow money since both the ability to spend more and the ability to borrow more are necessary to keep the Government operating. It is the ability to spend more, however, that has its effect at midnight tonight if we do not take some action.

Now, the Congress has passed, or is about to pass, a bill on each, to continue spending and to continue the Government's ability to borrow. The President has vetoed one bill and has threatened to veto the other bill, and what I want to examine is why? What are the differences here?

The President has asked for what he calls clean bills. Clean bills means no other conditions except an unlimited, for the time given, ability to spend money and an unlimited ability to continue to borrow money. I think that would be a bad policy. I do not blame the President for asking for it, but I think it would be a bad policy for the Government, because an unrestricted ability of the Government to borrow money and an unrestricted ability of the Government to spend money is exactly how we got into this mess in the first place and why our national debt is almost $5 trillion for our children and grandchildren to pay off.

Further, the idea of conditions on these kinds of bills are not new. The Graham-Rudman-Hollings bill was attached to an increase in the debt ceiling back in 1985.

Now, what really needs to happen is for the two sides, the administration and the leadership of Congress, to negotiate their differences, as long as they are both negotiating toward a balanced budget. That is the ultimate goal here, and both sides have declared in general that they agree with that goal.

Now, in my opinion, with respect to the administration and with respect to my own Republican leadership, I think that both sides need to focus on that goal of balancing the budget and to stop trying to score short-term advantages in the polls against each other, and I think to some extent both sides have been doing that.

Let me take the congressional side first. In the bills that are going to the President, the Republican leadership has included provisions which have absolutely nothing to do with a balanced budget. We remove some similar provisions in the process. But there are provisions that would deal with regulatory reform, that would deal with the death penalty that are included in these bills.

Without questioning whether these are good ideas or bad ideas, I think that they are separate ideas. I think issues dealing with regulatory reform and issues dealing with the death penalty should be considered separately, and that the goal should be to balance the budget and any conditions attached should deal with balancing the budget and nothing else.

At the same time, I think the administration has not offered to negotiate in good faith as of this time. The Republican leadership, to its credit, has not insisted on any provision to be adopted other than the goal of balancing the budget.

So I have heard from Democratic Party advocates saying that the Government and the President are being held hostage. Not true. The Republican leadership has not insisted, in advance, that any of its individual provisions must be accepted in any negotiation, whether it is these provisions that do not deal with the budget or provisions that do.

The Republican leadership has said, we will negotiate anything, as long as the goal is balancing the budget. It is the administration that has set a precondition to negotiate. Specifically, the administration has said that it will not negotiate toward a balanced budget unless, in advance, the Republicans drop their Medicare provision.

Before examining that provision, I want to emphasize that I think it is not good faith to say, before we negotiate, here is what you have to give up, and I do not care whether the provision deals with Medicare or anything else. I think just as the Republicans think some of their nonbudget items will give them a better standing in the polls because they are popular items, the administration believes, if you fight for Medicare, you are going to be more popular short-term in the polls also.

Well, let me examine further what exactly is the Medicare provision that the administration is standing on. Medicare is divided into two parts. Part A pays for hospital bills; it is funded by a payroll tax. Part B pays for physicians and other services.

Part B premiums for Medicare are scheduled to go up for the Treasury from 68.5 to 75 percent. That will happen January 1. That is the whole issue that the administration says we are willing to risk closing down the Government to preserve. The Republicans propose keeping the percentage the same.

LET US BRING A DEAL TO THE PRESIDENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Tennessee [Mr. FORD] is recognized during morning business for 2 minutes.

Mr. FORD. Mr. Speaker, I too want to rise and say that the American people are very much concerned about what is going on and why the Government might have to shut down at 12 o'clock tonight, less than 12 hours from now.

It is clear, Mr. Speaker, that we as legislators here in this Congress ought to be about the business of maintaining this Government. We have heard speakers before talking about well, why is it that we cannot come to some type of agreement with the administration from the Congress?

I say it is now 12:40 p.m. here in the Nation's Capitol, and I do not know where the Speaker is right now, but we ought to be about the business, since the President has vetoed these two measures, in making sure that we send a clean CR to the President, because we do not need these things in the debt ceiling and in the CR to make sure that the Government would operate and run smoothly until such time that the reconciliation is worked out among the conferees and we send the President a real deal to his desk.

We have gone through the budget process. The Republican leadership is now some 6 weeks behind with the budget. They were due in by September 30, and when we cannot complete our business, yes, we send a CR to the President. Why is it that we are sending to the President this increase in the Medicare premiums when we have the Medicare bill and the reconciliation budget that is going to go to the President soon?

It is our responsibility to say to the American people and to the markets that this Government will not shut down and the Speaker ought to make his way back to the House of Representatives and let us send something to the President in a CR and a debt

limit, so that we can have the Government in operation at midnight tonight and Federal employees on their job and doing their jobs tomorrow.

It is the intent of this House, at least the Democrats of this House, to send something to the President that he will sign and something that will keep this Government open and not costing the taxpayers additional dollars because of the irresponsibility of the leadership of this House.

□ 1245

GETTING ON WITH THE BUSINESS OF GOVERNING

The SPEAKER pro tempore (Mr. CLINGER). Under the Speaker's announced policy of May 12, 1995, the gentleman from Virginia [Mr. DAVIS] is recognized during morning business for 5 minutes.

Mr. DAVIS. Mr. Speaker, I am as frustrated as any Member, I think, on either side of the aisle with the impasse we are currently facing between the President and the congressional leadership.

They have an old saying that when the elephants fight, the grass gets trampled. In this case, the people getting trampled are your Federal employees who have been out there every day doing the job that the President and the Congress have asked them to do. In no way should they be the ones to pay the price just because we in the Congress and the President cannot get our act together and get on with the business of governing.

The gentleman from Illinois [Mr. DURBIN] talked earlier about H.R. 2281, his No Budget, No Pay Act. I will join him in turning away any pay that I would ordinarily receive until Federal employees get paid as well. I think that is the example all of us in this body ought to take until we can get on with the job of governing this country.

I would also like to address a couple of remarks that came from the other side about gross mismanagement of the congressional schedule and try to put it in some kind of perspective. Since 1977 over 57 continuing resolutions have passed this body and gone on to the President. This will be the 10th time since 1980 that we have faced a shutdown and possible furloughs at the Federal level. The other side of the aisle has not been clean in attaching riders to continuing resolutions as well. So there is some precedent for where we are today. But the real issue is how do we get out of it. How do we work it out today so employees can get back to work and go on with the business of governing this country?

I have a letter from the Speaker and the majority leader in the Senate giving their assurances to myself, the gentleman from Virginia [Mr. WOLF], the gentlewoman from Maryland [Mrs. MORELLA], and the entire body that the Federal employees will get paid in a later resolution should there be furloughs following the President's inability to sign this current continuing resolution. We have never before had that agreement up front from the congressional side. However, the payments could be delayed. But Federal employees will get paid.

I would urge both sides to put aside their egos, to check their macho images and get on with the business of governing at this point, to step back a little bit, take a deep breath and recognize what we face as a country over the next month as we work toward a balanced budget.

There are clearly differences on both sides of the aisle over the best way to achieve balancing the Federal budget over a 7-year period. But over 90 Members of the other side of the aisle and virtually everyone on this side of the aisle has agreed that this is the direction this country needs to move.

The President himself when he was campaigning for election in 1992 said that he would balance the Federal budget in 5 years. Now the issue is doing it in 7 years and trying to get it scored properly by the Congressional Budget Office.

What should be the extent of the tax cuts? The President has his set, Congress has theirs. That ought to be negotiated. I do not think we ought to draw lines in the sand on that.

What programs should be cut? There are honest differences of opinion and we need to sit across the table from each other and work these differences out. At the same time balancing the Federal budget remains paramount.

We spend a significant amount of money in this country on interest on the national debt. In 1997 we will be spending more money for interest on the national debt than for all of national defense. My 13-year-old son can expect to pay over his lifetime about $130,000 in extra Federal taxes just to pay for interest on the national debt if he makes an average salary.

How we get there, I think, has to be negotiable. The sooner we sit down and agree, the better. We can put a continuing resolution and a temporary budget ceiling in place if we can get the President's agreement to sit down and negotiate clearly that we just try to do this within 7 years.

The 1996 campaign is going to come soon enough. Let us set aside the campaign for now. Instead of campaigning as many of us have over the last year, let us start governing for a little bit of time. The American people made a choice in 1992 to elect a Democratic President and they made a choice in 1994 to elect a Republican Congress.

It is incumbent upon both of us, both sides, to act like grownups and get on and work with each other to get the job done. Let both sides negotiate their differences out and get on with the business of governing. That is my counsel today.

IN SEARCH OF LIBERTY AND JUSTICE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, more than three decades ago, the Democratic Congress pushed through historic legislation, and the Medicare Program was created.

At about the same time—more than three decades ago—the Republican nominee for President of the United States, uttered words that guided his party then and that seem to guide his party now.

He said, ''Extremism in the defense of liberty is no vice. And moderation in the pursuit of justice is no virtue.''

Barry Goldwater was as sincere then as Speaker GINGRICH is now.

The American people rejected the politics of extremism then, and the American people are rejecting the politics of extremism now.

The American people demanded moderation then, and the American people are demanding moderation now.

But, what is liberty? And, what is justice?

Liberty is freedom from arbitrary or despotic control. Liberty is the positive enjoyment of various social, political, or economic rights and privileges. Liberty is the power of choice. Liberty is freedom.

Justice, on the other hand, is the quality of being just, impartial, or fair. Justice is the principle or ideal of just dealing or right action. Justice is conformity to truth, fact, or reason. Justice is righteousness.

There is no liberty in cutting school lunches for 2 million children, shutting off heating assistance for 2 million senior citizens, eliminating 100,000 scholarships and cutting loans for college students, eliminating summer jobs for 1.2 million high school students, and denying baby formula to thousands of infants.

Those actions are extreme. There is vice in those deeds.

There is no justice in cutting farm programs, and hurting small family farmers, in defunding pensions for which citizens have labored for life, and in taxing those who earn $28,000 a year or less to give big business a free tax ride. There is no justice when the wealthy get tax relief, while working Americans get no relief. There is no justice when Medicare is cut by $270 billion in order to give tax care of $245 billion to the wealthy.

Those actions are not moderate. There is no virtue in those deeds.

In 1965, President Lyndon B. Johnson undertook a 100 day legislative agenda, that resulted in—passage of the Medicare bill—passage of the Elementary and Secondary Education Act—and, passage of the 1965 Voting Rights Act, which paved the way for many new voters to participate in record numbers.

In 1995, the new thinkers have been determined to change the pattern that

Government has followed for more than a half century.

But, what has changed as a result of the Contract With America? What has been done to reinforce families? What has been done to restore the American dream? What has been done to take back our streets? Who has been helped?

In the first 100 days of 1995, they passed a bill that allows expatriate billionaires to avoid tax liability by renouncing their citizenship.

But, they have not enacted most of the appropriation bills. They have not enacted a viable budget reconciliation bill, nor a viable debt extension bill.

The Government is on the brink of closing down tonight. That is extreme. That is vice. There is no moderation in that possibility. There is no virtue in that position.

Again, I pointed out to my colleagues, that as we do our work, we must remember that our first responsibility is not to the parties to which we belong, but to the people we represent.

There are problems which we face that transcend party and politics. Teenage pregnancies stifle an entire community. Violence of any kind, whether driven by drugs or propelled by deep philosophical differences, cannot and must not be tolerated. Economic justice must ring true for everyone.

Quality education is essential in every region of this great country.

Family reinforcement and restoration of the American dream must include all families, not just those with lots of money. And, we must consider our young and our senior citizens. From the sunrise of life to its sunset, Americans should feel safe and secure and well served by this Congress.

No party or person has an exclusive on such things as family values and personal responsibility. Those are standards we all absolutely hold dear.

Mr. Speaker, on Saturday the Nation honored our veterans.

Veterans perhaps more than any other Americans know of the defense of liberty, and the pursuit of justice.

Just a few days ago, the life of a veteran from another nation was taken by some who are extreme, some who would not moderate their views.

Unsuspecting Americans fell in Oklahoma because there were some who were extreme, some who would not moderate their views.

Mr. Speaker, I say to my colleagues, let us continue to honor our veterans by seeking liberty and justice for all Americans.

Let us lower our voices.

Let us tone down our tempers.

Let us do what is right.

Let us pass a clean continuing resolution and a clean debt ceiling bill so that America moves forward.

ONE PEOPLE, ONE LANGUAGE, ONE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, when I first introduced my legislation to make English our official language, the American people were most supportive, and today we have overwhelming support for this legislation. Only those who are ripping off the government programs like bilingual education and the cultural elitists were and are opposed.

These same critics were silenced 2 weeks ago when the entire world received an object lesson in the importance of a common language in preserving a nation and its common purpose. Just a short time ago, we almost witnessed the end of a nation. Our great friend and neighbor to the north, Canada, just narrowly avoided splitting in two over linguistic and cultural differences.

Canada may yet split up. The linguistic tensions in Canada were not eased by their razor-thin victory for unity. In fact, the Canadian people face their greatest challenges in the months and years ahead, i.e., to weave a common thread of unity through an increasingly divided Nation.

Canada's example is a cautionary tale for our country, the most diverse Nation in the history of the world. Their narrow brush with breakup should sound a clarion call to all Americans who dismiss the importance of a common language and culture to a nation.

Here in America we have been given a precious and unique gift. We have been given this gift, a common language. One of this century's greatest statesmen, Winston Churchill, instinctively understood language's paramount importance in keeping a Nation together. He remarked that ''the gift of a common language is a priceless inheritance'' to a nation. America has truly been blessed in a way that our Canadian neighbor has not.

Around the world, nations have come to realize how right Churchill was. India, faced with a tangle of 14 languages and dialects spoken on their soil, turned to English to unite their diverse peoples. Eighty-eight countries have constitutional language provisions.

I participated in an international conference at the Sorbonne in Paris last March where national language policies were being considered in many European and South American countries.

Here in America, opinion polls show overwhelming support for official English language among the American people. In one recent survey, more than 11,000 people were polled, and 94 percent came out in favor of official English for the United States.

Let the cultural elitists say what they will, but the American people have spoken. They know from plain common sense that we need one language to keep this United States from breaking up into little Quebecs.

The recent events in Canada demonstrate that this issue is not an American or even a North American preoccupation. Nations all over the world are looking to language legislation to tame the centrifugal forces of ethnic and linguistic nationalism.

I do not want to watch the United States unravel the way Canada almost did. I have introduced legislation that seeks to reinforce the common bond that holds our country together, the English language. I hope that you will heed the warning signs and join me in the effort to keep America one Nation, one people, and for that we need one common language.

My friends, the old adage says that actions have consequences. It is equally true that inaction also has consequences. Canada's narrow brush with national divorce showed us what is possible when a Nation does not nurture and protect its national unity.

Let us not make the same mistake. Let us not be guilty of inaction when decisive efforts to preserve our common bond are needed. Let us make English our official language. Help me to do that by cosponsoring H.R. 739, and let us keep the United States the United States. For that, we need one people, one language, one Nation.

□ 1300

NOT A GOOD TIME FOR OUR COUNTRY

The SPEAKER pro tempore (Mr. CLINGER). Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, well, this is, indeed, I think, a very sad day.

Let us put the facts down since we all speak one language. It is now more than 45 days after the fiscal year ran out, 45 days, and 89 percent of the budget that we were supposed to have done 45 days ago still has not been done. So here we are.

We cannot get an extension of an emergency measure to keep that 89 percent of the Government going while we work those details out. Most of the fights on this 89 percent are not between Republicans and Democrats. It is between Members of this body and Members of the other body on the other side of the aisle. So they are having this intraparty fight, and everybody else is paying a price.

You are going to have people say, oh, there have been these things before. There has never been one after 45 days with 89 percent of the budget still hanging out there, and the real issue here is trying to jam the President, trying to say, well, we will keep this going even though the President is in the fight. He does not belong to either this body or the other body, the Senate. No; no. He is in the executive branch. They are saying, ''Oh, you

know, we are going to make the President sign on this increase in Medicare premiums.'' Well, why would they do that? Because it is the only way they can jam it to him, ''Either shut down the Government or sign on to our stupid idea to raise Medicare premiums.''

Why would they want the President to sign up? Because they see themselves sinking in the polls. People are finally listening to that wonderful language they are paying all that money for to lure people into thinking they can do all the slashing and cutting without hurting anybody and not realizing they are going to get hurt. They are sinking in the polls. They want to find some way to force the President to sign on to their program, and it is either, ''Sign on to the program, or we shut this Government down.''

This is not a proud time for this country. This is tragic. This makes me terribly angry. But, of course, Members of Congress will get paid. That is outrageous, too.

I cannot believe that the leadership of this House has not stopped that nonsense and done it fast.

The other thing that was fully disclosed again in today's paper was about the party last night that was held by the other side of the aisle as we are getting ready to shut down the Congress. This was a party for GOPAC, GOPAC, the Speaker's PAC that raised so much money and is under such a cloud, and there are investigations going on, everything else. Nevertheless they came to town and had another big party, and they had the big kahuna of GOPAC come speak, none other than Rush Limbaugh himself, who stood there and said to all of these people who paid all of this money to keep GOPAC rich, he was hailing the GOP budget. He said, according to the paper and according to the C-SPAN tape, he thought it was wonderful because it would starve the poor and it would drive Medicare recipients, including his mother, to eat dog food, but, ''Not to worry, mom,'' he says, ''I am sending you a new can opener.'' Wow.

That tells you what today is about. That tells you what today is about. It is what is the concept of community we have for this country. Do we see this country only as a community where people come to make a lot of money, and if they make a lot of money, we ought to do everything we can to make sure they keep getting more and more money, the people who can pay to go to these fancy fundraisers? Do we see this as a community where, yes, you try to keep the strong business climate and all of that, but you also care for each other as family, and you do not make jokes about if mom will go on dog food, so what, I do not have to pay as much in taxes, and I will get her a new can opener. That is not my America, and I do not think that is funny, and I do not think it is funny that we are the laughingstock of the world today as we see people trying to shove this budget thing on the President, who has not even been in this.

This is not about whether we have a balanced budget in 7 years. We all agree we have to. It is who we cut to get there. And we happen to think you might be able to cut peanut subsidies or sugar subsidies or not give such a fat pay or tax increase to the rich, the people who bought all those tickets to the fundraiser. We do not think the defense contractors needed another $8 billion beyond what the Defense Committee wanted.

We are not going to do that to my mom. I am not going to do that to my mom. The President is not going to do that to my mom.

Mr. President, veto that. Stand tall.

WE ARE GOING TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Kansas [Mr. TIAHRT] is recognized during morning business for 5 minutes.

Mr. TIAHRT. Mr. Speaker, the truth is now documented. The President's latest veto shows that he does, in fact, not want to balance the budget.

This weekend I was in the Fourth District of Kansas. I was speaking with some of my constituents. One of them told me, well, it was going to happen sooner or later because there is a deep philosophical difference between the American public, those of us who believe we need to balance the budget and the President who apparently does not want a balanced budget. Well, they were absolutely right.

If you go back to the campaign when the President was running for office, he said that he would present a balanced budget that would balance in 5 years. We have yet to see that budget. Then he did present us a budget that would balance, allegedly, in 10 years. However, when it was scored by those in Congress who do scoring, we found out that it has a $200 billion deficit a year for 10 years. It never balances.

Well, so now we have the facts out. He does not want to balance the budget. He has not presented us a balanced budget.

When he was given a budget that does actually balance in 7 years, he refuses to sign it.

Some of the allegations have been that there are things hung onto this continuing resolution and this temporary debt ceiling; that there should not be anything on there. ''Send me something clean.'' There is a long history of hanging things on continuing resolutions.

You heard earlier there have been 57 continuing resolutions since 1977, 10 since 1980, and one of them during the 1980's hung the entire Federal Government's budget on one continuing resolution, not just a few riders, the entire budget for a whole year. So this is nothing new.

The President should not shirk away from it. His chief of staff should not tell people that it never happened before.

But the President has made it very clear there in his latest action not to balance the budget and reminds me of something my uncle John Armstrong told me when I was younger. He said, ''When you don't want to do something bad enough, any excuse not to do it will do, any excuse will do.'' Well, you have heard one of the excuses. There are cuts in Medicare. Mr. Speaker, there are no cuts in Medicare. The average spending is going from $4,800 per recipient this year up to $6,700 per recipient in 7 years. It is increasing by some 43 percent.

Well, I think it would be a little more clear maybe if you were a baseball player. If you understood there were 48 baseballs in this one bag and 67 baseballs in another bag and you said which bag has more baseballs, they had say you are increasing it 19 baseballs to 67. That is what we are doing with Medicare. We are increasing spending.

Medicare part B premiums are scheduled to go up $7. The alternate plan, current law, is the Government's portion would increase, and individuals would go from 31 percent of the part B premium per month to 25 to 18 percent, and the Government's portion, which comes out of the general fund, which comes out of borrowed money, would go from 75 to 82 percent.

So what are we doing, after borrowing $170 billion this year, we would have to increase that amount of money and pass that debt on to our children.

Right now our Federal debt is $5 trillion. If you had gone into business the day after Christ rose from the dead and lost $1 million that day and every day of every week of every month of every year almost 2,000 years, you would only be one-fifth of the way toward losing $5 trillion. Most of us think that $1 million a day would be a lot of money. To do that for almost 2,000 years and still not be a fifth of the way to the Federal debt is a phenomenal amount of money. Yet we want to stack more on top of that.

It is morally wrong to our children. We cannot afford it.

But by doing this, we will just force Medicare into bankruptcy sooner, put the debt on our children. Any excuse will do.

We have heard about cuts in nutrition programs. You remember last spring the President went to a school and said these children are going to starve under the Republicans' plan to balance the budget. I was in a school just recently in Wichita, KS, Dodge-Edison Elementary School. Not one child has been reported starving in that school. In fact, no reports across the Nation have any children starving in a school. It just was not true.

But, Mr. President, any excuse will do.

In fact, funding for nutrition programs is going up 4 percent each year the next 7 years, a total of $1 billion.

Any excuse will do.

Cuts in Medicaid, funding for the poor is going up hundreds of millions of dollars in the Federal budget over the next 7 years.

Any excuse will do.

Well, Mr. President, Mr. Speaker, the American public is tired of the excuses. They are tired of business as usual. They are ready for a fresh wind in this country. They are ready for some hope. They are ready to balance the budget.

I head it in the Fourth District of Kansas.

I urge the President to come to the table with Congress. Let us sit down and see what your true problems are, but we are going to balance the budget.

GET DOWN TO THE SERIOUS BUSINESS OF GOVERNING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Michigan [Mr. DINGELL] is recognized during morning business for 5 minutes.

Mr. DINGELL. Mr. Speaker, like other Americans, I am greatly enjoying the comments of my Republican colleagues. It is remarkable how now, about 45 days after October 1, when the new fiscal year is to commence, my Republican colleagues have only gotten one of the appropriation bills signed. They have not passed the reconciliation bill or the budget. They have not passed the debt ceiling legislation.

They spend their time castigating and criticizing the President of the United States because of their own inability to carry out their comments about how they were going to run the country and balance the budget and do all the other things.

Only 1 of 13 appropriation bills has been signed. The rest are somewhere strewn around here. There has been one veto, and the reason that was is it was the Congress' own appropriation bill which my Republican colleagues sent down there and President Clinton said, ''No, we are not going to sign that right now. You are not going to get your problems solved before we address the rest of the problems of the country.''

So my comments to my Republican colleagues are, ''Dear friends, you are in charge of this place. We have heard what you are going to do. Do it. Stop whining. Stop complaining. Get down to the business of governing, and if you cannot govern, admit it.''

Now, what is in this budget about which my Republican colleagues talk so much? First of all, it savages the poor.

Second of all, it punishes almost every class in our society which does not have the means and the capability of addressing their problems. It lifts away the helping hand from those who have greatest needs. From Women, Infants, and Children's programs right through Medicare, Medicaid, and veterans' benefits, there are savage and unneeded cuts. There are expenditures for unneeded weaponry which the Defense Department says are needed, aircraft, submarines, and ships which the Defense Department says are unneeded are expended for in most lavish fashions by my Republican colleagues' budget.

Let us look at this budget. This budget cuts Women, Infants, and Children's programs, nutrition and other health care programs for mothers during the period that they are carrying children and during the time that they are lactating and nursing their children. It cuts the health care program for the newborn and for the unborn. It cuts student loans. It cuts school lunches. It cuts assistance to young people as they start out trying to go through college to borrow money to pay for their education. It eliminates veterans' benefits in a way that is absolutely unjust. It will cause the closure of 41 veterans hospitals.

One million American veterans will not receive health care because of this Republican budget, and in addition to that 50,000, health care personnel from the VA will be laid off.

It must be somewhat painful to my Republican colleagues to hear this, because they have not been changing the budget but they have been castigating the Secretary of Veterans' Affairs. It appears at least they are beginning to understand, and the people are beginning to understand.

It cuts Medicare so that we can give a tax cut to the richest, and the people are beginning to be aware of this. My advice to my Republican colleagues is stop complaining, stop whining, get down to the serious business of governing, pass the legislation that you should have had on the President's desk by October 1, and then let us see what happens.

□ 1315

There have been complaints about the veto that the President just did. Well, there is good reason for that. The Republicans sought to intrude into how the President manages the fiscal affairs of the United States. So he vetoed that proposal.

The time has to be recognized as being here, that it is time that my Republican colleagues quite complaining, pass the legislation that they should have passed by October 1, and do the business of the country.

A lot of people say, well, the President will not talk. Well, the Republican leadership in this body early in the spring pointed out what they were going to do. They were going to jam this whole business down the President's throat by passing a piece of legislation which they said would compel him to swallow the Republican programs on the basis of either a take-it-or-leave-it or shut-the-government-down basis. That is why the situation is here.

Now, why do we have this situation? Because when Mr. Reagan came in, we had a budget deficit of $700 billion. When Mr. Reagan and Mr. Bush left, we had a budget deficit of $4.9 trillion. They blew it up on the basis of irresponsible government during that period of time. Now they are trying to blame the Democrats.

RIVERBOAT POLITICS SHOULD NOT BE TOLERATED

The SPEAKER pro tempore (Mr. CLINGER). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. MILLER] is recognized during morning business for 5 minutes.

Mr. MILLER of California. Mr. Speaker, unfortunately, today the President had to veto the debt limit and will veto the continuing resolution. This should not come as a surprise to those of us who follow the politics and the people involved in this issue, because back in April the Speaker of the House, NEWT GINGRICH, predicted that he would create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the debt limit.

In April, the Speaker made a decision that he would bring the government to a halt. But he was assuming that the President would have vetoed a whole series of bills that were to be passed by the Congress between April and now, and he would put those bills back on the debt limit or to a continuing resolution, and the President would have to sign those. He made it clear then that he was prepared to bring the Government down.

But what has happened since that time is there has been a massive failure by the Republicans to pass those legislative measures. They have passed only 3 of the 13 appropriations bills. So when the Government shuts down tonight at midnight, it will not affect the Department of Agriculture, because the Department of Agriculture's appropriations bill has passed. But the Republicans have had a massive failure, unlike anything seen in modern Congresses, an inability to pass legislative appropriations billings for the coming fiscal year.

So what have they decided to do? They decided to shift the light off of their ineptness and the fact that their party is now captured by the most extreme elements of the Republican Party, and they have decided to shift the light away from that, to suggesting that somehow the President wants to bring the Government to a standstill.

The President has made it clear from the time that he passed the clean continuing resolution that we are operating under today back in September, that there was no need to bring the Government to a standstill. When the Republicans passed their bills, we could consider them then and he would either sign or veto them. When the Republicans pass their budget tonight, tomorrow or the end of this week they can be considered then.

But what the Republicans have chosen to do is to try and put a gun to the President's head and say ''Sign this bill or the Government comes doen. Sign this bill, or the Government of the United States, for the first time in history, will default on its credit rate. Sign this bill, or millions of American homeowners will have higher interest rates because of that default.''

That is no way to negotiate. The President of the United States has never given in to terrorists. He cannot give in to these kinds of terrorist activities by the Republicans when they are playing with the credit and well-being of the U.S. Government.

A clean CR can be passed through the Congress of the United States in a matter of hours this evening, in the House and Senate. A debt limit can be extended if it is clean in a matter of hours, and the American public need not suffer. The American economy need not suffer that, and America's credit rating in the rest of the world need not suffer that.

The Speaker made it clear again in September, he said ''I do not care what the price is. I do not care if we have no Executive offices and no bonds for 30 days. Not this time.'' These are the reckless words of a reckless man, playing with his own ego, playing with his own political fortunes, whether he be up or down in the polls, as opposed to taking care of the business of this Nation, taking care of the economy of this Nation, and taking care of the credit rating of this Nation.

This kind of riverboat politics should not be tolerated. They should not be tolerated at a time when he sends a bill to the President suggesting that we are going to have to raise the premiums for Medicare recipients, but we will not address the other problems in Medicare costing money.

They did not send to the President a bill to address waste, fraud, and abuse in Medicare. They did not send a bill to the President on the debt limit to address the exorbitant doctors' fees and hospital costs that cannot be justified. They did not address those needs. No, they only addressed what the senior citizens have to increase in premiums, and, of course we know why they are doing that, because they seek to transfer those $270 billion in Medicare savings. They seek to transfer $245 billion to among the richest people in this country, a tax cut that cannot be justified when they are seeking the kinds of cuts that are in the social fabric of this country, when middle income people are not doing as well as they were in 1973. Yet the massive effort that we see here now is all about getting a tax cut, half of which goes to the top 5 percent of the people in the country.

It is unacceptable. A clean continuing resolution should be passed, a clean debt limit should be passed, and we should get on with the debate over the bills when the Republicans finally finish their debate within their party and pass those bills.

REALITIES OF LIVING ALONG THE BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. BILBRAY] is recognized during morning business for 5 minutes.

Mr. BILBRAY. Mr. Speaker, I would just like to point out that a lot of people out in the real world America are watching the Republicans and the Democrats arguing about the budget issue. And it is sort of interesting to see that people who claim to be protecting the seniors again and again would actually encourage a veto of a bill that would guarantee that something be stopped that the seniors of America have been sick and tired of having happened too often.

I am just a freshman. I do not know about all these great tactics. But I know one thing: Seniors in my district are sick and tired of the Federal Government dipping into their reserve fund for Social Security and Medicaid and other reserve funds. They want that put aside for them, so that they have some guarantee. All this maneuvering may sound real good in Washington, but my seniors want the President and Congress to keep their fingers off the Social Security trust fund and the Medicare trust fund and the other trust funds and figure out how to run government without raiding those funds.

But, Mr. Speaker, I am not here to speak about that today. I am here to sort of remind Washington, DC, of the realities of those of us that live along the border. I am privileged to represent the communities in San Diego that happen to be on the international frontier. Mr. Speaker, while we hear all about Washington, about how Operation Gatekeeper secured the border, that we have control, that do not worry about it, well, Mr. Speaker, I guess the message really struck home this week, because while Secretary Babbitt was visiting us in San Diego, Mr. Babbitt learned something that those of us in San Diego and along the border know all too often. He went out to get his van. It happened that his van was gone. The van had been stolen.

Mr. Speaker, the fact is a day later his van was found. It has 39 illegal aliens in it going down the freeway. Welcome to San Diego and the border, Mr. Secretary. This is what we live with along the border every day of the year.

The fact is those of us in the Southwest put up with our cars being stolen and shipped south and north, because of the no man's land that the Federal Government continues to allow to occur along the border, and the immorality of the Federal Government to have the gall to try to say that they have secured the area. I think it is terrible and propagates this concept that the people cannot trust Washington, especially when they know their cars are disappearing.

I have one constituent that has gone out four times, and all he has left of the four cars that used to be there is a bag of plastic where they had torn up his car to be able to break in and take it.

Not only do the cars go north, Mr. Speaker, but they also go south. We have been able to photograph Mexican Federal officials driving American cars down south. A lot of us supported free trade with Mexico, but let me assure you, this is not the free trade we had planned. And the Mexican officials do not even have the decency to take the license plate off the car. They still have California license plates out there, Mr. Speaker.

So, Mr. Speaker, I would ask that Secretary Babbitt get together with the President and remind him that things are not under control along the border, that common decency says the Federal Government must straighten this out. And if he does not care about his own car, I ask that you recognize the same day this happened that tragedy occurred in the Tijuana River, where four illegal aliens tried to swim the river back because they were concerned about being caught by immigration officials and they drowned. There are four families in Mexico, Mr. Speaker, who are going to have bodies shipped back to them in body bags because they were told in Mexico come on into America. We will let you in illegally. And they tried it, and they are now dead, and their families are going to have to accept the body bags.

That is the immorality, Mr. Speaker, of our American Government not controlling our national sovereignty. And in the words of the ex-Governor of Baja, CA, that ring quite clearly to those of us along the border, we need to recognize that American sovereignty is not only a right, it is a responsibility, and it is a responsibility of the Federal Government that they have to finally bear.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 26 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

Let us pray using the words of Maltbie Davenport Babcock's hymn:

This is my Father's world,
And to my listening ears

All nature sings, and round me rings
The music of the spheres.
This is my Father's world; I rest me in the thought
Of rocks and trees of skies and seas,
His hand the wonders wrought.

This is my Father's world,
O let me ne'er forget
That though the wrong seems oft so strong,
God is the Ruler yet.
This is my Father's world;
Why should my heart be sad?
The Lord is King, let the heavens sing;
God reigns, let the earth be glad!

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TIAHRT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TIAHRT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Illinois [Mr. DURBIN] will lead us in the Pledge of Allegiance.

Mr. DURBIN 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.

OUR COUNTRY NEEDS LEADERSHIP

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

Mr. EWING. Mr. Speaker, candidate Clinton ran on a pledge to balance the budget in 5 years, and now he is wiling to shut down the Government rather than agree to balance it in 7 years.

The President's administration and special interest groups friendly to that administration are very loose with the facts. They are using distortion to scare senior citizens into believing that the Republicans are raising Medicare premiums, when all we are doing is keeping premiums at the current rate rather than dropping it and then raising it again.

The administration and representatives from there are claiming that our budget proposals would destroy the environment, environment and educational programs, and they know that is not true also. But their pollsters, by the way, tell them that these are good issues.

What I am getting at, Mr. Speaker, is that our country needs leadership, not pandering to political special interests. The President should accept the leadership from this Congress' offer to work out our budget problems.

LITTLE SUBSTANCE TO STORY ABOUT SECRETARY O'LEARY

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

Mr. BROWN of California. Mr. Speaker, last Thursday the Wall Street Journal ran an article that was mildly critical of Secretary O'Leary at the Energy Department and used the words of accusing her of conducting investigations of reporters who were covering her agency. The article was not that bad, but it provided sufficient ammunition that a number of our colleagues immediately leaped into the breach, hoping that a major scandal was developing and issued ''Dear Colleague'' letters and a proposed letter to the President requiring the firing of Secretary O'Leary.

This was basically a reflection of the delicate emotional state that exists in Washington right now rather than being based on any substantive information, and I will be sending out a ''Dear Colleague'' letter today that will reflect more of the facts of this situation.

The firm was terminated 2 months before the story ran. It does not do investigative work, as the article alleges, and there is very little substance to the entire story.

PRESIDENT DOES NOT WANT TO BALANCE THE BUDGET

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, if the Government shuts down tonight, the responsibility is going to rest squarely on President Clinton's shoulders.

We have sent him a debt limit increase and will send him a continuing resolution to keep the Government operating, but he says he will veto these bills. Why is the President choosing to shut down the Government? It is because when it comes to push to shove, he flat does not want to balance the budget. That is what it amounts to.

The bills the President will veto today just require him really to put his money where his mouth is, do something he has never had to do, and that is practice what he preaches. After all his talk about balancing the budget and reining in the Federal spending and downsizing Government, today the President is going to demonstrate in no uncertain terms that he just does not have the courage.

We cannot let our President's unwillingness to govern jeopardize our country's future.

NONESSENTIAL WORKERS NOT NEEDED

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

Mr. TRAFICANT. Mr. Speaker, something does not add up, Mr. Speaker. Experts say, ''Don't worry, America, if the Federal Government shuts down, only nonessential workers will be furloughed.'' That is right, nonessential.

Now, the dictionary says ''nonessential'' basically means not necessary. Now, if that is the case, did anyone around here ever stop to think that if Congress did not borrow money to hire nonessential workers, Congress would not have to borrow more money to pay nonessential workers and Congress would not have to shut down.

BeaM me up, Mr. Speaker, Maybe, just maybe, the Congress of the United States is a little nonessential.

I yield back the balance of any essence that might be in this message.

PRESIDENT NEEDS TO MEET WITH CONGRESSIONAL LEADERS

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

Mr. TIAHRT. Mr. Speaker, over the weekend, Speaker GINGRICH from the House and Senate Majority Leader DOLE from the Senate displayed true leadership by calling the President on the phone in a genuine attempt to reconcile the differences over the budget.

But what happened? The President was gracious enough to let Senator DOLE speak one sentence and the Speaker of the House two sentences. But then he proceeded to blast both of them and basically hung up.

The fact is the President does not want to balance the budget, not in 10 years as he proposed, which ended up being $200 billion over each of the 10 years in deficit, but also in 7 years, the plan we presented him with.

Mr. Speaker, this is why we stand on the brink of a government shutdown. This is why the budget is not balanced. This is what the American people are tired of, business as usual, excuses.

The President needs to spend less time on the golf course and more time meeting with congressional leaders to iron out their differences and make Government work, but if the President chooses, he can shut the Government down.

TAKE EXTRANEOUS MATTERS OUT OF DEBT LIMIT AND BUDGET BILLS

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

Mr. WARD. Mr. Speaker, I rise today to address the ironic statement made by Speaker GINGRICH yesterday concerning the debt limit extension. In reference to our President, Speaker GINGRICH said, ''We are not willing to give you a blank check. We are not willing to give you an open credit card account,'' he said to President Clinton, when, in fact, it is the Speaker who is asking for a blank check to raise Medicare premiums and slash our environmental protection laws.

Speaker GINGRICH is using what is usually a set of bipartisan bills that are procedural in nature that need to be passed to continue our Government's operation, he is using these bills to move his extremist agenda because he knows he has not succeeded through the normal channels.

I stand here as one who has voted for a balanced budget, but not one that the Speaker liked.

These extreme extraneous matters have no business being in these bills, and they should be debated separately.

LET US SAY NO TO PORK-BARREL SPENDING

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

Mr. CHABOT. I thought my ears were playing tricks on me yesterday when I heard White House Chief of Staff Leon Panetta say that this Congress is going to have to learn to do things the old-fashioned way. By that, he means, of course, business as ususal.

Well, I had a chance to go back home to Cincinnati over the weekend. Unlike the President, I did not play golf, I did not consult with any high-priced pollsters.

But I did have the opportunity to talk to the type of people, the regular folks back in fact in Cincinnati, who sent me here to Congress. They did not tell me to vote the old pork-barrel way, as Mr. Panetta encourages. They told me to stick to my guns, to do what I promised I would do, to keep working to balance the budget.

During his campaign, candidate Bill Clinton promised to balance the budget in 5 years. Now that he is in the White House, he refuses to even discuss balancing it in 7 years. Still Mr. Speaker, the President should not underestimate the intelligence of the American taxpayers. They know the political gamesmanship when they see it, and they do not like it.

They want us to balance the budget. Let us do it now.

THE PRESIDENT DOES HAVE A BUDGET

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

Mrs. SCHROEDER. Mr. Speaker, the President does have a budget. He does have a budget that balances in 7 years. The issue is: Who do you cut?

I think it is outrageous today that many hard-working Federal employees in my State of Colorado are standing there quaking as this holiday season approaches, wondering how long people are going to play with their lives and play with their paychecks.

I want to remind you that Time magazine in June of this year quoted the Speaker as saying the President can run parts of the Government that are left or he can run no Government and the Speaker went on to say, ''Which of the two of us do you think worries about government not showing up?''

Well, that tells you how casually they are playing to get an extreme, mean agenda through. This is not about balancing the budget. This is about whether you balance it on your mom's back or the kids' back so you can pay off fat cats, or you do what is fair and what is right in the American way.

I am sorry that Federal employees in my region are being used as pawns in this game. I would not do that.

REPUBLICANS COMMITTED TO A REAL BALANCED BUDGET

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

Mrs. SEASTRAND. Mr. Speaker, this is the national debt as of last week: 4 trillion, 985 billion, 913 million, 11 thousand and 32 dollars, and 65 cents.

I have a question. If someone could lay each dollar of the debt end to end around the equator, how many times would it circle the Earth? The answer—18,635 times.

I have another question. How many balanced budgets has President Clinton introduced? The answer—zero.

Now it is true that the President claims to have introduced a balanced budget. But upon further inspection by the CBO, his budget really does not balance at all. In the year 2005, President Clinton's deficit would be over $200 billion.

Mr. Speaker, Republicans are committed to a real balanced budget and saying no to big government and the tax and spend policies of the past.

Let's end the excuses and balance the budget now.

□ 1415

NO BUDGET, NO PAY FOR MEMBERS OF CONGRESS

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

Mr. DURBIN. Mr. Speaker, remember when a little child would say to you, ''I am going to hold my breath until I turn blue in the face?'' That is exactly what is going on with the politicians here in Washington. Can you imagine for a minute that we are going to shut down the Federal Government, that our political egos are that colossal?

Think about this for a second: Tomorrow we are going to send 800,000 Federal workers home without pay, while Members of Congress still receive their paychecks. That is fundamentally unfair and wrong.

H.R. 2281, which I introduced with Senator BOXER of California, says no budget, no pay. If this train wrecks, then Speaker GINGRICH and the train crew and all of the rest of us will not be paid until the train is back on the track and running again.

Mr. Speaker, Members of Congress should start focusing a little more on solving problems, rather than creating them, with no budget, no pay.

Mr. Speaker, I am sorry you left the Chamber. I am sorry that Speaker GINGRICH is not here. My request to him is put whatever else is on the calendar aside. Pass no budget, no pay, and this crisis will be over.

BALANCING FEDERAL BUDGET IS FISCALLY RESPONSIBLE

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

Mr. RIGGS. Mr. Speaker, let me just point out to my colleagues that the gentleman from Illinois who just spoke, when he had an opportunity out on this House floor to vote for a balanced budget resolution, failed to do so. He voted against the Republican version of a balanced budget 7-year plan; he voted against the Democrat substitute. In fact, Mr. Speaker, when the Democrats offered their version of a balanced budget plan out here on the floor, only 72 out of 199 Democrats voted for it.

We are the party that is trying to be fiscally responsible. We are putting forward a plan to balance the budget in 7 years by limiting the growth, the increase in Federal spending, to 3 percent per year. We want the President to affirm his willingness to meet us halfway and honestly balance the budget and work with, not against, this Congress.

DO WHAT IS RIGHT FOR THE AMERICAN PEOPLE

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

Mr. FORD. Mr. Speaker, because the Republicans have not passed the budget for September 38, 1995, for the next

fiscal year, they want to blame the default of this Government, of the shutdown tonight at midnight, on the Democrats.

Stop the foolishness, Republicans. Speaker GINGRICH, on the GOP budget strategy, said ''The President will veto a number of things, and we will put them all on the debt ceiling, and then he will decide how much of a crisis he wants.'' That is according to the Washington Times, April 3, 1995.

The Washington Post of September 2, 1995, quotes Speaker GINGRICH: ''I do not care what the price is. I do not care if we have no executive offices and no bonds for 30 days. Not at this time.''

It is wrong for the Republicans to treat the American people this way. Let us do what is right for this Nation. Let us send a clean CR to the President, and a clean debt ceiling as well.

TIME FOR A BALANCED BUDGET

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

Mr. EHLERS. Mr. Speaker, I rise to join in decrying the coming crisis. However, I believe it is extremely important to resolve the crisis that we are facing, and believe we should not shut down the Government.

Let me just give some of the facts. You heard earlier from the gentlewoman from California that the deficit is above $4.9 trillion; in fact, within a few weeks it will be $5 trillion. In one-thousand dollar bills, that would be a stack 300 miles out into space. We have to address the deficit problem.

The Republicans have addressed it. We have voted for a balanced budget. I applaud those Democrats in this Chamber who have voted for a balanced budget proposal. The President's proposal, 18 pages long, does not even begin to outline a solution.

I believe it is time for the President to come to the table to meet in all sincerity with the Speaker and the majority leader of the Senate. It is time for us to reach agreement on a balanced budget. The American people demand it. They deserve it. Let us pass a balanced budget.

DO NOT BALANCE BUDGET BY MEDICARE INCREASES

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

Mr. PALLONE. Mr. Speaker, I was so proud to read over the weekend that the President has indicated that he will not sign a continuing budget resolution because of the increase in Medicare payments. I think it is really awful to think that the Republican leadership in this House has said that unless the President agrees to increase Medicare part B premiums, which would go from $46.10 per month to $53.50 per month, when they are scheduled under current law to be decreased to $42.50 per month. What the Republican leadership is saying is unless you sign this continuing resolution, we are going to make sure that the Medicare premiums go up.

It is not fair to American senior citizens. Over the weekend I talked to a lot of senior citizens. They cannot afford the Medicare part B increase being proposed by the Republican leadership. It is not fair to hold the budget and the Government hostage to this Medicare increase. The President recognizes it. I commend him for the fact he refuses to sign this continuing resolution, primarily because of the Medicare increase.

HOW TO ACHIEVE A BALANCED BUDGET IN 7 YEARS

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

Mr. SMITH of Michigan. Mr. Speaker, if honesty were the high road, too often in this debate we are at a much lower level, traveling the course of what happens to the future of this country.

Do we want a balanced budget in 7 years or less or do we not and, if we do, how should we try to change politicians' behavior around to achieve that goal?

What we have done in this case is try to say that we are going to use the continuing resolution, that we are going to try to use the temporary increase in the debt ceiling, to change what politicians have been doing since the 1920's, and we are actually in some areas going to cut some of the funds that have been going into some of those discretionary programs.

In Medicare, it is a farce. It comes as a strong untruth between what the President and the Democrats in the Senate have already suggested of the changes and where we end up with Medicare reform.

AMERICA IS PRESENTED WITH A MANUFACTURED CRISIS

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

Mr. DOGGETT. Mr. Speaker, today America is presented with a manufactured crisis, and the inventor of this crisis, the person with all the rights to the patent to this crisis and all the silliness attendant to it, is one Speaker NEWT GINGRICH.

Way back on April 3, he made very clear his determination to manufacture this crisis. He reiterated it on June 3, saying that he hardly worried whether the Government would show up. And then finally on September 22, he said to all that were listening then what was going to happen tonight, he said ''I do not care what the price is. I do not care if we have no Executive offices and no bonds for 30 days. Not this time.''

Well, the American people do care. They want their Government working together to take care of the problems that we have, and they do not want to have to pick up the tab for this unnecessary invention, for unless Speaker GINGRICH plans to pay personally for the cost of this whole mishap with the proceeds of the next couple of books that he does with Rupert Murdoch, it is the American taxpayer who will have to pick up the price for this weird invention.

CONGRESS FAILED TO COMPLETE ITS WORK

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

Mr. HOYER. Mr. Speaker, as one who represents 56,000 Federal employees and therefore has always been concerned about the failure of this Congress and the President to do their work in a timely fashion, causing the Government to temporarily shut down, I rise to express once again my deep regret that the Congress of the United States has not done its job.

The fact of the matter is, the only reason there needs to be a continuing resolution signed today or passed today is because we have not done our work, period. All the other rhetoric about balanced budgets, all the other rhetoric about the politics in the White House, are, frankly, not accurate.

There are nine appropriation bills that neither the House nor the Senate have finally acted upon. Therefore, this crisis could have been averted had we done our work.

NOW IS THE TIME TO GET A BALANCED BUDGET

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

Mr. WALKER. Mr. Speaker, what we have heard on the floor today is the liberal extremists who will do virtually anything that they can to stop a balanced budget from taking place. They will just obstruct, they will use anything in their power to stop a balanced budget from taking place.

Now, they would have you believe that they are simply acting for good government. The fact is what they are doing is trying to stop the American family from saving $37,000 in interest costs on their mortgage, because that is what a balanced budget would do. They are trying to stop the American people from getting $900 less in interest payments on the family car that they purchase, because that is what a balanced budget would do. They are trying to stop people from getting a $10,000 interest advantage on their student loans, because that is what a balanced budget would do.

The liberal extremists have fought Ronald Reagan, they fought George Bush, they have fought us all the way along. Now when it comes a time when we have an opportunity to really get a balanced budget, they are on this floor fighting again.

Mr. Speaker, we need a balanced budget. Now is the time to get one.

POINT OF PERSONAL PRIVILEGE

Mr. HOYER. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. MCINNIS). The Chair would state that under the rules of the House, the gentleman cannot be recognized for a point of personal privilege based on debate during 1-minute speeches.

TIME TO BALANCE BUDGET IS NOW

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

Mr. BOEHNER. Mr. Speaker, we have heard about CR's and debt limits, all of this minutia, and we all know this is not what this fight is about. It is about whether we are going to leave for our children and theirs a better future than what our parents left for us.

Each succeeding generation in America has left for its children and its grandchildren a brighter future for them, and what are we leaving for our children? Five trillion dollars' worth of debt. That is what we are doing.

We have heard every excuse in the world why we cannot balance the budget for 30 years. We have heard every Washington gimmick used why we cannot do it. The time is now. We are going to balance the budget to save the future for my girls, my two teenage girls, and every kid of America.

NOTHING THAT HAPPENS TODAY WILL BALANCE THE BUDGET

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

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

Mr. FLAKE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

The gentleman from Pennsylvania, after I spoke, talked about liberal extremists and the balanced budget. As one who has voted on numerous occasions for the balanced budget constitutional amendment, as one who voted for the Stenholm balanced budget that did not pass, and as one who voted for the coalition budget which would balance the budget in 7 years, faster than the budget offered by the other side, I do not believe that I fall in that category.

I say again, nothing that happens today will balance the budget, whether the President signs the continuing resolution or not. The fact of the matter is there would be no necessity for a continuing resolution if this House and the Senate had passed appropriation bills in a timely fashion. They cannot agree. They have not done that, and that is why we are here as we are.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House a communication from the Chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Transportation and Infrastructure. One resolution approves construction of protective works at the South Water Treatment Plant in Chicago, Illinois, pursuant to section 201 of the Flood Control Act of 1965. The remaining resolutions authorize studies of potential water resources projects by the Secretary of the Army in accordance with the provisions of section 4 of the Act of March 4, 1913, and other statutes.

Sincerely,

BUD SHUSTER, *Chairman.*

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which a vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after the debate is concluded on all motions to suspend the results, but not before 5 p.m. today.

□ 1430

ELECTRONIC FILING AND PRESERVATION OF FEDERAL ELECTION COMMISSION REPORTS

Mr. THOMAS, Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2527), to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2527

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

SECTION 1. ELECTRONIC FILING AND PRESERVATION OF FEDERAL ELECTION COMMISSION REPORTS.

(a) SECTION 304 AMENDMENT.—Subsection (a) of section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following new paragraph:

''(11)(A) The Commission shall permit reports required by this Act to be filed and preserved by means of computer disk or any other appropriate electronic format or method, as determined by the Commission.

''(B) In carrying out subparagraph (A) with respect to filing of reports, the Commission shall provide for one or more methods (other than requiring a signature on the report being filed) for verifying reports filed by means of computer disk or other electronic format or method. Any verification under the preceding sentence shall be treated for all purposes (including penalties for perjury) in the same manner as a verification by signature.

''(C) As used in this paragraph, the term 'report' means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.''.

(b) SECTION 302 AMENDMENT.—Subsection (d) of section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(d)) is amended by adding at the end the following new sentence: ''for any report filed in electronic format under section 304(a)(11), the treasurer shall retain a machine-readable copy of the report as the copy preserved under the preceding sentence.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and subsection (b) shall apply with respect to reports for periods beginning after December 31, 1996.

SEC. 2 WAIVER OF DUPLICATE FILING REQUIREMENT FOR STATES WITH ELECTRONIC ACCESS TO FEDERAL ELECTION COMMISSION REPORTS AND STATEMENTS.

Section 312 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439) is amended by adding at the end the following new subsection:

''(c) Subsections (a) and (b) shall not apply with respect to any State that, as determined by the Commission, has a system that permits electronic access to, and duplication of, reports and statements that are filed with the Commission.''.

SEC. 3. FILING OF HOUSE OF REPRESENTATIVES ELECTION REPORTS WITH THE FEDERAL ELECTION COMMISSION, RATHER THAN WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES.

(a) SECTION 302 AMENDMENTS.—Subection (g) of section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended—

(1 by striking out paragraph (1);

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(3) in paragraph (2), as so redesignated by paragraph (2) of this subsection—

(A) by striking out ''Clerk of the House of Representatives and the''; and

(B) by striking out ''them'' and inserting in lieu thereof ''the Secretary'';

(4) in paragraph (3), as so redesignated by paragraph (2) of this subsection, by striking out ''paragraphs (1) and (2)'' and inserting in lieu thereof ''Paragraph (1)''; and

(5) in paragraph (4), as so redesignated by paragraph (2) of this subsection, by striking out ''Clerk of the House of Representatives and the''.

(b) SECTION 304 AMENDMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended)

(1) in the first sentence of subsection (a)(6), by striking out ''Clerk, the Secretary,'' and inserting in lieu thereof ''Secretary''; and

(2) in the third sentence of subsection (c)(2), by striking out ''Clerk, the Secretary,'' and inserting in lieu thereof ''Secretary''.

(c) SECTION 311 AMENDMENT.—Section 311(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)(4)) is amended by striking out ''Clerk, Secretary,'' and inserting in lieu thereof ''Secretary''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports, designations, and statements required to be filed after December 31, 1995.

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 2527 changes both the way in which candidate committees and other committees can file with the Federal Election Commission and it removes an impediment to the public's right to know as soon as possible the information surrounding a candidate in that candidate's report if the candidate is running for the House of Representatives.

H.R. 2527 passed the Committee on House Oversight unanimously. What we did was to examine the current way in which candidates and incumbent Members of the House file their campaign reports with the FEC.

First of all, they do not file the reports with the FEC, they file them with the Clerk of the House. The Clerk of the House then forwards the reports of all of the candidates, incumbents as well as challengers, to the FEC. What occurs is a delay of up to 3 days where the public does not know what is in those reports.

H.R. 2527 does away with the requirement that candidates for Congress, both incumbents and challengers, file with the Clerk of the House. Under H.R. 2527, candidates will file directly with the FEC as other committees are required to file.

In addition to that, it seems to me that campaigns are now run sufficiently using electronic technology that candidates who so choose—there is no requirement—but if candidates choose to file with the FEC, the FEC should accept those filings electronically, beginning in 1997. This reform continues to update the capabilities of the FEC so that as more and more campaign information is stored electronically and reported electronically, the information in those candidates' reports can be turned over to the public more quickly. It seems to me that the FEC should be, first of all, given the opportunity to allow people to file electronically and the Committee on House Oversight will then review how successful that procedure has been.

Since we are allowing the FEC to require candidates to file records with the FEC electronically, we also then waive the requirement that committees file with a State that also files electronically, since that would duplicate materials.

So H.R. 2527, although not a comprehensive piece of legislation, I think nevertheless begins the 104th Congress as the new majority's examination of the way in which we run campaigns.

Although the committee is continuing to hold hearings on a larger issue of candidates and their running for office, in this particular area, with the ability to file electronically, to waive duplication where filing electronically is involved, and to remove an impediment to the public's right to know, it seems to me that we have taken a modest, but positive, step forward, and I would urge my colleagues to support H.R. 2527.

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

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

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

Mr. Speaker, I am pleased to join the distinguished gentleman from California in supporting H.R. 2527.

This is a measure which allows more efficient and cost-effective procedures and which will substantially benefit both the public and congressional candidates.

H.R. 2527 would require House candidate committees to file directly with the Federal Election Commission, thus eliminating the current procedure of filing first with the Clerk of the House. This would become effective December 31 of this year and will speed up the FEC's ability to receive, process, and disclose campaign committee information. Members would continue to have immediate access to filing data. The media and the public will be able to retrieve candidate committee information in a more timely fashion.

The bill also allows the Commission to receive electronically filed campaign reports from candidates and political committees. At the moment this is not a requirement, strictly a voluntary procedure which will go into effect December 31, 1996.

Finally, as States obtain the necessary retrieval equipment, candidates and committees will no longer have to duplicate all their filings within their respective States. This burdensome redundancy will be eliminated without any loss of information, as all candidate and committee data will be immediately available from the FEC.

There are a number of benefits associated with this legislation. The Clerk's Office has estimated saving some $500,000. States, candidates, and committees will all save money.

But the biggest winner will be the public's more rapid access to campaign reports.

Now there will be some costs to the Federal Election Commission, particularly in the startup and staffing of the point of entry section of the bill.

At our committee hearing on October 25, Chairman THOMAS noted that both the authorizing and appropriating committees had set aside $1.5 million in fiscal year 1996 for the FEC to update its internal computer capabilities. The Commission has indicated that it can handle whatever additional costs are required for implementing H.R. 2527 if it has access to this $1.5 million, although, obviously, its internal modernization program will be slowed to the extent these funds are used for other purposes.

There has been some confusion in the various exchanges that have taken place between the Oversight and the Appropriations Committees in order to bring about agreement on this legislation, but I believe we have now reached an understanding.

The minority has made it clear from the beginning that our support for this bill, whose concepts we strongly endorse, is predicated on full funding. No matter how desirable single point of entry is, we are not going to be party to any attempt to further weaken the FEC in carrying out its mandated duties.

We have worked hard to move this legislation forward and we do not want any misunderstandings. The Federal Election Commission has already taken two deep budget cuts—a $1.4 million rescission out of its fiscal year 1995 budget, and over another million cut from its fiscal year 1996 authorization—which was $1.5 million below the Commission's bottom-line request.

Mr. Speaker, last week Chairman THOMAS initiated a series of hearings on campaign finance reform legislation. Our first witnesses included the Speaker, the minority leader, and more than a dozen Members. It was an excellent hearing, and there will be more and Chairman THOMAS is to be commended.

This bill is a small part of campaign finance reform, but it is a step forward. The ability of the Federal Election Commission to fully carry out its responsibilities of disclosure, audit, and enforcement is a big part of campaign finance reform. The FEC is the public's policeman for campaign contributions and spending. There is no intent that this legislation should in anyway interfere with the Commission's ability to fully perform its duties during the crucial upcoming election year, or to use any funds other than the fenced-off $1.5 million for purposes of implementing this legislation.

At this time, Mr. Speaker, I submit for the RECORD a statement by the ranking member, the gentleman from California [Mr. FAZIO], and a copy of a letter dated November 9, 1995, from the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, to Mr. Danny McDonald, Chairman of the Federal Election Commission.

Mr. FAZIO of California. Mr. Speaker, I am pleased to join the distinguished gentleman from California in supporting H.R. 2527.

This is a measure which allows more efficient and cost-effective procedures and which will substantially benefit both the public and congressional candidates.

H.R. 2527 would require House candidate committees to file directly with the Federal Election Commission, thus eliminating the current procedure of filing first with the Clerk of the House. This would become effective December 31 of this year and will speed up the FEC's ability to receive, process, and disclose campaign committee information. Members would continue to have immediate access to filing data. The media and the public will be able to retrieve candidate committee information in a more timely fashion.

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There are a number of benefits associated with this legislation. The Clerk's Office has estimated saving some $500,000. States, candidates, and committees will all save money.

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At our committee hearing on October 25, Chairman THOMAS noted that both the authorizing and appropriating committees had set aside $1.5 million in fiscal year 1996 for the FEC to update its internal computer capabilities. The Commission has indicated that it can handle whatever additional costs are required for implementing H.R. 2527 if it has access to this $1.5 million, although, obviously, its internal modernization program will be slowed to the extent these funds are used for other purposes.

There has been some confusion in the various exchanges that have taken place between the Oversight and the Appropriations Committees in order to bring about agreement on this legislation, but I believe we have now reached an understanding.

I want to thank Mr. LIVINGSTON, chairman of the Appropriations Committee, for his cooperation, and I want to give special recognition to my colleague, STENY HOYER.

Mr. HOYER, who is ranking member on the Appropriations' Treasury and Postal Affairs Subcommittee, has always been a strong supporter of the Federal Election Commission and of campaign reform. He has played a key role in working out the details on the funding for this legislation.

The minority has made it clear from the beginning that our support for this bill, whose concepts we strongly endorse, is predicated on full funding. No matter how desirable single point of entry is, we are not going to be party to any attempt to further weaken the FEC in carrying out its mandated duties.

We have worked hard to move this legislation forward and we do not want any misunderstandings. The Federal Election Commission has already taken two deep budget cuts—a $1.4 million recission out of its fiscal year 1995 budget, and over another million cut from its fiscal year 1996 authorization—which was $1.5 million below the Commission's bottom-line request.

Mr. Speaker, last week Chairman THOMAS initiated a series of hearings on campaign finance reform legislation. Our first witnesses included the Speaker, the minority leader, and more than a dozen Members. It was an excellent hearing, and there will be more and Chairman THOMAS is to be commended.

This bill is a small part of campaign finance reform, but it is a step forward. The ability of the Federal Election Commission to fully carry out its responsibilities of disclosure, audit, and enforcement is a big part of campaign finance reform. The FEC is the public's policeman for campaign contributions and spending. There is no intent that this legislation should in anyway interfere with the Commission's ability to fully perform its duties during the crucial upcoming election year, or to use any funds other than the fenced-off $1.5 million for purposes of implementing this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, November 9, 1995.

Mr. DANNY L. MCDONALD,
Chairman, Federal Election Commission, Washington, DC.

DEAR MR. CHAIRMAN: Following up on my letter of November 2, 1995, I am pleased to learn the FEC can assume single point of entry without adding to current full time employment levels. Based on staff conversations, it is my understanding that FEC will accomplish single point of entry by reassigning employees and contracting out work, if necessary. I also understand that FEC is not able to provide the Committee with a cost estimate for contracting out this work at this time but would appreciate the FEC forwarding such an estimate, when available.

Again, let me state that I support using a portion of the $1.5 million fenced in FY 1996 for internal ADP modernization on electronic filing initiatives such as those authorized in H.R. 2527. I am confident that single point of entry can be achieved within the CBO cost estimate of less than $500,000 in FY 1996 and FEC cost estimates of $400,000–$500,000. I encourage you to keep the Committee informed of any deviation from these estimates.

Sincerely,

BOB LIVINGSTON,
Chairman.

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

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

Mr. Speaker, the gentleman from Maryland [Mr. HOYER] indicated that perhaps there had been some difficulty in communication between the policy committee, which is the Committee on House Oversight, and the Committee on Appropriations.

I would say to the gentleman that perhaps the confusion was more in the eye of the beholder, and in listening to various dollar amounts that we are discussing vis-a-vis the FEC, I do think we would be remiss if we do not put on the record that by closing down the House Clerk operation for review of all of those campaign reports, we are going to be saving more than half a million dollars a year. Although we certainly do want to look at savings in any particular one area, we also have to look at the larger picture.

Mr. Speaker, I believe practice that cost the Clerk's Office a half a million dollars per year for a needless and unnecessary slowdown in the public's access to the information that is in campaign reports is a practice that needed to be ended for a long time. With this new majority, we are ending that practice.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding, and I rise in support of H.R. 2527, which will allow candidates' campaign committees to electronically file campaign reports with the Federal Election Commission. This is an issue that I have supported for many years, and I believe that it is a good thing that it is coming before the House at this time.

The bill also requires House candidates to file reports directly with the FEC instead of with the Clerk of the House.

I want to commend my friend Mr. THOMAS, for bringing this commonsense bill to the House floor and thank the ranking minority member, Mr. FAZIO, and in his absence the gentleman from Maryland, Mr. HOYER, both of whom have been very cooperative with this timely issue.

The bill allows the FEC to move into the computer age by accepting the electronic transmission of campaign reports. Candidates will be allowed to cut down on the paper shuffling if they choose to use the electronic system. This process will also speed the reporting of campaign contributions to enhance the voters' access to the disclosure of campaign contributions.

It is important to note that this is a voluntary system. It will not burden campaign committees with mandates if they are not computerized, but it will allow committees to file electronically if it eases their operation.

This bill will also require candidates to file reports directly with the FEC, and this provision will end the absurd system that requires candidates to file campaign reports with the Clerk of the House, and then force the Clerk to keep copies of the reports and make microfilmed copies to send to the FEC, and then the FEC would print hard copies of the reports from the Clerk's microfilm.

The current system is a case study in unnecessary bureaucratic paper shuffling and obviously creates unwanted extra cost. Requiring candidates to file directly with the FEC will end the confusion and the outrageous duplication of the effort.

The FEC will work with original filings instead of the blurred copies which

make it more difficult for the FEC to electronically scan the information. It will also save thousands of dollars in the Clerk's office.

This bill may have prompted some confusion, as has been alleged earlier, on how the FEC would implement the bill, but I am pleased that the FEC now has clarified their earlier request and that they are not pushing for more employees to accomplish this single point of entry.

I want to reiterate that I support using a portion of the $1.5 million fenced in fiscal year 1996 for the computer modernization on electronic filing initiatives such as those authorized in H.R. 2527. I am confident that single point of entry can be achieved for less than the CBO cost estimate of a half a million dollars, and the FEC's estimate of between $400,000 to $500,000 makes sense.

This bill will speed disclosure, reduce duplication and move the FEC toward computer modernization. I encourage my colleagues to give it their full support.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Michigan [Mr. EHLERS], a valued member of the Committee on House Oversight.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am very pleased to rise in strong support of H.R. 2527. Just 2 years ago I ran for Congress for the first time. I was very surprised when the time came to file the first campaign finance report and discovered that I had to file a copy with the secretary of state in the State of Michigan and a copy with the Clerk of the House. I just assumed that the report would go to the FEC. I did not realize it would take a few days for them to get it.

What amazed me even more is that when the news media wanted to find out what we had expended on the campaign, they did not go to the secretary of state of Michigan, they did not go to the Clerk of the House, and of course they could not get it from the FEC; they came to our campaign office and we had to run off multiple copies for the media.

□ 1445

This bill will cure those problems. The report will be filed with the agency that is responsible of reviewing it, the FEC. That is where it appropriately belongs. Even more importantly, we can file by electronic means. I certainly will take advantage of that. It will save a lot of work, it will save a lot of postage, and it will certainly speed up the time that the press will have to spend scanning these particular reports.

Once again Mr. Speaker, I believe it is an excellent bill and I rise in strong support of this bill. I encourage its passage.

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

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

In closing, we are pleased to support this, but I would reiterate my personal concern, and I believe the concern of our side of the aisle, that as we save, as the gentleman from California [Mr. THOMAS] has pointed out, $500,000, or thereabouts, from the Clerk's office, and we transfer the responsibility of unified point of entry and first entry into the FEC, it is, I think, agreed on both sides that there will be an additional cost to the FEC.

We have provided, by correspondence more than legislation, that of the $1.5 million for computerization, a portion of that can be used for the purposes of carrying out this additional responsibility that we transfer from the Clerk's office to the FEC.

We have no opposition to that, but I would like to observe that we must carefully review the capacity of the FEC to do those things which the public expects it to do. This will be a step in the right direction. But it will only be a step in the right direction if they have the capacity to do the job from an administrative standpoint, enter the data properly, have it accessible easily, and be able to respond to the public's questions.

I will be looking as a member of both the authorizing and the appropriating subcommittees that have responsibility to oversee FEC at the impact that this additional responsibility has on them with a view next year to make sure that they have sufficient funds to carry out what the American public believe to be an absolutely essential task of knowing where money comes from, where it goes, and what relationship, if any, it has to policy.

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

Mr. Speaker, I know the gentleman from Maryland did not mean to misspeak in his concluding comments, but this is not an additional responsibility for the FEC. The FEC now has the responsibility to receive and record all campaign reports.

This is a timing question. Because, notwithstanding current procedure, where the campaign reports are filed with the clerk of the House first, they are nevertheless still eventually transferred to the FEC. So this is not, I repeat, not an additional responsibility for the FEC. It is merely a question of timing.

The FEC enjoyed, as we say, the float. The fact that the clerk was the one who received at the appropriate deadline the reports, enabled the FEC to buy some time to do other work that was required under the law by the deadline and then begin to receive, 1 to 3 days after the deadline, the materials from the clerk.

This procedure could have been changed in any previous Congress. But it was convenient for folk. It was useful to have a system for holding reports in an area where that report could be retrieved by candidates, to be changed, to be reviewed, and then submitted to the FEC.

It seems to me the fundamental responsibility is the deadline and the public's right to know. The practice that H.R. 2527 eliminates is that float time. It does away with the convenience that the FEC had for a number of years of not having to deal with its responsibilities at the given deadline.

So when we talk about costs to the FEC, quite frankly this is something that should have been corrected a long time ago.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the bill, H.R. 2527, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2527, the bill just passed.

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

There was no objection.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1995

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2204) to extend and reauthorize the Defense Production Act of 1950, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2204

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defense Production Act Amendments of 1995''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended in the first sentence by striking ''Title I (except section 104), title III, and title VII (except sections 708, 714, 719, and 721) of this Act, and all authority conferred thereunder shall terminate at the close of September 30, 1995'' and inserting ''Title I (except section 104), title III, and title VII (except sections 708 and 721), and all authority conferred thereunder, shall terminate at the close of September 30, 1998''.

SEC. 3. AUTHORIZING APPROPRIATIONS FOR TITLE III PROJECTS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) in subsection (a), by striking ''(a) AUTHORIZATION.—'' and all that follows through ''subsection (c),,'' and inserting ''(a) AUTHORIZATION.—Except as provided in subsection (b),''; and

(2) by striking subsections (b), (c), and (d) and inserting after subsection (a) the following new subsection:

''(b) TITLE II AUTHORIZATION.—There are authorized to be appropriated for each of the fiscal years 1996, 1997, and 1998, such sums as may be necessary to carry out title III.''.

SEC. 4. REPORTS TO THE CONGRESS.

(a) IN GENERAL.—The President shall prepare and transmit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate an interim report and a final report on proposed legislative modernization of the authorities contained in the Defense Production Act of 1950.

(b) TIMING.—The President shall so transmit—

(1) the interim report required by subsection (a), not later than January 31, 1997; and

(2) the final report required by subsection (a), not later than September 30, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] will be recognized for 20 minutes, and the gentleman from New York [Mr. FLAKE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, I rise in support of the bill before us today, H.R. 2204, a basically noncontroversial measure to extend and reauthorize the Defense Production Act of 1950. In this, I am grateful to enjoy the support of Representative JAMES A. LEACH, chairman of the Committee on Banking and Financial Services. In true bipartisan spirit, our distinguished former chairman, Representative GONZALEZ and Representative FLAKE, the ranking member of the subcommittee have also provided their strong support for this legislation and I am very appreciative of their efforts. I would be remiss if I did not also acknowledge the valued input provided by Representative METCALF, Representative BARR, Representative CHRYSLER, and Representative WATT of the subcommittee. Their counsel has served to improve the future exercise of Defense Production Act authorities.

Mr. Speaker, the Subcommittee on Domestic and International Monetary Policy of the House Banking and Financial Services Committee has primary jurisdiction over the Defense Production Act, which is the primary statute used for the mobilization of civilian efforts during national disasters in peacetime and in support of the national defense during periods of national emergency. The authorization for the DPA expired on September 30, 1995. This legislation would extend and reauthorize the DPA until September 30, 1998.

Title I of the DPA is designed to ensure that the Armed Forces of the United States can obtain the critical goods and services required to carry out their duties during wartime national emergencies and peacetime national disasters. It provides the President with the authority to establish an order of precedence among contracts and to require that those contracts or orders for essential goods, necessary to the national defense, take precedence over other contracts or orders. In addition, title I authorizes the President to manage the allocation of materials, equipment, and services necessary to promote the national defense.

The fiscal year 1995 Defense Authorization Act redefined ''national defense'' and amended the DPA to extend the application of the authorities under title I to be used in the event of a national disaster. This is a sensible adaptation to permit these capabilities and authorities to be employed to help victims of natural disasters—floods, fires, hurricanes, and earthquakes.

These authorities have been employed to support the U.S. military in every conflict since 1950. Operation Desert Storm was a recent example of a conflict situation that arose with special needs that could not be completely anticipated and supplied through the ordinary operations of the market. Currently the Bosnian situation places actual and potential emergency equipment and logistical demands for the support of our forces.

Title III authorizes the President to use incentives to establish, expand, and maintain domestic production capacity for critical components, critical items of technology, and essential industrial resources required for the execution of the national security strategy of the United States.

No appropriations for DPA have been requested by this administration for fiscal year 1996 and none are forecast for fiscal year 1997. The Congressional Budget Office estimates that H.R. 2204 would result in additional outlays of $80 to $85 million over the 5-year period between 1996–2000. All of these costs would be subject to discretionary appropriations. The bill is not subject to pay as you go procedures because it would not affect direct spending or receipts. Enactment of this bill will have no effect on the budgets of State and local governments.

Mr. Speaker, the administration and the minority support this extension of the DPA through September 30, 1998. The other body has already passed substantially identical legislation by unanimous consent. This bill is a provident and careful provision for the unpredictable conflict or national emergency. I urge its immediate adoption.

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

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

Mr. Speaker, I commend the chairman of the Subcommittee on Domestic and International Monetary Policy, as well as the many members on both sides of the committee and in the House who realize the importance of the Defense Production Act to our national security.

Mr. Speaker, preparedness has long been a staple of our Nation's military strength. It is an unrefuted fact that our Nation's defense is grounded upon a policy of a strong industrial and technology base capable of meeting national defense requirements, and is further predicated upon our maintaining technological superiority on the battlefield. The synergy of these two themes is affirmed in the Defense Production Act.

More importantly, however, the authorities contained in the act make our policy a reality. The DPA's authorities are unique in that they provide the Defense Department the ability to maintain a strong domestic base which will be responsive to threats to the national security of the United States. Moreover, I am pleased to say these same authorities may apply in times of natural disasters here at home.

Mr. Speaker, a brief history of the DPA is in order, so that the American public can understand the efficacy of its provisions. Established in 1950, the original intent was to mobilize the Nation's production capacity in response to material shortages experienced during World War II and the outbreak of the Korean war. Only three out of seven titles remain in operation today, and these authorities expired on September 30, 1995.

Title I is a powerful tool that ensures that our Armed Forces and those of our allies can obtain the materials they need to meet any contingency that threatens the national security. These priorities and allocations authorities have been used extensively and have proven invaluable. During Desert Storm, title I ensured that industry provided priority production and shipment of essential items urgently needed by the coalition forces. Close to 600 cases were handled during the conflict which included delivery of: Global positioning system receivers; activated charcoal for gas masks; and search/rescue radios.

Mr. Speaker, title III provisions also contain vital authorities. This ''expansion of productive capacity and supply'' authority allows the President to use incentives to establish, expand, or maintain domestic productive capacity for critical components, critical technology items, and industrial resources essential for the execution of the national security policy of the United States.

Title III provides a unique vehicle by which the Defense Department can provide financial incentives to industry to support defense needs. These incentives allow domestic industries to support and supply key advanced materials and technology items, and facilities the use of these materials in our Nation's defense systems. Most often these systems involve high technology systems including lasers, radar, and communication systems.

Mr. Speaker, the last operative authority, title VII, contains some general measures. I will close, however, by extending my support to the new language inserted requiring a report for possible changes to the active sections of the DPA. Members from both parties expressed concerns about the age of this law, and whether these authorities

are obsolete. Some also felt that the President has too much power under the DPA. I believe the changes will assuage these concerns, and I look forward to working with Mr. CASTLE and the Defense Department on those changes.

Therefore, as the ranking member of the Subcommittee on Domestic and International Monetary Policy, I support the bill.

Mr. GONZALEZ. Mr. Speaker, for 45 years the Defense Production Act has provided the executive branch with essential authorities to ensure that our Armed Forces will have the materials and supportive services necessary to promote the national defense.

Ever since the Defense Production Act was enacted in 1950, the Banking Committee has carefully reviewed and amended the act so that it is as necessary today as the day it was enacted.

The bill before us today continues, until September 30, 1998, the President's authority to set procurement priorities on contracts for goods and services that are absolutely necessary for strategic military purposes. Additionally, the bill extends the President's authority to establish financial incentives to permit the domestic defense industry to produce goods and services which are critical elements of weapon systems.

While we recognize that we live in a global industrial environment, it simply makes no sense to depend on foreign sources of critical parts for U.S. weapon systems; no matter how strongly we believe another country shares our national interests. This legislation takes important steps to prevent an unreasonable reliance on the defense industries of other countries. The Defense Production Act produces jobs in American industries and promotes the development of new technologies for our firms.

I commend the chairman of the Banking Committee, Chairman LEACH, the subcommittee chairman and ranking member, Chairman CASTLE and Congressman FLOYD FLAKE respectively, for their work in bringing the bill to the floor.

I strongly recommend bipartisan support of the Defense Production Act Amendments of 1995.

□ 1500

Mr. FLAKE. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2204, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2204, the bill just passed.

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

There was no objection.

PROHIBITION OF CERTAIN TRANSFERS OF NATIONAL FOREST LANDS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 924) to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill.

The Clerk read as follows:

H.R. 924

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

SECTION 1. PROHIBITION ON CERTAIN TRANSFERS OF NATIONAL FOREST LANDS.

After the date of the enactment of this Act the Secretary of Agriculture shall not transfer (by exchange or otherwise) any lands owned by the United States and managed by the Secretary as part of the Angeles National Forest to any person unless the instrument of conveyance contains a restriction, enforceable by the Secretary, on the future use of such land prohibiting the use of any portion of such land as a solid waste landfill. Such restriction shall be promptly enforced by the Secretary when and if a violation of the restriction occurs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

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

Mr. HANSEN. Mr. Speaker, H.R. 924 was introduced by Representative BUCK MCKEON and would prohibit the Secretary of Agriculture from transferring lands within the Angeles National Forest out of Federal ownership for use as a solid waste landfill. H.R. 924 addresses a concern raised by residents of southern California over efforts to construct a 190 million ton solid waste landfill in an area of the Angeles National Forest known as Elsmere Canyon. A private company is currently seeking to obtain 1,643 acres of land within the Angeles National Forest to facilitate construction of what would be the largest landfill in the United States. The Forest Service previously issued a recommendation against this exchange in a January 1995 draft environmental impact statement and also rejected a similar request made by the same company in 1986.

The Angeles National Forest is within a 2-hour drive of more than 20 million Californians and ranks second in the Nation in recreation use with 32 million visits annually. An enormous solid waste landfill, which the Forest Service has rejected on two occasions, is clearly not compatible with public use of the Angeles National Forest, which compromises 72 percent of the open space within Los Angeles County.

To sacrifice a prime area of the Angeles National Forest for a questionable landfill project is clearly not within the public's interest. I urge my colleagues to support H.R. 924 and commend Mr. MCKEON for his success with this legislation.

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

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I think the gentleman from Utah [Mr. HANSEN] and the author of this bill, the gentleman from California [Mr. MCKEON] have it about right. We agree with the bill.

Mr. Speaker, I am a cosponsor of H.R. 924 Representative MCKEON asked myself and others to cosponsor this bill because of his deep concern that the placement of the proposed Elsemere Canyon solid waste landfill could negatively his constituents and the local communities. It is obvious from the Resources Committee hearing that this proposed landfill is very controversial. The proposed landfill would be developed on land that is now part of the Angeles National Forest, land that would be acquired through a land exchange between the landfill operator and the Forest Service. While it appears highly likely that the proposed landfill will be rejected under the existing administrative procedures of the Forest Service, House passage of this legislation which will legislatively end any chance of this project going forward.

Mr. Speaker, I support H.R. 924 and recommend its adoption by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the sponsor of this legislation.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 924. This legislation would prohibit the Secretary of Agriculture from transferring land within the Angeles National Forest out of Federal ownership for use as a solid waste landfill. I introduced this bill in response to concerns raised by residents of southern California over efforts to construct a 190-million-ton solid waste landfill in the section of the Angeles National Forest known as Elsmere Canyon. I am also pleased that most of the Members from the California delegation have joined me in supporting this legislation.

Mr. Speaker, on at least two previous occasions the Forest Service has rejected proposals to construct a landfill within the Angeles National Forest. A similar proposal is currently under consideration where a private company would acquire through exchange 1,643 acres of land within the Angeles National Forest to facilitate construction

of what would be the largest landfill in the country. The Forest Service has already issued a draft environmental impact statement that has recommended against accepting this exchange, and is in the process of completing a final report on this issue.

There are several reasons to support passage of this legislation today. As many southern Californians know, the Angeles National Forest is our version of Central Park, occupying 72 percent of the open land in Los Angeles County. In addition, the forest is within a 2-hour drive for more than 20 million Californians and ranks second in the Nation in recreation use with more than 32 million annual visits—which is approximately equal to one visit per year for every person in California. Moreover, although the tract proposed for the landfill is on the western edge of the Angeles National Forest, it is an integral part of the forest's ecosystem and provides unique and spectacular educational and recreational opportunities for visitors to the forest. Finally, several tracts of land that the Forest Service is slated to acquire in an eventual exchange have already been obtained by the trust for public land through receipts act funding, which will reduce the value of an exchange to the Federal Government.

Mr. Speaker, I am not involved in the issue to express arguments against landfills, since there are already several in my district. However, it is important to realize that the State of California is making great strides in promoting safer and more practical landfill alternatives. New developments in solid waste disposal technology already exist that will soon diminish the need for expensive and potentially unsafe new landfills. These technologies include combustion alternatives that do not adversely affect air quality as well as various recycling endeavors.

Mr. Speaker, all of us in this Chamber have a responsibility to protect public land which belongs to our citizens. To sacrifice a prime area of National Forest land for a questionable landfill project is clearly not in the public's interest. The legislation before us will carry out our intent to further prevent forever the construction of a landfill within the Angeles National Forest, and I urge its adoption.

Before concluding, Mr. Speaker, I want to thank my colleagues who have supported this effort, especially my good friend, Mr. HANSEN, the chairman of the National Parks, Forests, and Lands Subcommittee as well as another friend, Mr. RICHARDSON, the ranking member of the subcommittee who is an original cosponsor of the legislation. I also want to express my appreciation to my colleague from California, Mr. MILLER the ranking member of the full committee and my friend from Alaska, Mr. YOUNG chairman of the full committee, for their efforts, along with the counsel of the National Parks Subcommittee, Allen Freemyer, and the subcommittee staff for their guidance and assistance throughout this process.

Mr. Speaker, I also want to thank my colleague and mentor, the gentleman from California [Mr. MOORHEAD]. He was the first Congressman I met in my life, and he has been a great example to me of what we should be in this House of the people. He represents the area covered in this bill and has been a great partner in getting to this point.

I express my appreciation also for the efforts of the residents of the city of Santa Clarita, CA, who have worked tirelessly to bring this issue to have the public's attention.

I urge support of this measure this day, H.R. 924.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. MOORHEAD].

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

Mr. MOORHEAD. Mr. Speaker, this is a very important piece of legislation for the people of southern California. It is one that we have fought for a long period of time as we have fought against a trash dump that would destroy one of the most beautiful areas of southern California.

I do not think many people know it, but we have got the finest waterfall that I know of in southern California within Elsmere Canyon. It is a lovely area. It is an area that is adjacent to large population areas.

Our biggest problem in the national forest has been fires and the floods that followed. We have tried to provide recreational facilities for the people of southern California in those woods and forests that are a part of them. If a trash dump was built on this site, it would be a danger for fires. It would endanger the water supply of the people of Santa Clarita. It would endanger the quality of air that we have in that part of the county. It would not be a good place for a trash dump.

I am very, very grateful to the gentleman from California [Mr. MCKEON] for bringing this legislation to this Congress. It is an area that I cherish and I want to keep pure, and I think that this legislation is the only thing that is going to do it.

I ask all Members to vote for this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 924.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 924, the bill just passed.

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

There was no objection.

EXTENDING FEDERAL POWER ACT DEADLINE FOR CONSTRUCTION OF THREE ARKANSAS HYDROELECTRIC PROJECTS

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 657) to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas.

The Clerk read as follows:

H.R. 657

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

SECTION 1. EXTENSION OF DEADLINES.

Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806) the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 4204, 4660, and 4659 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for the project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

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

Mr. SCHAEFER. Mr. Speaker, this bill would extend the deadline for commencement of construction for three projects constituting the 21-megawatt White River Project in Arkansas for up to 6 years. The licensees for these projects, the city of Batesville and Independence County, have invested more than $4 million in development. The licensees seek an extension because they have not been able to obtain a power sales contract. Construction of these projects will create new jobs for local residents and produce about $300,000 in annual revenues for local governments. During construction, the licensees plan to spend more than $12 million on wages and salaries, and nearly $38 million on materials, providing further employment and income to

local communities. The bill was introduced by our colleague, Representative LINCOLN of Arkansas. There is a need for congressional action, since the construction deadline for one of the projects ran out last week.

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

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

This is the first of eight bills that we will consider this afternoon that deal with hydroelectric projects, and as the gentleman from Colorado mentioned, there has not been any objection to any of these bills.

The Federal Power Action allows the licensee 2 years to begin construction of a hydroelectric project once the license is issued and can extend that deadline but may do so only once and only for 2 years. However, there are many obstacles that make it difficult for projects to commence construction during either the initial license time frame or the extension time frame.

Perhaps the most frequent reason for delay is the lack of a power purchase agreement, for without such an agreement it is unlikely a project could get financed. Because of the limitations set in the Federal Power Act, the House has had a long bipartisan tradition of moving noncontroversial license extensions, and I am pleased we are continuing that tradition today with the gentleman from Colorado and myself and our subcommittee by taking up these bills that were reported, as I said, without dissent by the Committee on Commerce, and so I would ask that the first bill, H.R. 657, be considered.

Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 657.

The question was taken.

Mr. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 657, the bill just considered.

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

There was no objection.

EXTENDING THE TIME FOR CONSTRUCTION OF CERTAIN FERC LICENSED HYDRO PROJECTS

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 680) to extend the time for construction of certain FERC licensed hydro projects.

The Clerk read as follows:

H.R. 680

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

SECTION 1. EXTENSION.

Notwithstanding the limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee or licensees for FERC projects numbered 4244 and 10648 (and after reasonable notice), is authorized in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for each of such projects for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the projects upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of each such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

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

Mr. SCHAEFER. Mr. Speaker, this bill would extend deadlines for construction of two projects in New York with a capacity of 9.7 and 10.2 megawatts for up to 6 years, which would extend the deadline to up to 10 years after the date the licenses were issued. Adirondack Hydro Development Corp. is licensee for one of the projects, and general partner of the other. To date, the company has invested $2 million in development of the projects. The licensee has not been able to begin construction because it has not been able to obtain a power sales contract needed to secure financing. Construction and operation of the projects offers substantial benefits to the community, including an estimated 180 jobs, a payroll expenditure of $18 million, and a further $20 million spent on local purchases of materials. This legislation was introduced by our colleague, Representative SOLOMON of New York. The construction deadline for one of these projects is January 16, 1996, so time is running short.

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

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

Mr. Speaker, the gentleman from Colorado has explained the substance of the bill. It was reported out of our Subcommittee on Power and Energy and the full Committee on Commerce without objection. It is based on construction not having commenced for lack of a power-purchase agreement. I support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 680.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 680, the bill just passed.

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

There was no objection.

EXTENDING FEDERAL POWER ACT DEADLINE FOR CONSTRUCTION OF AN OHIO HYDROELECTRIC PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1011) to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio.

The Clerk read as follows:

H.R. 1011

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

SECTION 1. EXTENSION OF DEADLINE.

Notwithstanding the time limitations of section 13 of the Federal Power Act (16 U.S.C. 806) the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 9423 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for the project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of construction of such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

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

Mr. SCHAEFER. Mr. Speaker, H.R. 1011 would extend the deadline for construction of a 1,500-megawatt pumped-storage project in Ohio for up to 6 years, which would extend the deadline to up to 10 years after the date the license was issued. The licensee is Summit Energy Storage, Inc., which has been unable to commence construction because they have not obtained a power sales contract necessary to finance construction. To date, the licensee has invested more than $20 million in project development. The bill was introduced by our colleague, Representative SAWYER of Ohio. The deadline for commencement of construction ran out on April 11, 1995, and the license is subject to termination by the Federal Energy Regulatory Commission, so it is appropriate that we act on this bill today.

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

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

Mr. Speaker, again, this bill, which relates to hydroelectric projects in Ohio, was reported out of the subcommittee and the full committee without a dissenting vote. I urge support for the legislation.

Mr. SAWYER. Mr. Speaker, I rise today in support of H.R. 1011, a bill I introduced this year to give the Federal Energy Regulatory Commission the authority to grant an extension of as much as 6 extra years for the construction of the Summit Pumped Storage Project in Norton, OH. I appreciate the assistance of Chairman SCHAEFER and Ranking Member PALLONE in bringing this legislation to the floor.

If constructed, the Summit facility would be capable of producing as much as 1,500 megawatts of electricity during hours of peak energy demand. The project itself would burn no fossil fuels, relying instead on hydroelectric generation to provide peak-load power. A 2.8 billion-gallon reservoir would partially empty into a network of abandoned limestone mines, passing through huge turbines on the way. The water would then be pumped back into the reservoir during the hours when electricity is cheapest.

Without H.R. 1011, this unique hydroelectric project will never be built. FERC, which granted the original construction license and a subsequent 2-year extension, is unable under existing law to grant any further extensions. Passage of this legislation will allow FERC to consider up to three 2-year license extensions. This legislation does not relieve the Summit project from the statutory and regulatory requirements it has previously had to meet. The licensing standards remain the same, and FERC will have the final word on the Summit project's eligibility to qualify.

Mr. Speaker, the Summit project enjoys strong support in northeastern Ohio, including the city of Norton, the mayor, and residents and businesses throughout the area. It is a project that will create hundreds of jobs for skilled workers throughout the region and will enhance ongoing economic development initiatives that are enormously important to Norton and the surrounding area.

Again, I'd like to express my thanks to the subcommittee for its work. I urge passage of H.R. 1011.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1011.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1011, the bill just passed.

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

There was no objection.

AUTHORIZING EXTENSION OF TIME LIMITATION FOR A FERC-ISSUED HYDROELECTRIC LICENSE

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1014) to authorize extension of time limitation for a FERC-issued hydroelectric license, as amended.

The Clerk read as follows:

H.R. 1014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 3701, is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend the time required for the licensee to commence the construction of such project for up to a maximum of 3 consecutive 2-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of construction of such project. If the license for FERC Project 3701 should expire prior to the date of enactment of this Act, the Commission is authorized and directed to reinstate effective June 1, 1995, the license previously issued for such project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Speaker, this bill would extend the deadline for construction of a 13.6-megawatt project in Washington for up to 6 years, which would extend the deadline for up to 10 years after the date the license was issued. The licensee is Yakima Tieton Irrigation District, which has been unable to being project construction due to the lack of a power sales contract. To date, the licensee has paid more than $380,000 for studies, investigations, and licensing of these project. The bill was introduced by our colleague, Representative HASTINGS of Washington. The deadline for commencement of construction ran out on May 31, 1995, but H.R. 1014 provides for reinstatement of the license upon enactment, as well as extension of the construction deadline.

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

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

Mr. Speaker, I support H.R. 1014. There was no objective to this bill relating to the project in Washington State.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS], the author of the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1014. I want to thank my colleagues, the gentleman from Colorado, Chairman SCHAEFER, and the subcommittee's ranking member, Mr. PALLONE, for their expeditious handling of this important piece of legislation.

Mr. Speaker, H.R. 1014 is a noncontroversial bill that merely extends the time limitation for a FERC-issued hydroelectric license for the Yakima-Tieton Irrigation District.

Located on the Tieton River in Yakima County, WA, the proposed project which began in the late 1970's calls for construction of a 13.6 megawatt hydroelectric project at the existing Tieton Dam.

In recent years, the irrigation district has entered into serious negotiations with Benton and Franklin County Public Utility Districts [PUD's] on a power purchase agreement.

These efforts culminated last year in meetings between the irrigation district, PUD's, underwriters, and bond counsel to discuss a formal memorandum of understanding [MOU].

It was determined, however, that a number of additional tasks must be completed before construction starts. The PUD's came to the conclusion that it was not feasible or realistic to meet these requirements by May 31, 1995, the most recent FERC deadline. Consequently, they have sought an extension for start of construction.

Project supporters tell me that if this deadline can be extended, a power purchase agreement could be worked out so that construction can be started as early as next fall.

H.R. 1014 simply extends the FERC deadline for completion of this license to May 31, 2001. When completed and

paid for, the low cost, reliable power produced from this project would be available to serve the local area and would reduce power lost from wheeling over longer distances.

After repayment of revenue bonds, the benefits from power revenue would go to reducing future operation and maintenance costs of the irrigation system. The project also provides many short term benefits for the public at large including construction of a nearby campground and enhanced recreational fishing.

Mr. Speaker, there is strong support within the local community for this legislation, which was unanimously approved by the House Commerce Committee last month. All funding will come from bonds secured by the Power Purchase Agreement. No Federal funding is required.

Again, I thank my colleagues for their assistance in making possible the passage of H.R. 1014. I strongly urge this House to vote in favor of this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1014, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1014, the bill just passed.

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

There was no objection.

PROVIDING FOR EXTENSION OF CERTAIN WEST VIRGINIA HYDROELECTRIC PROJECTS

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1051) to provide for the extension of certain hydroelectric projects located in the State of West Virginia.

The Clerk read as follows:

H.R. 1051

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

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission projects numbered 6901 and 6902, the Commission shall, upon the request of the licensee for those projects, in accordance with the good faith, due diligence, and public interest requirements of that section, the Commission's procedures under that section, and the procedures specified in that section, extend the time period during which the licensee is required to commence construction of those projects so as to terminate on October 3, 1999.

(b) APPLICABILITY.—Subsection (a) shall take effect for the projects upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the projects.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license for a project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project until October 3, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, this bill would extend the deadline for construction of two projects in West Virginia with a capacity of 37 and 35 megawatts until October 3, 1999, which would extend the deadline to 10 years after the date the licenses were issued. The licensee, the city of New Martinsville, has already invested about $4 million in planning and permitting. Project construction has not yet commenced because the licensee has been unable to secure a power sales contract needed to finance construction. The benefits of these projects are substantial. The licensee estimates construction will cost about $200 million and create hundreds of jobs. This bill was introduced by our colleague, Mr. MOLLOHAN of West Virginia. The construction deadlines for these projects have already run out, but H.R. 1051 provides for reinstatement of the licenses.

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

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

Mr. Speaker, these two projects have achieved bipartisan support. I urge adoption of the legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1051.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1051, the bill just passed.

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

There was no objection.

REINSTATING THE PERMIT AND EXTENDING THE FEDERAL POWER ACT DEADLINE FOR THE CONSTRUCTION OF AN OREGON HYDROELECTRIC PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1290) to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1290

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

SECTION 1. REINSTATEMENT OF PERMIT EXTENSION DEADLINE.

Notwithstanding the expiration of the permit and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7829, the Commission shall, at the request of the licensee for the project, reinstate the permit effective May 23, 1993, and extend the time period during which the licensee is required to commence the construction of the project so as to terminate on May 25, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Speaker, H.R. 1290 would reinstate the license for a 1.9-megawatt project in Oregon effective May 23, 1993, and extend the deadline for construction to 10 years after the license was issued. The licensees for this project are the Talent, Rogue River Valley, and Medford irrigation districts. The licensees have not been able to begin construction, because of a lack of power sales contract needed to secure financing. This bill was introduced by our colleague, Representative COOLEY of Oregon. The license for this project was terminated by order of FERC on September 21, 1993, for failure to commence construction, but the bill would reinstate the license.

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

□ 1530

Mr. PALLONE. Mr. Speaker, the Democrats on the Committee on Commerce supported H.R. 1290 without objection.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1290, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1290, the bill just passed.

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

There was no objection.

PROVIDING FOR THE EXTENSION OF A WEST VIRGINIA HYDROELECTRIC PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1335) to provide for the extension of a hydroelectric project located in the State of West Virginia.

The Clerk read as follows:

H.R. 1335

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

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7307, the Commission shall, upon the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project so as to terminate on September 26, 1999.

(b) APPLICABILITY.—Subsection (a) shall take effect for the project described in subsection (a) upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project until September 26, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Speaker, H.R. 1335 would extend the deadline for construction of a 20 megawatt project in West Virginia until September 26, 1999, or 10 years after the date the license was issued. The licensee for this project is the city of Grafton. The city has been unable to commence construction due to the lack of a power sales contract needed to secure financing for construction. This bill was introduced by our colleague, Representative MOLLOHAN of West Virginia. The construction deadline ran out on April 15, 1995, so it is appropriate that we act today. H.R. 1335 provides for reinstatement of the license upon enactment.

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

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

Mr. Speaker, I also support H.R. 1335 and urge its adoption, and I yield back the balance of my time.

Mr. SCHAEFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1335.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1335, the bill just passed.

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

There was no objection.

AUTHORIZING EXTENSION OF TIME LIMITATION FOR FERC-ISSUED HYDROELECTRIC LICENSE FOR MOUNT HOPE WATERPOWER PROJECT

Mr. SCHAEFER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1366) to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mount Hope waterpower project.

The Clerk read as follows:

H.R. 1366

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

SECTION 1. EXTENSION OF TIME FOR FERC PROJECT.

Notwithstanding the time limitations specified in section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 9401 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project until August 3, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from New Jersey [Mr. PALLONE] will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Speaker, H.R. 1366 would extend the deadline for construction of a 2,000 megawatt pumped-storage project in New Jersey until August 3, 1999, or 7 years after the date the license was issued. The licensee is Halecrest Co., which has been unable to commence project construction due to the lack of a power sales contract needed to secure financing. This bill was introduced by our colleague, Representative FRELINGHUYSEN of New Jersey.

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

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN], my colleague, who is the sponsor of the legislation.

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

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in strong support of H.R. 1366, legislation I introduced earlier this year to extend the Federal Energy Regulatory Commission [FERC] license for the Mount Hope hydroelectric project by a period of 3 years. I would like to thank Chairman DAN SCHAEFER and ranking Member FRANK PALLONE of the Energy and Power Subcommittee for moving this bill expeditiously through their committee.

Mount Hope received its original FERC license in August 1992. The license has since been extended by 2 years and is due to expire in August 1996. H.R. 1366 would simply ensure that there is sufficient time for Mount Hope to secure the energy supply contracts needed to begin construction of the proposed facility.

The Mount Hope project is a proposed advanced pumped-storage hydroelectric plant located in Morris County, NJ. Far from a conventional hydro plant, the Mount Hope facility will be a closed-cycle system in which water will continuously circulate between two man-made reservoirs: an upper reservoir on the surface and a lower reservoir to be constructed entirely underground. During periods of peak electrical demand or when needed by the regional power pool to enhance system operations, water will be released from the upper reservoir into a vertical shaft which will direct it to the powerhouse 2800 feet underground. There it will pass through a new generation of fast-response turbines which will be capable of reaching the full generating

capacity of 2000 megawatts in as little as 15 seconds—a capability unmatched by any other method of power generation currently available. The water will then be stored in the underground lower reservoir.

The project has the strong support of local government officials and organizations, including the mayor of Rockaway Township, NJ, where the project will be built, the New Jersey Business and Industry Association and the Sierra Club of New Jersey. The $1.8 billion project will be financed entirely by the private sector with no taxpayer dollars used for its construction or operation. It is estimated that the project will bring 1300 jobs to New Jersey and boost our Nation's economy by adding approximately $6 billion to the gross national product during construction. It will also inject an estimated $254.4 million directly into the Morris County economy in the form of wages and salaries and contractor spending.

In a nutshell, the project can serve as our region's long-term energy insurance policy by enhancing the security of the regional electrical supply system, thus allowing optimized use of existing generating and transmission facilities. Its rapid-response capability and its purchase of pump-up power during off-peak periods would allow existing thermal plants to operate more efficiently and cost-effectively by enabling them to run for longer periods of time at constant output levels.

This, along with increased transmission capacity, would facilitate compliance with the 1990 Clean Air Act amendments. A recent analysis by Tech Environmental Inc. estimated that typical operating profile of Mount Hope would result in a reduction of 13.4 tons of NO_x per day. Assuming advanced operation of Mount Hope, it is estimated that NO_x emissions could be reduced by 50 tons per day.

Mr. Speaker, as you can see the Mount Hope project has many environmental, energy and economic benefits for the State of New Jersey and the Mid-Atlantic region. The project has the strong support of local and State officials and organizations and will help us meet goals of the Clean Air Act. I urge my colleagues to support the passage of H.R. 1366 so that we can realize the benefits this exciting project promises.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume to congratulate my colleague, the gentleman from New Jersey [Mr. FRELINGHUYSEN], for his hard work on this bill. As usual, he is out there working hard for his constituents.

The sponsors of this project have worked very hard to address some initial environmental concerns that arose with the project and their hard work has paid off. Today, I know of no objection to this project, and I am, therefore, pleased to add my support for the legislation.

Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER] that the House suspend the rules and pass the bill, H.R. 1366.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHAEFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1366, the bill just passed.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. RIGGS] at 5 o'clock and 4 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 3 to the joint resolution (H.J. Res. 115) ''A joint resolution making further continuing appropriations for fiscal year 1996, and for other purposes.''

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–132)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 2586, a bill that would provide a temporary increase in the public debt limit while adding extraneous measures that have no place on legislation of this kind.

This bill would make it almost inevitable that the Government would default for the first time in our history. This is deeply irresponsible. A default has never happened before, and it should not happen now.

I have repeatedly urged the Congress to pass promptly legislation raising the debt limit for a reasonable period of time to protect the Nation's creditworthiness and avoid default. Republicans in the Congress have acknowledged the need to raise the debt limit; the budget resolution calls for raising it to $5.5 trillion, and the House and Senate voted to raise it to that level in passing their reconciliation bills.

This bill, however, would threaten the Nation with default after December 12—the day on which the debt limit increase in the bill would expire—for two reasons:

First, under this bill, on December 13 the debt limit would fall to $4.8 trillion, an amount $100 billion below the current level of $4.9 trillion. The next day, more than $44 billion in Government securities mature, and the Federal Government would be unable to borrow the funds to redeem them. The owners of those securities would not be paid on time.

Second, the bill would severely limit the cash management options that the Treasury may be able to use to avert a default. Specifically, it would limit the Secretary's flexibility to manage the investments of certain Government funds—flexibility that the Congress first gave to President Reagan. Finally, while the bill purports to protect benefit recipients, it would make it very likely that after December 12, the Federal Government would be unable to make full or timely payments for a wide variety of Government obligations, including interest on the public debt, Medicare, Medicaid, military pay, certain veterans' benefits, and payments to Government contractors.

As I have said clearly and repeatedly, the Congress should keep the debt limit separate from the debate over how to balance the budget. The debt limit has nothing to do with reducing the deficit; it has to do with meeting the obligations that the Government has already incurred.

Nevertheless, Republicans in the Congress have resorted to extraordinary tactics to try to force their extreme budget and priorities into law. In essence, they have said they will not pass legislation to let the Government pay its bills unless I accept their extreme, misguided priorities.

This is an unacceptable choice, and I must veto this legislation.

The Administration also strongly opposes the addition of extraneous provisions on this bill. Items like habeas corpus and regulatory reform are matters that should be considered and debated separately. Extraneous issues of this kind have no place in this bill.

The Congress should pass a clean bill that I can sign. With that in mind, I am sending the Congress a measure to

raise the permanent debt limit to $5.5 trillion as the Congress called for in the budget resolution, without any extraneous provisions.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1995.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

PRIVILEGED MOTION OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. RIGGS). The Clerk will report the motion.

The Clerk read as follows:

Mr. ARCHER moves that further consideration of the message and the bill, H.R. 2586, be postponed until December 12, 1995.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] is recognized for 1 hour.

Mr. ARCHER. Mr. Speaker, for the purpose of debate only I yield 15 minutes to the gentleman from Florida [Mr. GIBBONS], and pending that, I yield myself such time as I may consume.

Mr. Speaker, this morning President Clinton vetoed the short-term debt limit extension sent to him by Congress. Had he signed our good faith effort at compromise, the confusion regarding the Government's ability to pay its bills would be at an end. By now, we are aware that the President's true reason for vetoing this bill is that he does not want to negotiate a balanced budget over 7 years as we do.

Mr. Speaker, he is taking any action he can to avoid negotiating with our leadership on a balanced budget. Let me outline what the President said no to when he refused to sign H.R. 2586 into law.

He said no to extending the debt limit date to December 12, at the level requested by his own Treasury Department. This would have allowed certainty in the financial markets and payments of bills and benefit checks on time without disruption.

The President also said no to the protections for Social Security and other Federal trust funds included in the temporary increase. Most Americans watching the debate must be wondering why a President would object to protecting their requirement investments. They paid into these funds for a specific purpose, to receive benefits when they become eligible, but President does not want to protect these trust funds because he now needs the investments in these accounts to get around the debt ceiling law and resist the call for budget negotiations.

Mr. Speaker, these trust fund protections are essential, because the Treasury Department announced today their intentions to raid the civil service trust fund and the G Fund and I must say, the G Fund is moneys that belong to Federal employees that have been invested for savings. He is to do this as a circuit breaker to avoid breaching the debt limit.

In fact, Treasury will have to auction enough securities to raise the $102 billion needed later this week to pay off its obligations, and those moneys will come from disinvesting the two funds that I mentioned.

But this circuit breaker is really a high-voltage wire that directly taps into the retiree trust funds. There is nothing to prevent the administration from using these assets, and the assets of Social Security, to fund the Government during this debt limit interruption caused by the President's veto.

Current law does not protect the Social Security trust fund, and the provisions in our legislation that he vetoed do protect the Social Security trust fund. Mr. Speaker, the question is, what will Treasury do next week? Make no mistake, the President, by his veto, has put the Social Security trust fund at risk. If the President had done the responsible thing and signed this bill into law, there would be no financial disruptions, no beneficiary would be worried about a raid on their benefit trust fund.

Mr. Speaker, the administration may have vetoed this bill, but the steps it takes to get around the legal limits on borrowing will be closely watched, by us and by the people of this country. If assets are taken from the funds, we will know about it, and only we stand ready to protect retiree, and other benefits, unlike this administration.

Mr. Speaker, I say to the President and to everyone in this Chamber again, the time for delay has passed. No more excuses. We must stop passing our generation's debt on to our children and to our grandchildren. We must face the facts, do the responsible thing, even though it is tough, and bring our budget into balance.

The President must come to the table and negotiate in good faith on a plan to balance the budget in 7 years, based on real numbers, not his in-house manufactured numbers, without any tax increases.

Mr. Speaker, there are no preconditions, we say to the President. That is our goal and we will not be deterred.

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

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

Mr. Speaker, I thank the gentleman from Texas [Mr. ARCHER], for yielding me time. I appreciate the time and I am sorry we are not taking the full hour on this, but I can understand the reason why the Republicans just do not want this debated very much.

Mr. Speaker, the gentleman from Texas [Mr. ARCHER] looks real nice today. I know the gentleman had to work all weekend and I am sorry about that, but all of us Democrats were excluded from those conferences. So, all of this delay really cannot be blamed on us, Mr. Speaker.

Mr. Speaker, the real reason we are here today, and under these unusual circumstances, is that the Speaker just has not managed the Congress in the appropriate way. He has not even managed his Republican Party, which he is the leader of, in the appropriate way.

This debate should have been out of the way way back in July, July of this year, some 5 months ago. There is no reason for us taking it up today. It should have been done then, had we been functioning as we should have functioned.

But, Mr. Speaker, there was a different agenda and all kind of radical ideas had to be explored out there. We never got down to business and taking care of what the President has just vetoed.

Why did he veto it? He vetoed this because it was a blackmail attempt upon him to try to make him accept, on behalf of the American public, a 25-percent increase in Medicare premiums, which would cost every one of the 40 million American Medicare recipients $151.20 a year, or about $300 for the average Medicare couple. So that is why he did not do this.

Mr. Speaker, this bill had all kinds of other things added on in addition to just lifting the debt ceiling and increasing the Medicare payments.

□ 1715

It had all kind of bells and whistles. Every radical idea the Republicans could jam on it that they knew could not stand on their own, but they could kind of try to hijack it through the Congress and get the President to sign it, because he wanted to shut the Government down.

Now, the President has other constitutional powers. I am glad that the Secretary of the Treasury is going to take some of the money. I have put 8.5 percent of my pay into the Federal retirement program for 33 years. I am proud the President is going to use some of that to keep this Government going. The law requires us to put all the money back so the Federal retirees are not going to lose a penny.

I have got all my savings, practically, in the G fund bonds that are going to have to be used tomorrow. But the law requires that that money has to be paid back, and I am not going to lose anything because I am using my money and other retirees money to pay for the Government operations. The Republicans just simply refuse to pay. They have incurred the bills. They have written the checks. But they want the checks to bounce. That is not fair. That is not American. That is not sound business. Standard & Poor's is already warning us today, today our credit rating has suffered. The Europeans have warned us today that our credit rating has suffered. Why? Because the Republicans cavalierly, cavalierly try to blackmail the President into signing something that no decent President would sign. That is what this is about.

Now, tonight at 8 p.m. we are going to have the first meeting of the budget bill conferees. The budget bill should

have been adopted in July. Here it is November 13 and the budget bill conferees have not even met. But they got it all rigged up. The Republican leaders have decided we are going to meet in a pro forma session over in the Senate and they are going to jam it through. They have got the votes. They can do anything they want to around here. But they cannot even do that, they are fighting amongst themselves so much.

So we will send this ill-fated, ill-designed, radical budget conference down to the President, and he is going to veto that. And they will come back here whimpering and whining and complaining that he will not deal with us; he will not deal with us.

If they would get their work done and get their legislation down there for him to consider, then there is plenty of time for reasonable people to sit down and to try to work things out.

But we are running 6 months, 5 months behind time because of mismanagement, Mr. Speaker, on the House, on your part, Mr. Speaker. You are the manager of this House. You schedule the floor operations. You know when we are supposed to have things done, and you just have not done your job. The American people are not going to suffer for it because the President is going to save them from it by invading those trust funds. And all the money will be put back in the trust funds.

Thank goodness the President has that authority, but the Republicans, as you know, Mr. Speaker, tried to take that away from him, too, in the bill that they just vetoed.

Now, the motion here is to put off this veto until December 12. Why not vote on it right now? We are all in Washington. We are right here. We could vote on it tonight. We could vote on it in 5 minutes. But I do not have the authority to call it up. Only you, Mr. Speaker, have the authority to call it up and to schedule it and let it come to the floor.

Why are the American people faced with another delay, just another Washington delay? Republican politics. That is all it is, to cover the mismanagement that the Republicans have inflicted upon this Government and upon this Congress.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Florida [Mr. GIBBONS] has consumed 6 minutes and has 9 minutes remaining.

Mr. GIBBONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong opposition to this motion. Last week we offered this House an opportunity, not once but on two different occasions, to give Congress and the administration a 30-day breathing space to resolve our budget differences, without risking the credit record it has taken our country 200 years to build. Our motion would have accomplished this goal in the same manner we have raised the debt limit in the past for both Democratic and Republican Presidents. That is, for short periods of time, without partisan riders and without putting this country in danger of default. A clear bill.

We have before us today an acknowledgement by the Republican leadership of this House that a 30-day period is exactly what this Congress needs, to give us time to work in a bipartisan way to develop a plan that will balance the Federal budget. However, rather than giving ourselves this breathing space in a responsible manner, by sending to the President a clean, temporary increase in the debt limit, the Republican leadership has decided to press political brinksmanship to its limit.

The pending motion would delay action on the President's veto for 30 days, but without increasing the debt limit in the meantime. What this means for the country is that it would force the Treasury Department to begin fiscally untried maneuvering in order to keep this country from defaulting on its debt. I simply believe forcing our Treasury Department to conduct the business of the Federal Government in this manner is irresponsible on the part of this Congress.

Although I know some believe there is no harm in setting up this showdown, we have already seen some of the potential fallout. Both Standard & Poor's and Moody's, two of the world's leading credit-rating agencies, have issued warnings that our Government's triple-A credit rating is at risk, and that the faith of investors has already been diminished by the threat of default. IBCA, the European credit rating agency, has placed the United States on rating watch for a possible downgrade of its triple-A foreign and local currency long-term credit ratings.

If these down-gradings were to go into effect, the impact would place a huge additional burden on our taxpayers, and would last well beyond the current controversy.

I urge my colleagues to set aside partisan differences and do the right thing for the American people. Let's defeat this motion and give ourselves the 30-day window the responsible way, by providing for a temporary increase in the debt limit that is free of partisan distractions and get to work on the balanced budget. A balanced budget without raising taxes is a goal that has bipartisan backing. Let us get on with the business of reaching that goal in a bipartisan manner, and put our fiscal house in order for ourselves and for future generations.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to respond to my friend from Virginia. He should know that defeating this motion does nothing to accomplish what he is talking about. This motion is strictly designed to determine what the House does with the veto and is not relative to any possible new plan. The President has already shut the door on the plan that we believe is responsible.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise with great regret. On Saturday Congress sent the President a bill that would have extended the statutory debt limit, while at the same time protecting the trust funds such as Social Security, Civil Service and Medicare, from being disinvested during a so-called debt limit crisis. Unfortunately, the President decided to veto the bill. Why? Because it would have prevented the Secretary of the Treasury from gaming the trust funds during a debt limit crisis, from raiding Social Security, from tapping the pension funds of Federal retirees.

Mr. Speaker, I am extremely disappointed in the President's decision to veto the debt limit extension bill. It sends a terrible message, the wrong message to all of those on Social Security.

The President's veto tells the 43 million Americans who get Social Security and the 140 million workers who pay into it that it is okay to use the $483 billion in assets from that trust fund as a pawn on the President's political chessboard. It is okay to play games with the $30 billion payroll taxes that workers pay in each month and that retirees rely on to finance their benefit checks.

The President's veto is an open declaration that he plans to have the Secretary of the Treasury tap trust fund assets to circumvent the debt limit. This assault on the public's confidence in these trust funds is fair game.

Mr. Speaker, as a result of what has happened in 1985, the Social Security trust funds lost $382 million in interest, and long-term bonds were cashed in early. Congress later passed legislation to restore the lost interest and reconstruct the bond portfolio, but no legislation could ever restore the public confidence that was lost.

Mr. GIBBONS. Mr. Speaker, may I inquire about the time?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] has 6 minutes remaining, and the gentleman from Texas [Mr. ARCHER] has 8 minutes remaining.

Let the Chair clarify that that is of the original, the original time yielded by the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I regret that the President has vetoed a measure that we felt like would extend the borrowing power of the Treasury for a short period of time in order for us to get through this budget reconciliation process. The reason I regret that he has vetoed it is because of the protection in the proposal

that we sent to him pertaining to the trust funds.

I do not know how many hall meetings that I have held over the last 2½ to 3 years in Georgia in the 3d District and how many people in groups that I have spoken to during that same period of time that when I open it up for questions I always have people say and ask me, MAC, is there really a Social Security trust fund or is it just a drawer filled with IOU's? I regret to tell them that really it is both.

There is a Social Security trust fund. It is kind of a bookkeeping procedure where we track the amount of money that comes in through the Treasury for Social Security. But the fact of the matter is that all of those funds have been loaned to the Treasury. In fact today it is close to 2,500 billion dollars' worth of moneys that is owed by the Treasury to that trust fund.

As I spoke just last week and did some research on the other funds, out of the $4.9 trillion of debt that we have created for the taxpayers, $1.250 trillion of it is actually owed to trust funds, almost $500 billion to Social Security, over $300 billion to the Civil Service, $112 billion to VA, 129 billion to the Medicare part A. It just goes on and on.

It is time that we stopped that. It is time that we put those funds aside as we have told people we are going to do. They have invested into those trust funds. They are waiting to use them in the latter days of their lives, looking forward to retirement. It is just not right to continue borrowing against those funds as we are doing it.

I have no problem with the Treasury actually borrowing funds, but I want it to be arm's length as it would be any other investor who would take their funds and make an arm's length purchase of T bills. But to just say, we are going to ignore protection of those trust funds, we are just going to use them no matter what the Congress wants done, no matter what the people want done, we are just going to use them at our will. I think that is absolutely wrong. I regret that the President has chosen this route and hopefully that we will be able to come to some consideration and agreement on the reconciliation bill soon.

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

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

Mr. STENHOLM. Mr. Speaker, again, I have to come and say I do not understand why we are here. The people are very confused as evidenced by the telephone calls coming to my district.

I hear very rational speeches as my good friend from Georgia just made and which I sit and say, I agree with him. That is part of the problem. One of the things the people are saying to us today is no more business as usual. This amendment, this vote today is the best example of business as usual as I have seen in a long time. It does the very things we all decry, at least what I am hearing today.

If I could just in 1 minute try to make it clear to everyone who is wondering what are we doing.

□ 1730

No. 1, we should not be putting the good faith and credit of the United States at risk, playing political games, no matter what our end goals are.

No. 2, we keep hearing, ''Balanced budget, balanced budget. That's why we're doing it.'' There are over 300 Members of this body from both sides of the aisle that have already agreed with our vote and intend to, with our actions, show that that will be done in a time certain. Is it too much to ask of the majority to let that work, to send a clean debt ceiling to the President and then send the budget that we are talking about that has not even been completed, that is going to be conferenced for the first time tonight? Is it too much to ask of the majority, and all of us, in a bipartisan way to send a clean debt ceiling, to not muck around with the debt, the good faith and credit of the United States? Send him a clean one? Get on with doing the people's business? Have the House and Senate act, have the President veto, and then let us get on with the necessary compromising that is going to be necessary in order for us to accomplish what I believe an overwhelming majority of the House wants us to do?

No more business as usual. Let us defeat this resolution, and let us get on with doing the House's work as we were elected to do.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to engage the gentleman from Texas in a colloquy, if he would return to the microphone.

The gentleman has said this motion is business as usual. Could the gentleman tell me what this motion is?

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

Mr. ARCHER. I yield to the gentleman from Texas.

Mr. STENHOLM. As I understand the motion before us, it is that we do nothing until December 12. In the meantime the gentleman and, I believe——

Mr. ARCHER. Do nothing on what?

Mr. STENHOLM. On the debt ceiling.

Mr. ARCHER. No, that is not the motion. That is not the motion. The gentleman obviously does not understand what he spoke to. This motion simply postpones the vote on an override of the debt ceiling. It should be clear to the gentleman that this will not be overridden, and so this motion is not business as usual. It is a simple procedural motion to postpone this vote until December 12.

Mr. STENHOLM. Would the gentleman allow me to respond?

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Speaker, I say to the gentleman from Texas that what we are seeing with the administration is exactly business as usual, and I know that the gentleman is very concerned about balancing budget of this country. He has been a leader in that effort, and he should be concerned that the administration will use tricks, just as the ones that have stated in their veto message, to postpone for yet another year many budget reforms that we need to put in place now, not after the next Presidential election, now.

So that, sir, is why we insist on these measures.

Mr. GIBBONS. Mr. Speaker, if it is now, why do we not vote now on the veto? Why delay?

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the gentleman from Texas [Mr. ARCHER] is absolutely right. This is an effort to postpone the voted to override the veto until the 12th of the month, and it is obvious why that is, because neither body has the votes to override a veto at this time. So it seems to me very clear that we should be spending our time now making an effort to pass a clean, short-term debt ceiling and spend the time looking for the 218 votes to do just that.

Mr. Speaker, I say to you that while you might not be able to pass a debt ceiling on your side because there are those Members that want to have riders and want to have congressional conditions, then there also might be people on our side of the aisle that just are not ready to vote for the debt ceiling. However, I am convinced there are 218 Members ready to vote for a clean debt ceiling, and the President has said he would sign one so when it is all said and done the debt ceiling will be increased. I think it could be increased tomorrow and we should not force the economy or the average American to watch this that is going on now which they all say it is all their fault and they do not understand what is going on.

Let us be clear. Raising the debt ceiling has nothing to do with the current level of spending or the reason why the Government would close down tomorrow. It has to do with financing prior obligations, debts owed, debts that should be paid. There is no doubt that the debt ceiling will be raised in the long run. We could do it in the short run.

So, that is exactly what we should be doing, looking for the votes to pass a clean debt ceiling that the President will sign.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I have the utmost respect for the gentleman from Texas [Mr. STENHOLM], and I know he has worked with the gentleman from Ohio [Mr. KASICH] and worked hard for balanced budget amendments, and he asked what is the problem, and he said that there is a

time certain that we had 300 Members vote on a balanced budget. That is true. The Senate also passed a balanced budget. The American people want a balanced budget, but the President will not sign a balanced budget. The President said earlier that he was going to come up with a balanced budget in 5 years. Then he produced no budget, and then, after pressure, he produced a budget in 10 years to balance it, and it was a $200-billion-a-year increase in the deficit.

The President does not want to balance the budget. Why? I say to my colleagues, ''You want a clean debt ceiling, you want a clean CR. This Member is ready to give you one. Have the President sign a balanced budget in 7 years, and you get a clean one. I mean that's not too much to ask. You said you want a balanced budget, the Senate does, the American people. The only person that doesn't want it is the President, and that's what we're asking for.''

The Republicans basically work with small business and big business. The Democrats basically work with people in the flow of Federal dollars, and that is about a pretty evil place here, Mr. Speaker, because what happens, it is about the ability to get reelected, the ability to spend money. The ability to spend money means the ability to increase taxes, which means the ability to get reelected because that flow of money goes downhill, and that has led up to $5 trillion debt, and, if we take a look, every single appropriations bill, the gentleman that is speaking now and almost every speaker on that side wants to increase the amount of appropriations except for one area the liberals in one area will cut every single time, and that is in national security at a time where increase in Somalia, and Haiti, and Bosnia have put us in a $2 billion below the Bottom-up Review.

Yes, balance the budget, Mr. Speaker.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, it is time to put your House in order, because, quite frankly, your House is a mess. You need to clean it up.

Republicans control the House. They control the Senate. Republicans make the rules. But what Republicans cannot seem to make—is policy. They cannot govern. They cannot lead.

We do not have a problem because Republicans cannot agree with Democrats. We do not have a problem because Congress cannot agree with the President. We have a problem because Republicans cannot agree among themselves. We have a problem because Republican leaders cannot lead.

So now we have this resolution—to do nothing. It is a do-nothing proposal. Mr. Speaker, this is not even leadership by default. It is a default of leadership.

The President has set his priorities. The message is clear. Send him a clean bill, and he will sign it. But he will not be blackmailed. The President will not give in to your extreme proposals.

We Democrats have set our priorities. All Democrats agree—do not cut education. Do not attack Medicare. Do not destroy the environment. Do not cut taxes for the rich—and raise taxes on millions of working families.

Because the Republicans cannot lead, this President will. Thank you, Mr. President, for leading. Thank you for saying no to the Republicans' mean-spirited, extreme proposal. Thank you for standing up for our working families, our parents, our children, and our grandchildren. Thank you for doing what the Republicans will not do. Thank you for leading. Thank you for doing what is right, what is fair, and what is just.

Mr. ARCHER. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. CRANE], a member of the Committee on Ways and Means, the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank my distinguished chairman for yielding this time to me.

Mr. Speaker, I think it is important for everybody to understand something, and it goes back to Government 101. It is basics. This body originates policy. Congress exclusively has the responsibility to make policy. The function at the other end of Pennsylvania Avenue is to administer our policies, and the fact is further, if we go back to the election in 1992, this gentleman got elected at the other end of Pennsylvania Avenue with only 29 percent of the electorate. A majority of the American people in the most recent election said this is what we want, and we will provide it.

Mr. GIBBONS. Mr. Speaker, I yield the balance of our time to the gentlewoman from Connecticut [Ms. DELAURO].

The SPEAKER pro tempore (Mr. RIGGS). The gentlewoman from Connecticut [Ms. DELAURO] is recognized for 1 minute.

Ms. DELAURO. Mr. Speaker, I stand in opposition to this motion, and I ask the Republican leadership in this House to stop playing games with our country's financial future and send the President a clean bill that he can sign.

Since April, Speaker GINGRICH has been threatening to throw our Government into default if he did not get his way on the budget, despite the fact that the overwhelming majority of the American public is opposed to the Republican budget that cuts Medicare, cuts education, and cuts the environment. Take a look at what Speaker GINGRICH was saying in April: The President, and I quote:

> will veto a number of things and we'll then put them all on the debt ceiling, and then he'll decide how big a crisis he wants.

Then in September Speaker GINGRICH was at it again, continuing his threats, and he said:

> I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not at this time.

''I don't care what the price is.'' That says it all; does not it? It is the casual irresponsibility of this Speaker of the House of Representatives that tonight puts our country on the brink of default for the first time in this Nation's history.

Send the President a clean debt limit bill.

Mr. ARCHER. Mr. Speaker, I yield the balance of our time to the gentleman from Michigan [Mr. SMITH].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. SMITH] is recognized for 1½ minutes.

Mr. SMITH of Michigan. Mr. Speaker, let us be clear what the President is doing. The President is planning on simply making a ledger entry that some portion of the $1.4 trillion in Treasury IOU's held in the Federal trust funds is now simply a fictitious cash interest entry instead of a fictitious borrowing entry. This allows Treasury to increase borrowing from the public by the same amount as the disinvestment or underinvestment. Wednesday, Treasury will be about $20 billion over the debt limit if it goes through with its announced auctions. This overage is going to increase to about $50 billion in early December. Clearly the President will underinvest the G fund and disinvest part of the civil service retirement fund in order to obtain additional borrowing authority.

Here is the point. In taking such action, the President is increasing the public debt of this country without the authority of Congress. The President has discovered a way to make his own legislation, to snub his nose at Congress and drive this country deeper into debt. Now there is approximately $20 billion in the so-called G fund, approximately $350 billion in the civil service retirement fund, $440 billion in the Social Security trust fund. Using these three funds alone, the President could increase our marketable debt a trillion dollars or more. This makes a mockery of the people's ability to limit the amount of debt that this Government should issue. We should be looking at a new debt ceiling. Try to urge the President to come to the table and get on with the business of Government.

Ms. PELOSI. Mr. Speaker, I rise to commend the President for vetoing the debt limit extension legislation and the continuing resolution. Clearly, the Congress should pass a fair and clean continuing resolution and debt limit extension free of extreme conditions.

The continuing resolution is necessary because the majority has spent much of this year working on their contract rather than passing the Nation's annual spending bills. Most of these bills are hopelessly tied up by legislative riders representing extreme views. Where is the moderation? Thankfully, the President is not willing to be blackmailed into accepting the misguided Republican budget priorities.

In particular, why should continuing funding for the Government be tied up over an attempt to impose an $11 a month premium increase on every single Medicare beneficiary?

The Republican continuing resolution also cuts education programs 19 percent below the President's request. Funding for education reform is cut by 40 percent. Funding for safe and drug-free schools is cut by 40 percent. Funding for bilingual education is cut by 51 percent. Funding for research on special education is cut by 25 percent. These proposals are extreme.

In my view, rather than a highly partisan and ideological continuing resolution, a bipartisan approach would better serve the American people.

Mr. Speaker, let us vote on a clear and fair continuing resolution. Stop the blackmail.

□ 1845

Mr. ARCHER. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 184, not voting 25, as follows:

[Roll No. 788]

YEAS—223

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NAYS—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McNulty
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—25

Blute
Dornan
Fields (LA)
Frank (MA)
Gallegly
Kennedy (MA)
Markey
McKinney
Meehan
Moakley
Neal
Oberstar
Reed
Scarborough
Serrano
Smith (WA)
Stokes
Tauzin
Tucker
Volkmer
Waldholtz
Waxman
Williams
Yates
Zeliff

□ 1803

The Clerk announced the following pairs:

On this vote:

Mrs. Smith of Washington for, with Mr. Moakley against.

Mr. Dornan for, with Mr. Stokes against.

Messrs. MCHUGH, EWING, and HOKE changed their 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.

EXTENDING FEDERAL POWER ACT DEADLINE FOR CONSTRUCTION OF THREE ARKANSAS HYDROELECTRIC PROJECTS

The SPEAKER pro tempore (Mr. KOLBE). The pending business is the question of suspending the rules and passing the bill, H.R. 657.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. SCHAEFER], that the House suspend the rules and pass the bill, H.R. 657, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 28, as follows:

[Roll No 789]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Frelinghuysen

Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOT VOTING—28

Blute
Camp
Clay
Dornan
Edwards
Fields (LA)
Frank (MA)
Franks (NJ)
Gallegly
Kasich
Kennedy (MA)
Markey
Meehan
Moakley
Neal
Oberstar
Reed
Saxton
Scarborough
Smith (WA)
Tauzin
Tucker
Volkmer
Waldholtz
Waxman
Williams
Yates
Zeliff

□ 1822

So (two-thirds having voted in the favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, due to the cancellation and rescheduling of my flight from Boston, I was not present for rollcall votes 788 and 789. Had I been present I would have voted ''aye'' on rollcall 788 and ''aye'' on rollcall 789. I ask unanimous consent that this statement appear in the RECORD in the appropriate places.

THE JOURNAL

The SPEAKER pro tempore. (Mr. KOLBE). Pursuant to clause 5, rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 118, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of House Joint Resolution 118, a clean continuing resolution, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Under the guidelines that have been consistently issued and followed by this Speaker and previous Speakers of the House, and procedures recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentleman's request until it has been cleared by the bipartisan floor and committee leaderships.

Mr. OBEY. Mr. Speaker, I hope it is cleared by the other side sometime tonight.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. METCALF. Mr. Speaker, pursuant the provisions of rule 28, clause 1(c), I am announcing that tomorrow I will offer a motion to instruct the House conferees on the bill, H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

As an explanation, by serving this notice I am ensuring the opportunity tomorrow to move to instruct the defense appropriation conferees to insist on the language that was in the House bill when it passed this body relative to Bosnia. This language would make certain that the President does not move ground troops into Bosnia without House approval, unless he comes before this body and explains thoroughly what the objective is, what vital United States interests are involved, et cetera.

LEGISLATION PROVIDING FOR INCREASE IN THE PUBLIC DEBT LIMIT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–133)

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 Ways and Means and ordered to be printed.

To the Congress of the United States:

In disapproving H.R. 2586, a bill that would have, among other things, provided for a temporary increase in the public debt, I stated my desire to approve promptly a simple increase in the debt limit. Accordingly, I am forwarding the enclosed legislation that would provide for such an increase.

I urge the Congress to act on this legislation promptly and to return it to me for signing.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1995.*

INQUIRING AS TO SCHEDULE FOR THE EVENING

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I would just hope that the majority would give Members a sense, as soon as it can be done, as to what the plan is for the rest of the evening.

By other sources, I have seen the Speaker make a comment that we would be here into the evening and we might have votes on other matters. There may be motions on a new CR, there may be motions on adjournment at some point.

I would just inform my own Members that I think they need to stay in the House and be ready for whatever happens this evening. I would ask the majority to try to inform the rest of us as soon as something is known.

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

Mr. GEPHARDT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the leader for making this point.

Clearly there are hundreds of thousands of individuals around this country, not just in the Washington metropolitan area, very anxious this evening, very anxious as to what they are supposed to do tomorrow morning, show up for work and are they going to stay at work, are they going to get paid, are they going to have money to pay their mortgage payments, are they going to have money to pay their car payments and their children's tuition in college.

This is a very critical matter. I understand there are differences of agreement, but I would hope, Mr. Speaker, that, in fact, we do get word very quickly as to how we are going to proceed to try to avert the shutdown of the Federal Government and the incurring of very substantial costs tomorrow and the days thereafter by this impasse.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1996

The SPEAKER pro tempore. Without objection, under the authority granted in clause 6 of rule X, the Speaker appoints as additional conferees from the Committee on Commerce for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. BRYANT of Texas and Mr. TOWNS.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

PROTECTING HEALTH CARE FOR RETIRED COAL MINERS

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

Mr. POSHARD. Mr. Speaker, over the weekend the so-called Hancock amendment was taken out of the budget reconciliation bill.

This provision would have put at risk the health care coverage of some 100,000 retired coal miners and their families, including several thousand people who live in the coalfields of Illinois.

I appreciate the action taken by the budget negotiators and encourage them to resist any further efforts to change the 1992 Coal Act or disrupt the balanced approach now in place to care for these miners.

The men and women who have worked years to fuel the economy of this Nation do not need their health care coverage put at risk. I appreciate the bipartisan effort which went into putting this law in place and the bipartisan effort which continues today to keep it in place.

In this vein, let me take just a minute to encourage my colleagues in Congress and in the administration to put the same kind of effort into finding middle ground and solving our budget crisis.

□ 1830

NOTIFY FEDERAL EMPLOYEES OF THEIR STATUS

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

Mr. MORAN. Mr. Speaker, there are nearly a million people around the country who do not know tonight whether they should come in to work tomorrow who have been deemed nonessential, whatever that means. We owe it to them, if we cannot take appropriate action tonight, to enable them to go to work tomorrow to at least let them know.

It is the height of absurdity to bring 800,000 people to work tomorrow and then to have to tell them because the Congress did not take action the night before, that they have to turn around and go home. We ourselves do not even know whether our own employees should be coming to work tomorrow.

Mr. Speaker, I would strongly urge the majority, the leadership of this body, to at least let those million Federal employees and the many millions who are dependent upon Federal activities throughout this country to know what the state of affairs is tomorrow, and we, as well, need to have some appropriate policy with regard to our own employees.

It is unfair to have them come in to work tomorrow and then tell them we have decided they are not essential and that they will no longer be paid.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KOLBE). Without prejudice to the resumption of business at a future time this evening, and under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

[Mr. OLVER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

OPPOSING THE ELIMINATION OF MILK MARKETING ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, Members of the House, reconciliation conferees, I would like to commend the gentleman from New York [Mr. SOLOMON], the gentleman from New York [Mr. PAXON], and the gentleman from New York [Mr. MCHUGH] for their intrusive, decisive, and successful effort to block a provision of the House-passed 7-year Balanced Budget Reconciliation Act that I believe would have unfairly disrupted the livelihoods of our Nation's dairy farmers.

Reconciliation contained a provision entitled ''freedom to milk,'' which legislates the dismantling of the milk marketing orders. This proposal would deregulate the current system by terminating the price support program effective January 21, 1996.

After speaking with dairy farmers from western Pennsylvania, I can assure you that this would be devastating to the industry. According to a recent Mid-Atlantic Dairymen's Inc. analysis of a Food and Agriculture Policy Institute study, net returns to dairy producers would be projected to go down 65 percent in the first year of deregulation and down 43 percent per year on the average for the first 3 years.

Furthermore, under freedom to milk, Pennsylvania dairy farmers are expected to lose over $150 million. Low farm milk prices and limited availability of credit, coupled with the fact that our GATT partners can still subsidize their dairy farmers, means that the freedom to farm provision is more than scary. For the small dairy farmer in my district, it is fatal.

Mr. Speaker, I am glad that the present system was not haphazardly scrapped. It has continued to evolve to reflect the needs of the market and consumers. The U.S. dairy industry is one of the most efficient market-oriented dairy industries in the world, and the program which manages this industry costs the Government less than $70 million each year.

Furthermore, dairy farmers recognize that once again it is time to reform the system, but let us do it constructively.

Why do we not consolidate the orders through the Department of Agriculture's hearing process, simplify the system, and ensure that the small dairy farmer still has input into future reform? Unfortunately, there are still proposals out there to meet the budgetary caps that unfairly tax the dairy farmer, a new 10-cent assessment on top of the existing assessments.

The purpose of agricultural reform and the objective of the reconciliation process is to reduce taxpayer support of farm programs. A new assessment on dairy producers is nothing more than a direct tax upon every dairy farmer in America.

Mr. Speaker, in my view, the appropriate approach is to realize savings through the price support program currently in place. Such a reduction would realize budgetary savings at no expense under current milk prices for all products to the farmers. At the present time, nonfat dry milk is still being marketed at 6 cents over the support price while butter and cheese are currently 35 percent over support levels.

Accordingly, reduction in the taxpayer-funded price support program would not directly impact farmers, yet would still produce the necessary tax savings.

Mr. Speaker, this summer I had an opportunity to talk to dairymen throughout my district, and they are hurting. They are hurting in a way that they have not been in many, many years. We must, at a time like this, be cautious in how we tamper with price supports for dairy producers because there is a real danger that many of these small and even midsize family farmers will be put out of business by a precipitous policy.

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

ORDER OF BUSINESS

Mr. WISE. Mr. Speaker, I ask unanimous consent to exchange my special order time with that of the gentleman from New Jersey [Mr. PALLONE], and that I be listed later in the day, if that is all right with the Chair.

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

There was no objection.

THE BALANCED BUDGET PLAN, MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I was very proud today when President Clinton indicated that he would not support, and he would, in fact, veto the continuing resolution because of the increase in the Medicare part B premium.

I think that the public needs to know, and it needs to be reflected more and more amongst ourselves in the House, that essentially this continuing resolution takes away the provision in the current law which, as of January 1, would decrease the amount or the percentage that senior citizens have to pay for their Medicare part B premium, and what the continuing resolution proposes is that the percentage be kept as it is now, which would essentially force an increase in part B premiums as much as, say, $10 over the next year per month for those senior citizens. That includes almost all senior citizens who take advantage and pay to have themselves covered under Medicare part B, which pays for physician care.

It is amazing to me, Mr. Speaker, that at a time when we spent almost a month or 2 months or even more trying to deal with the whole budget and come up with the reconciliation and also deal with Medicare, that the Republican leadership continues to insist on increasing Medicare premiums before the time when they ever put together the budget or even have a conference with the budget reconciliation conferees.

I would very much right now like to be at a meeting with the rest of the conferees, with the Democrats and the Republicans, dealing with this budget, dealing with Medicare, dealing with Medicaid. But, so far, all of the meetings have been in secret, just with the Republicans.

I was appointed a conferee for the budget reconciliation a few weeks ago. But we still have not met, because all of the negotiations are taking place on the Republican side without any input or any opportunity for Democrats.

In fact today, in the Washington Post there was an article that said, ''Balanced budget plan near complete, Congress may consider massive reconciliation measure on Wednesday.'' Well, today is Monday. We have not even had a meeting of the reconciliation conferees that was originally called for tonight, but then it was cancelled at the last minute. Now we are told it is tomorrow.

But in the meantime, obviously the Republicans have met in secret and have already decided how they are going to increase the cost to seniors for Medicare, cut their Medicare benefits, and provide tax cuts primarily for wealthy Americans.

There are two very important issues in this budget conference that affect Medicare that I think need to be addressed. In the Senate, unlike the House, nursing home standards were kept intact. In the Senate, unlike the House, the safety net for children, for disabled persons, for pregnant women was kept intact so that there is a guarantee, there continues to be an entitlement in the Senate version of this budget bill that pregnant women, the disabled, and children will get Medicaid and will have health care coverage. But not in the House version.

This is a very important issue, whether or not we are going to continue to have nursing home standards, whether or not we are going to continue to have Medicaid benefits for these disadvantaged groups, and yet there is no meeting of the conferees. Everything is done in secret with the Republican leadership.

Today, there was an article in the New York Times that pointed out that it is very likely, under the Republican leadership bill, that there will become a shortage of nursing home beds for the elderly in the next few years because with the significant amount of money being reduced for Medicaid, there simply will not be any incentive to even have Medicaid beds in nursing homes.

Similarly, we are told the Medicaid safety net for children could be imperiled with the Republican leadership bill because basically the States will not have the money to provide Medicaid coverage for children.

So I would really like to be a part of this conference where we discuss what is going to happen to the future of our children in terms of their health care coverage, to the future of our nursing homes, whether there will be quality nursing homes, whether there will be enough beds for our citizens in the future.

We do not have that opportunity.

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

Mr. PALLONE. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. If I understand correctly, you indicated that the massive bill changing Medicare as we know it is currently being worked on by a group of legislators. Then why, in your estimation, would the Republicans want to put the increase in Medicare premiums for our seniors in this continuing bill to keep the Government running past midnight tonight? Why would they pull that section out and put in the simple bill to keep the Government running? What is the rationale there?

□ 1845

Mr. PALLONE. My understanding is they are so determined that this increase take effect on January 1, that they do not want to negotiate it, they do not want to discuss it, they just want to make sure it is included in the continuing resolution so it takes effect with those increases on January 1.

QUIT STALLING ON BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today to read an editorial from the Port St. Lucie News. The editorial says ''Quit Stalling on Budget.''

[From the Port St. Lucie News, Nov. 13, 1995]

QUIT STALLING ON BUDGET

The budget debate now underway is messy and inefficient and may ultimately prove very expensive. It is also irresponsible government and reflects no credit on the White House or the Republican-led Congress.

Enacting an annual budget is Congress' principal job, one in which this Congress is embarrassingly behind schedule with only two of 13 appropriations bills enacted. The fiscal year the lawmakers are arguing over is already more than one month gone and will likely be a fourth over with by the time a package is passed.

Congress dug itself into that hole, largely because of deep and continuing disagreements among Republicans newly in the majority.

That led to the latest obstacle to passing a budget, the provocation of an unnecessary veto fight with Clinton by attempting to use stopgap bills to pass measures—elimination of the Commerce Department, restrictions on lobbying by tax-exempt groups, higher Medicare premiums—that should be dealt with elsewhere in the legislative process.

Despite his belated discovery of presidential veto powers, Clinton has given Congress little sense of where he will stand and fight. He absented himself from the budget

process the first eight months of the year and hasn't been much of a participant since.

Clinton may find it personally satisfying—and his campaign advisers politically profitable—to let Congress battle itself bloody over the federal budget. But it is not good government, and it certainly isn't leadership.

Thanks to this impasse, the government may partially shut down Tuesday, an unnecessary bit of budget brinkmanship that wastes time and money, not to mention the damaging impact on the morale of the 800,000 or so government workers whose livelihoods are being treated so cavalierly.

Thanks to this same impasse, the government may bump up against the debt limit late next week and go into technical default. While domestic bond-buyers may not mind, seeing this as a promising sign of fiscal austerity to come, foreign bond-buyers may simply see us as deadbeats and drive up the cost of borrowing for years to come.

To the president and to Senate Majority Leader Robert Dole and House Speaker Newt Gingrich, Americans should say what generations of poker players have said when the pot was tied up with pointless bickering: ''Gentlemen, shut up and deal.''

Ladies and gentlemen, we need to resolve the issue before the Congress. We would not run a business like this in America, telling our customers that we may or may not be open tomorrow, that we may or may not be there to serve their needs. But at the same time, we have heard bickering from both sides of the aisle, heated rhetoric, about destroying Medicare, about hurting senior citizens.

I have told this story many times. My grandmother came from Poland. She came with a sponsor, a job waiting, a clean bill of health. She worked as a maid in a Travel Lodge motel, all to be part of this democracy. She depended on Medicare and she depended on Social Security. So I am one Member of Congress here to protect that.

But let us make no mistake about it: The balanced budget is necessary to restore fiscal sanity to this Nation. We are borrowing and borrowing and borrowing moneys that we simply do not have. Why are Members of Congress retiring in droves? Why is everybody saying they want out of this job? Because it is no longer fun to go around your community and say ''no'' to people.

For years you have been able to say I will give you a new Post Office, I will build you a new bridge, I will fix something in your community, I will build a new center for you, all with the taxpayers' nickel, all borrowed dollars. They went back year after year and said look at me, I am the hero, I have done all of these things for you, you must reelect me.

Now we go to Congress and get elected and say ''no'' to people and spending money and ''yes'' to balancing the budget, and people are mad at us. But by God, that is fiscal responsibility. It is happening in our families. It is required of our businesses. A balanced budget is no different than being an American consumer, an American business owner.

But I do think it is wrong we are holding this Government hostage and not meeting at the White House this very hour to solve this problem. I do think it is wrong on both sides of the aisle that we are not seriously debating the issue as we sit here today. I do not think I deserve my paycheck after tomorrow if we are not going to be working. Congress should not get paid either. If the employees of the Federal Government are going to be told they do not need to be here, I think there are maybe 435 nonessential employees right here in this body.

I think it is time we faced the convictions we have. I think it is necessary we balance the budget. I think it is necessary to bring our fiscal house in order. But I think it is also necessary that both sides, Democrats and Republicans, stop the haranguing, stop the finger pointing, stop the name calling, and start debating the very issues that will save our fiscal sanity for the years to come.

I think it is that important. I think it is important for ourselves, for the seniors that live in our communities, for our children, and for America's future.

PASS SIMPLE CONTINUING RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, this is a process that we are going through tonight, and unfortunately will be likely going through tomorrow with the shutdown of Federal Government, that should not be happening. In West Virginia there are over 17,000 Federal employees, many of whom will be furloughed. They will not be able to offer the services essential to West Virginia, and their own lives will be placed in uncertainty.

This is a terrible way to do business. The first day or so, people probably will not notice. It is true, Social Security offices will not be handling claims. A day or two you can get by. Over time, you see a steady degradation of Government services and the very important functions that Government employees perform.

In our own offices we have two district offices. The decision by the Republican leadership, as I understand it, essentially says that basically only legislative personnel can be working. We will be furloughing roughly half of the congressional staff. We will leave one person in the Charleston office and one person in the Martinsburg office to handle emergencies, but aside from that, our staff as well will be furloughed. Of course, the mobile offices, the ones that visit the county everyday, in a different county every day of the month, they will be furloughed as well. So I think it is a sorry state of affairs that Congress has reached this point.

I think though it is also important to look at what is at stake and why we are here. There are actually two bills at stake, both basically simple. One says that you continue the Government services for about 2 to 3 more weeks. The second one would say that the Federal Government is empowered to continue borrowing to pay back debts.

In both cases the House has passed this bill, but, under the Republican leadership, measures were added that make those bills totally unacceptable. What should have been basically one simple sheet that says ''Continue the government,'' or ''You are empowered to continue to borrow money to pay pack debts,'' what could have been one sheet, two or three paragraphs, turned into hundreds of pages of special riders, strings attached, and basically trying to work to enact the Contract With America and the basic budget bill that is so much in controversy.

I think it should also be pointed out, I have heard allegations that somehow the President has not done his job. Let me look at the facts. The reason this has come about is because the budget bill needs negotiating, right? So people ought to be negotiating. The only problem is, there is no budget bill. There is no reconciliation bill. We have yet to get that on the floor of the House.

Incidentally, it is months overdue. By the same token, there are 13 appropriation bills that must pass the Congress and be signed by the President that make up next year's budget. They all are to be done by October 1. Six weeks later this Congress has enacted into law only two of the 13 bills. Eleven are out there somewhere, drifting in the nether world of this Capitol. So the President has had very little that he can actually begin negotiating on, because the Congress has not signed it.

Why not just go ahead? And I had this question on a talk show today at home, Mr. Speaker. ''Why not go ahead, BOB, and just vote for this continuing resolution? Just vote for the debt ceiling. It is only a couple weeks, and send it on down to the President.''

The trouble with that is this: If I voted for that debt ceiling the other day, I would have voted for a $7 increase in Medicare part B premiums for every senior citizen in West Virginia, kicking them up from $46.10 to roughly $53 on January 1. Merry Christmas, mother and father. What kind of vote is that?

I would have voted for the Republican budget in effect, and put into play already many of the items that still need to be negotiated between the White House and Congress.

I would have been in effect voting for stiff medicare cuts, one-third of which is needed to save the funds, only $90 billion, not $270 billion as is in that budget. I would have voted for Medicaid cuts that would have put West Virginia $4 billion in the hole over a 7-year period. I would have voted for tax breaks for the wealthy and tax increases for low income working people. That is not a good deal. That should

not be attached to a basic, simple, continuation of Government services for 2 to 3 weeks.

Now, some have asked, is this not the way things have always been done, you have attached riders? First of all, never with this magnitude. Second, we have a unique situation here. In my time in Congress, I have never seen the day when two major items happen at the same time. You are faced with a shutdown of the Federal Government, that is tough enough, but the second is even more sweeping, you are faced with a default on the national debt, the first time in over 200 years that that happened. Both of those come to happen this week.

So that is why these votes are so significant. My hope is that this Congress stays in tonight, does its job, and passes a simple continuing resolution to keep the Government and a simple extension so that the Government can borrow money to pay back debts and the Government keeps functioning.

PLACING THE BLAME FOR A GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, it is going to be a sad situation across the Nation tomorrow—800,000 Federal employees will be sent home. It is a crisis in our Government that is totally unnecessary. It is a political crisis that was created here in this Chamber. You have to really recount the history of how we reached this point to understand how it was totally avoidable.

You see, the Republicans took control of the House of Representatives this year and announced they were going to do things differently. The first announcement they had was they would pass something called the Contract With America, something that Speaker GINGRICH had published in TV Guide and believed that since it appeared in TV Guide, he had a mandate from the American people. So he brought 31 bills to the floor of the House of Representatives. The Speaker, Mr. GINGRICH, and his Republican majority, considered those 31 bills and passed many of them and sent them over to the other body.

The net result of 100 days of deliberation and debate on those 31 bills on the Contract with America was to have signed into law three bills. Three bills, out of 31. So 100 days were wasted at the beginning of the session, and it cost us dearly. The Committee on the Budget, which had a big job already, was delayed in its deliberations because of all the time eaten up by this TV Guide strategy for the Contract With America, this so-called PR extravaganza. So the Committee on the Budget came in with their report exactly 1 month later.

The Committee on the Budget has to do its work and pass its resolution before the appropriations committees that come up with the spending bills can do theirs. So the appropriations committees were slowed down.

The net result was a traffic jam, the end of it on October 1, when the Republican majority in the House and Senate were required to present to the President 13 appropriations bills to keep government running. Six weeks ago, on October 1, they presented three bills. Three out of 13.

You cannot blame the Democrats for that. Republicans are in the majority. The Republicans are in control. One of the big problems they had was that the special interest groups all wanted to put an amendment on each of those appropriations bills. Some of the amendments were virtually outrageous. They had one 28 page amendment that they put on the Veterans Administration and HUD bill. This 28 page amendment abolished 14 environmental protection laws.

The lobby out here, the corridor, was lined with special interest groups and lobbyists in pretty shoes trying to get their amendments on the bills so that they could be somehow absolved from responsibility of clean water and clean air.

Well, they managed to do it the first two times. Finally, the third time, 54 Republicans bolted from Speaker GINGRICH and said ''We cannot stand this anymore. We are going to vote with the Democrats.'' And they took that amendment off. That is just one bill. It is one explanation why only three of the 13 appropriations bills ever made it down to the White House.

So now we come to this situation where the government cannot continued to run because Speaker GINGRICH and the Republicans could not produce appropriations bills. So we passed something called a continuing resolution, keeping the government continuing in operation while we figure out how to solve the big questions.

The continuing resolution has been a time honored tradition around here. We sent them down to the President, they sign them, the government keeps going on for a few weeks while we resolve our differences. This time Speaker GINGRICH had a little tricky one to put in there, 9 lines out of a 53-page bill. And in those nine lines, he increased Medicare premiums on senior citizens as of January 1 by 25 percent. The Speaker knew better. The President said he would never sign it. The Democrats opposed it. We do not want senior citizens on Medicare paying 25 percent more in their premiums.

□ 1900

And so the President has said he will veto it. And now we face the prospect that the Federal Government will shut down.

Mr. Speaker, it is a sad situation. It does not reflect well on either party. It does not reflect well on the President or on Congress, but I think the President was right. The President was right in vetoing that bill. There is no reason why we should demand Medicare premiums increases as a price for keeping the Federal Government in operation.

As a matter of fact, the gentleman from New Mexico, Senator DOMENICI, a Republican Senator, today came up with a reasonable compromise, and he is a reasonable man. He said let us freeze that Medicare rate and keep government in operation while we work toward a balanced budget, which we all want to see. That is a reasonable thing. Unfortunately, many of the Republican leaders said to him, sit down and be quiet, we have another strategy.

Their strategy, Mr. Speaker, involves not just shutting down the Federal Government but also, for the first time in the history of the United States of America, we run the potential of defaulting on our national debt. Now, none of us like the fact that America is in debt, but we are all proud of the fact that when we say the full faith and credit of the United States of America it means something. Not just here but around the world. That is our integrity. That is our reputation. That is our credit rating.

The Republicans, because they will not pass a debt extension limit, are jeopardizing that credit rating for the United States of America. That goes far beyond what is necessary. What we need is a bipartisan commonsense approach. Stop the political gamesmanship and do it immediately.

AMERICAN PEOPLE OPPOSE EXTREME REPUBLICAN BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, we all know that Speaker GINGRICH holds a doctorate in history, but over the weekend he may have earned a doctorate in revisionist history as well.

Mr. GINGRICH spend the weekend trying to blame President Clinton for this budget impasse. If we take a quick review of history, however, recent history, it reveals the true culprit is NEWT GINGRICH himself. Since April Speaker GINGRICH has been threatening to shut down the government and throw the country into default. Quite frankly, he is the only person that has talked about shutting the government down.

But now the day of reckoning has arrived and the Speaker has developed a very serious case of cold feet, so he is desperately trying to blame the President. The fact remains that it is the Speaker who put this blackmail scheme into motion months ago.

Take a look at what Speaker GINGRICH was saying in April. He said the President will veto a number of things and we will then put them all on this debt ceiling that everyone is talking about, and then we will decide how big a crisis that he wants, quoting the Washington Times April 3, 1995.

In September it was reported that Speaker GINGRICH was at it again, continuing his threats. And he says, and I quote, ''I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not at this time.''

Again the quote. ''I don't care what the price is.'' That says it all, does it not?

Well, Speaker GINGRICH may not care what the price is because he is not the one who is going to be asked to pay. The price of a government shutdown and government default will fall squarely on the shoulders of middle class families in this Nation. When the Speaker gets his wish and the government shuts down, the Speaker will keep his job, he will keep his pay, but over 800,000 Federal workers will not.

When the government defaults on its financial obligations, again the Speaker will have his book royalties to cushion that blow, but millions of middle class families will pay the price in higher mortgage payments, in higher car payments, and in higher credit card payments. The blame for this manufactured crisis should fall squarely on the shoulders of NEWT GINGRICH and not on the shoulders of middle class families in this country.

Mr. Speaker, the President is right to say no to a budget that calls for higher Medicare payments for seniors. As a matter of fact, on January 1, it will be a 25 percent increase for this Nation's seniors, higher college tuitions for students and their parents, and higher taxes for working middle-class families. This is not an agenda that the American people support; and, in fact, it appears the public never did support this kind of agenda.

Mr. Speaker, for months Republicans have been promoting their Contract With America by saying that more than 60 percent of the American public supported its policies. However, we find out from last Friday that they had a political consultant whose name is Frank Luntz, and he claimed he tested all of these policies. In fact, what he did, and he was forced to admit this last week, that he actually only polled and talked to the American public about slogans. About 10 slogans.

So it turns out that the Gingrich revolution is built on the 10 most popular slogans that the Republicans could find. It had nothing to do with programs. There was no testing of how Americans would feel about cutting $270 billion from Medicare, of increasing the payments for senior citizens and cutting student loans. It is no wonder that the bumper sticker government of the new majority has worn thin with the American public.

All the sloganeering will not hide the devastating cuts to seniors, to students and to middle class families in this country. And, in fact, what is happening today is the more that the American public understands the nature of this program, the more they did like the Gingrich revolution. As a matter of fact, on Friday, in USA Today, public opposition to the Contract With America was affirmed. Sixty percent of those polled want President Clinton to veto the Republican budget as it stands. More specifically, 75 percent oppose the GOP's Medicare cuts and 74 percent oppose the GOP's student loan cuts.

Mr. Speaker, let me just say that the Republicans have lost public support for these policies, so now what they have done is resorted to blackmailing the President to get him to sign this extreme budget. That is what this is all about. But I will tell my colleagues that the President is standing with the American people in opposition to these policies.

To my Republican colleagues I say, if they want the President to sign their budget, make changes, do not make threats. If they want him to sign the budget, lessen the blow to senior citizens, to our children and to middle class families. The President wants to work with the Republicans, Democrats in this House want to work with them, but we will not be blackmailed into accepting a budget that the American people oppose.

Instead of rewriting history, please, I say to my Republican colleagues, rewrite your budget, do not hold a gun to the President's head, particularly do not hold a gun and do not hold the American people hostage in this next 24 hours.

CONGRESS HAS FAILED IN ITS BUDGETARY MANDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, joining me for my 5 minutes is the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Mr. Speaker, I received a telephone call Thursday from one of my constituents, one of my veterans, a disabled veteran, and he was very concerned as to whether or not his benefits would be cut or whether or not he would receive them on time.

I am very upset that the Republican leadership in this House is upsetting my constituents. Can we discuss how we got to this point with this 104th Congress?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me say to the gentlewoman from Florida that this is a plan that has been of long standing and of long coming. If we check back through the papers, on April 3, in the Washington Times, Mr. GINGRICH boasted that the President will veto a number of things and then we will put them all on the debt ceiling, and then he will decide how big a crisis he wants.

Now, that is April 3, back when he stated that the strategy was to create a titanic legislative standoff with President Clinton by adding vetoed bills to a must-pass legislation, increasing the national debt ceiling.

I am not sure that that is anything that just started today or the last 24 or 48 hours. That has been the plan for a long time.

Then June 5, in Time magazine, Mr. GINGRICH was quoted as saying, ''He can run the parts of the government,'' speaking of the President, ''that are left after the Republican budget cuts or he can run no government. Which of the two of us do you think worries more about government not showing up?''

Now, that is the message that Mr. GINGRICH was sending to a number of senior citizens and to a number of children and working families, and that was in Time magazine June 5.

Then, in the Washington Post on September 22, the stated, ''I do not care what the price is, I do not care if we have no Executive offices and no bonds for 30 days. Not this time.''

I do not think that is responsible, but I am quoting that directly from these publications.

Ms. BROWN of Florida. Mr. Speaker, I would say to the gentlewoman from Texas that in August I conducted a series of town meetings, and in one of my meetings we had a joint discussion with another Member from Florida, and he indicated in the August meeting that they were prepared to shut this Government down if the President did not go along with their extreme agenda.

Ms. EDDIE BERNICE JOHNSON of Texas. Well, I do think it is extreme when we decide that our senior citizens must pay, even against the American people's will, much more now for their premiums when it really is not necessary except to give that tax break that has been promised for the most wealthy people of the Nation.

Ms. BROWN of Florida. If we look at our history, the Congress has one duty, my understanding, and that is to pass the appropriation bills. Does the gentlewoman know when those bills are due?

Ms. EDDIE BERNICE JOHNSON of Texas. Well, of course the bills are due by midnight September 30, because the new fiscal year starts October 1. Clearly, that has not been done. Yet, the votes are here in this body for the Speaker to get his will, but they have not passed.

Ms. BROWN of Florida. Does the gentlewoman recall that we had that hundred days and all that charade? And how many bills have we passed in the 104th as compared to our class, the 103d?

Ms. EDDIE BERNICE JOHNSON of Texas. I do not know, but I can tell my colleague there has been a lot of them. And we have had a lot more votes. We have worked a whole lot more hours and a lot longer days than we worked the session before, but we were completed with our business on time.

Ms. BROWN of Florida. I think that this Congress has passed two appropriation bills, and my understanding is

that we have to pass 13. In fact, if we had done our work then, we would not be in this crisis mode tonight.

Ms. EDDIE BERNICE JOHNSON of Texas. I think what the American people are reacting to is the extremism, the extremes which these bills contain, and that is why we are having such difficulty bringing them to finality. When we decide that our children need no protection in the water or in the food or the air, and our seniors or working families or any of the American people, that is extreme.

THE EFFECTS OF THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to dialogue 5 minutes with my colleague. Would my colleague continue her remarks?

Ms. BROWN of Florida. Yes, I am very concerned as to this contract. The Republicans talked about the Contract With America. I have often said it was a contract on America. A contract on the elderly people, a contract on the children, a contract on the poor people.

□ 1915

This reverse Robin Hood, robbing from the working people and the poor people to give to the rich.

Now, Mr. Speaker, they have offered up provisions in this Contract With America that they could not pass in the Senate. I have always been so very proud of being a Member of the House. I served 10 years in the Florida House and 2 years here, and I have always been proud of the fact that the House deliberates, we have hearings.

Now, Mr. Speaker, I can thank God for the other body who just do not take up this work, this sometimes trashy work this House has produced, and pass it on.

Ms. EDDIE BERNICE JOHNSON of Texas. I served in both the Texas House and the Texas Senate, and I have never been in a position where I could say that I did everything the way I wanted it to be done, but what I can say is that everyone had an opportunity to be heard, to call witnesses, and then there was a fair vote.

Very, very frequently, I got a part of what I wanted, others got parts of what they wanted. But in the end, it was a piece that was made up of input and one that we could say that a clear majority wanted. It was called compromising, negotiating, agreeing, and then a majority win.

Mr. Speaker, I believe that that will work in any deliberative body, but without that, it cannot. Here I am not even sure we are listening, because poll after poll, and then finally last week's local elections, have demonstrated the growing level of opposition to the Medicare and Medicaid cuts and the education cuts, which are not popular, but no one is listening.

This budget is being held hostage in order to impose higher Medicare premiums on seniors. This is not what the public wants. This is a body of, by, and for the people. This is a democracy, but nobody is listening; at least the ones who are trying to ram their ideas through are really not listening.

Mr. Speaker, I do not believe that the Republicans really are interested in negotiating, despite these weak complaints about the Democrats. The Republican leadership has demonstrated no sincere interest in negotiating. If there was interest in negotiating, we would use the proper procedures. We would simply not load up these simple resolutions with all of the legislation for the entire session to be in them.

It is not fair. It is not right. It is not according to anyone's procedure. It is heavy-handed. It is insulting, and it is ignoring the wishes of the American people.

Ms. BROWN of Florida. One thing I have learned from the Republicans is: He who has the gold makes the rules. It is like if you invite someone over to your house to play cards and you change the rules each step of the way, that is what we are experiencing here. The Republicans change the rules to fit whatever they are trying to do at that moment.

Ms. EDDIE BERNICE JOHNSON of Texas. Clearly, this has been a longtime strategy; one that I really could not believe that we would have persons in the kind of responsible positions as we have planning this shutdown longer than 6 months ago, planning to ramrod unpopular ideas and policies that will hurt the majority of the American people in simple resolutions, simply because we have not completed our work.

If these are policies that ought to stand, they ought to stand without being loaded into these simple resolutions. We should be able to work those out. We should be able to allow the resolutions to go forward clean, and then come to the negotiating table.

This is simply a technique, in my opinion, to pull the President into a fight, where he has clearly stated that using the proper procedure for negotiating is acceptable, but he will not be hoodwinked into attempting to negotiating by allowing these higher premiums to go in and all these protections to be removed from our air, food, and water.

Ms. BROWN of Florida. Do we have a final word for our constituents as to what is going on in Washington and what they should do? I suggest that they call their Congresspeople and let them know how they feel about how they are wasting taxpayers' dollars by furloughing people, by shutting down the Government.

CONGRESS SHOULD COME TOGETHER AND SERVE AMERICA WELL

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in a time of crisis, one wonders where is that forceful leadership of the majority? Where is the forceful leadership of the Speaker? I tell my colleagues where they are. They are playing a dangerous game of chicken. Mr. Speaker, I say to them, shame on you for doing that.

In particular, in a state of crisis and emergency, Medicare and Medicaid should not be played as pawns and toys in the hands of people who want to force their way. I say they need to find new toys and new games to play and not force these kinds of unacceptable views on the President.

When we get down to the brass tacks, it makes no difference who flinches first. That will be lost in yesterday's news. The people will forget all of that. What they will wonder is that we failed to govern, we failed to take care of the people's business.

By the time the majority comes to their senses, their capricious acts will have already hurt those people who can least afford to sustain these harsh blows: The elderly, the poor, the disabled; not only those who are being furloughed tomorrow or at midnight tonight.

The majority has voted to cut Medicare by $270 billion. To do what? To make sure their wealthy friends get a tax break. The poorest of the poor, those who receive Medicaid, $182 billion will be reduced. That will mean unnecessary pain for a lot of people who now already find themselves in distress.

Mr. Speaker, what does this mean for my district in North Carolina? It means North Carolina will lose $6.75 billion in Medicare funding for the next 5 years. And add to that Medicaid, which again will lose $6.76 billion. Those combined would be $13.51 billion that we will lose in the State of North Carolina.

Mr. Speaker, that will affect millions of people, and yet my colleagues on the other side of the aisle want to overload this resolution to continue to make the Government function by making sure we increase the premiums for senior citizens and Medicare. That is uncalled for. That is uncalled for.

Again, Mr. Speaker, what other things in the budget reconciliation do we find objectionable? Mr. Speaker, $16.5 billion will be cut from the farming community as well. That will hurt people in my district.

Why is it that the President finds these objectionable? Because he wants to serve the majority: American people, whether they are farmers or senior citizens, or whether they are the poor. Medicaid itself in my district will affect some 882,000 people. Medicare affects some 999,000 people in my district. Should I not be concerned about that? Of course we are concerned about that. That is what we find objectionable about the budget reconciliation.

When we ask for a continuation of Government for 1 month, my Republican colleagues want to overload it with things we already find that are unacceptable in the budget reconciliation. Who will be helped and who will be hurt, I ask? Only those who receive the tax break will be helped.

Certainly, the Federal employees who are going to be furloughed tomorrow will not be helped, and certainly those who will see an increase in their Medicare premiums in January will not be helped. Certainly, the students who are going to lose their loans and find that the interest payment is going to be increased are not going to be helped.

Mr. Speaker, what is this all about? Should this not be about bringing Americans together? I say, shame on you, shame on you, Speaker of this House. Shame on you, the leader of this House. Shame on you, the majority in this House who do not find it in their vested interest to govern and to govern well.

Mr. Speaker, we need to come together, Republicans and Democrats both, to understand this is a time of crisis. We need leadership. We need to stop this chicken game of who will flinch first. The American people are annoyed at that arrogance. We need grownups to act like grownups and not act like overspoiled children. I beeseech to my colleagues to come together as persons of responsibility, persons of compassion, and to serve America well.

''LET THEM EAT DOG FOOD''

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, about now in the First Congressional District in Denver, CO., Federal workers, thousands of them, are going home after a long day's work and they are wondering if they come back tomorrow. What do they do? Does anybody recognize how hard their work is? What is going on?

Mr. Speaker, 45 days after the fiscal year ran out, they cannot believe this body cannot have a budget together. They also cannot believe we could not even get anything of substance on the President's desk, really; that the fight is with the other body. We cannot even get it down Pennsylvania Ave. So, they are driving home in their cars wondering what kind of career mistake they ever made to go into public service and dedicate their lives to this.

Mr. Speaker, people who live in the First Congressional District are hearing now that this shutdown is going to cost the economy $10 million to $15 million a day. It is going to cost taxpayers, and that is outrageous.

Mr. Speaker, people going home in their cars who have been designated ''essential,'' so they can go back tomorrow, and they are realizing how inefficient it is going to be without support staff. Poeple are going to phone in and not get an answer, and they are going to phone in to this body and not get an answer.

What is all of this about? Last night we got a little window into this, because the GOPAC people had a gala. They had a gala. GOPAC is the group that the Speaker put together that brought all the new Members of Congress is here on the other side of the aisle.

Mr. Speaker, they had address this great gala the person who they have designated as an honorary member of their class, Rush Limbaugh. Rush Limbaugh stood up to talk about what a great night it was. He said he greeted his fellow extremists and he hailed the new Republican budget, because he said it would starve the poor and it would take those on Medicare, like his mother, he said, and force them on dog food. But, he said, his mother was probably watching C–SPAN and he wanted her to know he was sending her a new can opener.

We have all heard of Marie Antoinette who said, ''Let them eat cake.'' Apparently the new cry of this group is, ''Let them eat dog food.'' Take a sock for Christmas and take cans of dog food and insert them for people who are on Medicare, because if the President is to be able to stop this tonight, he has got to agree to $13 more in premiums for the people on Medicare. That is why Rush Limbaugh is so happy that his mother is going to be on dog food.

Well, Mr. Speaker, I am not. My mother is not going to eat dog food, and I do not think we ought to have Federal employees going to dog food. I think for the great Nation that this Nation is, that kind of talk is absolutely outrageous.

Mr. Speaker, if we condemn, and we have as a nation, the Marie Antoinettes who were so out of touch, who said, ''Let them eat cake,'' we ought to be condemning just as insensitive a statement as, ''Let them eat dog food.''

Mr. Speaker, we should not be attaching mandatory increases to Medicare to keeping the Government going. None of it makes any sense. This is about a dysfunctional part of the Government right now, the legislative branch.

Mr. Speaker, we ought to come in here, reconvene, and we ought to pass a clean continuing resolution so Government goes on. We ought to increase the debt ceiling, so Government goes on and the full faith and credit of this country is not run to the cliff. And then we ought to go back and work out that budget that was due 45 days ago. Mr. Speaker, 85 percent of it has not been finalized. Work that out. Bring it here in the regular process.

No wonder the American people are disgusted. The haughtiness and the arrogance of laughing about one's mother and laughing about how the poor are going to suffer and, ''Isn't that a great day?''

□ 1930

If you really think the problem of America is that the real needy are the greedy and that the real greedy are needy, are not greedy, they are too greedy, then you are going to love what is going on. But I think most Americans do not think that the greedy are real needy.

If you have got hundreds of dollars to go to these great galas and fundraisers, you are not exactly suffering. And you may think it is funny for those who are suffering but I do not. I think it is tragic for Federal employees who have families, who have mortgages, who have school tuition. I hope Members of this body try and write notes to all of them, see if they can get some kind of an extension on their mortgage. See what they can do. They cannot. We should not do this. We should convene. We should have a clean continuing resolution. We should have a clean debt resolution. We should get on with business as usual and let us knock off this talk about dog food.

I am not from the heritage of Marie Antoinette. I am from the heritage of the great leaders of this country who believed every American counted and you did not make fun of them, of their social status or their economic status. Let us move forward in that tradition.

MEDICARE AND STUDENT LOANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, for months Speaker GINGRICH promised to shut the Government down so he could score political points. The Washington Times earlier this year said, ''House Speaker NEWT GINGRICH vowed yesterday to create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the national debt ceiling.''

The Washington Times, in April of 1995, said the President will veto a number of things and will then put them all in the debt ceiling and then he will decide how big a crises he wants.

Five months later leading up to this budget problem we are in now and this close-down-the-government threat, Speaker GINGRICH said, ''I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days, not at this time.''

An Ohio Congressman, Ohio Republican Congressman said, If we close down, people will listen. An Ohio Congressman also said, I do not see the Government shutdown as a negative; I see it as a positive, if things get righted. A Nebraska Republican Congressman said, If we have to temporarily shut down the Government to get people's attention, then so be it. The question, Mr. Speaker, is, why are they doing this? What is the point of this? The answer is, the Gingrich plan

cuts $270 billion from Medicare and billions of dollars more from student loans in order to pay for a tax break for the wealthiest people in this country. Say it again, the Gingrich plan cuts $270 billion in Medicare and billions more in student loans aimed at middle-class families in order to give a tax break for the wealthiest people in this country.

Mr. Speaker, no Congress in our history, in the history of this country, has ever demanded an increase in Medicare premiums as a condition of keeping the Government open. What I do not understand is the feelings that some Members in this body have, notably the Speaker, toward Medicare.

Medicare, Mr. Speaker, has been in effect for 30 years and a few months. It was created in 1965 when Lyndon Johnson signed the Medicare Act in July of that year. At that time 50 percent of America's elderly had no health insurance. Today between 1 and 2 percent of America's elderly have no health insurance. This is a successful program. It is expensive, but it has helped people live better and helped people live longer. It is a Government program that works. It is probably, very possibly, probably the Government program that has done the best things for the people of this country, perhaps of any program in the history of this country.

Yet Speaker GINGRICH said, speaking to a bunch of insurance executives who will benefit monetarily in a big, big way from the Gingrich Medicare plan, he said, ''Now, we don't want to get rid of Medicare in round one because we don't think that is politically smart. We don't think that is the right way to go through our revolutionary transition. But we believe that Medicare is going to wither on the vine.''

This is a man that took the oath of office to the people of this country. Yet all of us, I think, have an obligation to the people of this country to make sure that we honor the trust, the agreement between the American people and this Government that Medicare be there and work for people.

Medicare works. It is a program that works. It has insured a huge number of elderly people in this country and made a difference in keeping their lives healthier and helping them live longer.

The other attack from this Government, from the Gingrich budget and the Gingrich plan, is an attack on student loans and middle-class families. How can we look to the future when we are cutting, taking away the ability, reducing the ability of middle-class families in this country to send their kids to college. Whether it is Ohio State, whether it is a private school, whether it is Lorain County Community College, students have needed those student loans, they have two parents working oftentimes. Often the student himself or herself is working but they need those student loans in order to go to college, in order to get the kind of degree to compete with people around the world.

Employers around Lorain County in my district, in and around Toledo and my friend from Lucas County's district and around Ohio and around this country, employers tell us over and over that they have got $8- and $12- and $15-an-hour jobs out there and sometimes they cannot find people qualified to fill them. We have got to continue to put, to move forward in global competition. We have got to ensure that students get loans. This Gingrich budget goes right at the heart of middle-class America in cutting and reducing and eliminating student loan programs. It simply does not make sense, Mr. Speaker.

I ask again this House for a clean continuing resolution, a clean debt ceiling resolution. It is absolutely senseless to hold up the Government in order to cut Medicare and in order to cut student loans. Let us move forward on these clean resolutions. Let us debate Medicare. Let us debate student loans and see what the country thinks and make those decisions separately and move forward the way we were elected to do.

NAFTA ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman and wish to state that I think this is a sad night for America, for our country and this Congress, as we are held hostage by a few extremists who want to take actions like raising premiums on Medicare part B for our senior citizens and rolling back environmental standards across this country, under the guise of a bill that is supposed to be about running our country and conducting the people's business.

One of the reasons that the Government is short on funds and our families are working harder and showing less for it in their pocketbooks and their wallets is because of the dry rot inside the economy of the United States. It is that that I want to focus on, and it is that subject I wish that we as a Congress would be focusing on.

This week represents the second anniversary of NAFTA's passage on November 17, 1993. Each day this week, several of my colleagues and I will be here on this floor discussing various aspects of that agreement. We will be calling attention to its performance to date which can be properly characterized as truly dismal and devastating for thousands of Americans as well as Mexican workers and their families. But it has been truly rewarding for speculators on Wall Street and Mexico's Wall Street at the Bolsa in Mexico City.

Promises, promises, we were given lots of promises. During the NAFTA debate we were promised it would create 200,000 jobs just this year; good jobs, they told us, jobs that could help people pay taxes, jobs that could help people increase their incomes. However, as the Wall Street Journal recently reported, the reality is, and I quote: ''There has been no evidence of any overall gain in jobs as a result of this agreement with Mexico.''

In fact, by the end of this year, 800,000 people in our country and several million in Mexico will have had their jobs put on the chopping block because of this agreement.

Think about the toll of human lives in our country just in the last 2 weeks. Fruit of the Loom announced 3,200 jobs being shut down in this country in Kentucky, Alabama, Mississippi, the Carolinas, moving to Mexico. And 479 workers out of work in St. Joseph, Missouri. They made Lee jeans. They earned $8.35 an hour. And chocolate workers in Hershey, Pennsylvania who were told that they are going to be laid off, get their pink slips because Hershey has decided to move its production of Giant Kisses to Guadalajara, Mexico. So I guess we could say NAFTA has become a giant kiss of death for many workers in our country.

I want to pause here for a moment and say that NAFTA did not really grow out of a vacuum. It is merely one agreement within the larger context of our Nation's extremely flawed and ill-advised trade agreements which purposely ignore consequences on large segments of our people. These policies and trade agreements have spawned and destroyed both jobs and wealth in our country by providing incentives to export our jobs someplace else, exporting income from our people, increasing frustration in our electorate and causing a kind of doubt about the ability of this Government to deliver.

There is economic dry rot out there in our country. Think about the last 20 years. The average American family has not had an increase in their purchasing power. In fact, the high school graduate today makes 27 percent less in real wages on what they can actually buy with their check than their counterparts did 20 years ago, but the chief executive officers of our country are earning just in the last year 12 percent more real wages than they did in the prior year.

Now, what exactly are those CEO's being rewarded for? Fortune 500 companies have not created a single job in this country for a decade. Virtually all their investment in production has been abroad. American workers are being asked to compete against capital that can move anywhere in the world, foreign cartels that block our access into their markets and millions of low-wage workers in the world who live under undemocratic regimes.

The resultant pulldown in wages in our country has been verified by economists like the University of California's Professor George Borjas, who maintains at least 25 percent of the loss in wages in this country is due to the type of trade agreement that we

got ourselves locked into including the NAFTA agreement.

Mr. Speaker, I would just like to say that this week we will be introducing the NAFTA Accountability Act. My colleagues and I will be on the floor talking about its various provisions. We are going to listen to what the public is telling us. Once we restore the economic health of the country it will be easier to restore the governance of the Nation.

NAFTA DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ANDREWS] is recognized for 5 minutes.

Mr. ANDREWS. Mr. Speaker, it appears certain that tomorrow a substantial portion of the Federal Government will shut down. That is a very serious and very negative and very real thing for hundreds of thousands of people who work for the Federal Government in this country. I regret that.

I would urge my colleagues to work together tonight and for the rest of this week as long as it takes to prevent that. There is no good reason why these good people have to be put at risk tomorrow.

I want to come back to something that my friend from Ohio just talked about a few minutes ago. That is there have been lots of other shutdowns in America in the last few years as well that have nothing to do, directly at least, with the Federal payroll but have a lot to do with the shutdown of economic growth and opportunity. Yes; it is true and it is regrettable that hundreds of thousands of Federal employees will not go to work and will not get paid tomorrow and will not be able to pay their bills.

A lot of other Americans will not go to work tomorrow, too; the ones who worked in manufacturing jobs and made $10 or $12 or $15 an hour and saw their job go to Mexico or Malaysia. A lot of other Americans will go to work tomorrow in jobs that pay them 40 or 50 percent of what they need to make to meet their family budget. The man or the woman who was working in midmanagement at a bank and making $40,000 or $45,000 a year a few years ago who now is making $20,000 or $25,000 a year.

A lot of young Americans will go to work tomorrow at the shopping mall at their part-time job, even though they have a master's degree or a college degree in a field that ought to get them a job at a much higher rate of wages. A lot of senior citizens tomorrow are going to wake up and wonder if they are going to be able to turn their heater above 65 degrees because they are so worried they cannot pay their utility bill.

The rest of America, Mr. Speaker, sort of shut down a while ago. A lot of American families have seen their budgets shut down and be ratcheted down. So maybe it is time that we had this confrontation here to talk about our Federal budget and its impact on the family budget.

□ 1945

I agree, as a Democrat, with my friends, Mr. Speaker, across the aisle who say that we ought to balance the budget and do it in 7 years, and I agree with them that it ought to be done without increasing the tax burden on the American people. They are already overtaxed as far as I am concerned. I do not agree with the exact way that our Republican friends have chosen to do this.

I think that we should be getting rid of accounts that pay for overseas advertising by food companies, not getting rid of remedial reading teachers in the public schools. I think that we can go to some of our agribusinesses in this country that receive welfare checks not to grow food and cut them off instead of raising the cost of going to college for middle-class families. I think that a lot of the tax loopholes and giveaways in the Internal Revenue Code to insurance companies, and banks, and Fortune 500 companies could go by the wayside so we would not have to be raising Medicare premiums on the elderly in this country.

Mr. Speaker, I think we can do it differently, but I agree we have to do it. We have to balance the budget, and we ought to do it in 7 years, and we ought to get to work instead of standing around here tonight just talking to each other about it.

But we ought to do some other things as well. We ought to fix and change our educational system in this country so having a high school diploma means something again, so people are able to graduate from high school and get a job in a noncollege situation, so that people who choose to be a bricklayer, or computer technician, or a cosmetologist, or an electronics worker, can go to school, get a high quality education, get into the job market. We ought to fix our trade policy so that Americans can compete and sell our products in other countries as well as other countries can sell their products here. We should get rid of some of the foolish and pointless regulations that we have imposed on our businesses that do not clean the water, or protect our workplaces, or clean the air, but simply raise the cost of doing business.

Mr. Speaker, it is essential, but not sufficient, to balance the budget in 7 years, but by all means, Mr. Speaker, it is essential for us to get to work, and I hope that what we do in the next couple of days is put aside the posturing over the 1996 election and get to the serious business of worrying about the real problems of real Americans out there tonight, Mr. Speaker, who are afraid they cannot pay their bills, who are watching their incomes shrink, and their taxes rise, and their children's hopes evaporate.

America is in a real and deep economic crisis. For us to fiddle as family finances burn, for us to talk about who is going to get elected in 1996 rather than who is going to be able to pay their bills in the next 6 days or 6 months is really a disservice to this country.

Let us get to work, Mr. Speaker, and do the job the people sent us here to do.

HOW TO BALANCE THE BUDGET

The SPEAKER pro tempore (Mr. BARR of Georgia). Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I would like to talk just briefly about where we are tonight at 10 minutes of 8 o'clock to my constituents back in Indiana, roughly 4 hours and 10 minutes before the Government might shut down, which is a very, very serious consideration and a serious subject for people throughout this country.

I think, Mr. Speaker, quite frankly that it should not have come to this. It should no come to a situation where we are messing around with the credit rating and the ability of the Secretary of the Treasury, and the U.S. Government, and the President, and Members of the Republican Party and the Democratic Party, to negatively affect our ability to pay on our debt. I think the American people at this time, 4 hours from now, talking about the Government shutting down, are saying to one another they do not want us to act like Republicans and Democrats, and pointing our fingers, talking about gridlock, and partisan games, and even deadlock as we reach this midnight bewitching hour, but what are we doing for the best interests of America? What kinds of considerations are we making for the hard-working people of this country that want to balance the budget, that do not want to see their taxes go up, but want a fair outcome when we balance the budget, that want to make sure that the budget is not balanced on the backs of senior citizens that barely make it month to month on their Medicare or their Social Security, senior citizens that I listen to and work with in my district all the time who tell me, not only do they barely make it by the dime or the quarter, but these senior citizens are the people that, when they get a gift, somebody gives them a present, a birthday present, an anniversary present, they usually keep that wrapping paper and reuse it, or, if they are going to buy something from the supermarket, oftentimes the seniors in northern Indiana will go to three and four different places to find the best bargain, sometimes eating up, maybe, in gas money what they may have saved looking for the best bargain because they know month to month they are barely going to make it.

Mr. Speaker, we should not be cutting Medicare by $270 billion. We should also not be cutting student loans by $10 billion. One of the most

important things to the constituents that I represent here in Washington, DC, when I come here to work from Indiana, is that we give them and their children the opportunity to get to college. Some of my people that have been working for 10, and 15, and 20 years find because the economy is changing they have to go back to school and learn some new skills, some computer skills, some blueprint skills, some total quality management skills, and they are going to schools in Indiana to learn these new skills. We should not make it more difficult, we should not make it more expensive we should not make it more arduous for these people to get this education and training, to help our economy move forward.

But where do wo cut, Mr. Speaker, because we do need to balance this budget in 7 years? I think that is where the Republican colleagues of mine have it right. We do need to make tough decisions with a fair ourcome to get this balanced budget on line in 1995.

I think we start with B–2 bombers that the Pentagon does not even want, that the CINC commanders, the Joint Chiefs of Staff, have said we do not need these. I think we talk about tobacco subsidies where we cost taxpayers money twice, once by paying their tobacco subsidy through the Government, another time by paying hospital costs for patients that go to the hospital and contract cancer. I think we cut in a host of areas, through eliminating the Interestate Commerce Commission, to elimiante or at least reforming and changing, the market subsidies we give to big corporations to advertise overseas. These are corporate welfare proposals and programs that we do not heed in 1995 if we are going to balance the budget.

Mr. Speaker, over 300 Members of Congress have voted for a balanced budget; 73 voted for a coalition budget; over 230 Republicans voted for a balanced budget proposal some weeks ago. Now I think we should begin to move forward in bringing a number of these people together, hopefully 218, that will come up with a fair way to our seniors, and our students and our working people in this country to get that balanced budget in effect.

THE PRESIDENTIAL POLITICS OF BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to talk a little bit about our balanced budget proposal, our 7-year balanced budget proposal, and in particular the President and his previous claims of supporting a balanced budget, and I do want to dwell a little bit on the issue of Medicare. I think Medicare is a very important issue.

Mr. Speaker, I am very familiar with the Medicare system. I earned my living prior to coming to the House of Representatives, and I plan on when I leave the House of Representatives going back to, practicing medicine. I am a physician, and I very much enjoyed taking care of senior citizens as an internist. About half of my clinical practice was caring for seniors, and I know firsthand how much our seniors depend on the Medicare program, and I think what the President is doing with this issue is truly disgraceful, and he is playing pure politics with the Medicare program, and in his proposal he wants to lower the Medicare premium to 25 percent, and then in subsequent years, after the election, essentially after he has bought the senior vote, he is going to let it drift up. In our proposal the Medicare part B premium will do exactly what it has done over the previous 7 years under the Democrats of this House. It will slowly double. Under the President's proposal it will double as well, but it goes down in the crucial year of 1996 when he is seeking to get reelected.

What are we talking about in our budget proposal? We are talking about a 7-year balanced budget proposal. We have not been able to get the President to agree to this very fundamental principle. This is a man who ran in 1992 pledging that he would balance the budget in 5 years. Three years after he has been elected, he is refusing to sign on to a 7-year balanced budget proposal. Instead he is putting forward this budget proposal that supposedly gets us to balance in 10 years, 13 years after he has been elected when he ran on a 5-year proposal. We have welfare reform in our budget proposal. He refuses to support that, a man who ran saying that he was going to end welfare as we know it.

What else do we have in our budget proposal? Tax relief for families with children. When my father was raising myself and my three sisters, as a postal worker he sent 4 percent of his income to Washington. Now those working fathers with children send 25 to 30 percent of their income to Washington. That is the single biggest reason why so many of those working families with children have to put mama out to work, too, and my colleagues know what happens then. They do not spend as much time with their kids. In the 1950's the average parents spent 35 hours a week in direct contact with their children. They now spend 17 hours a week. Who is talking care of the kids? The television loaded with violence.

Finally, what else do we have in our budget proposal? We have economic incentives, a capital gains reduction that will pump money back into the economy, that will create jobs, jobs for people who are unemployed, and the President is refusing to sign on to any of these things, and what is the most crass thing, he is actually going so far as to try to claim he is trying to protect Medicare when in reality it is a temporary thing in Medicare. A year later the Medicare premiums will rise, and rise, and rise, and rise, and the President knows all this. But yet he is continuing to play politics. When the Medicare program was created, the Medicare part B premium was supposed to be shared by seniors, 50 percent coming out of the pockets of working people, 50 percent coming out of the pockets of seniors. Today many of those working people who are being taxed to support the Medicare Program cannot afford health insurance themselves. In our budget proposal we keep the percentage at 31½ percent. That is what it is at today. We think that is a fair and reasonable thing to do.

But yet the President is trying to play politics with this. He is trying to lower the Medicare premium in an election year, and then he is going to turn around and raise it on seniors just like he turned around and raised taxes in 1993 after he ran in 1992 saying that he was going to give middle-class working Americans a tax cut. He raised taxes on them; he raised taxes on senior citizens. Senior citizens had their Social Security income taxed, an increase in their taxes.

Mr. Speaker, I encourage all my colleagues in the House, as well as my colleagues on the other side of the aisle, to put politics aside and join together in a reasonable proposal to get us toward a balanced budget in 7 years.

□ 2000

It is for our future, it is for the future of our children, it is for the future of our children's children. What kind of life are we going to leave the next generation? In years past, you paid off the farm, you did not leave the kids a mortgage. Today in America, today in America, every child that is born is being born into an economy where they owe $18,000 of debt. They are going to have to pay back with interest on that debt about $18,000. That is $4.9 trillion worth of debt. Mr. Speaker, I encourage the President to support our budget, to vote in favor of balancing the budget in 7 years.

NOW IS THE TIME TO BALANCE THE BUDGET

The SPEAKER pro tempore (Mr. BARR). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I agree with just about everything my colleague the gentleman from Florida, who preceded me, has just said. I have been in Congress now for 13 years, and I have gone out and had a lot of town meetings with senior citizens and people from all across my district. I have talked all across the country. When you talk to people about the pain of cutting spending, people say, ''We have to balance that budget. We do not want to leave a legacy of debt to our kids and to our grandkids. We do not

want to see hyperinflation in this country.''

After you get through talking, we start going around the room and we let them ask questions. Inevitably, somebody will say, ''You are not going to cut this program, are you?'' Somebody will say, ''You are not going to cut this program, are you?'' Before you know it, everybody in the room has some program that the Federal Government funds, or partially funds, that they are all interested in; maybe highways, maybe Medicare, maybe Social Security, maybe welfare. It may be a number of things, but everybody wants the budget balanced and they want their kids to be secure and their future to be secure, but they do not want their programs to be cut.

We have had 40 years of movement toward socialism, toward complete government control over our lives. Make no mistake about it, we are at a point now where if we do not make some real hard decisions, we are going to get what we do not want as a Nation. If you look around the world, and I am on the Committee on International Relations, I can tell you a lot of countries that have hyperinflation have disintegration of government and government services because they have gone too far. We are heading in that direction. We have to make some choices.

The people in this country last year elected a Republican majority in the House and Senate because they wanted change. They wanted a balanced budget. Eighty-eight percent of the people in this country want a balanced budget. If I were talking to America tonight, Mr. Speaker, I would say, ''Look, there is no easy way out. We are going to have to bite the bullet. Everybody is going to have to have a little bit of the share of pain.''

We are not cutting these programs. We are slowing the growth of the programs. Medicare is not going to be cut. The growth in Medicare is going to be 6.5 percent over the next 7 years. It is going to grow. But we are not going to allow it to grow at 10 to 15 percent, like it grew before. We are going to give money for the school lunch program. It is going to grow, but we are going to send the money back to the States so the Governors can more efficiently spend the money, rather than have some bureaucracy here in Washington spend it.

We have to do something about welfare reform. The President now says he is going to veto welfare reform. Everybody in the country knows welfare is out of control. There is flagrant fraud in the welfare system. We have to do something about it. Now he says he is going to veto it.

The bottom line is, Mr. Speaker, if I were talking to America, I would say if we want a balanced budget, then we are going to have to get on with it. We are going to have to get on with it. We are going to have to slow the growth in these programs. Yes, we are going to have to cut out some bureaucracy and some governmental agencies. We intend to do that.

The President is pandering to the fears of senior citizens. He knows that the premiums for Medicare are going to have to go up, but he wants to postpone these major changes until after the next election. I am telling seniors, if they are paying attention, that after the next election these increases are going to be there, but they are going to be bigger, because we will have postponed them for a year. We want to deal with the problem now. We want to deal with it in an equitable and fair way.

The benefits will continue to go up. The premiums are going to go up a little bit. There is no question about it. But we know that the Medicare system is going to fail if we do not do something. The President's commission said it is going to go bankrupt if we do not do something, so we are trying to do it in a responsible way, and he is down there at the White House with his glasses down over his nose, vetoing it, saying he is going to save it for seniors.

The fact of the matter is he knows, we all know, we are going to have to deal with that problem. We want to deal with it now, in an equitable way, so the pain they are going to feel in a year is not as severe as it would be right now.

We have no deal with the budget deficits. We are at $5 trillion. In a few years it will be $7 trillion. The interest alone on the debt will be so high we will not be able to manage this Government without printing money and causing hyperinflation. We have to control the deficit. We have to balance the budget, and we have a plan to do it in 7 years.

He does not want to do. He says how about 9 years, 10 years, 11 years. There is going to be no end to it, America. We will never have a balanced budget until we make the decision to do it. We want to do it now. We want to hold the President's feet to the fire. I think that is what America wants. If we do not do it now, it will never happen, and we will rue the day that we turned our backs on this opportunity.

WHY CRITICIZE THE PRESIDENT WHEN THE HOUSE HAS NOT COMPLETED ITS WORK ON APPROPRIATIONS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. STENHOLM] is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I would be glad for my colleague, the gentleman from Indiana [Mr. BURTON] to come back. I think the gentleman and I agree on most of what the gentleman has said, not everything. One of the things that has puzzled me about this emergency, and why we are sitting here 3 hours and 55 minutes from shutting down the Government, and we keep talking about what the President has or has not done.

It has always seemed reasonable to me that the House should have completed its work, that the budget reconciliation bill that should have been addressed by October 1, which has not been addressed, which I was told tonight at 8 o'clock the conferees were going to meet for the first time, only to be told that we are not going to meet tomorrow until 3 o'clock, but it seems to me that the House should have done its work if we are going to be criticizing the President.

What am I missing?

Mr. BURTON of Indiana. If the gentleman will yield, as the gentleman well knows, we made a commitment to the American people that we were going to pass a Contract With America in the first 100 days. Because we spent the time making good on that commitment and did it in 93 days, the appropriations process was set back. He knows that.

We are trying to catch up and we will catch up. We will pass all 13 appropriation bills, as well as reconciliation, but it is a bogus argument in my opinion, and I have great respect for my colleague, the gentleman from Texas, to say that we are playing games here. The fact is we want a balanced budget and we are on a trend line to do that. The legislation we sent to the President gets us on that track.

Mr. STENHOLM. If I could reclaim my time, Mr. Speaker, there are at least 68 Democrats who agree with you.

Mr. BURTON of Indiana. I appreciate that.

Mr. STENHOLM. It seems to me if you have Democrats also saying balance the budget in a time certain, if you have Democrats also saying to balance the budget by the year 2002, it should not be unreasonable for us, before we shut the Government down as we are doing, that we ought to let the regular legislative process go before we start criticizing the President. It seems to me that what we ought to be doing is going ahead and doing our work.

We have wasted 5 days playing this game that we are playing. The gentleman and I do not want to play games, we say. At least he has made a speech, it was excellent, on what he is for. I would want to make the same speech. But it seems to me when we are talking about the President not engaging, under the regular legislative process that everyone in this House understands as clearly as anybody could, when you have a bill, the House passes it, the Senate passes it, you go to conference, the conference works it out, the conference then goes to the President, the President signs or vetoes the bill. If he vetoes it, then we try to override, or we start over and we start negotiating.

Mr. BURTON of Indiana. If the gentleman will yield further, the fact of the matter is, and my colleague well knows, the President has stated his opposition to a number of the provisions

in the short-term CR and the debt bill that he said he opposes. These are things that we believe America wants. He said he opposes them. The only way we could get around the President was to send him a bill that he could not veto.

Mr. STENHOLM. If I could reclaim my time——

Mr. BURTON of Indiana. He has chosen to shut the Government down, not us.

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

Mr. STENHOLM. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I find the logic strange that somehow the President ought to be questioned about his conduct before we have ever gotten appropriation bills to him. We can all have legitimate differences about what ought to happen on Medicare, what ought to happen on education. That is normal in this country. What is not normal is when you start criticizing the President for not signing legislation that has not yet been sent to him.

When the Congress has failed to pass 10 of the 13 appropriation bills, then the issue is not whether the President has vetoed something, the issue is whether the Congress has produced something for him to sign or veto. We have not yet done that, and until we do, it seems to me that it comes with considerable ill grace for this institution to suggest that we ought to short-circuit the process when this institution has not yet performed its basic duty.

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

Mr. STENHOLM. I yield to the gentleman from North Carolina.

Mr. HEFNER. I would like to ask a question. There is nothing in these two bills that the President is talking about vetoing, there is nothing in these bills that could not go the regular legislative route if you had done your work, or will do your work. They could be separated out. You have got the majority. You could bring them up, even under suspension, if you wanted to.

Am I right? Is that right?

Mr. BURTON of Indiana. If the gentleman will continue to yield, the minority well knows that in the past there have been many, many, many times when we did not pass all the appropriations bill and we ran this place with continuing resolutions, short-term CRs. When we did that, the Democrats, when they were in charge, sent to the President of the United States things that he did not want.

Mr. HEFNER. The gentleman is not answering my question.

Mr. BURTON of Indiana. The fact is you are turning everything on its head. The gentleman knows that.

THE EXECUTION OF NIGERIAN CITIZENS OF CONSCIENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, we are today in a democratic debate about the size and role of government. It is important and involves a need for comity of purpose on all sides.

Nevertheless, despite differences on the question of whether and how fast governmental budgets should be balanced, let us not lose sight of the fact that this is a blessed country which can manage its affairs peacefully and democratically.

I stress this point because on another continent last week, the Government of Nigeria executed the playwright Ken Saro-Wiwa and eight other human rights activists. A generation ago in her seminal work ''The Origins of Totalitarianism'' Hannah Arendt noted that one of the hallmarks of totalitarian regimes is the capriciousness as well as the anonymity of death.

It is therefore incumbent on democratic legislatures throughout the world to register dissent against political atrocities of this kind, and shine the spotlight of decency onto the regimes responsible.

The international community cannot allow individuals of conscience to disappear unnoted from the face of the Earth. Names must be named and deeds recorded. The courage of Ken Saro-Wiwa, a Nobel Peace Prize nominee and the President of the Movement for the Survival of the Ogoni Peoples, as well as Barinem Kiobel, Saturday Dobee, Paul Levura, Nordy Eawo, Felix Nuate, Daniel Gbokoo, John Kpuinen, and Baribor Bara must be acknowledged and remembered.

Like Socrates, forced to drink hemlock because of his alleged corrupting influence on the youth of Athens, Ken Saro-Wiwa was found guilty of crimes committed by others because his enlightened human rights advocacy was said to have created the environment that fostered societal misdeeds. As the lessons of Socrates' life and the injustice of his death 2½ millenia ago are recalled, we as public officials in a free society must today demand accountability for the execution of these 20th century Nigerian citizens of conscience.

In referencing this human rights tragedy, I do not mean to divert attention from the importance of the debate this evening, but this Congress, despite our problems, remains the principal legislative beacon of freedom in the world. We are obligated to resolve our differences. We are also obligated to put our problems in perspective. Important differences of judgment exist, but we can reach a consensus without putting a gun to anyone's head. We are, after all, Americans.

GOAL OF BALANCED BUDGET NOT EXCLUSIVE TO REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

THE LEADERSHIP'S INABILITY TO SUBMIT TO THE PRESIDENT LEGISLATION HE CAN SIGN

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

Mr. ABERCROMBIE. I yield to the gentleman from Kentucky.

Mr. WARD. Mr. Speaker, I thank the gentleman for yielding to me. I rise here to speak to the issue that we are talking about tonight, the inability of the Republican leadership, Speaker GINGRICH and the leader of the other body, to bring to us and take to the President a continuing resolution and an extension of the debt ceiling which he will sign.

I do that with a special interest tonight, because I have two constituents here with me in the gallery who are nurses in my district. They are very concerned. They are concerned that we continue the commitment that we have in this country to seniors through our Medicare Program, to others through our Medicaid Program, and to their colleagues, who work in Federal facilities, so I appreciate the gentleman giving me a moment to make sure that we remember there are real people who are being discussed in these issues. This is not just theoretical.

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Mr. ABERCROMBIE. Mr. Speaker, apropos of the remarks of the gentleman from Kentucky, reference has been made again and again this evening and in previous sessions of the House to a balanced budget, and reference has been made to the President. In fact, the President has been castigated for being unwilling, presumably, to move towards a balanced budget in a time certain, generally given to be 2002.

What is constantly left out of the equation is that there is no presentation for a balanced budget. Every time I hear that being said very frankly by Members on both sides, but most particularly as a kind of challenge from the Republic side, I would find it amusing if it was not so sad that this is based upon a palpable fraud. I will tell you exactly what it is. It is no great secret.

In previous times, Mr. Speaker, in order to mask the deficit that was accumulating, we have gone into what is called something off-budget. It is a bookkeeping trick. That is all it is, the Social Security trust fund. But before, at least we were honest about it with respect that it appeared from both the Republicans and the Democrats when we finally put budgets together that we were, in fact, utilizing the so-called surplus funds in order to achieve a budget. We were not pretending that we were trying to balance the budget at that point.

As the gentleman from Texas [Mr. STENHOLM] and others who have preceded me have indicated, that has been a goal of both Democrats and Republicans. This is not exclusive to the Republican Party. But the difference has

been that there was not the stench of mendacity in the air as I very sadly detect now.

The plain, simple fact of the matter is that in the budget as presented by the Republican Party, we are going to take in the neighborhood of $636 billion out of a so-called surplus in the Social Security fund in order to balance the budget in the year 2002. We start in 1996 with $63 billion. There is $115 billion scheduled to be taken in the year 2002 in order to achieve a balanced budget.

Now, this is supposed to be coming from surplus funds. So I put the challenge to those who will say that this is truly going to be a balanced budget as presented by the Republican Party in this House in 2002. If that is a surplus, then give it back. If you do not need to have an IOU to the Social Security trust fund in the year 2002 of $630 plus billion, let us hear it on this floor. I can come down here for special orders any night; I invite anybody to come down now and say that what I am saying is not true.

I see a smile on the face of the gentleman from Texas [Mr. STENHOLM]. He knows that this is the case. My good friend from Indiana is not smiling, he is grimacing at the moment. But the plain fact is that while there are people in this body who are serious about balancing the budget, they are serious in a way that says that they will not try to fool the American people into thinking, because we have done a bookkeeping trick, namely putting it off budget, that phraseology, a phrase of art with respect to accounting, that we will not owe that money to the Social Security trust fund.

There will be no balanced budget in 2002, and I would hope that the next Republican Member who gets up and recites this mantra will at least have the common decency to respect the intelligence of the American people who can add and subtract and read and write the numbers just as well as anybody else and admit that in the year 2002 when they claim, providing nothing goes wrong whatsoever with the projections, when they claim that there will be a balanced budget, on that day, at that moment, they will owe $630 plus billion to the Social Security trust fund.

If we are going to balance the budget, I welcome the debate. Let us get to it, let us try and figure our how to do it, but let us be honest about it. Let us not start accusing anybody in this body, particularly on our side of the aisle, of being less than true to their faith, the faith that they have in what they want to do, and come forward with sensible, reasonable, honest figures with respect to the balanced budget.

MAINTAINING THE CURRENT MEDICARE RATIO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, it seems to me that having a continuing resolution which would leave the government open is in jeopardy because of this premium part B on Medicare Program. I wish the people in California would listen to me tonight. I want to tell you exactly what the part B in Medicare plan is all about so you can make your own judgment of who is right and who is wrong.

I do not think we, the Republican Party, is doing such a good job to communicate with the people. I am going to do my best tonight.

Let us take a look at this chart here. Right now beneficiaries, senior citizens, only pay one-third of the total cost of the part B, which is to pay for the doctor's fee. Two-thirds, a little more than two-thirds is paid by the other taxpayers, roughly 68.5 percent. Many people did not know that. My district people did not know it. I did not know we had been subsidizing it. They are so busy working every day, they did not pay attention to exactly what the part B premium is about.

Mr. Speaker, it used to be 50–50. Half of it paid by the beneficiary and the other half is subsidized by the other taxpayers.

Now what has happened? One-third is paid by the beneficiary; two-thirds is being subsidized by the other taxpayers, the working people. Who are those people? Some of those people cannot even afford to buy their own insurance, but they have to subsidize senior citizens by two-thirds. Under the current system starting January 1, it is going to change even greater: 25 percent by the beneficiary and 75 percent by the other taxpayers' subsidy. That is not fair. That is what we are saying.

We are saying that we have to keep this ratio, one-third, two-third ratio. That does not increase anyone; that is all. For that we have been criticized unfairly.

Is it wrong that we would like to maintain this one-third/two-third ratio? A senior citizen only pay one-third of the premium and two-thirds subsidized by the younger people? Is that unfair, keeping this ratio? Why does it have to go to 25 and 75 percent relationship? How can you balance the budget when you have to spend this kind of money, additional spending, to subsidize beneficiaries? How can you possibly balance the budget?

We are not cutting anything, we are trying to maintain the same ratio. By doing this, as you know, medical costs keep going up. By doing this, everybody has to pay a little more, a few bucks a month, just to maintain this relationship. We are not increasing anything, just maintaining one-third/two-thirds relationship.

Mr. Speaker, it is not right that we are asking those people out there working every day making $50,000 a year, trying to support the family, trying to send the kids to school, trying to make the mortgage payment, let them at the same time subsidize senior citizens by more than two-thirds.

Now, when our country is in this shape financially, yes, let us increase that, maybe 100 percent, but right now we are in financial crisis. Our debt is $4.9 trillion. Our interest payment alone last year was $230 billion, about the same as our national defense budget. Under that kind of circumstances, we are going to ask them to pay more?

I have to set the record straight. People can see me. I apologize that the chart is kind of messy, but I have to speak to you tonight to get the facts straight. If you do not think that that is fair, then let us know. That is all we are trying to do, maintain this current ratio. For that, our President is going to veto the entire continuing resolution I think is very unfair.

CRUCIAL DEBATE ABOUT THE SURVIVAL OF SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I was in my office working and many of the staff members were there with me, because obviously, we are preparing for the onslaught of questions that will probably be coming from many of our constituents in the 18th Congressional District.

I listened to the debate, particularly by the gentleman from North Carolina [Mr. HEFNER], and I would like to yield to him, because I do not know about the plain facts that our colleague on the other side of the aisle was mentioning about Medicare part B.

Mr. Speaker, I do not know about the gentleman from North Carolina, but I know the plain facts that today my senior citizens pay $43, and under the Republican plan in a few months, maybe just about 30 days, they will be paying $53.

I have had my senior citizens tell me, I do not know where I am going to get the money from. This is not a battle of who is chicken and who is not, this is not a battle of who has one-upmanship; this is a crucial debate about the survival of my senior citizens and citizens across this Nation and the Medicare system.

Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, people making $50,000 a year, which is certainly not rich, but people living in my district on a fixed income for an increased of $10 or $12 a month, many times depend on where they are going to buy their groceries or get their prescriptions filled and what have you, it is a tremendous burden.

Also, I would like to have asked the gentleman the question that if we are going to put $270 billion, and make no mistake about it, it is a cut, $270 billion, then you cannot have the $240 billion tax cut unless that is scored by

CBO. You have to have the Medicare cuts before you can have the tax cuts. Everybody acknowledges that.

So if you are going to make the $270 billion cuts in Medicare, why not apply them to make the Medicare fund more secure; either that, or reduce the deficit. This does not make any sense to burden our senior citizens with an increase in premiums simply to have a tax cut almost corresponding to the same dollar amounts, from the $270 billion you are going to make in Medicare to give a $240 billion tax cut.

Mr. Speaker, the gentleman can talk about it all he wants, but there are going to be cuts and there are going to be cuts to supply the funds for a tax cut. It does not make any sense to put that burden on our senior citizens.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman.

Mr. Speaker, reclaiming my time, I think that is an excellent explanation, and that is why I came over, because it concerns me when many of my constituents are raising the question of what is happening here in the U.S. Congress.

I would like to just briefly relate to them the lack of progress that we have made. Frankly, under the Republican majority, they have not done their job. These appropriations bills were supposed to be passed in early September, and if they had been passed at that time period, we would not have reached this point, this time, this day.

All that we are asking as a Congress, and particularly those of us on the Democratic side of the aisle, is that let us just deal with the issue at hand. The issue at hand simply allows us to have one, a continuing resolution to allow this discussion to go forth and the doors of the Government to stay open; and then second, allows the debt ceiling to increase so that this country does not default on its obligations.

We have a philosophical difference, and that is understandable, but I do not think the American people should be misdirected and misrepresented that there is some reason that we have come to this, other than the fact that the appropriations bills that should have been passed in September were not passed. Why is that? Because there is some magic number to the number seven in terms of balancing the budget, when in actuality, we have looked at the President's budget, we may have wanted to improve that budget, but that is a 9-year budget. Is there some difference, something magic between 7 and 9?

When you begin to look at the direction that the Republicans' 7-year budget takes, cuts in school lunches, cuts in Medicaid, children's programs, cuts in student loans, ending nursing home regulations where many of your parents are staying; a lack of worker safety regulations, curbing food and drug standards, forgetting the environment, criminalizing various procedures dealing with the question, the very private question of women to choose; ending the national service group, and of course, cutting science and research. All of these issues were part of the appropriations bills when we should have been able to discuss these separate and apart from that process.

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Do you want nursing home regulations to be eliminated? Do you want to eliminate the progress we have made with respect to environmental protection? These debates should be separate and apart from the question of whether the doors of this Government stay open.

Just this past weekend, I spent Veterans Day acknowledging the many veterans in our community and saluting them for the service they have given. In addition to saluting my veterans, many of them asked the questions, not only about themselves but about those who would come after them that would be denied benefits.

I had Federal workers working with me on their day off to give constituency service in my congressional office, meaning those in Social Security and those working in other agencies. Those are the ones that are going to be counted out.

Mr. Speaker, I would simply ask, let us be reasonable. Deal with the issue at hand so the American people can have faith in their Congress again, get back to the business that we have, and that is the business of running this Government properly, making sure that a budget is balanced but is not balanced on the least of those that we have in this country. Let us be realistic, both Republicans and Democrats. Keep doors open so that we can face this together, and make sure that we are having a budget that answers the concerns of all Americans, and not cut it on the backs of children and senior citizens.

RHETORICAL AND SUBSTANTIVE DIFFERENCES

The SPEAKER pro tempore (Mr. Barr). Under a previous order of the House, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker, I got a call from a good friend of mine tonight. His question was, what is this big difference of opinion between the White House and the Congress? What is it all about, and what can we do about it in the short time that remains?

As we discussed it, it occurred to me that maybe the differences are not as wide as we think they are, at least in rhetoric, and maybe they are wider than we would like them to be perhaps in substance.

In rhetoric, the President of the United States in 1993 appeared on ''Larry King Live'' and promised a 5-year plan to balance the budget, not a 10-year plan like he came out with in 1995. A 5-year plan. This year, just recently he said, ''Well, maybe I could go along with a 7-year plan. Maybe I could, if I liked the way it was done.'' But in 1993 he promised a 5-year plan. You would think we could come together tonight.

Also in 1993, the President spoke out very forcefully and I think very courageously on the question of Medicare and Medicaid. His words then were that we cannot let these two programs grow at three times the rate of inflation without them going bankrupt or bankrupting our future. He called for a reduction in growth.

In fact, in his 10-year budget plan this year he called or a $192 billion reduction in the growth of Medicare. That is on the same baseline we use here in Congress. He called for a $120 billion reduction in the growth in Medicaid according to our congressional baseline. That is some pretty severe reductions in growth.

Our Democratic leadership would call that cuts. The President said, ''Don't call that a cut.'' He said, ''I'm talking about reducing the growth of the spending out of these programs, the excessive amount they spend, because they are driving the programs and our future into bankruptcy.'' At least the President said that.

You would think perhaps we are closer than we think tonight, because if we are talking about reducing the growth in Medicare and Medicaid, the President himself has conceded that that has to get done and he has recommended some pretty healthy reductions in the growth in Medicare and Medicaid.

Finally, the President in 1992 when he ran for election, when he asked us all to vote for him, promised a middle-class tax cut. He did not give us one. What he did last year was to raise taxes.

Just recently he appeared before a group of supporters and said, ''I know you think I raised your taxes too much, and guess what, I think I did, too.'' You would think the President would be supporting a balanced budget plan that included some tax relief for Americans.

You could think we would be a lot closer than we are tonight. In fact, we are not. The reason we are not closer than we think tonight is that those who want a clean CR, those who want no changes in the way this Government operates and spends money, those who want us to send the President a clean CR, a clean extension of the debt, simply want to keep on going like we are going. That is wrong.

The President knows that is wrong, you know that is wrong, I know that is wrong. The President has said he believes we ought to balance this budget in at least 5 years, or 7, or 10. He believes that Ameicans deserve a tax cut, he taxed them too much last year, and he believes we need to reduce the growth in Medicare and Medicaid spending.

One would think we could come to terms tonight. What holds us apart? One, we have a majority in this House

but not a two-thirds majority. We have got a majority in the Senate but not 60 votes to override a filibuster attempt, nor a two-thirds majority to override a veto. So the President can use his veto pen to stop changes here in Congress that he opposes.

What kind of changes? Changes like changes in the regulations of this country. When you hear this talk tonight about, well, we are going to have dirty water and dirty air and dirty food as a result of what we are proposing, remember, this House voted for changes in the way regulations are made in those areas, to require a simple cost-benefit analysis. That is all that is in the CR, just the regulatory reform this House voted upon.

You would think that there was something awful about the Congress trying to reform the Medicare Program, but the President himself said it has to get done. His trustees said if you do not do it in 7 years, your parents and my parents will not have a Medicare Program to depend upon because it is going bankrupt.

You would think that there would be an interest in this House, in this Chamber and the other Chamber, to come to some kind of conclusion on a good Medicare reform. We have tried to deliver one, and this House passed one, but we do not have two-thirds to get it through. We do not have 60 votes to get it past a filibuster in the Senate, and so the red pen is being waved tonight.

There is a big difference in substance, not much difference in rhetoric but a big difference in substance. Hopefully in the next few days those differences can be resolved and we can get about the business of reforming this country and bringing a balanced budget for our future and our children.

BALANCING THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I think it is important to take stock at this time, while we have a lot of focus on what the Congress is trying to do, to look at where we have come from in this first session of the 104th Congress.

We passed the regulatory reform that Congressman TAUZIN was speaking of. We passed the line-item veto to take care of eliminating the pork-barrel legislation and excessive spending. We have passed the prohibition of unfunded mandates so that our local governments will not have items we passed back to the local government without the funding that goes with it.

We have already passed $90 billion in deficit reduction, $190 billion in spending reductions, and now we have the possibility, if the President agrees, to balance the budget, something that every other government has to do, every family has to do. The State government has to balance its budget, county governments, school governments.

The economic experts, Mr. Speaker, have told us that if we can balance the budget so we do not have to spend so much of the tax dollars to pay for the debt, we will have a reduction of mortgage payments for our fellow Americans, we will reduce the car payments, we will reduce the college payments. We will be able to make sure that our goal will be that we are taking care of essential services for people and not the Government waste and fraud that we have seen that the Federal Government has had for years.

We will also see with our tax reform proposals, if they get adopted again and signed into law by the President, a $500 per child tax credit. We will have the new IRA programs with $2,000 for individuals, $4,000 for a couple. We will roll back that unfair 1993 Social Security tax on our senior citizens. We will give our seniors the opportunity to make more than $11,280 who are under 70 without having a bite out of the Social Security. Under our new proposal, it will be up to $30,000 a year.

We will also have capital gains tax reductions for individuals of 19 percent, 25 percent for businesses. This will allow us to have new jobs, expansion of businesses, and also increase savings. Adoption tax credit is included within this proposal, as well as an elder care tax credit.

We are on our way, Mr. Speaker, with many new reforms in this 104th Congress, but the balanced budget awaits the President's signature. He has said he is committed to a balanced budget. Both sides of the aisle have supported the concept of a balanced budget. It works in business. It works in our families. It can work for the country. But we need the President to come to the table to work with our congressional leadership in the House and Senate in a bipartisan fashion. If we do that, we are going to help our senior citizens, we are going to help our working families, and we are going to help our children. We can make a difference. We ask for the President to come to the table and help us make it happen.

EDUCATION: AN ISSUE WHICH UNITES US

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are at a critical moment in the life of the American democracy. I think it would be helpful if we lower our voices and come together on an issue which unites us. Education is that issue.

On this Wednesday, the day after tomorrow, National Education Funding Support Day has been proclaimed. It is important to note at this point that education has always been an issue that has received bipartisan support.

Education is an investment. It has always been recognized by both Democrats and Republicans as an investment. Only this year has Republican extremism and recklessness led to a division that has critically injured the support for education in the Congress.

On our National Education Funding Support Day, we hope that we can reach out to both sides, both Republicans and Democrats. We hope that we can get the American people to understand what is at stake in the Federal support for education.

I think to have something now which leads us to lower our voices and come together would be a good thing. Despite all of the heated rhetoric of the next few days, and despite the fact that there are real issues on the table and very important decisions to be made, I think it would be good if we sort out something that we can agree on, and education is the one thing in the past that we have agreed on.

It is time for some effort to calm the waters. Like the gentlewoman from Colorado [Mrs. SCHROEDER], I happened to hear part of the GOPAC celebration. It was on C–SPAN this morning. I could not avoid it. It was on a respectable media outlet, and I heard part of Rush Limbaugh's speech to the GOPAC audience here in Washington.

He was addressing a crowd of people who seemed to need at this time some therapy, so Rush the jester, he is the Speaker's jester, became Rush the therapist. It was very interesting to watch how he was calming the fears of the GOPAC crowd that the American people have misunderstood them. He kept telling them do not be anxious, do not be bitter; the American people are going to understand you sooner or later.

The fact that the Republican extremism policies have taken a great plunge in the polls, a Wall Street Journal poll shows that more than 60 percent want the President to veto the Republican budget, and more than 70 percent are against the Medicare cuts, has led to some serious soul-searching among Republicans. So Rush Limbaugh was there spreading his arms to calm down Republican fears.

I thought that was very interesting. Everybody needs something at this point to calm them down, and certainly to come together on an issue like education I think would have a calming influence.

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

Mr. OWENS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I would just say to the gentleman that he is talking about some of the fears and some of the concerns that the American people have at this point in time. He talked about some of the objections to cuts in very, very important programs that are helpful to senior citizens and students that are trying to get back to school.

This is not a poll from a Democratic pollster. It is not a poll from the President's White House. It is a CNN/USA Today poll that recently showed that 75 percent of the American people are against the tragic cuts in the Medicare Program, and 74 percent of the American people are against the cuts in the student loan program. This is not political information, not driven by pollsters from our party or pollsters from the other side of the aisle. This is a poll taken directly by an objective, very reliable and very respected firm.

What we are saying, and I serve on the Committee on Economic and Educational Opportunities with the distinguished gentleman from New York, is that we have always agreed that education can and should be an investment for our workers, for our senior citizens, going back to school to learn more and contribute to the economy when they are not making enough money from Social Security or getting help from Medicare, from workers that have been on the assembly line doing the same thing for 20 years, screwing a screw into a door, and now that assembly line has changed dramatically, and they are working on a computer and working in teams to create a better quality product.

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This is no time to be cutting off their loans for college education, whether they are 55 years old or 25 years old. I just wanted to point out the two things that I very much agree with the gentleman from New York, that education should be bipartisan, and that, second, the American people are against these education cuts at 74 percent of the people against these cuts.

Mr. OWENS. I thank the gentleman very much. He has made a very compact, well-focused statement which would make it unnecessary for me to say a great deal of what I was going to say. The American people have shown consistently over the years that education is a high priority.

It is interesting now that I think it is clear that health care is the first priority but education is a close parallel, almost the second priority, almost a parallel priority of the American people. So education should not be forgotten in this great debate.

Education Funding Support Day, November 15, day after tomorrow, is designed to have the American people reinforce what they have already shown in the polls. They keep stating over and over again, in poll after poll, that education is a high priority. Yet the public officials who make the decisions keep cutting education. At the city level in New York, over the last few years, we have lost $2 billion. New York is a system which serves a million students. We have lost $2 billion over the last 5 years in education funding at a time when more children have come into the system. The State has now cut the State aid for New York City a great deal, and, of course, at the Federal level we had $4 billion of cuts recently proposed by the Republican budget.

Republican extremism and recklessness is being ratcheted upward at a time when there is no war, no real crisis; a catastrophe is being manufactured.

It is not the President who is being blackmailed, as we have heard over and over again. It is the American people who are being blackmailed. The children are being blackmailed. The students are being blackmailed.

Let us pause for a moment to reconsider what is happening. I hope the Republicans will join the Democrats in supporting National Education Funding Support Day and try to refocus on the bipartisan effort we have made over the years on education.

In the days before Republican extremism, education was a unifying issue, even more so than defense. I have seen many votes on the floor of this house where a greater proportion of the body voted for education than voted for defense, which was also a unifying issue. But we had more votes on education bills. Many of the authorizing bills for education on this floor have received almost unanimous approval.

We have gone through a process at the committee level where at the committee level there was a great debate, in the conferences there was a great debate. In fact, some of our conferences have gone on for several weeks. Many committee markups have gone on for days. So we have had great debates on education, with each side, of course, offering varied opinions, and there are some differences. In the end, both Republicans and Democrats came together on education, and we need to try to get back to that. We could assert ourselves in the next few days and reach some kind of agreement to communicate to the President that both parties agree that we should rescind that $4 billion in education cuts and deal with making cuts somewhere else to facilitate moving matters forward.

In the days before Republican extremism. Education was a unifying issue, even more so than defense. Under Republican Reagan, under Republican Bush, we had major steps taken toward the offering of guidance by the Federal Government in the area of education. Education reform was taken on by the Federal Government as a major responsibility. Republican Ronald Reagan had the commission to publish the report, ''A Nation at Risk,'' and he launched the effort. Bush followed with America 2000 and the six goals that were set forth at the Governors' conference in Virginia. President Clinton attended that conference, where the Governors set forth the six goals for education, and President Clinton has steadfastly enforced those goals.

President Clinton has taken America 2000 that was put forward by Bush and launched Education 2000, which, in many ways, has the same basic foundation. So we have a continuation of bipartisan support for education.

On November 15, day after tomorrow, we want to reemphasize that and let the American people know that we continue to have this major goal of pushing education forward as a bipartisan concern.

Republican extremism wrecked the bipartisan support for education this time. This is at a time, unfortunately, where education is needed more than ever before.

As I have said many times before, our economy, our society is at a critical transition period. Our society is now in a period where the economy is booming, Wall Street is booming, the stock market is booming, profits are higher than they have been for a long, long time. And yet, on the other hand, people are losing jobs through downsizing and streamlining.

The American wages have suffered a dramatic decline over the last two decades, the last 20 years. So we are in a transition period, a period unlike any that we have ever experienced before. It is necessary more than ever that we step forward with a new investment in education. Not less should be invested in education, but we should be investing more in education. We should invest more at this particular period because we are making a transition where education and greater training will be needed.

You know, I think last night, whenever this GOPAC celebration was held, I heard it this morning on C–SPAN, Rush Limbaugh kept saying that if you cannot make it in America, it is your fault; you know, nobody should ask for help. If you cannot make it in America, it is really your fault. It is very strange that Rush Limbaugh, a talk show host who is dependent on the airwaves, radio and television, which are a Government, you know, they are government-facilitated outlets, you know, he would not be a millionaire and a superstar if there were no FCC, if there were no Federal Communications Commission, a Government body which regulates and helps to nurture the whole broadcast industry from its inception to the present. He would not be there. Rush Limbaugh should send a ''thank you'' letter to the FCC every day.

The U.S. Navy helped perfect radio and helped perfect the kind of things that made it necessary for radio to move from radio to television, the orderly transition, the development of a whole industry. The broadcast industry was not charged any money every time they used the airwaves. Yet the broadcast industry was not unlimited, not every American could gain access to the broadcast industry, not every American could be a talk show host, because the broadcast airwaves are owned by certain companies. There are a limited number. If we did not have a Government which regulated that limited number, then you would have chaos and nobody would be able to have signals that got through.

So, you know, the FCC, the U.S. Navy, the space program, and all of the Government research that went on with radar and various defense industries that made it possible to develop, you know, the compact kind of technology that allows you to have transistors and to do the marvelous things we do with television sets and with radio and all the things that facilitate cable television and all the things that are going on now which make people like Rush Limbaugh rich, all of them are maintained by a society and a Government that, if it did not exist and did not carry out these functions, the opportunity would not be there for Rush Limbaugh and his kind.

The illogical rationalization that is going on, the monstrous excuse that Republican extremists are making is that we need to inflict these cruel and unusual budget cuts, these measures which go after everything from Medicare, Medicaid, to education, we need to inflict these measures on the elderly, on children and on students in order to save future children from debts.

Men and women who have no compassion for living, breathing Americans want us to believe that they have great compassion for the children of the future, they have compassion for posterity. They want to trade the compassion of today that requires a few sacrifices by the rich for the cheap abstract compassion of the distant future, have compassion for posterity, have compassion for the children of the future, but do not have compassion for the living, breathing, elderly who are sick and need health care today, do not have compassion for the students who want an opportunity to get through school, to have decent lunches so that they are not hungry and can learn, the students who want to get through college on Pell grants and student loans; do not have any compassion for them. Let us think about the children of the future, the children to come, not the children of today; let us think about the students of the future, students to come, not the children of today.

Compassion is a concern, and it is one concern we should always bear in mind. We should always be concerned with compassion. I think compassion might be interpreted as a willingness to share the benefits of society with everybody in the society because we recognize that all human life is sacred. Merely by being born, all human beings deserve compassion. Medicare and Medicaid are expressions of compassion, very important expressions of compassion. The elderly and the children probably deserve the most compassion in our society. So compassion is important.

Compassion is a basic value of the American majority. I think most people in America have compassion. They want their Government to reflect a concern with compassion. They want their decisionmakers, their congressmen as well as their State legislators and their local legislators to always move in ways that show that they care about people.

The great majority of the American people are caring people. There is a caring majority out there, and the caring majority has reflected its sentiments. They have aroused themselves, and they are being felt in the public opinion polls. They are showing through the polls that they do not care for this extremism. They want it stopped. It is not consistent with American compassion. It is not consistent with the caring majority.

But while I am very concerned about compassion, I am talking about education today, and education is an investment. It is not a matter of compassion. Support for education programs does not represent compassion. Support for education programs represents a commonsense investment in the future of America. Support for education means you care about young people being able to get an opportunity so they can help themselves. You care about young people being able to get an opportunity so they will keep our economy going. If young people are not out there working in our economy, they will not produce the taxes that we need, they will not produce the money to fund the social security fund. It is working young people in the American economy who make the economy go.

I read in the Wall Street Journal today that China is leaping forward at a far more rapid rate than anybody ever predicted. China, China, when I was in school, I remember in the geography books always that phrase, ''China is a backward country.'' The implication was that Chinese are backward people; inevitably China will always be at the bottom of the heap; all those people there, they gave the impression that they will never do anything but trip all over themselves and cause chaos and China will never be a force in the world.

Well, now, China may be bidding to become the third largest economy in the world merely by the fact that they exist, a billion people. You know, a billion people just selling things back and forth to each other creates quite an economy.

The Chinese suddenly have leaped into the export market. This Wall Street Journal article said the Chinese may surpass the Japanese in terms of exports to America soon and that the Chinese are seeking to protect their position in the world through the GATT treaty. They know that, as they become more and more of an export power, they are going to be the victims of attempts at restrictions of trade from China, so they are getting ready.

The article continued to say it surprised everybody because the Chinese are not a high technology society in the same sense as Japan or West Germany, France, a lot of the other industrialized societies. China is leaping forward partially because of its tremendous organization of the one greatest resource it does have, and the greatest resource the Chinese have is people. Human beings are their greatest resources.

Whatever you may say about the totalitarian government of China, they have invested in education. They know that good schools are a great investment. They have made an investment in education.

□ 2100

They have human beings who are well organized and who, despite the fact that they may have a technological disadvantage, are able to produce a great deal because of the fact that they are well-organized, well-trained, well-focused.

So the Chinese, who were called backwards when I was in the third grade, are going to leap forward as a major world economy, and they are going to dislocate children in our economy. The children in our economy who are going to be adults, if they do not have a great deal of training, they cannot stay way ahead of the Chinese in technology, and they lose, because our policies are such that most of what is being exported from China to America is being financed by American companies.

The Chinese are getting rich off of the American Fortune 500 corporations, who make contracts for them to make goods at very low cost that they then bring back to our economy and sell. So pretty soon we are going to wipe out this great consumer market that we have created over the years by having fair policies, by having strong labor unions, by having a situation that generated a massive number of people who have a lot of money, enough money to be able to buy consumer products in large quantities.

We are destroying the great engine that has driven the free world economy for the last 50 years. We are going to destroy American consumers by not educating them properly and by having trade policies that allow our economy to be invaded by a country that has seen the benefits of educating their population and taken advantage of all the loopholes in the international trade policies.

In the midst of the storm that is going to rage for the next few days, I hope no more than a few days, but maybe weeks, we would like for there to be one dry spot. We would like for there to be one shaft of bipartisan light. We would like for education to return to be understood to be the core of our prosperity. Education must remain at the core of our prosperity. We must understand that education is at the core of our prosperity. We must act that way. We must understand that education is the most practical investment that we can make in America.

We cannot afford to go forward and continue the bipartisan bickering and smother everything. Let us return at least to an understanding that health care, the American people have ranked health care as one of those top priorities, and education has been ranked as

another tomorrow priority, almost equal to health care.

So in the next few days, I hope that the President and the Republican-controlled Congress will stop and think seriously about what is going on and say that, look, health care should come first, education should come second, and then let us take a look at everything else if you want to balance the budget. And let us get off this extreme drive, this extreme, dogmatic notion that you have to balance the budget in 7 years.

Those who want to balance the budget, we ought to be able to reason with them and say 10 years instead of 7 years, and maybe we should lock in the law so there could be no reneging on that 10 years. But 10 years to balance the budget would be a better approach, a less extreme approach. It would not require that we throw education overboard as an investment. It would not require that we throw large numbers of senior citizens overboard in their life and death situations day-in and day-out. We do not have to do things in an extreme and mean way. We could do it in a more rational way over a longer period of time and achieve the same objective.

So we are at a critical moment in the life of American democracy. We are at a critical moment, and I think that the proclamation of National Education Funding Support Day by an organization which I helped to fund, the National Commission for African-American Education, took the lead in proclaiming that November 15 would be National Education Funding Support Day. November 15 happens to be in the middle of American Education Week, so we are following a tradition. A lot of different school boards and school systems around the country have open school week during this time. So it is an appropriate time to try to link up with what is happening in education in the localities with what is happening in Washington.

The Federal Government is responsible for only a small portion of the total American education budget. We only supply about 7 percent. It went up as high as 8 percent at one time. But we only supply about 7 percent of the total education budget. Local governments and State governments supply the rest. And it is probably going to be much that same way for a long time. I really think the Federal Government should be more involved. We should be more like the other industrialized nations. All other industrialized nations have a greater participation in education by their central governments than the United States of America.

China has a greater participation, and they have taken advantage of the use of education to turn their population into an asset. All other nations, the nations of Asia, the Asian rim that is bursting with economic activity, a great investment has been made by Singapore. A great investment has been made by Taiwan.

When I was in Taiwan you saw students going to school at all hours of the night. Their schools operated around the clock. They had computers that they were using to train students. Those computers got no rest. They had shifts of students who were going to school around the clock to take advantage of the equipment and the space that they had. They understood the value of investment in education.

We should lower our voices and get our senses together and look at the world with practical eyes. We want compassion, but in addition to compassion, there is just common sense and survival that is at stake here.

Education is a matter of survival. Education has to be moved up to a place in the national security pantheon. Education may be far more important than weapon systems that we are spending great amounts of money on.

Expenditures for education would be far more productive than further expenditures on the *Seawolf* submarine. Expenditures for education would be much more productive than expenditures we are undertaking for the F–22 fighter plane manufactured in Speaker GINGRICH's district in Marietta, GA. They would certainly be far more productive than the CIA expenditures that we continue.

We continue to expend at least $28 billion for the CIA. That is the conservative figure, because we do not know the real figure. At least $28 billion per year is being spent for the CIA. That is a great waste. Some of that money is being wasted. If you just cut the CIA by 10 percent a year, $2.8 billion for the next 5 years, you would generate a great amount of money that could be applied to education.

Education is suffering. You can balance the budget and not hurt your scheme of things by just taking the money from the defunct, dangerous CIA, and moving it over to education.

The CIA is a dangerous institution. I thought it was very interesting that a great deal of furor was generated by the Secretary of Energy. Mrs. O'Leary, a great deal of furor was generated when it was found that she had misspent money on a study which studied the media, newspapers and journalists, and studied how they covered her agency. I agree, it is a great waste of money. I agree that she certainly should be chastised. I agree that certainly some steps should be taken to deal with the people who came up with that bright idea.

However, I found it very interesting that immediately there was a loud cry for her dismissal. Yet the CIA found a slush fund just a few months ago, the CIA found a slush fund, a petty cash fund that nobody knew about, of $1.5 billion, at least. I am told by somebody who knows that it was more than that. They could not tell me exactly how much. A petty cash fund of $1.5 billion was discovered at the CIA, and the director of the CIA said that he did not know about it. It has existed for some time because it takes time to build up a petty cash slush fund that nobody is really accountable for of $1.5 billion. And yet nobody called for any dismissal of anybody. I did not hear anybody say the CIA director ought to be fired. I did not hear anybody say that some top people at the CIA, at least the bookkeeper, ought to be fired. I do not know if anybody got fired as a result of the discovery of a $1.5 billion-plus slush fund.

That is surprising, and it is something the American people with their common sense ought to take a close look at. Where is the money being wasted in our government? The money we need to invest in education, where is it? I can find it for you. I can find it for you. $1.5 billion in the CIA slush fund, we are off to a good beginning.

A little while before that we discovered that the CIA had in process the building of a building which cost almost $400 million. A building, a facility, is being constructed near the Dulles Airport by the CIA, and nobody knew about it. The members of the Intelligence Committee on Oversight here in the House of Representatives said they did not know about it. The Members of the Committee on Oversight in the Senate said they did not know about it.

How do you construct a $400 million building, $370 million-some to be exact, how do you construct a building that costs that much money near Dulles Airport and nobody in the government who has oversight responsibility for the CIA knows about it? And when you find that kind of mistake, why do they not call for somebody to be fired? Who got fired? Who got fired?

We recall that Aldrich Ames was discovered to be a Soviet agent. Aldrich Ames was not a small guy down the line. Aldrich Ames was in charge of the American espionage operation in Eastern Europe and the Soviet Union. He was in charge.

He had an interesting history. His father had been in the CIA before, and he had risen through the ranks, although people always wondered about the fact he was not very bright. They wondered about the fact that he did drink too much. They wondered about the fact he broke various rules.

He used the CIA safe houses for fornication regularly. He got away with all this. Then he had a lavish lifestyle. And the CIA makes a good salary. They are not secret. I think that you can find out what the salaries of most CIA agents are, but you cannot find out what the expense accounts are.

At any rate, the expense account plus the salary of Aldrich Ames could not have supported his standard of living. He drove expensive cars, he lived in elaborate houses, he seemed to have all the money he needed all the time. All of this went on for over 10 years. Agents died who were in the employ of the CIA. Information was compromised.

Recently the CIA in its damage control mode has released a few more facts about the damage done by Aldrich Ames. We now hear that information fed to three presidents through the channels that Aldrich Ames was responsible for was compromised information; that much of the Reagan buildup and much of the Bush buildup of defense was guided by information the Soviet Union was feeding through its bogus agents working for the United States into our decisionmaking process.

Yet, when Aldrich Ames was discovered, nobody called for the firing of the CIA Director. When the investigation was conducted and the internal report was issued, the director of the CIA at that time did not recommend the firing of a single person. It is true there was a great outcry and he finally had to resign, the Director of the CIA at that time walked away, but there was no outcry in the press, there was no outcry in Congress, for the firing of anybody.

This is the kind of America we are into. Ladies and gentlemen in America with their common sense, look under their magnifying glass of just plain common sense at what is going on here. What is going on here is we are about to have a great showdown on the budget and the appropriations process. We are about to have a showdown. And yet we have all these outrageous situations that exist, and they are not on the table for discussion. Nobody is discussing cuts in the CIA. Nobody is discussing cuts of the F–22 fighter plane that nobody needs. Nobody is discussing the B–2 bomber, which the President and Secretary of Defense say we do not need. The Joint Chiefs of Staff say we do not need the B–2 bomber. Everybody says we do not need it. Yet the Republican controlled Congress has the B–2 bomber in this great budget they are trying to cut in order to make it safe for future posterity, not to have debts.

Look at all this through the eyes of ordinary, common sense Americans. Look at it through the eyes of Hans Christian Anderson's little boy in ''The Emperor Who Had No Clothes.'' The emperor was naked, but the whole society was willing to go along and say the emperor was wonderfully dressed. Only one with the innocent eyes of a child, with the common sense of a child, pointed and said ''Hey, the emperor is naked.''

□ 2115

There are a lot of institutions that are spending a lot of their taxpayers' dollars that are naked. They do not deserve the money. We do need the money in education. We do need the money in health care. We need the money in Medicaid and we need the money in Medicare.

Mr. Speaker, what I am saying is that for a moment let us pause and try to get back on track with education. Let us start with education to get back on track. Let us do what we have done for the last 10 years, have a bipartisan approach to education. Education Funding Support Day, on November 15, day after tomorrow, is a time for getting together and returning to a focus on education as something that brings us together, as an issue and a program that we very much need. Sometime the camera is going to catch the exhibits, and I would like to make sure the camera does catch the exhibits tonight.

Education Funding Support Day is November 15. We are asking parents, community leaders, union leaders, church leaders, everybody to do something out there at your school. Go to the nearest public school. We do not have to have a central direction for this or wait for flyers or wait for posters. We do not have to wait for anything. It is like the National Night Out Against Crime. Everybody is familiar with the National Night Out Against Crime. On a Tuesday night in August everybody comes out all over the country that night to show they are not afraid to come out to things, to let them know we control the streets and we are, as a society, dedicated to the proposition that we will fight crime. We will fight crime across the board, universal, at every level.

Now, Mr. Speaker, It so happens that since we have begun the National Night Out Against Crime, crime has going down dramatically. There are a lot of reasons we might cite, but one of the basic reasons, I think, it that a unified concern about crime has led to a consistent set of measures, a watchdog approach by the people that make the institutions that are related to crime and the criminal justice system function better. I expect that a National Education Funding Support Day will get the same result.

Mr. Speaker, the result will be that we will follow up on the public opinion polls that show consistently that the public supports education as a No. 1 priority for government expenditures. The polls keep showing it over and over again, but the decision-makers, at every level, keeping ignoring it. They keep ignoring the fact the public wants us to spend more money on education. It is time we stop that.

So we should go out to nearest public school and at our nearest public school we should do something positive for education. Let the fact that people are doing it all over New York City, all over New York State, all over the country, in Washington, DC, everywhere, at the same time, let that send a message to the decision-makers here in Congress, the Republican controlled Congress, the Democrats, who sometimes do not have enough enthusiasm for education also.

Let it send a message to the Governors, who are cutting education programs. Let it send a message to Governor Pataki of New York, who has made dramatic cuts in education and is proposing more cuts. Let it send a message to Mayor Giuliani, who is making cuts in New York City in education programs. And all he say as an answer to the problem is he wants to control the board of education, control the school system from city hall. And at the same time he is making these cuts and gives the impression there will be some kind of magic, that city hall is operating at so much less money that they can somehow do a different kind of job.

Well, how can they deal with the problem that existed in the New York City schools at the beginning of the school year? Mr. Speaker, 8,000 youngsters in high school and nowhere to sit when school opened. Forty in a class now in most of New York City elementary schools. Forty in a class. Equipment systems in disrepair, where they exists, and most schools have never had science equipment. Ninety percent of the schools have never had a decent computer program. On and on it goes in New York City, and most of the other big cities, in terms of education funding.

Across the country most school boards could use more money, where those that are in good shape understand they need more funding and support for improvement. Those that are falling apart, such as the big city systems, desperately need more help. And the small amount the Federal Government contributes is a small proportion, but the Federal Government sets a tone. When we make cuts in Washington, it gives credence to the cuts that are made at the State level and a new impetus for cuts to be made at the city and local level.

So we need to stop and think about what we are doing, Mr. Speaker. If we, in the midst of this crisis that has been manufactured, lower our voices and stop and reconsider, we might find that education is an issue that can bring us together. We need therapy.

I think Rush Limbaugh last night at the GOPAC meeting was on the right track. He was not cracking as many jokes as he usually cracks. He stepped from the role of being the Speaker's jester to being the Speaker's therapist. And for a moment there, I thought he might be one of the Speaker's new candidates for office, because here is the man who provides the function of comic relief coming to the rescue to calm down the Republican extremist supporters in the room because they have witnessed the uprising of common sense in American public opinion.

Mr. Speaker, Amercian public opinion is expressing a commonsense approach to this budget crisis that has greatly frightened the Republican extremists. I know they pretend to be stalwartly forging ahead, but they understand the implications of the polls. I think they understand what happened last week in the election process. There was several election contests over the country which were clear barometers of what the American people, the voters, the taxpayers, think of the Republican extremist policies. There were

clear indications that the American people reject the Republican extremist policies.

My father gave me an odd name, Mr. Speaker. My name is MAJOR not by accident. My father was a frustrated militarist. He wanted to be a soldier. He wanted to be a soldier in World War I and he was too young. They would not accept him. World War II came along and he had too many children and they would not accept him in World War II. So he took it out on me by naming me MAJOR. But he was an interesting individual. He only went to the sixth grade in school, but he could work all kinds of mathematics problems. He read all the time.

We could not afford many books. We could not afford magazines like Life magazine, for example. I do recall Life magazine always being in the house because I had an aunt who worked for rich people and she would always bring Life magazines home, and my father would always be urging her to stop bringing just back issues but to quickly liberate from the people she was working for, to get him the magazines faster so he could follow what was going on.

He read the newspaper every day and he used to particularly read the parts about the war, as World War II progressed. I was very young but I used to watch him and listen to him as he watched the arrows in the various charts that appeared in the newspaper. They used to have maps and charts and the maps would show the movement of Hitler's army across Europe. And at one time the arrow was always going forward. The invincible German army was moving forward. Always the arrows were jumping forward. And suddenly one day I came home and found a big smile on my father's face and he pointed to the arrows and he said they stopped Hitler's army at Stalingrad. They stopped Hitler's army at Stalingrad.

Stalingrad became the turning point in World War II. Not that the Russian soldiers or the Russian army was so superior to the men and women who invaded on D-Day and pushed the fight across Europe, but it was the turning point because psychologically it let the world know that Hitler's army was not invincible. The German war machine was not invincible.

Last week, Mr. Speaker, on election day, we found that the Republican juggernaut, the blitzkrieg that started in November 1994, is not invincible. It ought to give pause to a lot of people. Common sense should tell us that the overwhelming rejection of Republican policies in Virginia and in Mississippi and Kentucky and a few other places means that the American people have awakened. They are rising up against extremism.

Extremism is foreign to American compassion. It is foreign to the caring majority philosophy. Extremism cannot survive. It cannot exist, and that is being demonstrated. So we should begin to think about how we can retreat from extremism. We should stop the ratcheting up of extremism, the recklessness that is going on. We should stop and pause and begin to look at a way to turn around.

Mr. DIAZ-BALART. Mr. Speaker, would the gentleman yield for filing a rule?

Mr. OWENS. No, Mr. Speaker, I will not yield.

Mr. DIAZ-BALART. If the gentleman would yield just for 10 seconds, and the gentleman from Georgia, [Mr. KINGSTON] would be very happy to grant the gentleman——

Mr. OWENS. Mr. Speaker, does the gentleman have an announcement from the Senate or the President? I cannot yield at this point. I will yield in a few minutes.

Republican extremism is being ratcheted upwards at a time when there is no war; no real crisis. A catastrophe is being manufactured. Earlier speakers have said it. I don't want to be redundant and repeat it. This is a planned crisis. It is a manufactured catastrophe. It is not the President who is being blackmailed, not the President being pushed into the corner, it is the American people who are being blackmailed by the policies that are going forward in this continuing resolution and the debt ceiling legislation.

Mr. Speaker, the American people are being blackmailed. The children and the students are being blackmailed. There is no concern being shown here about education. Not only is there no compassion for the elderly, there is no compassion for the sick. There is no common sense which says we should continue to invest in education. It is a situation which is very serious.

As I said before, Mr. Speaker, in the days before Republican extremism, education was a unifying force, even more so than defense. It was an issue that brought us together. We should return to that. We should remember Republican Ronald Reagan and his pleas that we are a nation at risk and we need to take some unusual measures to turn that around. We ought to remember the pleas of George Bush when he issued America 2000 and said that he wanted to become the education president. We should remember that President Clinton was at that conference in Virginia where President Bush set forth the goals, the six goals for American education. We ought to appreciate the fact that President Clinton has continued the basic policies of President Bush.

The Republicans have chosen in this extremist budget to cut the Goals 2000 legislation. Cut the funding for it. One of the backbones of American Federal education assistance is the title I program. The Republican extremists have chosen to cut title I by $1.1 billion. That is about one-seventh of the total amount. If the American people are out in their local school district or in their city and town and want to figure out what these big numbers mean, take the amount of money that they are receiving for title I programs, of title I funding, and reduce it by one-seventh and they will know what the cut of $1.1 billion in title I programs for next year, they will know what that means for their particular city and town, for their education unit at the local level.

So, Mr. Speaker, they have made cuts which are reducing the investment in education at a time when we need the investment more than ever before. Good schools are a great investment. They are the kind of investment that Americans had the good sense to make a long time ago and they are still very important.

The philosophy of Rush Limbaugh that if an individual does not make it in American society it means something is wrong with them and nobody should worry about them is a philosophy that needs to be rejected. We should not applaud a Rush Limbaugh who says if a person's mother is sick, they will not go out on the street and beg somebody to help them, so why do they ask the government to help them.

The government is a society. A government is a complex mechanism that has been made over the years, over the centuries, and a lot of people have made contributions to this process of making American civilization what it is. In the Vietnam war, which we still say is important, regardless of what we think of the specifics or the objectives or whether it should have gone on so long, American policy said the Vietnam war was important. American policy went forward to the tune of 57,000 American lives and numerous others who were wounded and in various ways suffered as a result of that war. Forty percent of the bodies that came home from Vietnam were minorities.

Forty percent of the bodies were minorities. Many of them were from these same big cities that we claim are wasting our money because they want more money for health care, they want more money for education. Forty percent.

□ 2130

In all the wars that have ever been fought, who comes out to give the dead soldiers' families millions of dollars? Does Rush Limbaugh deserve to make millions because of some special endowment from God while the soldiers who died to make the country great do not deserve anything? Does Rush Limbaugh deserve more than the inventors who created radio, television?

Does Rush Limbaugh deserve more than the offspring of some of scientists and researchers who make it possible for us to have the technology which makes cable television and television and all these communication media possible and cheaper? Does Rush Limbaugh deserve more than the person out there who does not have the money to buy a frequency in order to be able to own one of these cable stations?

Is there any American who deserves so much more by right of God than another that our society should show no compassion and no concern for those who cannot make it? Society does owe it to itself to develop the abilities and definitely the capacity of everybody. Make an investment in education. Society should do that.

The illogical rationalization, the excuse that the Republicans keep using that they want to make people suffer now in order to have posterity, not have the burden of a debt, they are so compassionate for posterity, for the unborn, for the people who come in 10, 20 years from now, and yet they show no compassion for those living breathing souls that are here right now. Compassion has to be a concern at all times, as I said before.

When you stop and think about the fact that all that we have discovered in the past few decades about the rest of the universe, about the solar system, about the Moon, we have not gone to Mars, but we have sent exploratory ships that have been able to take samplings of the atmosphere of Mars. With the samplings that have been taken of the gases that exist out there in the universe, we have concluded that nowhere in the universe is there any other human life, there can be no life similar to the life here on Earth.

It is very possible with all of these planets and all the new expansive universe that is being discovered, that there are no other human beings, nothing like a human being. In this whole vast universe there is nothing out there that has a heart, nothing out there that can dream, nothing like human beings that we stop and we think that with all these people in China and all these people who are producing and in underdeveloped countries and all the population explosion in South America that there are too many human beings on the face of the Earth. If you were to stop and think about the universe, there are too few of us.

We ought to look at every human being as being sacred. Everything that breathes, that is human, has a heart and a soul is sacred. Everything that breathes has a heart and soul is an opportunity for us in terms of if you develop that soul and that heart properly, it will reinvest in the Earth and in our societies on Earth and we will be able to gain from it. Instead, we have no compassion and we have no common sense, so we do not invest in people first.

We have the Rush Limbaughs of the world laughing at programs that seek to help people who need help. The Rush Limbaughs of the world make fun of senior citizens who have to eat dog food. We have the Rush Limbaughs of the world who think slavery is a great joke. That the greatest crime ever created in history is a joke; 232 years of American slavery is funny. We have that kind of prevailing attitude. That jester becomes the counselor and therapist, for great amounts of money, who support a party that has control of the Congress, the House of Representatives, and the Senate. All of this is going on in America. Look with common sense and ask yourself the question, how can we get out of it. Let us start by making an investment in education.

Stop and think about all the kind of cuts that have been made in education. Let me refresh your memory. Overall, the Republican budget cuts in education cut domestic spending. Republican budget cuts cut domestic spending overall by only 4 percent. But when it comes to education, the appropriations bills related to education, they cut the budget by 16 percent, almost $4 billion to be more exact, 3.9 some billion, but almost $4 billion is cut in education. When you go onto job training and other programs related to workers, it is 24 percent.

The Republican extremists have declared war on students, on education, and on workers. Workers who were trained in this transition economy to become more productive, workers who drive the great consumer market that makes it possible for us to have prosperity, they are under attack. The greatest cuts are aimed at them. We have increases in the defense budget, we may have increases even in the CIA budget. We have no way of knowing. We certainly do not have the proper cuts in the CIA budget.

As I said before, of these cuts, 1 billion or 17 percent are aimed at title I. Title I is the biggest Federal program for elementary and secondary school assistance. Title I goes to practically 98 percent of the school districts in America. So we are cutting title I, a small portion of the budget, 98 percent of the school districts of America at a time when they need more help than ever before in education. We have eliminated in the same budget the summer youth employment program. The summer youth employment program provides jobs for 600,000 youth across the country. School systems will tell you it is very important in terms of the work that they do to have those jobs available for their students during the summer.

This House had some alternatives. The Republican majority is not operating in the dark. The Congressional Black Caucus put forward a budget which, like the Republican plan, proposed to eliminate the deficit over 7 years. We did not agree with 7 years. We think that, if you are going to balance the budget, you should take 10 years or longer, but 10 years is reasonable. But we had to do it in 7 years in order to be allowed to bring it, in order to gain access to the floor. We were told you cannot bring a budget unless you balance the budget in 7 years. We balanced the budget in 7 years. We did not cut Medicare. We did not cut Medicaid. We increased education by 25 percent, and we still had a balanced budget.

The President has proposed to increase education. Education is one of the few areas that the President proposes to increase the budget at. The President has the support of the business community. The article that appeared in Washington Outlook had a title which said, ''Will Republicans Make Clinton the Education President?'' This article is about the support that President Clinton is getting from businessmen, from the heads of corporations on this education budget.

They are saying to the President, we would like for the President to forge ahead on Goals 2000. We would like not to turn back the clock on educational reform. We want to continue what Ronald Reagan started. We want to continue what George Bush advanced.

We are all together on this, the corporate executives who make decisions about life and death of America every day in terms of production, in terms of the way we use our resources, they want education to be funded. Many of them are supporting National Education Funding Day on November 18. They understand the good sense of bringing to the attention the fact that education is a top priority. If we cannot read the polls and we do not understand what happened in Virginia, what did Democrats in Virginia do, they made education their primary concern. Identification was no secret. It was a weapon out there on the table, and they ran on an education platform and they pulled a Stalingrad. They showed that the invincible war machine of the Republicans can be defeated. What do these education cuts mean in terms of my home State of New York?

Mr. Speaker, I yield to the gentleman from Florida [Mr. DIAZ-BALART].

WAIVING PROVISIONS OF CLAUSE 4(b) OF RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–335) on the resolution (H. Res. 265) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered printed.

(Mr. OBEY asked and was given permission to proceed out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. OBEY. Mr. Speaker, I do not know if this would be appropriate the time to ask unanimous consent that I might speak out of order in order to inquire of someone on the other side of the aisle what their plans would be for this evening's schedule?

I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, on behalf of the majority leader, the gentleman from Texas [Mr. ARMEY], I would like to advise all Members that

as things currently stand, we hope we will have not any additional votes tonight.

However, I would advise Members that discussions initiated by the Speaker and the majority leader with the President will be going on starting at 10:00 tonight and should those talks yield any agreement that would necessitate action on the House floor, all Members will have 1 hour notice to return to the Capitol.

One other thing I might add is that if the President does veto the CR that has been sent down, we are obliged to pick that up tonight. So I would urge all Members to keep in touch with their respective cloakrooms.

Mr. OBEY. Mr. Speaker, my understanding is we are obliged to deal with that tonight if the House is in session.

Mr. HASTERT. Mr. Speaker, if the gentleman will continue to yield, that is correct.

Mr. OBEY. Mr. Speaker, if the House has completed its business on special orders and is not in session for special orders, could I ask what the plans would be then and whether under any circumstances Members would have an hour's notice?

Mr. HASTERT. Under all circumstances, we will anticipate that Members have an hour lead time before there will be a vote. We will take special orders and our intention is when special orders are exhausted or finished, we will go into recess and wait for a report from the meeting at the White House. We anticipate that our Members will have the ability to hear what happened at the White House this evening.

Mr. OBEY. Does the gentleman have any idea, is there any point beyond which you would want the House to adjourn or could we expect that we might be in session through 6:00, 7:00, 8:00 tomorrow morning?

Mr. HASTERT. Mr. Speaker, I would not anticipate being in session at that time. I would think that for the remainder of this evening, at least until midnight, the House would be in session so that if there is movement or results from the discussions tonight that we could act upon it or at least be advised.

Mr. OBEY. Mr. Speaker, if there is not sufficient movement by, say, midnight or so, is it then the gentleman's understanding that there would be a motion to adjourn?

Mr. HASTERT. I would say that if there is not any information or movement within a reasonable time, I would say that would be probably shortly after midnight that the House would stand adjourned.

Mr. OBEY. I thank the gentleman.

Mr. OWENS. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. (Mr. BARR of Georgia). The gentleman from New York [Mr. OWENS] has 1 minute remaining.

Mr. OWENS. Mr. Speaker, I would like to conclude by saying, God bless the common sense of the American people. God bless the common sense of the American people as reflected in the current polls. God bless the common sense of the American people as reflected in the elections last week. God bless the common sense of the American people because it has brought us through a lot of manufactured crises as well as real crises. This is a manufactured crisis. We do not need to be as mean and extreme as the Republican majority in this House insists on being. We can go forward and we can begin to go forward by supporting education again as a bipartisan effort. Education should be a priority for both Republicans and Democrats.

God bless the American people. God bless their common sense.

A SPECIAL THANK YOU

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 10 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening for a brief period of time to say thank you. Today is my first day back in the session after approximately 3 weeks of recovering, becoming a member of what is known as the zipper club. Never would I have thought that at the age of 48 I would have to undergo open heart surgery, but I did. And I am here to say thank you to a lot of people who made my past 3 weeks very worthwhile and profitable and who certainly helped me in a period of need.

□ 2145

Let me first of all say, Mr. Speaker, that it was 3 weeks ago last Friday, after I had gone to the House Physician, Dr. John Eisold, who I have the highest respect for, and told him that I thought I had a fullness in my chest and sought some advice from him, that he suggested I go to the Bethesda Naval Hospital even though I reside in Pennsylvania. I took his advice that night after taking a stress test under his supervision and the supervision of Dr. David Ferguson, a Navy officer and physician at the Bethesda, and they realized a very abnormal EKG, and therefore the next day should undergo a catheterization process. I did that, Mr. Speaker, on that Friday morning and by 12 noon was under the surgeon's knife because of the need to conduct a surgery immediately. It turned out that I had 95-percent blockage of my main artery. Doctor Edward Zeck actually performed the surgery, and he also was a Navy physician and someone who I also hold with the highest respect.

Mr. Speaker, here I am 3½ weeks later, able to come to the House floor and carry on the business of representing my constituents, and here I am in full health again, on the road to recovery, in fact 15 pounds lighter, although I would not suggest to any of my colleagues that this be a way that you lose weight.

But the reason I take the floor tonight, Mr. Speaker, is to thank some people; first of all to thank the Navy personnel who day in and day out provide health care for our enlisted personnel. I, as a Member of Congress stuck in Washington, had no place to go, and because of the recommendation of Dr. Eisold, I was referred to Bethesda. I received outstanding treatment, the same type of treatment that the people in the rooms next to me received, all of whom were enlisted personnel. There is nothing that I can say or do to make the case for the support for the medical services of our military personnel because they were just phenomenal.

I also want to thank God, Mr. Speaker, because without his counsel and guidance and without the prayer of many of my constituents and colleagues in this body perhaps I would not have been able to avoid what the surgeons referred to as the widowmaker, the widowmaker being a 95-percent blockage that I had in my main descending artery. I want to thank my colleagues from this body who called, sent letters and cards, and who made their wishes known from both sides of the aisle. It certainly helped in my recovery. I want to thank my staff, my friends.

I want to thank my family, my wife and five children, who put up with my past 3 weeks at home while watching C–SPAN, day and night, wishing I could be here getting involved in the issues of the day. I also want to thank my constituents who I think understand that I had to take some time off to recover to be able to be back here today to vote on the very important things that are coming before us in this session of Congress.

But, Mr. Speaker, I also rise today, besides thanking many people including the good Navy folks at Bethesda, I rise to encourage my colleagues who sometimes, oftentimes, get caught up in the business of representing their constituents, to make sure they take time to look out for their own health. I did not. I never thought at 48 years old that I would be a prime candidate for open heart surgery. But because of all that fast food, all of those 18-hour days, all of those 7-day-a-week efforts, I did not take time to watch out for myself.

So I come to the floor today to ask my colleagues from both sides of the aisle to take time out to check their own medical condition, to make sure that they take advantage of the medical technology that is out there today to have the kinds of success that I had in avoiding what would have been a catastrophic heart attack if I had not taken preventive efforts 3½ weeks ago.

So, Mr. Speaker, I rise with a heart filled with thanks and a heart that is filled with energy, ready to go and take on the battles, and I take time out from this heavy debate here on the

floor to say thank you to my colleagues on both sides of the aisle for their thoughts, their cards, their prayers, and for being my friends.

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

Mr. KINGSTON. Please, would you? If the gentleman would yield to me, I would request that our colleagues speak under unanimous-consent agreement. I would greatly appreciate that because this is our hour, and we would like to make a few discussions. But I would certainly yield for unanimous-consent agreement.

Mr. HOYER. Can I ask unanimous consent that the gentleman's hour be extended by whatever period of time I take? I do not know whether that is an appropriate unanimous-consent request, but that is the unanimous-consent request I make.

The SPEAKER pro tempore (Mr. BARR of Georgia). I am not sure that would be in order, but certainly the gentleman from Pennsylvania continues to have the floor.

Mr. WELDON of Pennsylvania. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

Mr. WELDON of Pennsylvania. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I certainly will accommodate our friend from Georgia, but let me say, as someone who has worked very, very closely with the gentleman from Pennsylvania for many, many years, he has been the leader in this Congress on the formation, and the growth, and flourishing of the Fire Service Caucus. He has been a leader in foreign affairs, a leader on the Committee on Armed Services, and a leader in so many other efforts on behalf of his constituents and on behalf of this country.

I want him to, however, in this period of time when we are—because he is such an able Member—when we are contending so heartily here, Mr. Speaker, I want him to rest, and I want him to take care of himself, not work those 7 days a week, 20-hour days that he has been working, and I want to say we welcome you back on this side of the aisle.

I have often said that it is unfortunate that people see us on this floor usually contending about the 20 percent of the issues that are contentious and we have disagreements on, and they sometimes, I think, believe that we do not interact with one another as human beings, as colleagues, and as people who care about this country and work together on an overwhelming majority of issues to make our country a better place for our children, our constituents, and all Americans, and so I join with, I know, my other colleagues in welcoming CURT WELDON from Pennsylvania back to the House. We share his joy and the joy of his family that the genius of medical technology has enabled him to come back whole and indeed from those with whom I have talked to have had this operating feeling much better than he did before, and I am confident that he is going to continue to be one of the most able, involved, effective Members in this body.

Mr. WELDON of Pennsylvania. I thank my colleague.

Mr. Speaker, I yield to the gentleman from Indiana.

Mr. ROEMER. I just want to welcome you back. I think around here we are not bipartisan enough, and certainly the bipartisanship on the Democratic side extends to this Republican Member, Mr. WELDON from Pennsylvania.

I know a lot of firefighters in the Third District of Indiana were praying for you, for your good health, and we are delighted to see you back, and we miss some of that fiery speech making that you give on the floor as well, too.

So, welcome back.

Mr. WELDON of Pennsylvania. I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I simply would like to welcome the gentleman back also, and I say that his comments remind me of the late Claude Pepper when Claude came back after open heart surgery. I heard him at a senior citizen convention. They gave him a big round of applause, and he said, ''I want to thank you from the bottom of a very repaired heart.''

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleagues.

THE IMPORTANCE OF BALANCING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 50 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I am certainly glad to join the gentlemen in welcoming the gentleman from Pennsylvania [Mr. WELDON] back. We are glad to have him with us, and Democrats and Republicans during this stressful period of negotiations can certainly agree on that and keep in mind what is the most important thing.

Mr. Speaker, as of November 8, 1995, our national debt was $4,984,737,460,958.92.

Now that was on the 8th of November. On the 13th, which is today, that figure has risen to $4,985,913,011,032.65. We advance each week in terms of almost $3 billion.

Mr. Speaker, this debt is passed on to our children.

Now I have a 7-year-old daughter, and the other day, as I was coming off the floor making my daily phone call home, Ann asked me, ''Daddy, what were you voting on?'' And it was, as you will recall, Mr. Speaker, last week right after the vote on increasing the debt ceiling was held, and I had just voted to increase the debt ceiling on my 7-year-old, and I think that just having that happen immediately underscored the importance to me of what we are trying to do when we talk about balancing the budget. It is not academic, it is something that my 7-year-old daughter, her 5-year-old brother, her 10-year-old brother, and her 12-year-old sister will be having to pay. A child born today, Mr. Speaker, owes $187,000 in interest on the national debt during his or her 75-year lifetime, and that doe not even pay the principal down.

Mr. Speaker, that is why I think it is so important right now for us to keep in mind why we are working late tonight, why are we working probably through Thanksgiving and maybe through Christmas. But we need to balance the budget for our children's children.

Previous speaker tonight was talking about education and education being an investment. I could not agree with that statement more. But I can tell you another investment, and that is keeping America from going broke, and that is why it is so important for us to support this Republican plan to balance the 7-year budget, because you see, Mr. Speaker, in the year 2002 the Republican balanced budget plan has a zero deficit, but the President's plan has a $200 billion deficit in the year 2002. The differences are real.

We have a real bill here. We want to balance the budget. We do not want to close government down. But we have got to do this for our children.

Mr. WELDON from Florida has joined us, and I would like to yield the floor to him. I see he has a chart and also the gentleman from Illinois [Mr. LAHOOD].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I cannot agree with you more on the importance of balancing our budget for the sake of our children and for our children's children.

The United States has a longstanding history of doing what is right in the setting of adversity, in difficult times coming to the right conclusions, and I believe that today our Nation is really at that point. I think when the other body failed to ratify the balanced budget amendment and our dollar decreased from about 106 yen to about 80 yen, I think that gave the American people a good glimpse of what happens to a nation that truly does spend more than it takes in. Its currency is ultimately worth nothing, and the implications for that on our entire economic system is really huge, and I cannot understand why the President will not join us in this historic effort to restore fiscal sanity to our budgeting process and to make sure that our children are not left bankrupt, but do inherit a brighter and better future, and I do want to take a minute to talk a little bit about this chart because the President has been talking about saving Medicare, and I personally think it is disgraceful for him to be carrying on like this because everybody knows that in his health care plan that he was talking about back in 1993, he was talking

about taking billions of dollars out of the Medicare plan. Now he is saying that he wants to prevent or stop some of the changes we want to make in the Medicare plan, but what he is engaging in I think is deceptive because, if you look at what we are doing right now with the Medicare plan, the seniors currently pick up about 31.5 percent of the premium. That is about $42 a month.

Now this is the part B. The part A is the hospital insurance fund, and that comes out of people's Federal withholding as a separate tax. This is the part B plan. This covers physician services as well as certain outpatient services, and currently today the average senior spends about $42 a month for that, and that actually only consists of about 31.5 percent of premium. The actual total cost per month is about $130.

Now this was originally a 50–50 split back in 1964 when the program was created, and in an effort to help seniors cope with limited budgets that has been allowed to go down to 31.5 percent, and what we do in our plan is we fix it at that level.

□ 2200

What the President wants to do is let that share, the part seniors pick up, shrink down to 25 percent. But what he does not talk about is who is going to pick up the rest of this. This gets right back to what the gentleman from Georgia [Mr. KINGSTON] was talking about. We do not have this. He wants to go out and borrow this money from our children to pay for this difference. We want to keep this right at this level here.

The most shameful thing in all this is that he only wants to do this for 1 year, for 1 year, so that he can get the votes of senior citizens, and then beginning in 1997 and 1998 and 1999 and 2000 and 2001 and 2002, he wants to let the senior citizens, premiums go up on part B so that in the end, in the Clinton proposal, they will be paying $83 a month and in the Republican proposal they will be spending $90 a month.

Why is he doing this? Why is he doing this right now? He is doing this because he wants their votes. He said to the American people back in 1992 that he would give them a middle-class tax cut. In 1993 he changed his mind. He said he was going to change welfare as we know it. Then he never did that. He said he was going to put forward a 5-year balanced budget proposal, and he never did. I personally think what he is doing here is playing politics with the votes of senior citizens.

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

Mr. KINGSTON. I yield to the gentleman from Illinois.

Mr. LAHOOD. Let me just also indicate something else that I think is going on. There has been a campaign throughout the country on behalf of the Democrats to try and scare senior citizens into believing that Republicans want to throw senior citizens off of Medicare, that we want to eliminate Medicare, that we want to do something drastic to Medicare, when the truth of the matter is that three of the President's own Cabinet members have told us that if we do not do something to reform, to preserve, to protect the Medicare Program, it will be broke.

Yet our friends on the other side of the aisle would have you believe that we can keep continuing doing what we have been doing, but the point is there are a number of people coming into the system, health care costs are going up, and we want to try and strengthen and preserve the program. We do not want to throw senior citizens off. We do not want to reduce the benefit. We want to preserve and protect the program.

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

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my friend, the gentleman from Illinois. He makes a very valid point. Indeed, as my other colleagues have gone out to do town halls in their districts, also perhaps via mail, asking through questionnaires what is going on, I think the gentleman from Illinois makes a point that cannot be stated enough. A bipartisan group, including three of President Clinton's own Cabinet officers, say we have to fix this because if we do nothing, the program goes broke.

The other thing we need to state, because somehow, through the midst of deliberate disinformation and an advertising campaign, one simple fact has also been ignored. We need to state it ad nauseum. That is this: that under our plan for Medicare plus, average expenditures per beneficiaries increase from $4,800 this year to $6,700 in the year 2002. No doubt earlier in this special order that fact has been brought up, but I daresay it is something that needs to be repeated again and again and again. And, indeed, we hear from people in our districts, we hear from people in our States tonight via the telefax, just before I walked in on the floor, the Epsteins from Arizona, a pair of self-described seasoned citizens, to use the expression of one of our friends from radio fame, write me and say this: ''Stay the course. Stick with present budget. We support the efforts of the 104th Congress. Good luck. Keep the faith.''

Ms. Nelson from Clarksdale, AZ, called in tonight with a three-word message: ''Don't back down.''

Mr. LAHOOD. Mr. Speaker, I think this. I think when people are presented with the facts, not a 30-second commercial, because if you tell people a lie often enough, they will believe it, so when people are not told the facts they begin to believe that that is the truth. But when people are presented with the facts, which you have just presented, that we want to preserve and protect, and that their benefit is not going to be cut, it is not going to be decreased, they begin to get the correct information and begin to know that we are trying to strengthen, to preserve, to protect a program that has worked well.

Mr. KINGSTON. Mr. Speaker, one thing to keep in mind is that under the 7-year balanced budget plan, we are increasing overall spending by $3 trillion instead of $4 trillion. Four trillion dollars would keep us on the road to bankruptcy, but we are increasing it $3 trillion, and in the same time, during the same period of time, balancing the budget; Medicare spending, as you know, goes from $178 billion to $286 billion.

Let me repeat, and I see the gentleman from Kentucky wants to make a point on this, we are going from $178 billion to $286 billion during that 7-year time. That is an increase in Medicare, even if you have a Democrat deficit disorder.

Mr. JONES. If the gentleman will continue to yield, I would like to ask the gentleman, what is so extreme about saving Medicare, balancing the budget, reforming welfare, giving tax breaks to families with children? What is so extreme? We keep hearing the word ''extreme'' today, used on us, that we are trying to do extreme things.

If we are extreme, then they are saying that the American people are extreme. The President keeps saying ''extreme.'' I do not see anything extreme in what we are doing. We are doing exactly what the American people have asked us to do.

Mr. WELDON of Florida. If the gentleman will continue to yield, I would like to comment on that, I remember when I was a kid growing up, somebody once called me a name. I do not know if they called me a liar or whatever. I went to my daddy and I was upset, and I said, why are they doing that? And he said something to me that I will never forget. He said, ''A lot of times when people call you names, they have a problem in that area themselves, and they are externalizing it on you, but they really, actually have the problem.''

I want to show you some numbers that I think convinces me how extreme the situation is here with our colleagues on the left side of the aisle and with the White House. Bill Clinton said he was going to balance the budget in 5 years, back in 1992. He did not present a balanced budget in 1993 after he was elected, he did not present it in 1994, he did not present it in 1995. Then after we put our budget on the table, he finally brought forth his 10-year budget.

When he stood over here and said that he would put forward a budget using the CBO numbers, he did not do that. His numbers that he ultimately presented to us, after he was shamed into having to produce something, his 10-year budget was based on his budget office, so we had the CBO look at his numbers. Look at this. It goes from $196 billion to $209 billion at the end of 10 years. There is absolutely no attempt to balance the books here. I would not call this extreme, personally, I would call this irresponsible.

Mr. HAYWORTH. If the gentleman will continue to yield, I think we go to that word ''extreme'' and use it in a couple of different directions. I think, with reference to what my good friend, the gentleman from Florida, just outlines, especially in the wake of the curious behavior of this Nation's Chief Executive, who says one thing one day and something else the next day, I think we have to say, ''This is extremely confusing.'' And with reference to extremism being used with our plans, extremism, I think we can simply say that what we have talked about, saving, protecting, my good friend, and defending Medicare through Medicare plus, genuine welfare reform, tax cuts for the middle class, and a glide path to a balanced budget in 7 years, I think we have to describe that as being extremely, extremely commonsensical.

Mr. LAHOOD. Mr. Speaker, if the gentleman will continue to yield further, I want to make a point here for the people that happen to be watching our discussion. For those people who do not know it, the gentleman from Florida [Mr. WELDON] is a doctor. He is a freshman Member of the 104th Congress. I guess, what, he was a family practitioner, is that correct?

Mr. WELDON of Florida. Sort of. I was an internist. A family practitioner for senior citizens.

Mr. LAHOOD. And I assume you probably had as your patients senior citizens.

Mr. WELDON of Florida. About half my practice.

Mr. LAHOOD. Now, would anybody believe that Dr. DAVE WELDON, the gentleman from Florida, now a Member of the 104th Congress, would want to throw any of his patients off of Medicare, would want them to be deprived of medical care? Of course they would not. And for someone like the gentleman from Florida [Mr. WELDON], now a Congressman, to be accused by people on the other side of the aisle of being hard-hearted or wanting to throw people off of Medicare is just simply nonsense.

I just want the American people to know that the gentleman from Florida, Dr. WELDON, comes here as a practitioner of medicine for senior citizens. Who could care more about the seniors of our country than one who has practiced medicine for senior citizens? I think it is an important point.

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

Mr. KINGSTON. I yield to the gentleman from Ohio.

Mr. CHABOT. Getting back to what the gentleman from Arizona [Mr. HAYWORTH] said, what is extreme, I think what is really extreme would be to go along with what the President has been posturing to do. That is, to continue to bankrupt this Nation by not balancing the budget. That was the message that I heard, and I have been hearing all year, is it is time finally to balance the budget.

I have parents. My parents are in their seventies. They are both on Medicare. They both receive Social Security. We are trying to save Medicare for the elderly folks in this country so it is there when we are going to be using it. I also have little kids. I have a daughter that is 13, I have a son that is 6 years old. What has been happening in this country over the past couple of decades, however, is huge debt has been built up and spent, and we are turning it over to these kids and saying, ''You are going to pay this debt, because we have not been able to do it. We have not had a Congress that has had the guts to balance the budget.''

We have one now. We have got a Congress that is saying, ''We are no longer going to spend this Nation into bankruptcy.'' I hope and I pray that the President of the United States will work with us, so we can cut out all this posturing and balance the budget, cut taxes, and do the things which we promised to do. I think the American people, as they learn what the overall plan is, will be supportive. I am from Cincinnati, and the calls that I got today were 7 to 1 saying, ''Stick to your guns, don't back down, don't back down to the President; balance the budget.'' That is what I, for one, intend to do.

Mr. JONES. Mr. Speaker, if the gentleman will continue to yield, I got the same type of phone calls today. I just want to go back to this extremism that is coming from the President and the liberals.

If you want to talk about extremism, I have a daughter that is 13 also, I would say to the gentleman from Ohio [Mr. CHABOT]. If you project out, if nothing is done to balance our budget to get this spending under control, in the year 2030 my daughter, midway through her life and through her career, will have hanging over her head not—you know, today we have approximately a $5 trillion debt. That is the debt. But in the year 2030, let us look at this extreme number, the deficit spending for one year, just one year, will be $4 trillion. That is mind-boggling. We cannot continue, we cannot go on and survive as a Nation with that kind of spending.

Mr. CHABOT. If the gentleman will continue to yield, just following up on the point about what a balanced budget means, it means real things to real American citizens, if we can finally balance the budget.

For example, a person who buys a home, say they spend $75,000 for a home, and there is a 30-year loan for that home. If we can balance the budget, interest rates are estimated to go down by about 2 percent. So for that family who buys that home over the time that they pay for that home, they would save $37,000 over the life of that loan if we can just balance the budget. It will be money in people's pockets so the economy can thrive, and we will have people working rather than being on unemployment or being on welfare. There will be a lot of benefits. It will mean good things for American citizens if we can balance this budget.

Mr. KINGSTON. If the gentleman would yield, I am wondering, since you are from Cincinnati, there was a cartoon in one of the Cincinnati papers which showed a man and woman sitting around the kitchen tables paying their bills. They had a calculator and a big stack of envelopes going out to the companies that they owed money to, and the woman turns to her husband and says, ''Honey, I think we need to increase our debt ceiling.''

What that shows is that this is real. This means something to your daughter in Kentucky, and your family back in Ohio with that 30-year mortgage. This is real money that we are talking about.

I was very disappointed last week, four of you folks are freshmen, the gentleman from Kentucky, Mr. LEWIS, and I were here last year. But it was a shock to all of us when the President actually went golfing. The House passed a debt ceiling increase and continuing resolution to try to balance the budget, and the President held a press conference saying that he was going to veto it and then goes to play golf, the rich man's sport.

While the Federal employees in 1 hour and 45 minutes will be furloughed, their President who claims to be their champion left to play golf. I hope it was a good round. I do not play. I do not know how to play. I have never been a member of the country club like the President. But a lot of Federal workers in my area do not play golf. And tomorrow when they wake up and do not have a job, they are not going to be playing golf. The President was playing golf.

Mr. HAYWORTH. I thank my friend from Georgia and I think he brings up several good points in terms of the behavior of the gentleman who sits at the other end of Pennsylvania Ave.

It has been curious throughout his term, and indeed the gentleman from North Carolina [Mr. TAYLOR] in a radio response to the gentleman from the other end of Pennsylvania Ave. once speculated that perhaps we ought to constitutionally set up a new office and call it ''Campaigner in Chief,'' so that the gentleman at the other end of Pennsylvania Ave. can go around and make the speeches and get people to like him, to really like him. In the meantime, we ought to find a genuine chief executive who is willing to join with us and govern.

It is not my intent to pour salt in the wounds rhetorically, but it is very curious that much of what candidate Clinton spoke of in 1992, much of what the good doctor repeated here tonight, is included in what we have sent to him that he chose to veto.

There comes a time when regardless of party label, we are called upon to join together and govern. And if we are to be candid, while there are those firm

in their resolve who have called me tonight, there are others who have contacted me. My wife gave me the number of a family in Scottsdale, AR. A little boy doing a school project needed our address, so I called him. He was surprised to hear from his Congressman.

His dad got on the phone and said, ''Congressman, I am really worried about the Government shutting down tomorrow.'' And I said, ''Sir, I share your concern. We in this Chamber did what we could, what is within our rights to do, and the President chose not to go along with it.'' The reason we did it was not to box anyone into a corner, but for the very reasons that my good friend, the gentleman from Kentucky, and my good friend, the gentleman from Ohio mentioned, and that is as genuine as our concern is for the seniors of this country, we also have great concern for our children and generations yet unborn.

The fact is, my little boy, John Micah, who will turn 2 December 2, has hanging over his head if we do not make changes, if we maintain the status quo with the legislative equivalent of chewing gum and baling wire, if we continue to try and keep things going as they are, John Micah over the course of his lifetime will pay over $185,000 just on the debt. Just to service the debt. That is unconscionable. We cannot do that to our children. That is why we are making the tough decisions we have to make to change what is going on.

If it takes this action, as regrettable as this action may be, far better to take this action to change the course of what has gone on, to change the thinking within this Chamber, yes, within this beltway, yes, but to change the thinking to correspond with what we are hearing from the great heartland of America.

Mr. Speaker, I yield to the gentleman from Florida, my good friend.

Mr. WELDON of Florida. Mr. Speaker, that was very, very eloquently said. I just want to harken back to this chart, because this is the balanced budget of the man who plays golf when the House and the Senate were trying to do the Nation's business.

We sent a continuing resolution to him and we sent a debt ceiling increase to him that had some responsible features in it, and he went off and played golf. I personally thought that that said volumes about his commitment to these principles.

Mr. HAYWORTH. There is one other example that I think we should bring up in the wake of that horrible, horrible assassination in Israel. During the course of the state funeral when representatives from both parties joined the President to fly to Israel, and granted it was a difficult time emotionally for the President, we understand that. But during the course of time spent in the air that exceeded 24 hours, I think something like 26 hours, to hear from our leadership in this House that their interaction with our Chief Executive consisted of a ''Thank you'' and a hand wave, and that was the extent of the interaction, I have to question this.

Why is it that the Chief Executive is happy to keep Air Force One on a runway at LAX and pay $200 for a haircut and take the time to do that as he did a couple of years ago, and then not talk to the leadership of these two bodies to solve the problems we face.

There comes a time when we have to have responsible leadership, and it absolutely astounds me. I know, colleagues, when we raised our hands and took the oath of office we do so to govern with the consent of the governed. We were elected, and so too was that gentleman at the other end of Pennsylvania Avenue.

Again this evening, Mr. Speaker, and colleagues, to those watching tonight, we extend the hand. Mr. President, join with us and govern. The American people deserve no less.

It is astounding behavior and it is quizzical to say the least. Mr. Speaker, I am pleased to yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. The gentleman from Arizona raises a whole host of points and it harkens back to what I talked about earlier. The President campaigned in 1992 saying that he was going to put forth a balanced budget and balance the budget in 5 years. He put forward nothing in 1993, nothing in 1994, nothing in 1995. And finally, after we put our budget, he came out with this belated, ridiculous attempt to balance the budget, which has red numbers straight through the end of the 10 years. Hence, it would still be $209 billion.

He said he would change welfare as we know it. He never did. He said he would give the middle class a tax break. He never did. I think we have a real credibility problem here. I have some very, very serious concerns about whether he will ever seriously agree that we need to build a better future for our children, for the young son of the gentleman from Arizona, and my 9-year-old daughter, for the daughter of the gentleman from Ohio, and the daughter of the gentleman from Kentucky, and for the millions and millions and millions of children out there.

Mr. Speaker, what is disgraceful is to play politics with all of this and try to buy votes by telling one group, ''We will give you a slightly better deal'' and then to turn around and raise their interest rates or raise their premiums or raise their taxes down the road, after he has gotten elected.

Mr. Speaker, this is not leadership. As far as I am concerned, this is playing politics with the very future of our Nation, the future for our children and our grandchildren, and this is not what made America great.

Mr. CHABOT. Mr. Speaker, I think the gentleman from Florida makes some very good points. Candidate Clinton was very different, unfortunately, from President Clinton.

As the gentleman implied, candidate Clinton had said that he was going to end welfare as we know it. I agreed. I remember the commercial like it was on yesterday when he said that, and he made some very good points. I agreed with everything he said. We do need to change welfare, and that is something we are doing in our balanced budget this year. We really are changing welfare as we know it.

Mr. Speaker, welfare has become, rather than temporary help for the truly needy, far too often a permanent way of life. It has been counterproductive. It has unfortunately hurt children all over this country.

Candidate Clinton also said that he was going to give us a middle-class tax cut. I agreed with him completely that we needed to do that. Unfortunately, President Clinton gave us one of the largest tax increases in our history.

What we did, this new Congress this year, we really did give the middle class a tax cut. Seventy-five percent of the tax cuts go to people who make less than $75,000.

Mr. Speaker, I hear over and over here in this particular body from some of the folks on the other side of the aisle here that we are cutting Medicare, which we are not because we are increasing Medicare, to give tax cuts, supposedly, to the rich. When, in fact, as I said, the tax cuts predominately go to the middle class of this Nation where they should go.

One final point I would like to make about something the President said during the campaign is he indicated he was going to be tough on the death penalty, tough on crime. In this bill that the President has just vetoed which increased the debt ceiling, there was also habeas corpus reform. What that means, basically, is the death penalty in this country, of which I am a strong believer.

Eighty percent of the people in this country believe in the death penalty. But after conviction, we allow it to drag on. People are on death row for 15, 16, 20 years. We finally have legislation which reforms the death penalty in this country and cuts down the amount of time between the imposition of the sentence and actually carrying out the sentence. That was in the bill. The President said he was for it. Unfortunately, he vetoed that as well.

Mr. Speaker, I believe very strongly that we were sent here for a reason. I believe we should try to work with the President, and I wish he would work with us for the betterment of all the people in this country.

Again, as the gentleman from Arizona said, I think we should reach out to the President, just as the Speaker NEWT GINGRICH, and the majority leader, BOB DOLE as we speak here now are apparently meeting at the White House with the President. I hope some good comes from that.

Mr. LEWIS of Kentucky. Mr. Speaker, I would like to ask my colleagues,

maybe can they answer this; What really have the President and the liberals offered in the 104th Congress, other than name calling? What have they offered?

Have they offered welfare reform? Have they offered tax breaks for the middle class? Have they offered to save Medicare? Have they offered to balance the budget? What have they offered?

Yes, the President gave us a bogus balanced budget that will not reach balance by the year 2002. In fact it would be $209 billion in deficit spending. What have they done?

They have had the Congress for 40 years and we are $5 trillion in debt. In 1965, the Great Society was started to win the war on poverty. We have more people in poverty today than when it started. We have more teenage pregnancy. We have more crime. We have more illiteracy. I mean, what have they done in 40 years and what have they offered this year?

Mr. HAYWORTH. If the gentleman would yield, I think in fairness we do need to point out one thing that the liberals offered and it came very late, indeed, in the last nanosecond of the 11th hour as we stood on this floor and talked about the compelling need for Medicare reform and cited the report. And I would ask the gentleman from Florida if he could get the poster and hold it up again.

We cited what three of President Clinton's own Cabinet officers signed off on in April. ''The present financing schedule for the program, the Medicare program, is sufficient to ensure the payment of benefits only over the next 7 years.''

When we saw that, and chose in the wake of that report last spring to move to protect and preserve and defend Medicare, our friends on the other side, the liberals, stepped forward with a Band-Aid. They said, OK, we will do a little tinkering around the edges.

Indeed, in the words of one wire service dispatch, in the words of one political observer, in his opinion it amounted to a ''deathbed conversion.'' At the last nanosecond, they stepped forward with a Band-Aid.

Mr. Speaker, I will just make one point and then I will be happy to yield to my friend from Georgia. I heard earlier in this hour the gentleman from Pennsylvania stand in the well and talk about the surgery he needed to return to this Chamber with vitality. It was not easy surgery. He stayed the course and got the medical work done.

Mr. Speaker, I daresay our friend from Pennsylvania and his example serves as a metaphor for what we face with these programs. It takes surgery, not a Band-Aid, to solve the problem. But that is the only thing that has come from the liberal establishment. And as we move past a Great Society, let us go to a better society.

Mr. Speaker, I yield now to the gentleman from Georgia, my friend.

□ 2230

Mr. KINGSTON. Mr. Speaker, on this last-minute PR solution, more than anything, it was just to say we are in it, too. It calls for a commission to study Medicare. Here we have a group of professional trustees who study Medicare and they have said it is going broke. So what did the other party want to do? They wanted to study it even more.

Mr. LAHOOD. Mr. Speaker, I think the cleverest part of the argument that is made over here about this statement is that we have had those reports in the past. So we have had them in the past, and we do not want to do anything with it. Some of us came here with the idea that when you get a report like that and that there are people in the country who have benefited from these programs, and nobody will deny that Medicare has been a good program, we feel a responsibility to try and reform the program to preserve it, to protect it for the senior citizens, not simply to say, as our friends on the other side of the aisle would say, oh, we have heard those reports before. Some of us feel a responsibility to do something about it when you get a report from three Cabinet members from the President's own Cabinet.

Mr. KINGSTON. Mr. Speaker, let me ask the freshmen, can you imagine coming to a body where they are saying something is going broke and you are supposed to waive it and you are saying, they always say it is going broke. We just have to get through the next 2 years. That is my concern. Would any of you be able to go home and run on that platform that you saw that report and ignored it?

Mr. WELDON of Florida. Absolutely not. That is a very good question. It leads to an important issue on the Medicare Program. The tax on working people to keep the Medicare Program solvent has been raised 23 times since the program was initiated.

Let me just say that, as the gentleman from Illinois mentioned earlier, I am a practicing physician. I still see patients occasionally. The Medicare Program has been a great program. It provides the resources so that our seniors can get good quality medical care in their senior years. I think it is one of the primary things contributing to the dramatic increase in life expectancy for seniors.

When I was in medical school, when I was in college, the average life expectancy for a male, I think, was about 70 or 71. Just in the past 15 years or so it has gone up to about 78. That dramatic improvement, I think, is directly attributable to the good quality medical care that our seniors get. But there have been problems with keeping the program properly funded as there is a problem right now, as this chart next to me indicates, three Clinton Cabinet officials testifying to the fact that there are problems in keeping the program properly funded.

Mr. LAHOOD. Mr. Speaker, let me just cite a couple of examples. Whenever I have been in a room of senior citizens, I say, have any of you had a problem with billing or with some kind of complication with Medicare? Every hand in the room goes up.

A woman from Tremont, IL, came up to me at the Tremont Turkey Festival. She gave me a check. She said: ''Congressman, I am 80 years old. Medicare has been a good program. I just received this check from Medicare for 2 cents. How much does it cost to process a check for 2 cents?''

A gentleman came to me at a meeting in Pekim, IL, at a town meeting that I had. He said: ''I had a procedure done, I am on Medicare, I had a procedure done. I got a bill from the anesthesiologist for $8,000. I took it back to him and I said: Could this be right? He said: 'No, it should have been $800.' But Medicare paid $8,000.''

One other example: A gentleman came to my office in Jacksonville, IL. He received a bill from the hospital 40 days after he had been in there. The first item, intensive care, $36,000; he said: ''I was never in intensive care.'' Another item down below: Other services, $11,000. He says: ''I do not know what those were.''

Are there problems with the Medicare Program? Are there things that need to be fixed? Of course there are. Ask anybody who is receiving Medicare and they will tell you that. That is what we are trying to do, play the responsible role and fix a good program and reform it to save money for people who will want to use the program currently and in the future.

Mr. CHABOT. Mr. Speaker, I carry around here in my wallet an article that I clipped out of the newspaper. We verified this article. It is accurate. It is going to take me just a few seconds to read this. It is about Medicare, one of the problems with it.

Mr. KINGSTON. Mr. Speaker, we are going to have about 7 minutes left. After the gentleman reads that, I would like everyone to sort of wrap up:

Mr. CHABOT. ''Representative JOE KNOLLENBERG''—and we all know JOE here—''Michigan Republican, tells the story of a Michigan woman named Jean English, who while going through the mail of her recently deceased brother found a bill for his last hospital stay. Her brother, who suffered a terminal illness, died only a few days after being admitted.

''The bill for the four-day period came to $368,511.09. All of it had been forwarded to Medicare for payment. Shocked by the expense, Mrs. English called the hospital for an explanation. What she got was a 14-page itemized statement.

''The greatest expense? A 7-hour stay in the emergency room, according to the bill, required $347,982.01 worth of supplies.''

Just think of that, just 7 hours, $347,000 worth of supplies.

''Well, after much hemming and hawing,'' says the Congressman, ''the

hospital admitted that it had made a mistake. Oops. Instead of $347,982.01, the actual charge should have been $61.30. That is right, $61.30. An overcharge of $347,920.71.''

The problem was found. End of story? No. The errant bill had been sent to Medicare and paid by Medicare. That is right, they had paid the bill.

That is just the tip of the iceberg. We have to find waste where it exists and stop that waste from happening but we do not have to cut anybody's Medicare at all. We want to save it so it is there for the seniors nowadays and for future generations.

Mr. LAHOOD. That is what we call waste, fraud, and abuse. That is an area that anybody that has been involved with Medicare, any senior citizen will tell you, there are all kinds of problems that people face. Some of us feel a responsibility to reform this program, to weed out, to ferret out the waste, fraud, and abuse and save the taxpayers millions and billions of dollars because we want to preserve the program. In order to do that we have to make these kinds of reforms that we are talking about.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will continue to yield, I think some very valid points have been raised. Once again our friend from Ohio offers graphic evidence, anecdotal evidence of what can go wrong. My friend from Illinois made a very valid point, reaffirmed to me by the senior citizens of the Sixth District of Arizona. Waste, fraud and abuse is a shocking part of this problem. It is one element of the problem in dealing with health care coverage for seniors.

But, again, what we have to point out, and in my couple of moments here before we wrap up, I want to point out a couple of things. First of all, what we are doing with Medicare is improving and protecting and preserving the system, taking the average beneficiaries, cash award of $4,800 this year, increasing it to $6,700 by the year 2002. Also, what we are doing are expanding the choices, giving people more choices, not forcing anyone into the program. But if people like the current system, they are certainly welcome to keep this system.

The sad thing is that younger people have no choice. As I mentioned earlier, my young son, if we change nothing will pay over $185,000 in taxes just on interest on the debt during the course of his lifetime. To the President's credit he did something called general rational accounting in his last budget where he projected the services for the next generation of Americans if we do not change anything, if we do not right size this Government. And taxpayers of the future, the average taxpayer would have to surrender 82 percent of his income in taxes to the Federal Government. We have seen it rise exponentially, from 3 percent of the average family of four's income in 1948 to almost one-quarter of the average family's income in 1994. We have to change that not to build a great society but to build an even better society.

Mr. LEWIS of Kentucky. Mr. Speaker, just as Mr. HAYWORTH said, we have to do something and we have to do it now. My mother and father are both 78 years old. My daughter is 13. I have a son that is 24 years old. We have to save Medicare for my mother and my father. We have to balance the budget for my daughter and my son. We have to provide for the future. We have to save the economic viability of this country. And that is what we are all about.

It is beyond politics. We are serious. We want to save a country that is going to be a country that is going to provide the best living opportunities for our children and for our senior citizens. I think we can do no less. The time has come. We have a window of opportunity to do it now. And if we do not do it now, I am afraid it is going to be too late. So I think we have to stop the political rhetoric that is coming from the White House and from the other side. And we have to get serious and do something. I think we face a crisis as great as any crisis we have ever faced in this country and now as I said is the time to do it before it is too late.

I want a future for my mother and my father where they can have a good medical care. I want a future for my daughter and my son where they will not have to spend $187,000 just on the interest on the debt, where they will not have a tax rate of 82 percent. I want a nation that is going to be strong and the greatest Nation to continue to be the greatest Nation on the face of this Earth.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, the gentleman from Georgia is very gracious. I guess I would like to wrap up by pointing out that President Bill Clinton ran in 1992 as the candidate for change and his behavior over the past 2 or 3 days, I think, clearly indicates that though he ran as a candidate for change he is the President of the status quo. The status quo is not going to get us into the next century for a brighter, better and more prosperous future for ourselves and for our children.

He ran saying that he was going to balance the budget and never presented to us a balanced budget proposal. He ran saying that he was going to end welfare as we know it, and he never presented a plan to be able to do that. And he also ran saying that he was going to give us a middle-class tax cut, and what he gave us was a tax increase. And furthermore, for him to do absolutely nothing in the area of preserving and protecting Medicare and making sure that it will be there for our seniors because, Mr. Speaker, my colleagues, we will agree if the Nation is bankrupt, nobody will get good quality medical care, including our seniors.

And we have put forward these proposals to the President who keeps vetoing them and vetoing them. I personally think this is morally wrong for him to do that. He should be willing to sit down and negotiate with us and try to come to terms, but he is not doing that. And he really is playing politics with these issues, particularly in the area of Medicare.

We have put forward a reasonably balanced Medicare proposal and he is playing politics with the issue.

Mr. KINGSTON. Mr. Speaker, let us just close with this, do we, members of the Republican freshman class, the sophomore class of the Republicans, do we want to shut down Government? Do we want Federal employees to be out of work tomorrow morning? Do we want the Republican Party to ruin this negotiation? Do we want one side to blink first?

The answer to all of that is no. What we want is a balanced budget.What we want is Medicaid restructured. What we want is welfare reform. What we want is tax relief for the middle class. And above all we want to save, protect and preserve Medicare.

We believe that there is plenty of room for a bipartisan agreement. Democrats and Republicans can come together for the children and the future of America. We are proud to participate in that process.

We hold our hands open for our Democrat colleagues who want to join us and we hope and pray that the President of the Untied States will work with the leaders of House and Senate to do what is best, not for either party, not for reelection, but for the American public.

I thank the gentleman from Illinois [Mr. LAHOOD], for being with me, the gentleman from Florida [Mr. WELDON], the gentleman from Ohio [Mr. CHABOT], the gentleman from Arizona [Mr. HAYWORTH], a night-time regular, and the gentleman from Kentucky [Mr. LEWIS], for this special order.

□ 2245

THE MOST IMPORTANT PROBLEMS FACING OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Vermont [Mr. SANDERS] is recognized for 50 minutes as the designee of the minority leader.

Mr. SANDERS. Mr. Speaker, while we await an understanding of the meeting taking place in the White House now between the President and the Republican leadership, let me review for my fellow Vermonters and for people throughout this country what I consider to be some of the most important problems facing this country, talk a little bit about some solutions that I think make sense to many millions of Americans, and then talk about how the Contract With America impacts all of that.

The first point that I want to make, Mr. Speaker, is that some of the most important issues facing our country are, unfortunately, not talked about terribly often. They are not talked about by our Republican friends, they are not talked about by our Democratic friends, they are not talked about by the corporate media, and I think one of the reasons that we have a great deal of anxiety in this country is that people are hurting, they are in pain, they know that something is wrong, but they turn on the television, they read the papers, and they do not see that the realities of their life are being discussed, and I think that further alienates them from the political process, it confuses them, it gets them angry.

Let us talk about a few of the realities that are not widely discussed on the floor of this House, or on the television, or the radio:

No. 1, if you were to ask me what the most important reality facing America is, the reality is that for the vast majority of our people, some 80 percent of the American people, they are becoming poorer. People in America today, in large numbers, are working longer hours for lower wages. Since 1973, 80 percent of Americans have seen either a decline in their real wages or, at best, economic stagnation.

So that is the first reality that I think we have to talk about. When we turn on the television, or we look in the newspapers, and they tell us that new jobs are being created, the gross national product is growing, the economy is booming; what we have to say is all of those statistics are not terribly relevant to what is going on in the lives of real working people.

Mr. Speaker, real people today, working people today, are working longer hours, they are earning lower wages, and more and more of the jobs that are being created are part-time jobs, are temporary jobs, are jobs without good benefits. So that is the most important reality, and frankly, instead of discussing a whole lot of other issues that we spend huge amounts of time on in this Chamber, that should be the paramount issue:

Why is it that for the vast majority of our people our standard of living is in decline? Why is it that for family farmers in the State of Vermont they are receiving 50 percent of the income they received 15 years ago and are being forced to leave the land? And that problem exists not only for family farmers all over America, but for working people all over this country. That is the first reality that I want to touch upon tonight, and that needs a whole lot of discussion on the floor of the House.

The second issue is that while it is true that for 80 percent of our people they are experiencing a decline in their standard of living, there is another reality that is taking place which we hardly ever talk about, and that is we do not congratulate Michael Eisner, who is the president of the Walt Disney Corp, for the hundred million dollars he earned several years ago. We do not give enough congratulations to Bill Gates, the major stockholder of Microsoft who is now worth $9 billion. We do not talk too much about the fact that the major CEO's in this country now earn over $3 million a year on average. In essence what we are not talking about is that while 80 percent of our people are seeing a decline in their standard of living or, at best, economic stagnation, the people on the top today are doing better than perhaps at any time in the modern history of the United States.

In the last 20 years, Mr. Speaker, the wealthiest 1 percent of American families saw their after-tax incomes more than double. The wealthiest 1 percent of American now owns a greater percentage of the Nation's wealth than at any time since the 1920's. So, yes, there are two realities that are taking place. On the one hand, the average American is seeing a decline in his or her standards of living. Women, who would prefer to stay home taking care of the kids, are now forced to go into the work force. The new jobs that are being created by our kids are often part-time jobs or minimum-wage jobs.

That is the reality that impacts on the vast majority of the American people, but the other reality that we do not talk about too often, we are kind of quiet about it, is that for the rich and the powerful, hey what is the problem? Things have never been better. Today the wealthiest 1 percent of the population owns more wealth than the bottom 90 percent. We do not talk about that too much. We do not talk about concepts like social justice in America. We do not talk about the fact that there has been an enormous growth in millionaires and billionaires while at the same time this country, the United States, has the highest rate of childhood poverty in the industrialized world by far. Twenty-two percent of the kids live in poverty, yet we are having a huge growth in millionaires and billionaires. Where is the justice? Why are we not talking about that issue?

Mr. Speaker, the other thing that we do not talk about too often is to put our situation in a broader context in terms of what is happening in the whole world. There is no question but that much of the industrialized world is suffering economic problems just as we are. But it should be pointed out that whereas in the early 1970's the working people of the United States had the highest standard of living in the world, they earned the highest wages, they had the best benefits; today, according to various studies, we rank 13th in the world behind many European countries and behind some of the Scandinavian countries.

Recently, Mr. Speaker, you have read in the paper how BMW and other European companies are coming to the United States to start factories, often in the South but in other parts of America. Why are European companies coming to the United States? And the answer is an answer that many people my age would have not believed possible if we had discussed this issue 20 or 30 years ago. They are coming to America for cheap labor because in Europe, in Germany, in France and Scandinavia you cannot find workers who are going to work for $8 an hour or $10 an hour. Those workers make significantly more than American workers, and European companies are coming to America for the same reason that American companies go to Mexico or American companies go to China, in search of cheap labor. That is an issue that we should be discussing in this House of Representatives: how does it happen that American workers are now a source of cheap labor for European companies?

Mr. Speaker, as bad as the situation is now for most middle-age workers, the situation is even more frightening for our young workers, and I think one of the reasons there is so much anxiety in this country is not only that middle-age people are nervous about what is going to happen to their lives, what is going to happen to their parents, they are worried about what is going to happen to their kids.

Mr. Speaker, in the last 15 years the wages for entry-level jobs for young men who are high school graduates has declined by 30 percent. That means the young men who are getting out of high school now are earning 30 percent less than was the case 15 years ago for high school graduates. Fifteen years ago when somebody graduated high school, they most certainly were not wealthy, they did not get a great job, but often there were jobs in a town in a factory that paid a worker a living wage. Today many of those jobs are gone, and the jobs that are available for our young men and our young women are flipping hamburgers at McDonald's and working at other service-industry jobs. Thirty percent decline in wages for high school graduates were men, and 18-percent decline for young women.

Mr. Speaker, the sad reality is that Americans at the lower end of the wage scale, our low-income workers, are now, if you can believe it, the lowest-paid workers in the entire industrialized world. Eighteen percent of American workers with full-time jobs, full-time jobs, are paid so little that their wages do not enable them to live above the poverty level. That is what is going on in America. That is what happens when you make $4.50 an hour or you make $5.50 an hour. But this economic decline does not only impact high school graduates, it is also impacting those people who have been able to go through college.

Between 1987 and 1991, the real wages of college-educated workers declined by over 3 percent. That is college-educated workers. Over one-third of recent college graduates have been forced to

take jobs not requiring a college degree, and that is twice as many as was the case 5 years ago. What a sad state of affairs when many people such as myself say, ''Well, education is the key. We have got to make sure our people go to college.'' That is all very true, but there is another truth even for those young people who do get a college degree. Many of them are unable to find jobs which are commensurate with their education.

Mr. Speaker, when we read in the papers, and Mr. Bush used to tell us this, and President Clinton tells us this as well, that millions and millions of new jobs are being created, that is true. That is true. A lot of new jobs are being created, but the reality is that the majority of new jobs that are being created in America today pay less than $7 an hour. Many of these jobs offer no health benefits, no retirement benefits, no time off for vacations or sick leave. In fact, more and more of the new jobs that are being created are part-time jobs or temporary jobs. If you can believe it, in 1993 one-third of the U.S. work force was comprised of ''contingent labor.'' That means people who work for a few months and then lose their jobs, and that number is escalating rapidly.

In the last 10 years the United States has lost 3 million white collar jobs. We have lost 1.8 million jobs in manufacturing in the past 5 years alone. If we are going to try to understand why our wages are going down, why so many people are living in economic anxiety, we must address the issue of so-called downsizing.

Downsizing is a polite corporate term for throwing American workers out on the street, and this downsizing phenomenon is taking place at a frightening degree among some of the largest and most powerful corporations in America. Five companies alone, Ford, AT&T, General Electric, ITT, and Union Carbide laid off over 800,000 American workers in the last 15 years, just those five companies alone.

Mr. Speaker, you know when we talk about family values, when we talk about the importance of adults being good parents, of adult parents having the time to spend quality moments with their kids, one of the things that we should realize is that, as a result of the economic downturn and decline in real wages, the average American worker today is now working 160 hours a year more than he or she worked in 1969. The number of Americans working at more than one job has almost doubled over the last 15 years. In my rural Sate of Vermont it is now uncommon to find workers working not just two jobs, but three jobs, in order to bring home the bacon and to pay the bills.

□ 2300

I remember when I was in college, they used to give courses on what they called leisure time. They were worried then as technology developed and workers would be working fewer hours, what would the American worker do with all of his or her spare time? Unfortunately, Mr. Speaker, they do not give those courses anymore. Nobody worries what the American worker is going to do with his or her spare time, because that worker does not have any spare time. Rather, they give courses now on how to deal with the terrible stress that families are under when wives do not see their husbands and husbands do not see their kids, because everybody is working at crazy hours, trying to keep their family above water.

Mr. Speaker, not only are real wages going down. There is another crisis that, certainly, this Congress is not dealing with, and in fact is making a very bad situation worse. That is that one-third of all Americans do not have adequate medical insurance, and the number is growing.

Two years ago in this House, we dealt with that goal. I disagreed with Clinton's plan, it was too complicated, too cumbersome, but at least he had a vision that said that every man, woman, and child in America should have health insurance. Now that that debate is over, the situation which was bad then is worse today. More Americans lack health care than was the case a few years ago. More Americans have inadequate health insurance, large deductibles, large copayments than was the case several years ago.

Mr. Speaker, the ultimate reality of what is happening in this country today is that while the richest people are becoming much richer, while the middle class is shrinking and more of the middle class is falling into poverty, the other reality is that poverty has risen rapidly in recent years.

Poverty in the United States declined significantly between 1965 and 1973, and we hear some of our Republican friends say, ''Well, the war on poverty was terrible, terrible.'' The war on poverty had an impact in reducing poverty in America, in moving us toward fewer poor people, when at a time the trend today is, unfortunately, in the wrong direction.

Clearly, one of the statistics that we as a nation should be profoundly ashamed of, profoundly embarrassed about, is that 22 percent of our children live in poverty, and this great Nation has the dubious distinction of having by far the highest rate of childhood poverty in the industrialized world. I heard some of our Republican friends a moment ago talk to us about so-called welfare reform. I hope that they understand that the welfare reform proposal that they are advocating will increase the ranks of childhood poverty by another 1 million children in America.

Yes, we do need welfare reform. Yes, we do, but we do not need so-called reform which will add another 1 million children to the ranks of the poor.

Mr. Speaker, when we talk of social justice, we should also look at what goes on in the industrial sector of America today. We should ask why in 1980, the average CEO in America earned 42 times what the average factory worker earned. Some people may say, ''42 times? Does he heat 42 times more? Do his children have 42 times more than the workers' children?''

If you think that situation was bad, what we should appreciate is that today, the CEO's of the largest corporations earn 149 times what their workers earn. What justice is there in that? Corporate salaries zooming up, stock options for corporate executives going up, real wages for workers going down, CEO's earning almost 150 times what their workers today receive.

Mr. Speaker, we hear a lot of discussion about taxation, and certainly taxation is an important issue. But what we do not hear a whole lot of discussion about is who is paying the taxes. Who is paying the taxes? In my humble opinion, the middle class and the working class. In fact, if you look at local taxes, State taxes, and Federal taxes, they are paying far too much in taxes. But on the other hand, when you look at upper-income people and when you look at large corporations, what we can say is those folks deserve to contribute more into our tax coffers, so we could deal with the Federal deficit, so we could take the tax burden off middle-income America.

Mr. Speaker, in 1977 President Carter, and in 1981 and 1986 President Reagan, instituted ''tax reform.'' Of course, the Democrats controlled the Congress during that period, and supported that so-called tax reform. The result of those reforms was to significantly lower taxes on the wealthy and the large corporations and raise taxes on almost everyone else. Taxes on the very wealthy were cut by over 12 percent, while taxes on working- and middle-class Americans increased. One of those so-called reforms was a large increase in the regressive Social Security tax.

According to a study conducted by the House Committee on Ways and Means, the top 1 percent of taxpayers saved an average of over $41,000 in 1992 over what their taxes would have been at 1977 rates. Mr. Speaker, we speak a whole lot about the Federal deficit, which is a very important issue, but what we should appreciate is that if 1977 individual Federal tax rates had still been in effect in 1992, the Nation's wealthiest 1 percent would have paid $83.7 billion more in taxes, or about one-third of the national deficit in 1995. That is an important fact that we should keep in mind.

Mr. Speaker, at a time when the richest 1 percent of the population own about 50 percent of the stock, massive tax cuts to corporations have also helped to enrich the wealthy and to cut back on Federal revenues. In the 1960's, corporations contributed 23.4 percent of the Nation's taxes. Today, they contribute only 9 percent. During the early 1980's, some of the largest and

most profitable corporations in America paid nothing in Federal taxes. By contrast, individual income tax increased from 22 percent of Federal receipts in the 1960's to 45 percent today.

Mr. Speaker, I have talked a bit, just a bit, about some of the problems facing this country. I think it is fair and I also talk about some of the areas that I think we need to move forward on if we are going to solve some of these problems. Let me just touch on a few of them.

No. 1, it is an absolute disgrace that in this country we continue to have a national minimum wage of $4.25 an hour. Mr. Speaker, the purchasing power of the minimum wage has declined by 26 percent over the last 20 years. That means our minimum wage workers today are far poorer, have far less purchasing power, than did the minimum wage workers 20 years ago. The minimum wage in America must be raised. It must be raised so that if people work 40 hours a week, they do not live in poverty. That is why I have introduced legislation which would raise the minimum wage to $5.50 an hour.

Mr. Speaker, when we talk about why it is that American workers are seeing a decline in their standard of living, there is no question that we must address a very, very failed trade policy. It is not only that NAFTA has been a disaster, it is not only that most-favored-nation status with China is wrong, it is not only, in my view, that GATT is wrong. Our entire trade policy is failing.

I find it amazing that every day on the floor of this House we hear endless discussion about our national Federal deficit, which in fact is a serious problem, but we hear virtually no discussion about the trade deficit. The trade deficit this year will be, as I understand it, at the highest level in American history, about $160 billion. Economists tell us that for every billion dollars of trade, we create 20,000 jobs. That means that the difference between a $160 billion trade deficit, a neutral trade deficit, is over 3 million jobs, many of them good-paying manufacturing jobs.

□ 2310

Now, how long can we continue to go on seeing our industrial base get smaller and smaller; seeing more and more American companies moving to Mexico, moving to Malaysia, moving to China, where they can hire workers for 20 cents an hour?

Clearly, we must address the crisis in the deindustrialization of America. The crisis in our current trade policy, the crisis in which corporate America is creating millions of jobs all over the world, it is just that they are not creating jobs in America. Clearly, we must develop a policy which says to these corporations, ''You have got to reinvest in America and not just in China or in Mexico.''

Mr. Speaker, it also seems to me that we have got to make our tax system a heck of a lot fairer than it is today. Today in America, we have the most unequal and unfair distribution of wealth in the entire industrialized world. We also have the most unfair and unequal distribution of income in the industrialized world.

Mr. Speaker, as I indicated earlier, during the 1970's and 1980's, this Congress, and various Presidents, gave huge tax breaks to the wealthiest people in American and to the largest corporations, while at the same time they raised the Social Security taxes. They raised taxes on the middle class, and as a result of Federal policy, local and State taxes were also raised all over America.

Mr. Speaker, there are many people who are concerned about the complexity of our tax system, its burdensome nature, all of the loopholes that exist. I share that concern. It seems to me that we must move forward toward a simpler tax system without loopholes, but a tax system which is progressive. That means the more money a person makes, the higher percentage of their income they pay in taxes.

That means if middle income and working people are seeing a decline in their real wages, that has to be taken into account when we formulate our tax system, and the tax burden that those people are currently experiencing must be relaxed.

Mr. Speaker, I think that one of the surprises that the American people are soon going to see, and this Congress will soon see, is a revitalized labor movement. I fully support that, and was very delighted recently when John Sweeney, the former president of the Service Employees Industrial Union, the SEIU, became the president of the AFL–CIO. Rich Trumka, the former president of the United Mine Workers, became the secretary treasurer of the AFL–CIO.

Mr. Speaker, I think what we are going to see is a revitalized labor movement that is going to be more actively involved on the political front and far more actively involved in organizing workers into unions. The reality is that workers who are in unions, who are able to negotiate collectively with their companies, earn of course significantly higher wages than do nonunion workers.

Today, not every American worker wants to join a union, and those workers who do not want to join a union, they should not join a union. But there are millions of workers who do want to join a union, and we must provide legislation for those workers that gives them a fair opportunity to joint a union.

In my State of Vermont, and all over this country, there are workers who are trying to join a union, who are trying to organize for unions, who are being fired by their bosses with impunity. Employers can do it. No problem. There are elections that are being held and that after the union wins, the companies are appealing, and the bottom line of all of this is that labor law today favors company and the bosses far more than the workers.

Workers join unions, but they cannot negotiate the first contract. The employer refuses to sit down and the workers give up and the union dissipates. I think it is terribly important when we talk about ways that we can improve life for ordinary Americans that we institute major labor law reform which says nothing more than, if the workers in a given area want to join a union, they have the right to join that union without being fired, without being harassed, without having to go through a dozen different appeals, without having their organizers fired by their employers.

Mr. Speaker, there are two other issues that I want to briefly touch on. In this Congress tonight for the last many months we have been talking a great deal about Medicare, and some of us are outraged that at a time when millions and millions of elderly people today, with Medicare under its present funding formula, today many, many elderly people are finding it very difficult to provide for their health care needs.

Mr. Speaker, Medicare does not cover prescription drugs. And in my State of Vermont, and throughout this country, large numbers of seniors cannot afford their prescription drugs. Medicare does not provide long-term care in nursing homes. So, the Medicare Program today is not terribly good in terms of providing for our senior citizens.

Clearly, it will become a lot worse if the Gingrich proposal goes into effect and Medicare premiums go up for the elderly and Medicare and Medicaid funding for hospitals is radically cut. The point is we are now forced in this Congress to fight and spend our energy fighting those cuts, but I think very shortly we should return back to the basic debate. That is not just stopping cuts in Medicare, but trying to determine why it is that this country is not doing what virtually every other industrialized nation on Earth has done, and that is to provide a national health care system which guarantees health care to all people.

North of Vermont there is Canada, and every Canadian has a little card. With that card they go to any doctor they want; they go to any hospital they want; and they do not take out their wallets. Mr. Speaker, know what? The poor are treated quite as well as the rich.

Does that system have problems? Sure it does. But what it has done is made sure that every person in Canada gets all of the health care they need without out-of-pocket expense. Throughout Europe and throughout Scandinavia there are different types of health care systems. Some work better than others, but clearly it is a terrible disgrace that in this country we have some 40 million Americans with no health insurance, and more than

that who have inadequate health insurance.

Clearly, we must again put on the table the fight for a national health care system; in my view a single-payer national health care system which guarantees health care to all people.

Mr. Speaker, when I go back to Vermont, and I am sure it is true for other Members who go back to their districts, they hear from their constituents, and their constituents say, ''Government just is not working well. Why is government not working well?'' And they are wrong. Government is working very, very well for those people who have a whole lot of money.

Mr. Speaker, if Americans are in the upper 1 percent, the upper 2 percent, are making $300,000, $500,000 a year, this Government is doing a great job for them. They have never had it better. Their tax rates have gone down. They have more power over their employees. Some of our Republican friends want to take away the restrictions which prevent them from polluting the environment. Government is working great for those people who are the upper-income people.

But, Mr. Speaker, for the vast majority of people it is true, Government is not working well. We have to ask why. That takes us to the whole issue of campaign finance reform.

Mr. Speaker, it is a very scary proposition that in the last national election that we had, November 1994, when Mr. GINGRICH and the Republicans took power here and Republicans took power in the Senate, that all of 38.5 percent of the people came out to vote. That is pretty bad.

It is even more scary to understand the role that money has in the political process. Frankly, I get a little bit tired of hearing about all the millionaires and billionaires who continue to run for office. If we continue to have millionaires running for office and getting elected, not only to Congress but to seats in various State houses and Governors' offices, maybe we should change the name of this institution from the House of Representatives to the House of Lords, and be clear that what this is is a hall for the privileged ladies and gentlemen of the upper class who have purchased their seats by taking out their wallets and spending millions and millions of dollars to get elected.

□ 2320

That is not what democracy is about. We should not be buying seats in Congress or buying seats in the Senate or buying seats in Governors' offices all over America. Clearly, we need campaign finance reform. The elements of that reform to my mind most importantly must be a limitation on how much an individual can spend when he or she runs for office, let us have a level playing field.

No. 2, we should be matching public funding with small contributions. If somebody is able to go out and get a significant number of checks for $25 or $50, we should match the public funding. If we do that, we will have a fairer playing field and the wealthy and the powerful will not be able to buy seats in the U.S. Congress and, therefore, have a Congress which supports their agenda.

Far too often politics in this institution is about is payback time, payback time. You contribute a whole lot of money to the party of your choice and lo and behold, you get huge tax breaks for corporations, tax breaks for the wealthy, and other Government policy which favors those people who have money.

The last point that I want to make, Mr. Speaker, is that I think perhaps the most frightening development which is taking place in our country today is that tens and tens of millions of Americans, mostly low income and working people, are giving up on the political process. They do not vote. They do not get involved locally. They do not pay attention to what is going on. And in many ways, this country is becoming less and less democratic as a result of that.

If people out there, people throughout this country, think that politics is not important, that what happens in this institution is not important, pay attention to what is happening now. If you are a young person who works for a living and you are receiving an earned tax credit, understand that that earned income tax credit is going to be cut so that we can provide tax breaks for the wealthiest people in this country. Do you think that is important? It will be harder for you to raise your family.

If you think that politics is not important, we should ask the elderly people who will be forced to pay $300 a year more in premiums for Medicare. We should ask those families throughout the country today who have disabled members in their family, who have children, who are going to see major cutbacks in Medicaid. That is what politics is about.

If you think that politics is not important and you are a young person trying to go to college and you do not have a whole lot of money, understand that as a result of politics, understand that as a result of decisions being made right here in this House of Representatives, it may be impossible for large numbers of working class young people to afford to go to college because of major cutbacks in student loans and in student grants.

If you are a veteran who has put your life on the line defending this country, understand that what politics is about is that veterans programs are going to be cut so that we can build more B–2 bombers that the Pentagon does not even want.

Yes, you may not think so, but politics is relevant to every person's life in America. The politics of what is going on here today is that the wealthy people to a very large degree own this institution. If you want to know what goes on, all you have to do is follow the money. The money is coming in and decisions are being made which reward those people who have the money. The only way to stop it is if the vast majority of the American people, the people who are working long hours and are not getting a fair shake in terms of the wages they are receiving, people who do not have health insurance, people who cannot afford to send their kids to college, the decent people of this country, the backbone of this country, if those people begin to stand up and fight for their rights, we can turn this institution around. We can turn this country around. But if you do not, then what will happen is the wealthy, small numbers of people but people with tremendous resources will continue to dominate this institution. That is what the struggle is about.

So I would hope that people who pay homage, Veterans Day just came, and we paid our respect and homage to the men and women who put their lives on the line, but what they did is fought to keep this country free and to keep this country a democracy. We are not honoring them, if we do not get involved in the political process, if we do not stand up and fight for policies which impact all the people of this country and not just the very wealthy. That is what politics is about.

RECESS

The SPEAKER pro tempore. (Mr. BARR of Georgia). Pursuant to clause 12 of rule I, the House will now stand in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2347

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARR) at 11 o'clock and 47 minutes p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. OLVER, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. ANDREWS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. TAUZIN.

Mr. FOX of Pennsylvania.

Ms. EDDIE BERNICE JOHNSON of Texas.

Ms. BROWN of Florida.

(The following Member (at her own request) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

(The following Members (at their own request) and to revise and extend their remarks and include extraneous matter:)

Mr. BURTON of Indiana.

Mr. STENHOLM.

Mr. LEACH.

Mr. ABERCROMBIE.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. BARRETT of Wisconsin.

Mr. JACOBS.

Mr. MANTON.

Mr. STARK.

Mr. SERRANO.

Mr. VISCLOSKY.

Mr. CARDIN.

Mr. ORTIZ.

Mr. STOKES in two instances.

Mrs. MALONEY.

Mr. FILNER.

Mrs. MEEK of Florida.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. DAVIS.

Mrs. SMITH of Washington.

Mr. HORN.

Mr. GILMAN.

(The following Members (at the request of Mr. SANDERS) and to include extraneous matter:)

Mr. TEJEDA.

Mrs. CLAYTON.

Mr. FALEOMAVAEGA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 325. An act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee has 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. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes;

H.R. 2589. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes; and

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996 and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following title:

On November 12, 1995:

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes;

H.R. 2589. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes; and

H.R. 2394. An act to increase, effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 14, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1658. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides during fiscal year 1994, pursuant to 7 U.S.C. 136w-4; to the Committee on Agriculture.

1659. A letter from the Secretary of Agriculture, transmitting legislative language for the Federal crop insurance title of the 1995 farm bill, to the Committee on Agriculture.

1660. A letter from the Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps Program in the Department for fiscal year 1994, pursuant to 16 U.S.C. 1705; to the Committee on Economic and Educational Opportunities.

1661. A letter from the Secretary of Energy, transmitting the Department's report on the evaluation of utility early replacement programs for alliances, pursuant to Public Law 102–486, section 127(a), 128 (106 Stat. 2835, 2836); to the Committee on Commerce.

1662. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's superfund financial activities at the Agency for Toxic Substances and Disease Registry for fiscal year 1993, pursuant to Public Law 99–499, Section 120(e)(5)(100 Stat. 1669); to the Committee on Commerce.

1663. A letter from the Secretary of Energy, transmitting the Department's report on the status of the U.S. uranium industry at the end of calendar year 1994, pursuant to the Energy Policy Act of 1992; to the Committee on Commerce.

1664. A letter from the Secretary of Energy, transmitting the Department's study of a representative sample of light-duty alternative fuel vehicles in Federal fleets, pursuant to 42 U.S.C. 6374(b)(1); to the Committee on Commerce.

1665. A letter from the Secretary of Energy, transmitting the Department's report on the current status and likely impacts of integrated resource planning in the United States; to the Committee on Commerce.

1666. A letter from the Inspector General, U.S. Environmental Protection Agency, transmitting the Agency's annual report to Congress summarizing the Agency's progress during fiscal year 1994 in implementing the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

1667. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League boycott of the State of Israel contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103–236, section 565(b) (108 State. 845); to the Committee on International Relations.

1668. A letter from the Assistant Secretary for Land Minerals Management, Department of the Interior, transmitting the annual report on royalty management and collection activities for Federal and Indian mineral leases in 1993 and 1994, pursuant to 30 U.S.C. 237; to the Committee on Resources.

1669. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Agency's report entitled ''Storm Water Discharges Potentially Addressed By Phase II Of The National Pollutant Discharge Elimination System Storm Water Program''; to the Committee on Transportation and Infrastructure.

1670. A letter from the Secretary of Transportation, transmitting the Department's second edition of the Surface Transportation Research and Development plan, pursuant to Public Law 102–240, section 6009(b)(8) (105 Stat. 2177); jointly, to the Committees on Transportation and Infrastructure and Science.

1671. A letter from the General Counsel, Department of Transportation, transmitting the fiscal year 1996 budget requests of the Federal Aviation Administration, pursuant to 49 U.S.C. 48109; jointly, to the Committees on Transportation and Infrastructure and Science.

1672. A letter from the Chair, Good Neighbor Environmental Board, transmitting the first annual report of the Good Neighbor Environmental Board; jointly, to the Committees on Transportation and Infrastructure and Commerce.

1673. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting the Department's report entitled ''Section 404 of the Clean Water Act and Wetlands: Special Statistical Report, July 1995''; jointly, to the Committees on Transportation and Infrastructure, Resources, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOORHEAD: Committee on the Judiciary. H.R. 2361. A bill to amend the commencement dates of certain temporary Federal judgeships (Rept. 104–334). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 265. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 104–335). Referred to the House Calendar.

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 Mr. ARCHER:

H.R. 2621. A bill to enforce the public debt limit and to protect the Social Security trust funds and other Federal trust funds and accounts invested in public debt obligations; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 2622. A bill to amend the Congressional Budget Act of 1974 to require that budget resolutions be joint resolutions and that those resolutions contain extensions of the statutory limit on the public debt, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 2623. A bill to amend the Indian Self-Determination and Education Assistance Act to make the provisions and benefits of Indian self-determination contracts applicable to Indian self-governance compacts; to the Committee on Resources.

H.R. 2624. A bill to establish the American Samoa Study Commission; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2625. A bill to prohibit future obligation of funds for the B–2 bomber procurement program; to the Committee on National Security.

By Mr. HUTCHINSON (for himself and Mr. STUMP):

H.R. 2626. A bill to amend title 38, United States Code, to ensure that payments of compensation for veterans with service-connected disabilities and payments of dependency and indemnity compensation for survivors of such veterans are made regardless of Government financial shortfalls; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

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

H.R. 89: Mr. ROTH.

H.R. 127: Mrs. THURMAN and Mr. BILBRAY.

H.R. 528: Mr. WATT of North Carolina, Mr. MCINNIS, Mr. BISHOP, Mr. BALDACCI, Mr. ANDREWS, Mr. BOEHLERT, Mr. PASTOR, Mr. FORBES, Mr. STARK, Mr. KILDEE, Mr. ROBERTS, Mr. GREENWOOD, Mr. PORTER, Mr. COMBEST, Mr. EHRLICH, Mr. CHRISTENSEN, Mr. FRELINGHUYSEN, and Mr. BARRETT of Nebraska.

H.R. 580: Ms. KAPTUR.

H.R. 789: Mr. RAMSTAD.

H.R. 1140: Mr. TOWNS.

H.R. 1355: Mr. OWENS, Mr. DEFAZIO, Mr. EVANS, Mr. TORRES, Ms. VELAZQUEZ, Ms. LOFGREN, Mr. MARTINEZ, Mr. BONIOR, Mr. LIPINSKI, Ms. WOOLSEY, Mr. NADLER, Mr. WATT of North Carolina, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. PAYNE of New Jersey, Ms. NORTON, Mr. FILNER, and Mr. FATTAH.

H.R. 1619: Ms. WOOLSEY and Mr. CLYBURN.

H.R. 2098: Mr. PARKER.

H.R. 2240: Mr. MARTINI and Ms. WOOLSEY.

H.R. 2276: Mr. TRAFICANT.

H.R. 2281: Ms. DELAURO and Mr. BALDACCI.

H.R. 2342: Mr. COLEMAN, Mr. SCHIFF, and Mr. PETE GEREN of Texas.

H.R. 2373: Mrs. LINCOLN.

H.R. 2458: Mr. PORTER, Mr. PAXON, Mr. DEUTSCH, Mr. HALL of Ohio, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, and Mr. FRAZER.

H.R. 2472: Mr. BENTSEN, Mr. BARRETT of Wisconsin, Mr. MANTON, Mr. STUPAK, Mr. PETERSON of Minnesota, and Mr. ANDREWS.

H.R. 2508: Mr. SKELTON and Mr. WICKER.

H.R. 2529: Mr. TORRES, Ms. MCKINNEY, Mr. DEFAZIO, Ms. FURSE, and Mr. LEWIS of Georgia.

H.R. 2540: Mr. GENE GREEN of Texas, Mr. HOSTETTLER, Mr. WAMP, Mr. SCARBOROUGH, Mr. BAKER of California, Mr. HEFLEY, Mr. WELLER, Mr. BILIRAKIS, Mr. ANDREWS, Mr. LARGENT, and Mr. EMERSON.

H.R. 2564: Mr. CHABOT, Mr. BRYANT of Tennessee, Mr. COBLE, Mr. FLANAGAN, Mr. HEINEMAN, Mr. INGLIS of South Carolina, Mr. SENSENBRENNER, and Mrs. ROUKEMA.

H.R. 2579: Mr. BEREUTER, Mr. CRAMER, Mrs. MEYERS of Kansas, Mr. LUTHER, Mr. CANADY, and Mr. FALEOMAVAEGA.

H.J. Res. 89: Mr. LAHOOD.

H. Con. Res. 50: Mr. DOYLE.

H. Res. 220: Mrs. LOWEY, Ms. ROYBAL-ALLARD, and Ms. LOFGREN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2539

OFFERED BY: MR. SHUSTER

AMENDMENT NO. 1: Page 5, line 24, insert ''common carrier'' after ''a person providing''.

Page 7, line 8, insert ''with respect to regulation of rail transportation'' after ''provided under this part''.

Page 9, line 24, insert ''The enactment of the ICC Termination Act of 1995 shall have no effect on which employees and employers are covered by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act.'' after ''local governmental authority.''.

Page 12, in the table of sections for subchapter I of chapter 105, strike ''Inflation-based rate increases'' and insert in lieu thereof ''Rail cost adjustment factor''.

Page 13, line 21, strike ''shall recognize'' and insert in lieu thereof ''shall give due consideration to—

''(A) the amount of traffic which is transported at revenues which do not contribute to going concern value and the efforts made to minimize such traffic;

''(B) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and

''(C) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues,

recognizing''.

Page 14, lines 2 through 5, strike ''to establish simplified'' and all that follows through ''evidence is impractical''.

Page 14, line 11, strike ''including'' and insert in lieu thereof ''to the extent required by section 10507,''.

Page 17, line 11, strike ''11101'' and insert in lieu thereof ''10902''.

Page 29, line 11, strike ''Class I''.

Page 29, lines 12 and 13, strike ''Panel's Rail Form A'' and insert in lieu thereof ''Uniform Rail Costing System''.

Page 30, line 7, through page 31, line 3, amend section 10508 to read as follows:

''§ 10508. Rail cost adjustment factor

''(a) The Panel shall, as often as practicable, but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Panel, with appropriate adjustments to reflect the change in composition of railroad costs, including the quality and mix of material and labor) and the denominator of which is the same index for the fourth quarter of every fifth year, beginning with the fourth quarter of 1992.

''(b) The rail cost adjustment factor published by the Panel under subsection (a) of this section shall take into account changes in railroad productivity. The Panel shall also publish a similar index that does not take into account changes in railroad productivity.

Page 31, line 22, insert ''The district courts of the United States shall not have jurisdiction pursuant to this section based on section 1331 or 1337 of title 28, United States Code.'' after ''parties otherwise agree.''.

Page 31, after line 22, insert the following:

''(d)(1) A summary of each contract for the transportation of agricultural commodities entered into under this section shall be filed with the Panel, containing such nonconfidential information as the Panel prescribes. The Panel shall publish special rules for such contracts in order to ensure that the essential terms of the contract are available to the general public.

Page 31, line 23, strike ''(d)'' and insert in lieu thereof ''(2)''.

Page 32, after line 6, insert the following new subsection:

''(f) A rail carrier that enters into a contract as authorized by this section remains subject to the common carrier obligation set forth in section 10901, with respect to rail transportation not provided under such a contract.

Page 37, in the table of sections for chapter 107, insert at the end the following new item:

''10707. Railroad development.

Page 45, line 10, strike ''paragraph (2) or''.

Page 45, lines 13 through 22, strike paragraph (2).

Page 45, line 23, strike ''(3)'' and insert in lieu thereof ''(2)''.

Page 47, line 18, strike ''6 months'' and insert in lieu thereof ''4 months''.

Page 48, line 2, page 49, lines 21 and 25, and page 50, line 5, strike ''6-month'' and insert in lieu thereof ''4-month''.

Page 51, line 20, insert ''The Panel does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks.'' after ''or side tracks.''.

Page 51, after line 20, insert the following new section:

"§ 10707. Railroad development

''(a) In this section, the term 'financially responsible person' means a person who—

''(1) is capable of paying the constitutional minimum value of the railroad line proposed to be acquired; and

''(2) is able to assure that adequate transportation will be provided over such line for a period of not less than 3 years.

Such term includes a governmental authority but does not include a Class I or Class II rail carrier.

''(b)(1) When the Panel finds that—

''(A)(i) the public convenience and necessity require or permit the sale of a particular railroad line under this section; or

''(ii) a railroad line is on a system diagram map as required under section 10703 of this title, but the rail carrier owning such line has not filed a notice of intent to abandon such line under section 10703 of this title before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section; and

''(B) an application to purchase such line has been filed by a financially responsible person,

the Panel shall require the rail carrier owning the railroad line to sell such line to such financially responsible person at a price not less than the constitutional minimum value.

''(2) For purposes of this subsection, the constitutional minimum value of a particular railroad line shall be presumed to be not less than the net liquidation value of such line or the going concern value of such line, whichever is greater.

''(c)(1) For purposes of this section, the Panel may determine that the public convenience and necessity require or permit the sale of a railroad line if the Panel determines, after a hearing on the record, that—

''(A) the rail carrier operating such line refuses within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over such line;

''(B) the transportation over such line is inadequate for the majority of shippers who transport traffic over such line;

''(C) the sale of such line will not have a significantly adverse financial effect on the rail carrier operating such line;

''(D) the sale of such line will not have an adverse effect on the overall operational performance of the rail carrier operating such line; and

''(E) the sale of such line will be likely to result in improved railroad transportation for shippers that transport traffic over such line.

''(2) In a proceeding under this subsection, the burden of proving that the public convenience and necessity require or permit the sale of a particular railroad line is on the person filing the application to acquire such line. If the Panel finds under this subsection that the public convenience and necessity require or permit the sale of a particular railroad line, the Panel shall concurrently notify the parties of such finding and publish such finding in the Federal Register.

''(d) In the case of any railroad line subject to sale under subsection (a) of this section, the Panel shall, upon the request of the acquiring carrier, require the selling carrier to provide to the acquiring carrier trackage rights to allow a reasonable interchange with the selling carrier or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the acquiring carrier. The Panel shall require the acquiring carrier to provide the selling carrier reasonable compensation for any such trackage rights.

''(e) The Panel shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with a railroad line subject to a sale under this section.

''(f) In the case of a railroad line which carried less than 3,000,000 gross ton miles of traffic per mile in the preceding calendar year, whenever a purchasing carrier under this section petitions the Panel for joint rates applicable to traffic moving over through routes in which the purchasing carrier may practicably participate, the Panel shall, within 30 days after the date such petition is filed and pursuant to section 10505(a) of this title, require the establishment of reasonable joint rates and divisions over such route.

''(g)(1) Any person operating a railroad line acquired under this section may elect to be exempt from any of the provisions of this part, except that such a person may not be exempt from the provisions of chapter 105 of this title with respect to transportation under a joint rate.

''(2) The provisions of paragraph (1) of this subsection shall apply to any line of railroad which was abandoned during the 18-month period immediately prior to the effective date of the Staggers Rail Act of 1980 and was subsequently purchased by a financially responsible person.

''(h) If a purchasing carrier under this section proposes to sell or abandon all or any portion of a purchased railroad line, such purchasing carrier shall offer the right of first refusal with respect to such line or portion thereof to the carrier which sold such line under this section. Such offer shall be made at a price equal to the sum of the price paid by such purchasing carrier to such selling carrier for such line or portion thereof and the fair market value (less deterioration) of any improvements made, as adjusted to reflect inflation.

''(i) Any person operating a railroad line acquired under this section may determine preconditions, such as payment of a subsidy, which must be met by shippers in order to obtain service over such lines, but such operator must notify the shippers on the line of its intention to impose such preconditions.

Page 52, line 9, insert ''Commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable.'' after ''requests for service.''.

Page 53, line 3, insert ''20 days have expired after'' after ''service terms unless''.

Page 53, lines 11 and 12, strike '', including appropriate periods of notice.'' and insert in lieu thereof ''. Final regulations shall be adopted by the Panel not later than 180 days after the date of the enactment of the ICC Termination Act of 1995.''.

Page 66, line 12, insert ''in order to perfect the security interest that is the subject of such instrument'' after ''filed with the Panel''.

Page 68, after line 15, insert the following new subsection:

''(g) The Panel shall collect, maintain, and keep open for public inspection a railway equipment register consistent with the manner and format maintained by the Interstate Commerce Commission as of the date of the enactment of the ICC Termination Act of 1995.

Page 69, line 8, insert ''(except section 11122)'' after ''under this subchapter''.

Page 73, line 19, strike ''rights. Any trackage rights'' and insert in lieu thereof ''rights and access to other facilities. Any trackage rights and related''.

Page 73, line 20, insert ''operating terms and'' after ''shall provide for''.

Page 74, lines 21 and 22, strike ''Secretary of Transportation'' and insert in lieu thereof ''Attorney General''.

Page 84, lines 2 and 3, strike ''The Panel may begin an investigation under this part on its own initiative or on complaint.'' and insert in lieu thereof ''Except as otherwise provided in this part, the Panel may begin an investigation under this part only on complaint.''.

Page 85, line 24, insert ''in a United States District Court'' after ''civil action''.

Page 105, line 3, strike the first comma and all that follows through the period on line 5 and insert a period.

Page 115, line 6, before ''authority'' insert ''appropriate''.

Page 115, strike lines 7 and 8 and insert a period.

Page 117, line 4, strike ''shall''.

Page 132, line 4, strike ''has'' and insert ''and the Panel have''.

Page 133, after line 17, insert the following:

''(b) LIMITATION.—The Panel may not exempt a water carrier from the application of, or compliance with, sections 13701 and 13702 for transportation in noncontiguous domestic trade.

Page 133, line 18, strike ''(b)'' and insert ''(c)''.

Page 136, line 2, after ''section 13703'' insert ''or 14302''.

Page 136, in the matter following line 3—

(1) redesignate the items relating to sections 13707–13712 as items relating to sections 13708–13713, respectively;

(2) insert after the item relating to section 13706 the following:

'' '13707. Payment of rates.''; and

(3) strike the item relating to section 13710, as redesignated by paragraph (1), and insert the following:

'' '13710. Additional billing and collecting practices.''.

Page 136, lines 14 and 15, strike ''described in section 13102(9)(A), or'' and insert a comma.

Page 136, line 17, after the comma insert ''or''.

Page 136, after line 17, insert the following:

''(C) rates, rules, and classifications made collectively by motor carriers under agreement pursuant to section 13703,

Page 138, lines 9 and 10, strike ''described in section 13102(9)(A)''.

Page 140, line 13, strike ''kept open'' and insert ''make the tariffs as changed available''.

Page 141, line 11, strike ''in'' and insert ''of''.

Page 141, lines 12 and 13, strike ''households described in section 13102(9)(B)'' and insert ''household goods''.

Page 142, line 7, strike ''described in section 13102(9)(A)''.

Page 143, strike lines 5 through 8 and insert the following:

''(4) INDEPENDENTLY ESTABLISHED RATES.—Any carrier which is a party to an agreement under paragraph (1) is not, and may not be precluded, from independently establishing its own rates, classification, and mileages or from adopting and using a noncollectively made classification or mileage guide.

''(5) INVESTIGATIONS.—

''(A) REASONABLENESS.—The Panel may suspend and investigate the reasonableness of any rate, rule, classification, or rate adjustment of general application made pursuant to an agreement under this section.

''(B) ACTIONS NOT IN THE PUBLIC INTEREST.—The Panel may investigate any action taken pursuant to an agreement approved under this section. If the Panel finds that the action is not in the public interest, the Panel may take such measures as may be necessary to protect the public interest with regard to the action, including issuing an order directing the parties to cease and desist or modify the action.

Page 143, line 9, strike ''(5)'' and insert ''(6)''.

Page 144, line 18, after the period insert the following:

Parties to the agreement may continue to undertake activities pursuant to the previously approved agreement while the renewal request is pending.

Page 145, strike line 11 and insert the following:

''(g) INDUSTRY STANDARD GUIDES.—

''(1) IN GENERAL.—

''(A) PUBLIC AVAILABILITY.—Routes, rates, classifications, mileage guides, and rules established under agreements approved under this section shall be published and made available for public inspection upon request.

''(B) PARTICIPATION OF CARRIERS.—

''(i) IN GENERAL.—A motor carrier of property whose routes, rates, classifications, mileage guides, rules, or packaging are determined or governed by publications established under agreements approved under this section must participate in the determining or governing publication for such provisions to apply.

''(ii) POWER OF ATTORNEY.—The motor carrier of property shall issue a power of attorney to the publishing agent and, upon its acceptance, the agent shall issue a written certification to the motor carrier affirming its participation in the governing publication, and the certification shall be made available for public inspection.

''(2) MILEAGE LIMITATION.—No carrier subject

Page 145, line 15, strike ''(1)'' and insert ''(A)''.

Page 145, move lines 15 through 21 two ems to the right.

Page 145, strike line 16 and all that follows through ''which'' on line 17 and insert ''that is developed independently of any other publication of mileage developed by any other carrier and that''.

Page 145, line 19, strike ''(2)'' and insert ''(B)''.

Page 149, after line 16, insert the following:

''§ 13707. Payment of rates

''(a) TRANSFER OF POSSESSION UPON PAYMENT.—Except as provided in subsection (b), a carrier providing transportation or service subject to jurisdiction under this part shall give up possession at the destination of the property transported by it only when payment for the transportation or service is made.

''(b) EXCEPTIONS.—

''(1) REGULATIONS.—Under regulations of the Secretary governing the payment for transportation and service and preventing discrimination, those carriers may give up possession at destination of property transported by them before payment for the transportation or service. The regulations of the Secretary may provide for weekly or monthly payment for transportation provided by motor carriers and for periodic payment for transportation provided by water carriers.

''(2) EXTENSIONS OF CREDIT TO GOVERNMENTAL ENTITIES.—Such a carrier (including a motor carrier being used by a household goods freight forwarder) may extend credit for transporting property for the United States Government, a State, a territory or possession of the United States, or a political subdivision of any of them.

Redesignate subsequent sections of chapter 137 on pages 149 through 163, accordingly.

Page 149, line 18, strike ''TIMING'' and insert ''DISCLOSURE''.

Page 149, line 23, before the period insert ''and shall also disclose, at such time, whether and to whom any allowance or reduction in charges is made''.

Page 150, lines 13 and 14, strike ''BEFORE EFFECTIVE DATE'' and insert ''AT RATES OTHER THAN LEGAL TARIFF RATES''.

Page 150, line 21, after the comma insert ''or under subchapter I of chapter 135''.

Page 151, line 12, after ''Commission'' insert ''or the Panel, as required,''.

Page 151, line 20, after ''Commission'' insert ''or the Panel, as required,''.

Page 152, line 21, before the period insert '', or chapter 149''.

Page 154, line 7, before ''title'' insert ''part or, for transportation provided before the effective date of this section, all rights and remedies that existed under this''.

Page 157, strike lines 11 and 12 and insert the following:

''§ 13710. Additional billing and collecting practices''

Page 157, line 20, after ''rate'' insert ''applicable to its shipment or''.

Page 157, line 23, strike ''With'' and all that follows through ''when'' on line 25 and insert ''When''.

Page 158, line 5, strike ''In those cases'' and insert the following:

''(3) BILLING DISPUTES.—

''(A) INITIATED BY MOTOR CARRIERS.—In those cases''

Page 158, strike line 16 and all that follows through ''if'' on line 18 and insert the following:

''(B) INITIATED BY SHIPPERS.—If''.

Page 160, line 1, before ''that'' insert ''subject to jurisdiction under subchapter I of chapter 135 or, before the effective date of this section, to have provided transportation''.

Page 160, line 2, strike ''before'' and insert '', as in effect on the day before''.

Page 160, line 7, after ''between'' insert ''(1)''.

Page 160, line 8, after ''with'' insert ''this chapter or, with respect to transportation provided before the effective date of this section, in accordance with''.

Page 160, line 9, strike ''of this title'' and insert '', as in effect on the date the transportation was provided,''.

Page 160, line 10, strike ''and'' and insert '', and (2)''.

Page 160, line 13, strike ''of this title''.

Page 160, lines 14 and 15, strike ''of this title''.

Page 161, line 11, after ''Commission'' insert ''or the Panel, as required,''.

Page 161, line 18, after ''Commission'' insert ''or the Panel, as required,''.

Page 162, line 20, strike ''relating'' and all that follows through the period on line 22 and insert the following:

as in effect on the day before such effective date, as such sections relate to a filed tariff rate and other general tariff requirements.

Page 163, line 1, strike ''13708'' and insert ''13709''.

Page 163, after line 8, insert the following:

''(g) APPLICABILITY TO PENDING CASES.—This section shall apply to all cases and proceedings pending on the effective date of this section.

Page 164, in the item relating to section 13904 in the matter following line 7, strike ''motor carriers''.

Page 168, line 18, strike ''EXPRESS''.

Page 169, lines 7 and 8, strike ''Except as provided in section 14501(a), any'' and insert ''Any''.

Page 169, line 11, strike ''the 30th'' and all that follows through ''and'' on line 14 and insert ''such time as''.

Page 169, line 16, strike the period and insert the following:

, but in no case later than the 30th day following the date on which the motor carrier of passengers first begins providing transportation entirely in one State under this paragraph.

Page 173, line 15, after ''(3)'' insert a comma.

Page 174, after line 11, insert the following:

''(d) MOTOR CARRIER DEFINED.—In this section and sections 13905 and 13906, the term 'motor carrier' includes foreign motor carriers and foreign motor private carriers.

Page 174, line 23, strike ''**motor carrier**''.

Page 175, strike line 7 and move the matter on lines 8 through 10 after the subsection heading on line 6.

Page 175, strike lines 11 through 16.

Page 176, after line 1, insert the following:

''(a) PERSON HOLDING ICC AUTHORITY.—Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on the day before the effective date of this section, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

Redesignate subsequent subsections on page 176 accordingly.

Page 176, line 22, strike ''of the registrant''.

Page 186, line 22, after the period insert the following:

In issuing the regulations, the Secretary shall consider whether or not to integrate the requirements of section 13304 into the new system and may integrate such requirements into the new system.

Page 188, line 3, strike ''under section 14504,'' and insert ''(including filings and fees authorized under section 14504),''.

Page 196, line 19, before the period insert ''and brokers''.

Page 198, at the end of the matter following line 23, insert the following:

''14303. Consolidation, merger, and acquisition of control of motor carriers of passengers.

Page 201, line 14, strike ''of this title''.

Page 205, after line 11, insert the following:

''(g) DEFINITIONS.—In this section, the following definitions apply:

''(1) HOUSEHOLD GOODS.—The term 'household goods' has the meaning such term had under section 10102(11) of this title, as in effect on the day before the effective date of this section.

''(2) TRANSPORTATION.—The term 'transportation' means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on the day before such effective date, if such subchapter were still in effect.

''§ 14303. Consolidation, merger, and acquisition of control of motor carriers of passengers

''(a) APPROVAL REQUIRED.—The following transactions involving motor carriers of passengers subject to jurisdiction under subchapter I of chapter 135 may be carried out only with the approval of the Panel:

''(1) Consolidation or merger of the properties or franchises of at least 2 carriers into one operation for the ownership, management, and operation of the previously separately owned properties.

''(2) A purchase, lease, or contract to operate property of another carrier by any number of carriers.

''(3) Acquisition of control of a carrier by any number of carriers.

''(4) Acquisition of control of at least 2 carriers by a person that is not a carrier.

''(5) Acquisition of control of a carrier by a person that is not a carrier but that controls any number of carriers.

''(b) STANDARD FOR APPROVAL.—The Panel shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Panel shall consider at least the following:

''(1) The effect of the proposed transaction on the adequacy of transportation to the public.

''(2) The total fixed charges that result from the proposed transaction.

''(3) The interest of carrier employees affected by the proposed transaction.

The Panel may impose conditions governing the transaction.

''(c) DETERMINATION OF COMPLETENESS OF APPLICATION.—Within 30 days after the date on which an application is filed under this section, the Panel shall either publish a notice of the application in the Federal Register or reject the application if it is incomplete.

''(d) COMMENTS.—Written comments about an application may be filed with the Panel within 45 days after the date on which notice of the application is published under subsection (c).

''(e) DEADLINES.—The Panel shall conclude evidentiary proceedings by the 240th day after the date on which notice of the application is published under subsection (c). The Panel shall issue a final decision by the 180th day after the conclusion of the evidentiary proceedings. The Panel may extend a time period under this subsection; except that the total of all such extensions with respect to any application shall not exceed 90 days.

''(f) EFFECT OF APPROVAL.—A carrier or corporation participating in or resulting from a transaction approved by the Panel under this section, or exempted by the Panel from the application of this section pursuant to section 13541, may carry out the transaction, own and operate property, and exercise control or franchises acquired through the transaction without the approval of a State authority. A carrier, corporation, or person participating in the approved or exempted transaction is exempt from the antitrust laws and from all other law, including State and municipal law, as necessary to let that person carry out the transaction, hold, maintain, and operate property, and exercise control or franchises acquired through the transaction.

''(g) LIMITATION ON APPLICABILITY.—This section shall not apply to transactions involving carriers whose aggregate gross operating revenues were not more than $2,000,000 during a period of 12 consecutive months ending not more than 6 months before the date of the agreement of the parties.

Page 205, line 17, strike ''two'' and insert ''2''.

Page 206, line 12, strike ''two'' and insert ''2''.

Page 208, line 2, strike ''performed'' and all that follows through ''without'' on line 5 and insert ''performed without''.

Page 212, line 6, after ''exceeds'' insert a comma.

Page 218, line 7, strike ''will be'' and insert ''is''.

Page 218, line 12, strike ''will minimize'' and insert ''minimizes''.

Page 218, line 15, strike ''will result'' and insert ''results''.

Page 221, after line 12, insert the following:

''(d) LIMITATION.—The Secretary and the Panel only have authority under this section with respect to matters within their respective jurisdictions under this part.

Page 222, lines 12 and 13, strike '', through its own attorneys,''.

Page 222, line 17, strike ''of Transportation''.

Page 222, lines 17 and 18, strike ''Intermodal Surface Transportation'' and insert ''the''.

Page 223, after line 2, insert the following:

''(a) IN GENERAL.—

Page 223, line 3, strike ''(a)'' and insert ''(1)''.

Page 223, line 3, strike ''ORDER'' and insert ''ORDER''.

Page 223, move lines 3 through 9 two ems to the right.

Move the sentence beginning on line 4 of page 224 after the period on line 9 of page 223.

Move paragraph (2) on lines 17 through 21 of page 223 after line 9 on page 223.

Page 223, strike lines 10 and 11 and insert the following:

''(b) LIABILITY AND DAMAGES FOR EXCEEDING TARIFF RATE.—

Page 223, move lines 12 through 16 two ems to the left.

Page 223, line 16, strike ''of this title''.

Page 223, line 26, strike ''of this title''.

Page 224, line 1, strike ''(1) or (2) of this section''.

Page 226, strike lines 10 through 14 and insert the following:

''(e) ATTORNEY'S FEES.—The district court shall award a reasonable attorney's fee under this section. The district court shall tax and collect that fee as part of the costs of the action.

Page 226, line 10, strike ''

Page 227, line 6, strike ''of this title''.

Page 227, lines 13 and 14, strike ''subsection (b)'' and all that follows through ''section'' on line 15 and insert ''subsections (b) and (c)''.

Page 227, line 17, strike ''of this section''.

Page 229, line 12, strike ''filed''.

Page 229, line 12, strike ''of this title.''

Page 230, strike lines 18 through 24 and insert the following:

''(1) LIMITATION OF LIABILITY.—A carrier may limit liability imposed under subsection (a) by establishing rates for the transportation of property (other than household goods) under which the liability of the carrier for such property (A) is limited to a value established by written or electronic declaration of the shipper or by a mutual written agreement between the carrier and shipper, or (B) is contained in a schedule of rules and rates maintained by the carrier and provided to the shipper upon request. The schedule shall clearly state its dates of applicability.

Page 231, line 11, strike the parenthetical phrase.

Page 237, line 6, strike ''In any case'' and all that follows through the period on line 12 and insert the following:

The arbitrator may determine which party shall pay the cost or a portion of the cost of the arbitration proceeding.

Page 239, line 1, strike ''motor''.

Page 240, line 18, strike ''those types of''.

Page 240, after line 18, insert the following:

''(g) REVIEW BY SECRETARY.—Not later than 36 months after the effective date of this section, the Secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

Page 241, line 4, after ''with'' insert ''section 13702 or, with respect to transportation provided before the effective date of this section,''.

Page 241, line 4, strike ''of this title'' and insert a comma.

Page 241, line 7, strike ''filed''.

Page 246, line 23, strike ''subsection (a) or (b) of''.

Page 248, line 6, strike ''AGENTS AND OTHERS'' and insert ''OTHERS''.

Page 249, line 4, after ''person'' insert a comma.

Page 252, line 9, after ''registration'' insert ''of a foreign motor carrier or foreign motor private carrier''.

Page 257, in the table of sections of subchapter II of chapter 7, strike the item relating to section 725 and redesignate the subsequent items accordingly.

Page 269, lines 16 through 25, strike section 725.

Page 270, lines 1 and 4, redesignate sections 726 and 727 as sections 725 and 726, respectively.

Page 271, line 2, after ''Panel'' insert ''or the Secretary''.

Page 271, line 3, after ''Panel'' insert ''or the Secretary''.

Page 271, line 3, strike ''or times'' and insert ''and to such extent''.

Page 271, line 24, insert ''The Panel shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act.'' after ''operation of law.''.

Page 277, after line 22, insert the following:

(1) in section 5005(a)(4) by striking ''5201(7)'' and inserting ''5201(6)'';

Page 277, line 23, strike ''(1)'' and insert ''(2)''.

Page 278, line 1, strike ''(2)'' and insert ''(3)''.

Page 278, after line 5, insert the following:

(B) in section 5201(2) by striking ''a motor common carrier, or express carrier'' and inserting ''or a motor carrier'';

(C) in section 5201(4)—

(i) by striking ''common''; and

(ii) by striking ''permit'' and inserting ''registration'';

(D) in section 5201(5)—

(i) by striking ''common'' each place it appears;

(ii) by striking ''10102(14)'' and inserting ''13102(11)''; and

(iii) by striking ''certificate of public convenience and necessity'' and inserting ''registration'';

(E) by striking paragraph (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(G) in section 5201(6), as so redesignated, by striking ''certificate of public convenience and necessity'' and inserting ''certificate or registration'';

Redesignate subsequent subparagraphs on page 278, accordingly.

Page 278, line 10, strike ''(B)'' and insert ''(H)''.

Page 278, lines 10 and 11, strike ''paragraph,'' and all that follows through the semicolon on line 12 and insert the following:

paragraph—

(i) by striking ''Commission'' and inserting ''Panel''; and

(ii) by striking ''motor common carrier'' each place it appears and inserting ''motor carrier'';

Page 278, line 22, strike ''and''.

Page 279, line 2, strike the period and insert ''; and''.

Page 279, after line 2, insert the following:

(M) in section 5215(a) by striking ''motor common carrier'' and inserting ''motor carrier''.

Page 280, line 10, strike ''Board'' and insert ''Panel''.

Page 282, line 5, strike ''Board'' and insert ''Panel''.

Page 283, line 15, strike ''board'' and insert ''Panel''.

Page 291, line 1, before ''part'' insert ''common carriers of passengers under''.

Page 291, line 3, before ''part'' insert ''carriers of passengers under''.

Page 291, line 9, strike ''11501(g)(2)'' and insert ''14501(b)(2)''.

H.R. 2564

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: Page 36, line 11, strike ''AMENDMENT'' and insert ''AMENDMENTS'', in line 13 insert ''(a) REPORTS.—'' before ''Strike'' and insert after line 21 the following:

(b) DEFINITIONS.—

(1) AGENT OF A FOREIGN PRINCIPAL.—

(A) IN GENERAL.—Section 1(c) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611(c)), is amended—

(i) by striking ''agent of a foreign principal'' each place it appears and inserting ''representative of a foreign principal'';

(ii) in paragraph (1)(iv), by striking ''and'' after the semicolon at the end;

(iii) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(3) any person who engages in political activities for purposes of furthering commercial, industrial, or financial operations with a foreign principal.

For purposes of clause (1), a foreign principal shall be considered to control a person in major part if the foreign principal holds more than 50 percent equitable ownership in such person or, subject to rebuttal evidence, if the foreign principal holds at least 20 percent but not more than 50 percent equitable ownership in such person.''.

(B) FURTHER DEFINITION.—Section 1(d) of that Act (22 U.S.C. 611(d)) is amended to read as follows:

''(d) The term 'representative of a foreign principal' does not include—

''(1) any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the United States Postal Service information in compliance with section 3685 of title 39, United States Code, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 percent beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in subsection (b) of this section, or by any representative of a foreign principal required to register under this Act; or

''(2) any incorporated, nonprofit membership organization organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States that is registered under section 308 of the Federal Regulation of Lobbying Act and has obtained tax-exempt status under section 501(c) of the Internal Revenue Code of 1986 and whose activities are directly supervised, directed, controlled, financed, or subsidized in whole by citizens of the United States.''.

(2) POLITICAL PROMOTIONAL OR INFORMATIONAL MATERIALS.—Section 1(j) of that Act (22 U.S.C. 611(j)) is amended—

(A) in the matter preceding clause (1), by striking ''propaganda'' and inserting ''promotional or informational materials''; and

(B) in clause (1), by striking ''prevail upon, indoctrinate, convert, induce, or in any other way'' and inserting ''in any way''.

(3) POLITICAL ACTIVITIES.—Section 1(o) of that Act (22 U.S.C. 611(o)) is amended—

(A) by striking ''prevail upon, indoctrinate, convert, induce, persuade, or in any other way'' and inserting ''in any way''; and

(B) by striking ''or changing the domestic or foreign'' and inserting ''enforcing, or changing the domestic or foreign laws, regulations, or''.

(4) POLITICAL CONSULTANT.—Section 1(p) of that Act (22 U.S.C. 611(p)) is amended—

(A) by inserting ''(1)'' after ''any person''; and

(B) by inserting before the semicolon at the end the following: '', or (2) who distributes political promotional or informational materials to an officer or employee of the United States Government, in his or her capacity as such officer or employee''.

(5) SERVING PREDOMINANTLY A FOREIGN INTEREST.—Section 1(q) of that Act (22 U.S.C. 611(q)) is amended—

(A) by striking ''and'' at the end of clause (ii) of the proviso; and

(B) by inserting before the period at the end the following: '', and (iv) such activities do not involve the representation of the interests of the foreign principal before any agency or official of the Government of the United States other than providing information in response to requests by such agency or official or as a necessary part of a formal judicial or administrative proceeding, including the initiation of such a proceeding.''.

(c) SUPPLEMENTAL REGISTRATION.—Section 2(b) of that Act (22 U.S.C. 612(b)) is amended—

(1) in the first sentence by striking '', within thirty days'' and all that follows through ''preceding six months' period'' and inserting ''on January 31 and July 31 of each year file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth regarding the six-month periods ending the previous December 31, and June 30, respectively, or, if a lesser period, the period since the initial filing,''; and

(2) by inserting after the first sentence the following new sentence: ''Any registrant using an accounting system with a fiscal year which is different from the calendar year may petition the Attorney General to permit the filing of supplemental statements at the close of the first and seventh month of each such fiscal year in lieu of the dates specified by the preceding sentence.''.

(d) REMOVAL OF EXEMPTION FOR CERTAIN COUNTRIES.—Section 3(f) of that Act (22 U.S.C. 613(f)) is repealed.

(e) LIMITING EXEMPTION FOR LEGAL REPRESENTATION.—Section 3(g) of that Act (22 U.S.C. 613(g)) is amended by striking ''or any agency of the Government of the United States'' and all that follows through ''informal'' and inserting ''or before the Patent and Trademark Office, including any written submission to that Office''.

(f) NOTIFICATION OF RELIANCE ON EXEMPTIONS.—Section 3 of that Act (22 U.S.C. 613) is amended by adding at the end the following:

''Any person who does not register under section 2(a) on account of any provision of subsections (a) through (g) of this section shall so notify the Attorney General in such form and manner as the Attorney General prescribes.''.

(g) CIVIL PENALTIES AND ENFORCEMENT PROVISIONS.—Section 8 of that Act (22 U.S.C. 618) is amended by adding at the end the following:

''(i)(1) Any person who is determined, after notice and opportunity for an administrative hearing—

''(A) to have failed to file when such filing is required a registration statement under section 2(a) or a supplement thereto under section 2(b),

''(B) to have omitted a material fact required to be stated therein, or

''(C) to have made a false statement with respect to such a material fact,

shall be required to pay for each violation committed a civil penalty of not less than $2,000 and not more than $1,000,000. In determining the amount of the penalty, the Attorney General shall give due consideration to the nature and duration of the violation.

''(2)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation regarding any violation of paragraph (1) of this subsection or of section 5, the Attorney General may, before bringing any civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

''(B) Civil investigative demands issued under this paragraph shall be subject to the applicable provisions of section 1968 of title 18, United States Code.''.

(h) CHANGE IN SHORT TITLE OF THE ACT.—Section 14 of that Act (22 U.S.C. 611 note) is amended by striking ''Foreign Agents Registration Act of 1938, as amended'' and inserting ''Foreign Interests Representation Act''.

(i) REFERENCES TO AGENT OF A FOREIGN PRINCIPAL.—The Foreign Agents Registration Act of 1938, as amended is amended—

(1) by striking ''agent of a foreign principal'' each place it appears and inserting ''representative of a foreign principal'';

(2) by striking ''agents of foreign principals'' each place it appears and inserting ''representatives of foreign principals'';

(3) by striking ''agent of such principal'' each place it appears and inserting ''representative of such principal''; and

(4) by striking ''such agent'' each place it appears and inserting ''such representative''.

(j) REFERENCES TO POLITICAL PROPAGANDA.—

(1) The paragraph preceding section 1 of the Foreign Agents Registration Act of 1938, as amended is amended by striking ''propaganda'' and inserting ''political''.

(2) The Foreign Interests Representation Act (other than the paragraph amended by paragraph (1) of this subsection) is amended by striking ''propaganda'' each place it appears and inserting ''promotional or informational materials''.

(k) REFERENCES TO THE ACT.—

(1) Section 207(f)(2) of title 18, United States Code, is amended by striking ''Foreign Agents Registration Act of 1938, as amended,'' and inserting ''Foreign Interests Representation Act''.

(2) Section 219 of title 18, United States Code, is amended—

(A) in subsection (a) by striking ''agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938, as amended,'' and inserting ''representative of a foreign principal required to register under the Foreign Interests Representation Act''; and

(B) in subsection (b)—

(i) by striking ''agent of a foreign principal'' and inserting ''representative of a foreign principal'';

(ii) by striking ''such agent'' and inserting ''such representative''; and

(iii) by striking ''Foreign Agents Registration Act of 1938, as amended'' and inserting ''Foreign Interests Representation Act''.

(3) Section 5210(4) of the Competitiveness Policy Council Act (15 U.S.C. 4809(4)) is amended—

(A) by striking ''agent of a foreign principal'' and inserting ''representative of a foreign principal''; and

(B) by striking ''subsection (d) of the first section of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611)'' and inserting ''section 1(d) of the Foreign Interests Representation Act (22 U.S.C. 611(d)),''.

(4) Section 34(a) of the Trading With the Enemy Act (50 U.S.C. App. 34(a)) is amended by striking ''Act of June 8, 1934 (ch. 327, 52 Stat. 631), as amended'' and inserting ''Foreign Interests Representation Act''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, MONDAY, NOVEMBER 13, 1995 No. 179

Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Ultimate Sovereign of this Nation and of our lives, we commit this day to seek to know and do Your will. Our desire is to do what is best for our Nation. Help us to wait on You and listen patiently for Your voice whispering in our souls solutions for the complexities we face. Guide us to express our convictions with courage, but also with an openness to others. Give us humility to be more concerned to be on Your side than assuming You are on our side.

In the present conflict between the Congress and the President over the Federal budget, and with the looming crisis of governmental shutdown, we ask You to bless the negotiations of this day. Help the President and the leaders of the House and Senate to combine confrontation and compromise as they work together to find a solution to the present deadlock. We all have in common our trust in You and our dedication to serve our Nation. We relinquish our desire simply to win in a contest of wills. If we all seek You and Your righteousness, we know You will show us the answer. For Your name's sake and the good of America. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from New Hampshire.

SCHEDULE

Mr. GREGG. Mr. President, this morning it is the leader's intention to turn to the consideration of the House message to accompany House Joint Resolution 115, the continuing appropriations bill, and hopefully pass the resolution on a voice vote. Following the passage of the continuing resolution, the Senate would immediately begin consideration of the House message to accompany H.R. 2491, the budget reconciliation bill.

Four motions to instruct the conferees are in order: Regarding Social Security, health care, Medicare tax cuts, and nursing standards. There is a 1-hour time limitation on each motion. Votes will be stacked to begin no earlier than 5:30 p.m., today. And at 2 o'clock, following debate on the motions to instruct, the Senate will consider the House message on H.R. 927, the Cuban sanctions bill, in order to appoint conferees.

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

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

The legislative check proceeded to call the roll.

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

The PRESIDING OFFICER [Mr. GREGG]. Without objection, it is so ordered.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

Mr. HATFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on a bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 2491) entitled ''An Act to provide reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the following Members be the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Kasich, Mr. Walker, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Sabo, Mr. Bonior, and Mr. Stenholm.

As additional conferees from the Committee on the Budget, for consideration of title XX of the House bill, and modifications committed to conference: Mr. Kolbe, Mr. Shays, Mr. Hobson, Ms. Slaughter, and Mr. Coyne.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and subtitles A–C of title I of the Senate amendment, and modifications committed to conference: Mr. Roberts, Mr. Emerson, Mr. Gunderson, Mr. de la Garza, and [VACANCY].

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title III of the Senate amendment, and modifications committed to conference: Mr. Leach, Mr. McCollum, Mrs. Roukema, Mr. Gonzalez, and Mr. LaFalce.

As additional conferees from the Committee on Commerce, for consideration of title III of the House bill, and subtitle A of title IV, subtitles A and G of title V, and section 6004 of the Senate amendment, and modifications committed to conference: Mr. Bliley, Mr. Schaefer, and Mr. Dingell.

As additional conferees from the Committee on Commerce, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. Bliley, Mr. Bilirakis, Mr. Hastert, Mr. Greenwood, Mr. Dingell, Mr. Waxman, and Mr. Pallone.

As additional conferees from the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. Bliley, Mr. Bilirakis, Mr. Tauzin, Mr. Barton of Texas, Mr. Paxon, Mr. Hall of Texas, Mr. Dingell, Mr. Waxman, Mr. Wyden, and Mr. Pallone.

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

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As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of title IV of the House bill, and title X of the Senate amendment, and modifications committed to conference: Mr. Goodling, Mr. McKeon, and Mr. Clay.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of title V of the House bill, and title VIII and sections 13001 an 13003 of the Senate amendment, and modifications committed to conference: Mr. Clinger, Mr. Schiff, and Mrs. Collins of Illinois.

As additional conferees from the Committee on International Relations, for consideration of title VI of the House bill, and section 13002 of the Senate amendment, and modifications committed to conference: Mr. Gilman, Mr. Burton of Indiana, and Mr. Hamilton.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title IX and section 12944 of the Senate amendment, and modifications committed to conference: Mr. Hyde, Mr. Moorhead, and Mr. Conyers.

As additional conferees from the Committee on National Security, for consideration of title VIII of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. Spence, Mr. Hunter, and Mr. Dellums.

As additional conferees from the Committee on Resources, for consideration of title IX of the House bill, and title V (except subtitles A and G) of the Senate amendment, and modifications committed to conference: Mr. Young of Alaska, Mr. Tauzin, and Mr. Miller of California.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of title X of the House bill, and subtitles B and C of title IV and title VI (except section 6004) of the Senate amendment, and modifications committed to conference: Mr. Shuster, Mr. Clinger, and Mr. Oberstar.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title XI of the House bill, and title XI of the Senate amendment, and modifications committed to conference: Mr. Stump, Mr. Hutchinson, and Mr. Montgomery.

As additional conferees from the Committee on Ways and Means, for consideration of titles XII, XIII, XIV, and XIX of the House bill, and subtitles H and I of title VII and title XII (except section 12944) of the Senate amendment, and modifications committed to conference: Mr. Archer, Mr. Crane, Mr. Thomas, Mr. Shaw, Mr. Bunning of Kentucky, Mr. Gibbons, Mr. Rangel, and Mr. Stark: *Provided,* That Mr. Matsui is appointed in lieu of Mr. Stark for consideration of title XII of the House bill.

As additional conferees from the Committee on Ways and Means, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. Archer, Mr. Thomas, Mrs. Johnson of Connecticut, Mr. McCrery, Mr. Gibbons, Mr. Stark, and Mr. Cardin.

Mr. HATFIELD. I move that the Senate insist on its amendment and agree to the conference requested by the House.

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the four motions to instruct the conferees are now in order. The motions to instruct are relative to Social Security, health care, Medicare and tax cuts, and nursing home standards.

MOTION TO INSTRUCT—NURSING HOME STANDARDS

Mr. PRYOR. Mr. President, I have the first motion to instruct the conferees, and this motion does, in fact, relate to the nursing home standards. Is it in order now?

The PRESIDING OFFICER. Yes, it is in order.

Mr. PRYOR. Mr. President, I send my motion to the desk to instruct conferees.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

MOTION TO INSTRUCT CONFEREES

Mr. Pryor moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 2491 be instructed to insist upon maintaining the Federal nursing home reform provisions of law that were enacted as part of the Omnibus Budget Reconciliation Act of 1987 and that provide for Federal quality standards and mechanisms for enforcement of such standards for nursing homes under the medicare and medicaid programs without an option for a State to receive a waiver of such standards.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized for 40 minutes.

The Senator from Michigan will be recognized for 20 minutes.

Mr. PRYOR. Mr. President, later today, the U.S. Senate is going to be making a very, very interesting decision relating to the choice of the standards that we are going to employ for the 2 million nursing home residents who are today residing in America's nursing homes.

By the year 2030, Mr. President, we will no longer have 2 million nursing home residents. We are going to have 4.3 million nursing home residents residing in America's nursing homes. The question that we are going to decide this afternoon, Mr. President, is going to be that choice that we express as to which standards and how high the standards will be of protection—or I should say the protection for these nursing home residents who today reside in America's nursing homes.

In 1987, the U.S. Congress decided, after serious studies, after absolute horror stories, that it was time to have uniform standards on the Federal level. In 1987, for the first time, sweeping reform measures, sweeping standards were enacted in what we call now OBRA '87. Mr. President, necessitating this action was the fact that many of the States were not complying with the law, nor were they enforcing present State standards, nor was there a uniform code of standards nationwide that governed the policing, you might say, the regulating and the standard setting that protected nursing home patients.

OBRA '87 came about. Today we are proud to report that, last evening, approximately 142,000 nursing home residents in America went to bed, went to sleep unrestrained. We are proud to report, Mr. President, that 30,000 nursing home patients today in America do not have bedsores because of the nursing home reforms and the strict guidelines of 1987.

In 1987, it was not a partisan effort. In fact, the late Senator John Heinz, former Senator DURENBERGER, former Senator Mitchell, majority leader George Mitchell of Maine, and many others in the Senate coalesced to bring about a bipartisan effort to have uniform, very carefully crafted procedures and standards on the national level, whereby these nursing home residents would be protected.

Mr. President, the irony of all of this argument today is, I do not know why this issue is before the U.S. Senate. These standards were working. In fact, these standards were working very well.

I ask unanimous consent that each of these letters I will refer to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BEVERLY ENTERPRISES, INC.,
Fort Smith, AR, October 25, 1995.

Hon. DAVID PRYOR,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PRYOR: Beverly Enterprises, the nation's largest provider of long term care services in the United States, supports strong, uniform and consistent Federal Standards for nursing homes and believes the focus of current efforts should be on improving, not eliminating the current standards.

Since Congress enacted the Nursing Home Reform Statute of 1987 (OBRA '87), Beverly has supported the Statute and continues to support the retention of Federal Standards.

It is critical that the health, well-being and dignity of our nation's elderly citizens be protected in every nursing home in the country. We believe that Federal quality standards are an effective way to ensure that this is achieved.

Beverly's commitment to the OBRA '87 Standards is evidenced by our institution's training programs throughout the company and the adoption and application of standards that in many instances exceed OBRA requirements. Prior to the implementation of OBRA '87, in October of 1990, our quality Management program required our facilities to meet standards similar to those required by OBRA '87. As a result we have exceeded the compliance rate of the industry as a whole for the last five years. The recent Consumer Report study recognized Beverly's compliance rates.

We recognize the need for industry-wide standards. We agree fully that there must be uniformity and consistency in quality standards across the States. OBRA '87 has been an impartial landmark in setting the ground work and we urge Congress not to eliminate the progress that has been made in improving the care provided to our nation's frail elderly.

Sincerely,

DAVID BANKS.

STATEMENT OF STEWART BAINUM, JR., SUBMITTED TO THE SENATE SPECIAL COMMITTEE ON AGING, OCTOBER 26, 1995

As the Chairman and Chief Executive Officer of Manor Care, Inc., I want to express our strong support for retention of the Nursing Home Reform Act of 1987 (OBRA '87). Manor Care owns and operates 170 skilled nursing

facilities in 28 states, and provides care to over 20,000 residents.

The OBRA '87 reforms represent the most comprehensive revision of nursing home regulations since the inception the Medicare and Medicaid programs in the sixties. As I recall, the bill was over 1000 pages long, and addressed critical areas of care, such as resident assessment and care planning, nurse aid training and testing, resident rights, nurse staffing ratios, and enforcement. The final product reflected the agreement reached among 60 national organizations, representing consumers, seniors, providers, and state regulators. It was a painstaking process that worked. In fact, OBRA might depict one of the finest collaborative achievements ever in the history of health care legislation.

Manor Care proudly supported OBRA in 1987 because the legislation offered a valuable means of protecting and promoting the quality of life for one of the most vulnerable segments of our population. We must afford nursing home residents an environment which is safe and ensures their physical and mental well-being. OBRA '87 has been widely successful in accomplishing this goal.

Manor Care pledges to continue to meet these federal quality standards because they are reasonable, and have led to significant improvements in the care delivered to our residents. As a national company, we are supportive of the uniformity and consistency these standards provide across the states.

OBRA created a system of care delivery to help guarantee the dignity and respect of institutionalized seniors. Do not undo the valuable work that has been done. We ask that Congress support retention of the Nursing Home Reform Act and its standards. Stated most simply, it is the right thing to do.

Mr. PRYOR. Mr. President, one of the letters is from Beverly Enterprises, dated October 25, 1995. This is the largest provider of long-term care services in the United States, supporting keeping the stronger—not the weaker—standards embodied in this concept and instructing our conferees to maintain the strongest nursing home standards.

I will quote from the letter:

Beverly Enterprises, the nation's largest provider of long-term care services in the United States, supports strong uniform and consistent Federal standards for nursing homes and believes the focus of current efforts should be on improving, not eliminating the current standards.

This is signed by David Banks, the chief operating officer and chairman of the board of Beverly Enterprises.

Here is a statement of Stewart Bainum, Jr., to the Special Committee on Aging, October 26, 1995.

As Chairman and Chief Executive Officer of Manor Care, Inc., I want to express our strong support for retention of the Nursing Home Reform Act of 1987.

Manor Care proudly supported OBRA in 1987 because the legislation offered a valuable means of protecting and promoting the quality of life of one of the most vulnerable segments of our population.

Mr. President, what we have seen is, once again, that these standards are working so well—they are working as the Congress intended them to work—and we have seen a dramatic decrease in the dehydration of nursing home residents, a 50-percent decrease in dehydration since 1987. Second, we have seen a remarkable decrease of physical restraints, some 50 percent, as compared to pre-1987 periods. We have seen a remarkable decrease in indwelling urinary catheters used on nursing home residents. We also point with great pride to that significant victory. Across the board, the nursing home regulations have not only worked, but they have worked well and they are working today.

So why are we trying to repeal the nursing home standards that everyone agreed to in 1987, that even the major providers agree to today, that all of the statistics show are working, that the nursing home residents are being protected, as they have been never before protected in our nursing homes? Why is it that we are suddenly trying to eliminate these standards?

Mr. President, to me, that is a mystery.

On October 27, by a vote of 51 to 48 in this Chamber, the Senate went on record as adopting the more stringent and retaining the Federal standards for nursing home protection.

A short while later, only about 6 hours later, Mr. President, we were discussing and had laid before the Senate the so-called Roth amendment which was sponsored by our colleague and friend, Senator ROTH, the chairman of the Finance Committee.

By a vote of 57 to 42, Senator ROTH's amendment prevailed. In my opinion and in the opinion of others, Mr. President, we dramatically, I should say, weakened the present nursing home standards.

This is just not my opinion that we are weakening these standards, Mr. President. It is also the opinion written on November 1 by the National Association of State Long-Term Care Ombudsman Program Directors, Mr. President.

Today we are writing to voice our opposition—from the ombudsmen who are out there in these nursing homes every day—to Senator ROTH's omnibus floor amendment [which] was passed and included nursing home provisions that can gravely weaken the quality of care standards you helped to reinstate.

. . . we believe this will be harmful to the quality of care provided to nursing home residents across the country.

Mr. President, not only do the ombudsmen out there in these homes every day feel that we are about to weaken these standards unless we instruct our conferees to keep the present hard standards—I should say stronger standards.

We have a letter from the Nursing Home Reform Coalition group.

The Coalition, however, does have serious concerns about the amendment providing for state waivers from the federal standards, passed by the Senate on Friday, October 27. The language in the amendment would allow States with standards ''equivalent to or stricter than'' the federal requirements to use its own standards.

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We urge you, Senator PRYOR, and your colleagues, to consider the following recommendations:

Do not support maintaining this waiver provision

* * * * *

Provisions giving the Secretary the authority to take action against a facility providing substandard care, and where the state has not taken adequate enforcement action.

Mr. President, I ask unanimous consent that the letter from the Nursing Home Reform group, from the Ombudsmen who have written in about the nursing home standards be printed in the RECORD.

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

NATIONAL ASSOCIATION OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS,

Austin, TX, November 1, 1995.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: Thank you for your successful effort in offering an amendment that reinstated the nursing home quality standards into the Senate Budget Reconciliation Bill. It was rewarding that it received some bipartisan support. This was particularly meaningful considering the House Bill eliminated these critical federal standards entirely.

Today we are writing to voice our opposition to Senator Roth's omnibus floor amendment was passed and included nursing home provisions that can gravely weaken the quality of care standards you helped reinstate.

As you know, the Roth amendment allows States to apply for and be granted waivers from the federal nursing home regulations. As stated in the amendment, a State can seek a waiver if it has equivalent to or stricter requirements as determined by the Secretary of Health and Human Services. For the following reasons, we believe this will be harmful to the quality of care provided to nursing home residents across the country.

It could lead to 52 different sets of standards. This would make federal oversight and enforcement impossible.

The provision lets the door open for States to seek private accreditation of nursing homes as their form of quality standards. The Ombudsman Program's experience has shown that accreditation alone is no indication of quality care.

This would crate another level of federal bureaucracy charged with the task of approving and then monitoring the waiver.

There would be increased cost upon the states to write and apply for a waiver as well as the federal government's cost with the administration of the waivers.

NATIONAL CITIZENS' COALITION FOR NURSING HOME REFORM,

Washington, DC, November 1, 1995.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRYOR: The National Citizens' Coalition for Nursing Home Reform commends you for your leadership in having the federal nursing home standards maintained in federal law. As you are aware, federal standards are critical to achieving and maintaining uniform basic good standards of quality of care and life for our nation's nursing home residents, many of whom are frail and vulnerable.

The Coalition, however, does have serious concerns about the amendment providing for state waivers from the federal standards, passed by the Senate on Friday, October 27. The language in the amendment would allow

States with standards ''equivalent to or stricter than'' the federal requirements to use its own standards.

If states had standards that were stronger than the federal standards, there would be no need for a waiver, as the stronger standards could be implemented through state licensing requirements. States and facilities are always held to the higher of state or federal standards. Thus, nothing is gained by providing for such a waiver.

Further, it is unclear whether all of the state's standards would have to be equal to or stronger than the federal requirements, or whether a state waiver request would be approved if some of the state standards were equal or stronger. Only enforcement provisions are specified in the amendment language, thus casting doubt that all standards in state law will be evaluated.

When evaluating standards, it is not enough to approve a waiver request based on the fact that a state plan contains the same broad categories of requirements contained in the federal standards. The Secretary has the responsibility of also evaluating the substance of each category under the state plan, and only approve a waiver if the substance of each category is equal to or stronger than the federal standards.

To highlight the importance of the substantive requirements of the federal standards, the bill recently passed by the House of Representatives contains what have been described as ''Quality Standards for Nursing Homes,'' provisions which will replace the standards contained in the Nursing Home Reform Act. In reality, the provisions in the House bill are a mere shell—lacking any substance—of the requirements under the Nursing Home Reform Act. Evaluating any State plan under the type of general provisions contained in the House bill, is no guarantee of the strength of those state provisions. We have prepared side-by-side comparisons of the requirements contained in the House MediGrant bill with the requirements in the Nursing Home Reform Act, and would be happy to share that with you. The same omission occurs in the lack of substantive language in the waiver provision.

Many states will argue that they currently have provisions that are as good or better than the federal law. Most states currently make that argument. California, for example, announced in October 1990, the effective date of the nursing home reform act, that since it's law was as good as the federal law, it would not implement the federal law. A class action lawsuit was filed against the state to compel implementation of the law. The federal district court ruled that California's law was not equivalent to federal law, and ordered the state to implement the entire law immediately.

Currently, no state has all the provisions of the Federal law, and there is no provision for a waiver from the federal standards. This amendment will result only in costly and unnecessary reviews of state plans and time spent defending denials of waiver requests. Considering the budgetary cuts facing the state and the federal governments, this is surely not the most effective use of limited funds and resources.

The language in this amendment leaves several other loopholes which would undermine the strength of the federal standards. First, there is a provision for a 120-day approval period, a time frame that includes public comment. This time frame is not adequate for public comment to be solicited, received, and the state plan evaluated. So the question arises, what happens if there has been no approval or denial by the 120th day? The amendment language is silent. It would be a travesty if the waiver were deemed approved. We could guarantee that states would then be free to implement standards that were not at least equal to the federal requirements. Residents would, once again, be put at risk of being subjected to lower quality standards, poor care, and violations of their rights.

Additionally, the amendment language does not include any authority for the federal government to take enforcement action against facilities. The enforcement authorized by the amendment is against the State for failing to comply with Medicaid law, or with the state law they have been granted a waiver to use a place of federal law. Thus the Secretary could never take action against a facility, an important tool for achieving facility compliance in meeting contract obligations.

Further, subparagraph (b) Penalty for Noncompliance limits the federal government's ability to enforce the Medicaid requirements to a withholding of ''up to but not more than'' 2% of the State's ''MediGrant.'' Studies have shown that poor care in nursing homes results in high costs to Medicare due to unnecessary hospitalizations. The state, however, incurs no cost after the resident leaves the nursing facility for the hospital. Thus, it may prove to be less costly for some states to incur a 2% penalty than to ensure that quality standards are being maintained.

Uniform standards for nursing homes, in addition to providing protections for residents and families, also serve another purpose. Standardized resident-level data is necessary in order to generate quality indicators. This enables Federal oversight of quality issues across states and facilitates quality improvement activities which result in cost effective techniques for the care of nursing home residents. This data also provides meaningful consumer information. Allowing states to obtain a waiver from the federal standards would seriously inhibit the ability to collect this important data.

We urge you, Senator Pryor, and your colleagues, to consider the following recommendations:

Do not support maintaining this waiver provision.

If it is inevitable that this provision will remain in the bill, we urge you support including the following provisions in the bill:

The requirement for a written determination that all provisions and substance of state law are equal to or stricter than the federal requirements in assuring that residents attain and/or maintain their highest practicable physical, mental, and psychosocial well-being before a waiver will be granted;

Stating that any waiver request not approved in writing within the specified time period would be deemed denied;

Provisions giving the Secretary the authority to take action against a facility providing substandard care, and where the state has not taken adequate enforcement action;

Requirement that the penalty for failure of a State to comply with a provision of Medicaid law, or State law requirements under a waiver, is the current 100% withholding of Medicaid payments to the state;

Including a private right of action for residents and their representatives to challenge the Secretary's granting of a waiver before it goes into effect.

Thank you for your dedication to the quality of care and services provided to nursing home residents. We look forward to working with you on these issues.

Sincerely,

ELMA HOLDER,
Executive Director.

Mr. PRYOR. I offer also some other concerns I have about the standards as set forth in the Roth language versus the language that we are trying to get the conferees to adopt at this time.

First, in States that get waivers, the Secretary of HHS will have no enforcement authority against individual facilities and weaker enforcement authority against the States as a whole.

Now, why do we want weaker authority? Why do we want weaker standards? This is something that we are asking today as a question.

The second weakness is, Mr. President, that the language only says what the Secretary can do to the States, not to individual nursing homes.

For example, if a State has been given a waiver, if HHS determines that the State, for example, of New Hampshire has laws and regulations that are equal to or better than the Federal provisions, so the HHS Secretary stamps a document saying, ''You are under no Federal regulations,'' then the State of New Hampshire at that time, notwithstanding that a nursing home or several nursing homes absolutely are giving unconscionable treatment to their nursing home residents, the Federal Government has no authority, no empowerment to do anything about those particular homes.

They can move against a State. They cannot move against the particular homes. Those residents, those nursing home residents, Mr. President, are sitting there, lying there, housed there absolutely helpless and without an advocate to come to their side to protect them.

The third concern, Mr. President, current law today allows the Secretary to withhold all Medicaid funds from the States that have problems in nursing homes.

Senator ROTH's amendment that was approved by the Senate which preempted the so-called Pryor-Cohen amendment, the Roth amendment only allows the Secretary to withhold 2 percent of Medicaid funds from waiver States.

What kind of a lever is that? What kind of a bargaining chip is that, just to be able to hold 2 percent of the Medicaid funds from those States with a waiver?

Also, Mr. President, look at the litigation. Just imagine the litigation that is going to result if we do not keep the present standards. If we wade off into this unknown field that our colleagues on the other side of the aisle have presented to us and say, ''If you get a waiver, you can do this,'' but there are no guidelines. We are not sure what is going to be the law or the regulations that each State will adopt. We will just do our best.

Mr. President, how much litigation is going to result from this indecision, from this attempt at obfuscation of the nursing home standards that have served us so well since 1987? To me it is unconscionable for us to think about watering down the present standards that we see today that have served us so well in nursing home standards.

Mr. President, I am very hopeful that the Senate later on this afternoon

when we begin our voting process is going to support this motion to instruct the conferees to keep the present nursing home standards that we have and, once again, that have served us so very well.

Mr. President, we are also looking today at the typical nursing home resident. We look at those nursing home residents and realize that before 1987 and before we had these particular nursing home standards that we are trying to maintain today—look at the characteristics of a nursing home patient, of a nursing home resident. All of us in this Chamber, perhaps, have someone in a nursing home—an aunt, uncle, a mother, dad, grandmother, grandparent, grandfather, relative, good friend. We will look at the characteristic of the nursing home patient and residents that we have today.

Mr. President, 77 percent of all of the nursing home residents need help in dressing; 63 percent need help in toileting; 91 percent need help in bathing; 66 percent have a mental disorder. Mr. President, also, over 50 percent of the nursing home residents today in America have no relative, no friend, no one that becomes their friend and their advocate to make periodic visits, to make certain that basic rights are adhered to.

We have certain things that OBRA '87 brought about. The right for the nursing home patients and residents to choose their own physician. We are about to repeal that, perhaps. We have basically the protection that the nursing home residents can open their own mail and have the confidentiality of their medical records being protected. We are about to repeal that.

Mr. President, the average nursing home resident out there today, we feel, needs every protection, the highest standards that we can bring about. And for us to turn our back and say we are going to, basically, obliterate these standards and have them no longer, in my opinion would be a tragedy and a disgrace.

Mr. President, I see my colleague from Michigan, who has now come to the floor. I understand he is going to manage this issue for the other side. So, since he wants to speak, I assume, I will at this point yield the floor and reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum not be charged against either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ABRAHAM. Mr. President, I yield myself such time as I may need to speak more generally on the reconciliation bill that is going to be dealt with later this week.

Earlier, when this issue regarding motions to instruct was being talked about, there were several I was considering bringing. Because of the unanimous-consent agreement that was entered into, these are precluded from being brought here today, but I would like to speak responsive to those because I think it is important, as our conferees begin to meet, that they focus on some of the issues of difference that existed between the Senate package and the package that passed the House.

In particular, as you will note, Mr. President, back during the final hours of debate on the reconciliation bill, the so-called Byrd rule was invoked to remove from the Senate reconciliation bill a number of provisions which related to the welfare reform proposals that are in the reconciliation bill. I had considered bringing back some of those in the form of instructions to our Senate conferees to accede to what the House has attempted to do in these areas, because I think it was a huge mistake for the Senate to remove some of these things from our package.

Specifically, during the final hours of that debate we removed part of the welfare reform bill that would have provided States with an incentive, in the form of additional dollars, to those States that were able to reduce the rate of illegitimate births, of out-of-wedlock births, through various programs they might enact so long as they did not simultaneously increase the abortion rate as a way they might accomplish the reduction in the out-of-wedlock births. This was a topic we debated at great length here in the Senate when the topic of welfare reform was before us. It is one that really had quite a bit of consensus support on both sides of the aisle. In fact, an amendment relating to it was defeated, an effort to take it out of our welfare bill, with more than 60 Senators voting to retain this so-called illegitimacy bonus language in the bill.

I think we have heard, from both sides of the aisle and across America, great concern expressed in an ongoing basis over the problem of rising numbers of illegitimate births in our country. Indeed, we have even heard percentages that are projected to be as high as 40 percent of all children born in this country by the year 2000 will be born out of wedlock. The social indicators are that children born under these circumstances typically have higher rates of dropout from school, higher drug abuse rates, higher likelihood of becoming, themselves, involved in some type of criminal activity. It is a problem that spans the entire country and it is one which we in the Congress, I think, have responsibility to address.

The one and only way in which we attempted to address this very specifically in the welfare reform bill was through this provision, which would have provided States with the incentive to reduce the number of illegitimate births. For that reason, I was stunned when the Byrd rule was invoked, to try to remove—and in fact it did remove—this provision from the bill. In my judgment it was a terrible statement to make at the time when people from all political perspectives are arguing this is a problem of national concern and a problem we must address.

I can understand there were politics involved in the invocation of the Byrd rule with regard to the reconciliation bill on a number of fronts. But this statement was a mistake. I think making this statement sent the wrong signal. I think in many ways it was a repudiation of the concerns of average men and women, citizens across this country, who have been focusing on what we are doing here and asking, hoping the Congress will be responsive to a serious problem.

So, Mr. President, I say again, even though it is not in the form of an instruction, it is this Senator's hope the conferees will work to make sure the provisions in the reconciliation bill which addressed out-of-wedlock births in the form of providing States with financial incentives to address these problems locally will keep such language in whatever package returns to us.

Another provision which was likewise removed was the provision which would have capped the amount of time that people could be recipients of welfare benefits to 5 years. As I have traveled throughout my State, one of the concerns I hear expressed constantly by people is the notion that they do not want to see welfare become a way of life. The best and surest way to address that, I think, was the approach which we took here in the Senate in the welfare bill we did consider. It was overwhelmingly adopted. Approximately 87 Senators joined together to support the bill. In that bill we had a 5-year limit on the benefits that people would be allowed to receive from the welfare system. That, too, was a provision that was struck during the debate on the reconciliation package, again, I think sending absolutely the worst possible signal the Congress of the United States could send to people in this country who look to us to set rules that are fair and responsive to their concerns.

As I talk to the hard-working men and women of my State, who pay their bills and pay the taxes and are genuinely compassionate toward those in need, what I hear them say is, ''Fine, we want to provide a safety net. We want to be helpful. But we think there are certain points at which enough is enough. Five years seems like a reasonable period of time for them.''

For that reason, I sincerely hope, again, the conferees on the reconciliation package, whether or not it is in the form of an instruction from us, will be responsive to these concerns and retain the sort of language which we had

in the Senate bill prior to the invocation of the Byrd rule during the last hours of debate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum not be charged against either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I yield myself 5 minutes off the motion.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

THE IMPENDING SHUTDOWN OF THE FEDERAL GOVERNMENT

Mr. GREGG. Mr. President, I am not going to speak specifically to the resolution, but I do want to speak to the underlying issues with which the resolution—and the other business which we will be taking up today—is involved. That, of course, is the question of the impending shutdown of the Federal Government, what has brought it about, and where we are going.

I think it is unfortunate that it has been characterized—but it is not unusual—as I understand it, by the national press as an event which is involving a confrontation over personalities, a confrontation that has borne the position of business as usual, or politics as usual; not necessarily name calling, maybe name implying, rather than a confrontation for what it is.

This is an issue involving some very substantive philosophical differences that we have arrived at, and we have not yet arrived completely at the point of final decision, if there is ever a final point of decision, in the business of governing because the point of final decision is more appropriately the reconciliation bill at which this motion to instruct is directed. The reconciliation bill, which is now being conferenced, involves the fundamental changes which we as Republicans have proposed—or many of them anyway—especially in the entitlement accounts; fundamental changes which go to the fact that we believe the Nation's budget must be brought under control, that our Federal Government must work towards a balanced budget; and that needs to be done within a confined period of time; that we need to reach that balanced budget by the year 2002, or 7 years from now; that the way you reach that is not by cutting the Federal Government but slowing its rate of growth, and specifically slowing the rate of growth in certain major entitlement programs such as Medicare, Medicaid, welfare, farm programs; and, that in slowing the rate of growth of the Federal Government we believe—and we have put forward proposals with which we think we can deliver better programs.

We can, for example—and have—put forward a program which is going to deliver to our senior citizens we believe a much stronger Medicare system, at least one which will be solvent, which is absolutely critical, something which will not occur if action is not taken. As we have heard from the Medicare trustees, the Medicare trustees say that it is going to be insolvent unless something is done. What we have proposed—and what is being discussed—essentially is to say to seniors we are not going to allow you to keep your present health care system. But, if you wish to participate in it, we will give you a chose of other forms of health care delivery. We are going to give you choices of other forms of health delivery, like I or other Members of Congress have, and using an HMO, or a PPO, or some of these other initials, which mean basically groups of doctors and different types of health-care suppliers getting together and offering you, the seniors, service.

We are going to bring the marketplace into the Medicare system, and by bringing the marketplace into the Medicare system hopefully create more efficiencies of delivery of service while still delivering first class-service, and in the process giving our seniors more choices; and, also in the process slowing the rate of growth of Medicare.

We have proposed in the welfare area that we take this system—which is so fundamentally flawed, which has created such dependency amongst so many of our citizenry and has not allowed people to get off the system but rather put people into the system for generations—and say to those folks, ''Listen. You can only be on welfare for 5 years. You have got to be willing to go to work, if you are going to get welfare benefits.'' And, more importantly, we are going to turn it back to the States and allow the States to manage this welfare system, something that we should never have taken from in the first place because the States can do it so much better, to be quite honest, because they are closer to the people that are impacted by this.

So we are putting forward ideas which fundamentally reform the way this Government operates.

Today we are confronted with the fact that the President has vetoed the continuing resolution, which would allow the Government to operate for a couple of weeks, because he disagrees with the basic theme of the proposals that we are putting forward. It is the administration's essential position that the status quo works. I do not believe the status quo works. And many of us obviously on this side of the aisle do not believe that the status quo works. We happen to believe that this Government needs to be adjusted, that we cannot pass a Government on to our children which is fundamentally bankrupt and expect our children to have an opportunity to prosper.

So we come to the point of decision. That point of decision is going to be the reconciliation bill. But, prior to getting to that point, we have reached this preliminary discussion over about how we fund the Government for the next 2 weeks. And the President has decided to make a stand at this point on his belief that the Government of the status quo is appropriate. So that is his right. It is his right to put forward that philosophical position—that this Government is not large enough, that it should get larger, that this Government should take more taxes from our citizens rather than less tax taxes, that this Government, which has a Medicare system which is going to be bankrupt, according to our own trustees, should pursue a system which does not correct that system, or improve that system. That is his right to put forward those philosophical differences.

What I think is unfortunate, however, is that, as we move forward over the next week, we will be in a period of confrontation which appears to be one surrounding politics as usual—name calling or posturing that is superficial—rather than one that in actuality we are really discussing here, really getting to the question of how this Government is delivered over the next 7 years, as to how this Government is going to be restructured and reformed, and, in my opinion, improved, and significantly strengthened.

So as we take up this issue for the balance of the day—and I suspect we are going to be in this matter of the Government shutdown for quite a few days because I do not see any immediate resolution of it—I hope that we will stick to the issue of discussing the substance that has gotten us here, the substantive issue which have brought us to this point.

Those substantive issues really come down to this. Do we wish to bring the Government into balance? Do we wish to have a Government which is fiscally responsible, one which is a Government which we can afford, and a Government which our children can afford? That is what this debate is really all about. It is not about who talked to who on the flight to Israel. It is not about what the phone conversations were, and the tone of the phone conversations. It is about whether or not we as a nation are going to finally make some decisions, and we in the Congress and this President as a Presidency are going to finally make some decisions about restructuring this Government and make it affordable for our children, and how we go about doing it.

My expectation is that we will not resolve this overnight; that decisions which will be made in the next 24 hours will not be those so momentous as to

complete or even significantly impact that final decision process, but it may well be significant in impacting the manner in which we get to that final decision. We can spend our time over the next few days as we debate this continuing resolution, which is simply a preamble to the major issue which is reconciliation, we can spend our time debating the superficial issues of who, where, when, or what names we call each other or we can talk in terms of the substance of the debate which is how do we reform this Government and how do we take this Government which is so completely out of control and bring it under control; how do we give our children an opportunity to have a lifestyle that is better than ours; how do we become a generation which passes more on to children than was passed on to us by our elders.

These are the core issues, the issues of substance which we should be discussing over the next few days, and hopefully we can attend to those issues rather than become involved in the ancillary issues of name calling, political posturing, of Government by polls and Government by reelection.

Mr. President, I yield back such time as I may have.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Arkansas.

SETTING THE RECORD STRAIGHT

Mr. PRYOR. Mr. President, I was not planning to respond to my good friend from New Hampshire, and I agree with him 100 percent; it is not the time for name calling and politicization of this issue any longer. But I do feel it is time to set the record straight, and I would like to take just a moment of the Senate's time to sort of begin to set the record straight as to what is happening right now with regard to this issue of so-called shutting down the Government.

This is not something that just happened in the last 24 or 36 or 48 hours. This has been going on for several months now. In fact, back on September 22, Speaker GINGRICH boasted:

> I don't care what the price is. I don't care if we have no executive offices. I don't care if we have no bonds for 60 days, not this time.

That is a quote in the Washington Post September 22, 1995.

Look at what the Republicans have done. This is a fact. They have completely shut the Democrats out of the budget process. We know it. They know it. It is a fact of life. We have not been a part of this process. We have wanted to be a part of this process, but we have not been included. For example, after proposing the most massive cut in Medicare in the history of America, our Republican friends held only 1 day of hearings on this proposal—1 day. It is the biggest cut in Medicare we have had since 1965.

By comparison, the House held 42 days of hearings on Whitewater, Waco, and Ruby Ridge. The Senate held 48 days of hearings on these same issues. One day of hearings, 1 day of hearings on this massive Medicare cut.

Mr. President, I do think it is time to set the record straight. I also think it is time to realize that the President is not willing to impose an $11 a month premium increase on every single Medicare beneficiary as a condition for keeping the Government running.

Look who is being held hostage here. Every Medicare recipient in America is being held hostage, and the price is closing down the Government. And we are going to blame it on the President of the United States.

What is happening is we are only implementing what we call the Gingrich strategy. This is the implementation of a strategy that was conceived long ago but today is manufactured. It is an artificial crisis that has been created. It is a confrontation that has been dreamed up by people who do not care if this Government functions or not. It is a shameful experience. It is an experience about which I think most goodwilled people in this body actually shudder when thinking about the Founding Fathers of this country—bringing us to this point of closing down the Government in order to make political hay.

Mr. President, you know and all of us know that this artificial crisis basically revolves around one provision, the Medicare provision in the reconciliation bill, and the continuing resolution. But the truth is that the Medicare provision in this particular continuing resolution is also included in the reconciliation bill.

Why is it we have not straightened that out so far? It is pretty apparent. We have not even appointed the conferees to go to conference on the reconciliation bill, and yet we are about to close down the Government. We do not even have the conferees appointed. There is no one to go to conference with and to solve this issue. That has to be a problem, and it has to be a responsibility of the majority party in the Senate and in the House. The Chair knows this. I know this. My colleagues know this.

I think it is time to set the record straight. Earlier this morning, the Democratic party, Democratic side of the aisle had agreed; we thought we were getting ready, with unanimous consent, by voice vote to go ahead and pass the continuing resolution, let it go down to the President, not hold up this thing any longer, not continue the threat of closing down the Government, and then let the President veto it. Let him do it early in the day.

We wanted that to happen. I hope that can still happen. Right now I do not know exactly what is going on, but I do know this, that this President at this moment is ready, willing, and able to talk to the other side of the aisle, I assume at the White House or anywhere else, and talk to them about the measures necessary to keep this Government functioning as it was intended to function and to stop implementing this grand Gingrich strategy, this contrived artificial crisis which does not have to happen.

Mr. President, I understand my good friend and colleague from North Dakota would like 4 minutes, and I yield my friend 4 minutes at this time.

Mr. DORGAN. Mr. President, I thank the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes.

Mr. DORGAN. Let me take just a minute to follow on these comments.

We are here in the middle of a significant debate about the reconciliation bill and about the continuing resolution, the debt extension, and the public might wonder why. Why are we doing all of this?

A continuing resolution is necessary because virtually none of the appropriations bills have been passed on time. I think one of them reached the President on time. Most of them have not been passed through conference and sent to the President. They are supposed to be done, but they are not done.

Even more important, the law requires that the reconciliation bill be passed by Congress on June 15. It is now November 13. The fact is we are now going to in November and December debate a reconciliation bill for which there have not been conferees appointed 5 months after the law requires this Congress to do its job.

It seems to me it is hard for people who are doing this to claim they are part of some reform party. So I guess the point I would make about this issue of the shutdown is people are wanting to know who is going to share the blame or claim the credit. There is going to be no credit here, no credit in a shutdown.

Yes. I would say it is true there are too many pollsters in the White House. But it is also true, painfully true, there are too many Republican Senators running for President. That colors all of these decisions. And it is also true that Speaker GINGRICH has boasted for months about the train wreck he is apparently going to engineer and apparently we will realize this week.

There will be nothing but blame if this happens. It is not a thoughtful approach and not the right way for us to do public policy. For 200 years representative democracy has rested on the ability to compromise among differing points of view, and that is what ought to happen today and tomorrow. And we ought to solve these problems.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

MOTION TO INSTRUCT—NURSING HOME STANDARDS

Mr. DORGAN. On the specific amendment offered by the Senator from Arkansas, I came just to offer a word of

encouragement. This is a very important amendment. Those who talk about reform and a new and different future and then say, ''By the way, why do we not get rid of Federal standards or national quality standards on nursing homes'' do no service to the word change or reform.

I have sat in nursing homes for some good long while, regrettably. Many of us probably have with parents and other loved ones. I also sat recently at a hearing at which we heard from people who led the charge for nursing home reform in 1987 for Federal quality standards. You all know the stories. You have read the stories of the 1950's, 1960's, 1970's about what was going on in some nursing homes in this country. For good reason we adopted national quality standards.

Anyone who wants to retreat once again to experience the stories that we heard in the hearing recently by families who had loved ones in nursing homes, anyone who wants to retreat to that era is not understanding, in my judgment, what that era was all about. We have, I think, done a real service for our country and for senior citizens with the quality standards that came from the 1987 act, and we ought not to retreat on those standards and we ought not repeal those standards.

The first inclination of the Senate and the House was to go ahead and repeal them. Then the Senator from Arkansas raised such a fuss, as did others of us, that they finally said, ''Let's not repeal them outright. Let's just say we won't repeal them, but give the States the ability to seek waivers,'' which is the same thing for a State that wants to get them repealed.

So I am pleased today to add my voice to the amendment offered by the Senator from Arkansas. This makes good sense. Every Member of the House and Senate ought to vote for this. I am all for change. I am all for constructive change that improves things that need improving, but I am not for change that suggests let us turn back the clock to the 1950's here with respect to quality standards in nursing homes.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. Mr. President, if I might inquire, please, of the Chair, what is the time situation for the Democratic side and the Republican side of the aisle remaining on the motion?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes 40 seconds. The Senator from Michigan has 4 minutes 15 seconds.

Mr. PRYOR. Mr. President, I thank the Chair.

I suggest the absence of a quorum. I ask unanimous consent that the time used in the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ABRAHAM. I yield myself such time as I may have remaining. I may use all of it; I may not.

Mr. President, I think it is important for us in this discussion of the nursing home standards to emphasize several points that are part of the Senate-passed reconciliation bill which is going to conference because some allusions have been made that would suggest that there is an interest in that package in backing away from Federal standards that have been created here in the Congress.

I just would say this: I think that part of that attitude or that sentiment is also suggesting that somehow the States and local communities of our country are lacking in the compassion and the concerns that we have here in Washington. I cannot speak for what might have been the conditions in the 1950's or 1960's that were referenced, but I believe that in the 1990's Governors and State legislators have every bit as much concern and compassion about these issues as we do here in Washington.

I also think it is the case that a lot of States had these concerns before we did here in Washington. Proponents of the Federal standards have suggested that what this legislation does, as passed over here, is to eliminate these standards altogether. But the bottom line, Mr. President, is that the Senate bill does include the Federal nursing home standards.

States, however, have complained about the administrative burdens associated with implementing these Federal standards since the very beginning. Obviously, there is inevitably some tug of war that goes on between Federal and State governments over the rules and regulations. We do not in the legislation we passed propose in any sense to back away from the Federal standards that are out there, but we do acknowledge sometimes the implementation of a Washington-knows-best, one- size-fits-all approach does not translate into efficiency in government at the State and local level because of the diversity between the 50 States.

Therefore, what we have done in the bill that passed the Senate is not back away from Federal standards. We have retained them in the legislation. What we have done, however, is include a provision that only allows States with nursing home standards that are equal to or stricter—or stricter—than the Federal standards to seek a waiver from the Secretary of Health and Human Services.

Let me just go over that again, Mr. President. We are not talking about less stringent standards. We are talking about States that have equal or more strict standards may seek a waiver from the Secretary of HHS to be able to use their standards and to supplant Federal standards with the stricter standards that they may have at the State level.

We are talking here about seeking a waiver, Mr. President. We are not talking about anything that happens automatically. The Secretary of Health and Human Services must reach the conclusion that the State standards are equal to or stricter than the Federal standards before the waiver will be granted. If the Secretary does not believe that the State nursing home standards are equal to or stricter than the Federal standards, no waiver will be granted. That seems to me to be the best way, Mr. President, to preserve the tough standards that I think all of us here at the Federal level want to see maintained across this country.

I just say that the comments of the Senator from North Dakota struck home with me, as I am sure they did with many others, because I would bet virtually every Member of this body has had a loved one at one time or another confined to some type of care facility, a nursing home or other similar care-providing facility. We want those tough standards. But we also recognize, and I think this compromise is the way to achieve it, that sometimes the States can do it better, the States can do it less expensively, and the States can have tougher standards.

Obviously, different States have had different experiences. But my State, I think, is a good example of one which was ahead of the curve on these issues. Michigan was interested in quality nursing homes long before the Federal Government established its standards in 1990. Indeed, the Michigan Nursing Home Reform Act was passed and signed in 1978. And it was a much tougher law than anything that existed at the time.

It still contains some of the strongest penalties in the country for poor performance. In fact, recently an effort to test the standards of our nursing homes found that our State government did its tests. Only one nursing home it went into failed to meet the tough standards Michigan imposed. We are proud of the way we oversee these facilities. I think other States are, too. I think this waiver system is the way to balance Federal concerns with State flexibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROCKEFELLER. Will the Senator yield?

Mr. ABRAHAM. My time has expired.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Who yields time?

Mr. ROCKEFELLER. Might the Senator from West Virginia ask the Senator from Arkansas a question?

Mr. PRYOR. Mr. President, should the Senator from West Virginia like

some time to ask a question to the Senator from Michigan, I will be glad to yield to him 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I say to the Senator from Michigan, I just came on the floor this moment, but I thought I heard the Senator saying that States, where standards are as strict or stricter than Federal standards, could seek a waiver.

Mr. ABRAHAM. Right.

Mr. ROCKEFELLER. That leads to the question as to States which are not restricted or whose standards are in compilation or regulations are being made, et cetera. I ask this question: It was my impression at one time in the evolution of the majority party's standards for nursing homes that each State was allowed to describe and make its own standards; is that correct?

Mr. ABRAHAM. Mr. President, it is my understanding we are debating today the current focus of the reconciliation debate, which is the bill that passed the Senate. I believe in the perfecting amendment the Finance Committee brought to us, the concerns that were raised about standards being below Federal standards were addressed in such a way that the only waivers that will be permitted are those which would be offered for States that have standards that are equal to or stricter than.

Mr. ROCKEFELLER. I understand that. I am not even talking about the waiver question. I am talking about the matter of States setting standards, whether or not they get to the waiver point. Is it not true that all 50 States would then get to set their own standards, and then at some point along the line, obviously somebody would make a judgment as to whether the waiver was justified or unjustified?

Mr. ABRAHAM. Right now, my understanding is States are free to set their standards today. The issue of whether to comply with their own standards or to be held to a higher or Federal standard is going to be determined by the Secretary of Health and Human Services who would be empowered to decide whether or not those State standards that they might set were equal to or stricter than the Federal standards. If they are not, then they cannot be used.

That is my understanding of the way this would work. I believe right now the legislature of Michigan or the legislature of West Virginia could pass legislation that would have standards of their own choosing. The issue of whether or not those would be preempted by Federal standards, I think, would be determined, under our bill, by the Secretary of HHS who might decide the Michigan standards, as has been the case for many years, are tough standards; tougher, in fact, in many cases than Federal standards.

Mr. ROCKEFELLER. I think before the time runs out, let me just make my point to the Senator. And that is, I understand the point the Senator is making, but I think there are a large number of States, I believe, which do not come under any kind of Federal standards, whether they are by waiver or not, which are allowed to make their own standards, which is not exactly the same as it is today where States do have to comply with certain Federal standards, witness 1987. And that the Senator makes the assumption that the junior Senator from West Virginia would not make, and that is that the States would make standards for their nursing homes which would be at or above Federal standards. That is something which concerns me greatly, but I was trying to seek information from the Senator.

Mr. ABRAHAM. Just in summary, my impression and understanding of what we attempted to accomplish here was to create a Federal standard that would be a floor rather than a ceiling, and if States wanted to have more strict standards, they would be permitted waivers to do so, but they would not be permitted waivers if they had standards less strict. That is my impression of the legislation.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. PRYOR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. PRYOR. Mr. President, I do not plan to use 8 minutes, but I would like to, basically, close my proposal that our conferees, when named, be instructed to keep the present standards for nursing homes this Congress adopted by an overwhelming bipartisan support in the great effort of 1987.

I would like to talk about the substance of the difference between our proposal and the proposal as supported, evidently, by our good friend from Michigan and his colleagues on the other side.

First, we are yielding two things in the Roth proposal that we voted for on October 27. We are yielding two things. The Federal Government, notwithstanding the fact that all nursing home residents—most of them, two-thirds—are Medicaid paid for, so there is a Federal involvement, a Federal attachment, but the Federal Government is saying, unless we instruct the conferees, unless we keep the present standards, the U.S. Government is saying in effect, we are giving up any protection or any regulations or any enforcement opportunities, notwithstanding the fact that nursing home residents are not treated fairly; that they are given poor food; that they are not clothed properly, they are not bathed properly. All this can take place, and if a State has a waiver, Mr. President, the Federal Government has given up that opportunity to enforce standards.

The second major concept that I would like to talk about that my friend from Michigan has raised—and I thank my good friend from West Virginia who has been so strong in the movement behind keeping the strongest and strictest standards—is the concept of a State being able to adopt stronger standards. That is the law today. That is the beauty of the 1987 law.

The Federal Government said, ''States, if you want to, you can adopt stronger standards than the Federal Government has.'' That is what we said to the States. There is a former Governor of a great State, a great Governor of the State of West Virginia. I was the Governor of Arkansas. I may not have been a very great Governor, but I was a Governor. I said, that makes sense. I said that in 1987, that makes sense.

So today we give the States that opportunity to go forward to adopt any stronger standards they would like if they think that Federal standards are not sufficient. But if the States apply to HHS and the Secretary of HHS stamps that piece of paper and says you have a waiver, then the Federal Government is walking away from its powers to enforce, the Federal Government is walking away from its powers to regulate, and we are going to rue the day, because we are going to find ourselves back in the pre-1987 period of time when we saw that many of the nursing home residents were not being cared for, that they were not being protected, that there were too many bedsores, that they were improperly tied up, that they were improperly looked after, basically, Mr. President, and there is no reason—there is no reason—as Time magazine said, there is no reason for us to go back to the dark ages. There is no reason for it. There is no support for it.

I can say, if we had the 2 million nursing home residents out there in our country voting as to whether they would like to have this extra amount of protection by the Federal Government, I think all of us in this body would know what that vote would be. I bet it would be unanimous, of all 2 million residents out there who would be saying, ''Thank you for that extra protection because my quality of life is being made better.''

Mr. President, this has been an issue for some weeks now that has basically been a very grave concern to many in this body and many in the other body, many organizations. But if I might, I would like to state just a few of the groups who have written in support of keeping the strongest standards:

The American Association of Homes and Services for the Aging; the American Federation of State, County and Municipal Employees; the American Geriatrics Society; the American Health Care Association; the American Medical Directors Association; the Catholic Health Association; the Catholic Social Services Organization; the United Auto Workers, and actually a long list of individual nursing homes across our country that in the past you might have said, ''Well, these nursing

homes would like to get by with no regulations.'' That is not the case.

These regulations, these standards are uniform. They are true in every State. They are the same in every State. If I had a mother living today and she were in a nursing home in California, I could be living in Oregon and I would know exactly what those regulations were, because they are the same all over this country. We need to keep that. We should not obfuscate the nursing home regulations. We should not invite lawsuit after lawsuit to try to find out what these regulations meant. I have a letter from the National Senior Citizens Law Center.

I ask unanimous consent that their analysis of the legislation, as proposed by Senator ROTH, be printed in the RECORD.

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

NATIONAL SENIOR
CITIZENS LAW CENTER,
Washington, DC, November 1, 1995.

Hon. DAVID PRYOR,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR PRYOR: At the request of Theresa Forster of your staff, I have reviewed the language of the Roth Amendment that addresses nursing home reform. For the reasons stated below, I do not believe that the Roth Amendment reinstates the federal nursing home reform law, as does the Pryor/Cohen Amendment, Number 2983, which was approved by the Senate earlier in the day on October 27. The Roth Amendment fails to provide nursing facility residents with the full protection of the federal law.

1. The waiver language does not make sense, when analyzed. Although there is surface appeal to saying that the protections of federal law will be waived only if the Secretary of the Department of Health and Human Services determines that a state's law is ''equivalent to or stricter than the requirements'' of federal law, this provision does not make sense when it is analyzed. If a state's law were the same as or stricter than federal law—and therefore the state was doing the same or more than federal law required—why would the state want or need to get a wavier of the federal law? It makes no sense.

Senator Cohen said on the Senate floor on October 27:

''I do not know of any State that has the same or better [standards] than the Federal ones. But assuming States come forward, as they have not in the past, *and raise their standards to those at the Federal level.* If they can establish that, and if they can satisfy the Secretary of Health and Human Services that they have done that, that does not mean they are free and clear to go forward and then abuse their patients. . . .'' [emphasis supplied]

Congressional Record, Oct. 27, 1995, S 16044. As Senator Cohen correctly points out, states could meet the Roth Amendment test only by raising their standards to the level of current federal standards. Therefore, the waiver provision makes no sense.

Moreover, a state can always offer more protection to residents than federal law provides, under state licensing authority, and some states do. For example, some states require more extensive training for nurse aides than federal law currently provides.

2. The Roth Amendment includes no standards for the Secretary to use in considering states' waiver requests. In reality, under the Roth Amendment, states will seek waivers of the federal law when their laws are different from federal law. However, the Roth Amendment includes no standards for the Secretary to use in analyzing a state's law. Does a state's law have to be equally stringent in each and every aspect of federal law? Or will waivers of parts of the law be allowed?

Current federal law addresses, with respect to standards required of nursing facilities: quality of life, quality assessment and assurance, scope of services and activities under plan of care, resident assessment, provision of services and activities, required training of nurse aides, physician services, clinical records, residents' rights (including free choice, freedom from restraints, privacy, confidentiality, accommodation of needs, grievances, participation in resident and family groups, participation in other activities, examination of survey results, notice of rights and services, rights of incompetent residents, transfer and discharge rights, access and visitation rights, equal access to quality care, admission policy protection of residents' funds), administration and other matters, life safety code, and sanitary and infection control and physical environment. Current federal law also addresses the survey and certification process and enforcement of standards.

Senator Cohen said on the Senate floor on October 27: ''The amendment clearly indicates that no such waiver is allowed unless the Secretary approves the waiver, and *only if each standards is equal to or more stringent than the Federal Standard.*'' [emphasis supplied]

Congressional Record, Oct. 27, 1995, S 16043. The language of the Roth amendment does not state that each state standard must equal each federal standard.

Moreover, the federal reform law now permits states to use their own laws and systems to enforce nursing home standards if they demonstrate to the satisfaction of the Secretary that their laws are as effective as the remedies specified by the federal law in deterring noncompliance and correcting deficiencies. 42 U.S.C. §1396r(h)(2)(B)(ii). No state has used the process provided by the reform law to request the right to use its own enforcement system since the new system went into place July 1, 1995.

3. The Roth Amendment offers no process for the Secretary to use in granting state waivers. The Amendment authorizes a 120-day ''approval period,'' (§2137(a)(2)(C)), but does not specify what processes the Secretary must use. For example, there is no provision for notice to the public or for a public hearing on a state's request for a waiver. There is no requirement that the Secretary issue a written determination that a state's law meets the stringency standard and no provision for residents to seek judicial review of the Secretary's decision to grant a waiver.

4. The Roth Amendment does not specify what happens to a state's request for waiver if the Secretary falls to act within the 120 day approval period. If the Secretary does not act to grant or to deny a waiver request within the 120 day approval period, the Amendment does not say whether the waiver request is deemed approved or deemed denied. If the Secretary receives many waiver requests, he/she may need more than 120 days to decide the requests.

5. In reality, many states will argue that their laws are equal to or more stringent than federal law. Despite the language of the amendment, which limits waivers to states whose laws are equivalent to or stricter than federal law, many states will argue that their laws meet the standard, regardless of the merits. Many states already routinely make this argument.

California argued in the summer of 1990 that its law was as good as federal law when it sought an exemption from the law from the Health care Financing Administration and from Congress. California also argued that complying with federal law would cost billions of dollars more than the existing system. HCFA rejected a waiver because it had no authority to waive the federal law and Congress also refused to exempt California from the requirements of federal law. California nevertheless went forward with it defiance of federal law and announced publicly on October 1, 1990, the effective date of the law, that it would not implement federal law. As a result, a statewide class of residents in California sued the state to compel it to implement the federal law. I was and still am, lead attorney for plaintiffs in that litigation. The federal district court ruled in January 1991 that California's law was not the same as federal law and that it offered residents less protection. Finding that residents faced irreparable harm from California's conduct, the court ordered California to implement the entire law immediately. If the reform law had not been in place, with its lack of provision for waiver of federal standards, California residents would not have been protected.

6. The federal government would lose current authority to enforce standards of care against nursing facilities. Section 2137(a)(2)(D), ''No waiver of enforcement,'' begins, ''A state granted a waiver . . . shall be subject to [three categories of penalties].'' This provision addresses solely the authority of the Secretary to impose penalties against states that fail to meet state standards for which they received a waiver. This language does not retain authority in the Secretary to impose penalties against nursing facilities that fail to meet standards.

Subsection (iii) of 2137(a)(2)(D) does not appear to make sense. Although its purports to give the Secretary enforcement authority under the reform law, the opening language of the section quoted above restricts this federal enforcement authority to actions against states.

Senator Cohen insisted in his statement on October 27 that ''the Federal Government must continue a central role in monitoring and enforcing nursing home standards.'' Congressional Record, Oct. 27, 1995, S 16043. However, the language of the Roth Amendment does not carry out his intent.

7. The Secretary's penalty against states for noncompliance is considerably weaker than current federal law. Section 2137(b) limits the financial penalty against states to no more than 2% of the federal payment under section 2121(c). Current federal law authorizes the Secretary to withhold all of a state's Medicaid payments if he/she finds that the state plan does not conform to the requirements of the Medicaid law or if a state fails to comply with the law in its administration of the state plan. 42 U.S.C. §1316(a)(1).

When California announced on October 1, 1990 that it would not implement the nursing home reform law, the Secretary issued a determination that California was not in compliance with federal law. 56 Federal Register 80 (Jan. 2, 1991). All of California's Medicaid money for nursing homes was jeopardized.

A maximum of a 2% penalty is a considerably weaker federal sanction.

At the Senate Aging Committee hearing on October 26, the witnesses made clear that there needs to be a federal set of standards that are uniform for everyone, no matter where they live. Waivers for what are fundamental rights for individuals who live in nursing facilities (as witnesses described the law) would be granted or denied in a highly political situation, not on their merits.

Thank you for your efforts on behalf of nursing home residents. The Pryor/Cohen Amendment, No. 2983, offers better, more comprehensive protection to residents than the Roth Amendment.

Sincerely,

TOBY S. EDELMAN.

Mr. PRYOR. Mr. President, they have analyzed this particular issue, I think, as well as and as objectively and as fairly as they know how. They come down with the bottom line that we do not want to see compromised the safety, health, and the quality of life for the nursing home residents of the United States of America.

Mr. President, I see no other Senator seeking recognition. Therefore, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PRYOR. Mr. President, I do not think I have requested the yeas and nays.

Therefore, I request the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent to temporarily lay aside the motion to instruct the conferees on the nursing home standards.

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

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to have printed in the RECORD as part of this debate, since our time has expired, a report.

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

REASONS WHY THE NURSING HOME REFORM PROVISIONS IN OBRA '87 SHOULD BE REPEALED

1. The cost to the Medicare program for the survey and certification of Nursing Homes (skilled nursing facilities) will be approximately one hundred million dollars for the current fiscal year. Combine the national Medicare cost with the one hundred million dollar cost to the Medicaid program to do surveys of Medicaid nursing facilities and you can project a total national savings of two hundred million dollars to Medicare and Medicaid.

2. The survey, enforcement and certification requirements flowing from OBRA '87 are excessive in scope, difficult to administer and were not pilot tested to demonstrate their applicability. As a result there is gross inconsistency in survey findings and enforcement remedies between individual states and HCFA regions across the country.

For example, for the 1,676 national surveys competed between July 1, 1995 and September 1, 1995, Michigan found only 1.6% (1 of 61) of facilities surveyed to be in ''substantial compliance'' and not requiring any enforcement remedies. The national percentage of facilities in ''substantial compliance'' for the same period was 32%. Michigan continues to identify 60% of its facilities as providers of ''substandard quality of care'' when utilizing the HCFA definition while the national rate is 18%. These unacceptable variations are largely due to vague statutory requirements that have been implemented without adequate evaluation and training.

3. Implementation of the enforcement requirements in OBRA '87 has resulted in inappropriate labelling of some providers as providers of ''Substandard Quality of Care'' when the infractions cited are easily correctable. In the meantime, these providers are prohibited for the next two years from having state approval of a nurse aide training program operated in or by that facility.

4. Administration of the enforcement processes required by OBRA '87 is incredibly complex and cannot be administered by the states without a significant increase in the budget and the number of personnel dedicated to this task. Individual states should be given the opportunity to design and implement a survey and enforcement program that make sense, are affordable and can be administered by that state.

5. States have existed state licensure and enforcement laws and regulations. They should be given a chance to use this authority. In the past there was a disincentive to do so since Medicare and Medicaid regulations took precedence since they controlled funding to the facility. States would welcome the opportunity to design their own programs—probably incorporating some of the positive elements of OBRA '87 but leaving out those components that have not worked.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

MOTION TO INSTRUCT—MEDICARE

Mr. ROCKEFELLER. Mr. President, I send a motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

MOTION TO INSTRUCT BUDGET CONFEREES OF H.R. 2491, OFFERED BY SENATOR ROCKEFELLER

I move to instruct the conferees on the part of the Senate not to agree to any reductions in Medicare beyond the $89 billion needed to maintain the solvency of the Medicare Trust Fund through the year 2006, and to reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality.

Mr. ROCKEFELLER. Mr. President, we have come to one of those days, I think, in the Senate and in this Congress which is pretty definitional. I think, based upon some town meetings that I held yesterday in West Virginia in very rural counties, people are really looking at the Congress today to find out what we are made of and whether or not we can govern. I think there is a suspicion that we cannot, but there is a hope that we will. The day that that will be determined will be, I suppose, today and tomorrow, but basically today, up until midnight.

Mr. President, the reason that I have offered this motion, which the clerk just read, is to, in fact, do a favor for every Senator and to give every Senator an additional chance to defend what is probably the most popular program in this country—and that is Medicare—and to protect that program from robbery that can, in fact, still be stopped. But, at the moment, it is not being stopped and, therefore, 37 million Americans are in jeopardy.

The motion, as the clerk read it, gives very precise instructions to the conferees of this reconciliation bill, who are in fact still trying to figure out what to do. If a Senator, at a later hour, is to vote for this motion, the Senator will be telling the conferees that Medicare—again, probably the most popular program in the country—should only be cut to ensure that Medicare's solvency, the trust fund's solvency, is ensured through 2006.

Now, there is no reason to ensure solvency longer than that period because, in fact, there has to be a longer term solution made, in any event, and that, I hope—and I know the majority leader hopes, and I know the ranking member of the Finance Committee hopes—that will be done by some kind of a commission which will be sort of a binding commission, a Base Closing Commission, wherein hard decisions will be made about the future of Medicare, how it is to be paid for, what it is to offer, et cetera, and that will be remanded back, so to speak, to the Congress, who will vote that up or down, and the President will sign it.

My feeling would be, of course, that the Congress would vote for the bill, as they did the Social Security Commission, because it would be carefully thought through by a group of experts, and that is the longer term solution. But that is for another day.

For the moment, we have to figure out how can we get from here to the year 2006 and keep Medicare solvent. The trustees of the Medicare hospital insurance trust fund have made it very clear in public statements, private statements, writings, official statements, unofficial statements, and in any statement they have ever made about this, that all of the problems of Medicare part A can be solved by means of an $89 billion cut. Of course, that is $181 billion less than the excessive and, I think, dangerous, and certainly unnecessary, cut of $270 million, which was put forward by the two versions of the Republican budgets now passed by the Senate and the House of Representatives.

Mr. President, $270 billion of Republican cuts get you to the year 2006 for solvency, and $89 billion of Democratic cuts get you to the year 2006 for solvency.

At some point, one has to ask the logical question: How come if both get you to the same place for solvency, even give or take a year, why is there such a difference? Why is there a $181 billion difference in what the Democrats are suggesting—this is what the trustees suggested to us—and what the Republicans are suggesting?

This motion is a final chance to go on record for the survival and the solvency of Medicare. I repeat, a final chance. It really is. Every Republican Senator can take advantage in a sense of this 1-day special opportunity. If you want to make it clear that you do not want Medicare to wither on the vine, this is definitely the vote for you.

These are not political words, in fact. The words could not be more clear. They could not be more precise. Mr. President, $89 billion does the job. Anything else is for some other purpose. Mr. President, $89 billion in cuts give Medicare solvency for the short and medium term. Anything else above that is for some other purpose.

The trustees of the Medicare trust fund have said in print and in every other way that $89 billion of savings is precisely the amount needed to ensure Medicare solvency until that magic year of the year 2006. The problem for the Republican budget is that it needs a lot more money than $89 billion in cuts of Medicare.

I am trying to say this as objectively as I can. It really does need more money. If there were $89 billion in cuts made out of Medicare, a major function of the Republican budget would fall on its face. I have a very strong suspicion, as do most of my colleagues on this side of the aisle and surely some on the other side of the aisle, that the reason for $270 billion of cuts in Medicare and the reason, in fact, for $187 billion or $182 billion in cuts in Medicaid adding to $450 billion, to give ample savings or cuts so that the $245 billion tax break can be paid for.

There are not many places in the Federal Government that you can go for money anymore. You cannot go to the Defense Department. We made about as many cuts as we can make there. You cannot go elsewhere—to the National Endowment for the Arts. You cannot go to AmeriCorps; that is being abolished. You really have to go to Medicare and Medicaid.

If the proposition that people want to have a tax break for certain people and certain corporations, then, obviously, at the exact same moment as 7 years is being used to reduce the budget deficit to zero or purportedly to zero—there is discussion about that—you have to get a very large amount of money from some other source. Of course, that source, the largest of all of those sources, and the most tempting target, is Medicare. That is exactly where the Republicans go.

They do that, as I indicate, to pay for tax breaks that are listed one after another after another, promising special dividends galore for people who are already wealthy, and corporations that want to pay less are willing to make working families pay more.

Now, I do not agree with that philosophy. This is a democratic society, a democratic body. The Republicans control the Senate. The Republicans control the House. They have made their decision. This is what they want to do.

Let it be clear that raiding Medicare is not reform. The last time I spoke on this subject, I had a Webster's dictionary and I looked up ''reform'' in that dictionary. Once again, I refer to that because the record of definition of ''reform'' is ''to put or change into an improved form or condition.'' That is how Webster defines reform: to put or change into an improved form or condition.

Cutting $270 billion, $181 billion in excess of what is necessary, is certainly not putting or changing Medicare into an improved form or condition. Not only that, it is making decisions about Medicare which should not be made now, which should be made in the context of the longer term, which is the idea of the commission.

Often Republicans say, ''Well, Democrats are afraid to means test.'' I do not think that is the case. I think Democrats are not afraid to means test. In this case, this Senator would not be afraid to means test. I would be very much afraid to means test in the absence of any other consideration of what is going on in Medicare. I want to look at means testing in the broad spectrum of a larger commission, which is what I think that President Clinton would do, perhaps within a year or, if he is reelected, within 2 years. Then call together 30 experts, as he did for the Greenspan commission, and sit down and discuss Medicare behind closed doors, with the public involved through consumers and seniors, experts, actuaries, and everybody else.

When you want to, as Webster says, ''to put or change into an improved form or condition,'' you want to make sure you are doing the right thing with something that means so much to senior citizens and to some disabled, as does Medicare.

So, $270 billion is not going to put Medicare into better form. It will put it into far worse form, a much worse condition. I think that is axiomatic. The numbers would simply say that. We do not have to wait and see. I do not want to wait and see right now what that means.

The reconciliation bill lays out how to get $270 billion out of Medicare in various cold print. The majority party has said premiums and deductibles for seniors shall be doubled. Nothing hidden. The seniors I was with yesterday, their premiums will be doubled. Their deductibles will be doubled. Hospitals will get less. Rural hospitals—I was in a county yesterday in which one of the rural hospitals had just closed, gone bankrupt. I am trying to figure out a way to save it. In the meantime, their costs, were they open, would go up, which makes it, of course, more difficult to open. Doctors will get less from Medicare.

What is interesting is that some doctors have told us for the record that they are just not going to take older Americans as patients any longer. They are not going to accept them as patients. There will be a little sign on their shingle which says Dr. So and So, ''Medicare patients, not accepted.'' They have said that to us, Mr. President. I do not create that.

If all the cutbacks and price increases for seniors could not generate $270 billion, then there is some automatic chain saw which no longer exists in the Senate budget which does in some other draconian form exist in the House budget, some automatic chain saw will keep on cutting Medicare.

The Senate had a very infamous section to it called ''BELT,'' to whip out, to rip-off, so to speak, and then to take Medicare and cut it blindly. In other words, if Medicare grew faster—everybody knew Medicare definitely was going to grow faster. They set in this BELT program a very low growth possibility so obviously Medicare would fail the test, BELT would be put into effect, and then a whole series of cuts would then be put into effect in a whole series of services so they could no longer be offered to Medicare patients.

I think the minority embarrassed the majority in this body to take that out. I am glad. I congratulate the majority party for doing that because I think it was wise to do. But that has not happened in the House, where it is very hard to embarrass the majority party. The minority party is not very good at it over there. They do not have the numbers to do it.

In any event, as far as we know, it stays there, a BELT-like instrument, which is a meat ax, and that will just make the problem of seniors and paying for Medicare much, much, much, much worse. We offer this motion to instruct conferees to give Senators another chance to fix this budget—again; to get the priorities straight—again. Balancing the budget does not mean, I do not think, by definition, destroying Medicare, hurting Medicare, spending huge sums on new tax breaks and increasing the debt over the next 7 years. It means protecting Medicare's solvency with the $89 billion. It means limiting tax relief to what we can afford.

Notice I am not saying abolish tax relief altogether, but simply limiting it to what we can truly afford. And then limiting it to those who can use it the best, who either need it the most or can use it the most productively, in terms of jobs, in terms of giving people a better opportunity, a life. Of course, it means using some common fiscal sense. That is the kind of budget we should be working together to pass in this body.

I urge every Senator to vote for this motion. I am not sure that every Senator will, but I urge every Senator to do that. It is a bonus vote. Yes, it is our final—and yes it is a desperate—act, to try to convince Senators on the Republican side to protect Medicare and not sacrifice Medicare at this very early stage on the alter of budget deficit reduction for the purpose of a tax break.

Let us remember why Americans of all ages feel so strongly about Medicare. It is one of the country's proudest achievements. It enables every American to count on dignity and decency when they retire and get older. It tells families fortunate enough to have parents and grandparents who grow old that they will not have to make the terrible choice between buying a house or sending a child to college and paying the health bill of a mother, father, grandmother or grandfather, as they get into their seventies and eighties or beyond that.

The Members of this body on both sides of the aisle should always have courage to change course when the signs are obvious that it is time to go down a different road. We are at, now, such a time. This motion is a genuine effort to give Senators a chance to do just that. I do not know of any other way to appeal to the conscience of the majority in the Senate than by this motion to instruct the conferees. We have exhausted every other opportunity. We cannot vote on bills anymore. All we can do is to make a motion to instruct the conferees to consider what it is we have been trying to say. There is nothing else left to us, so we do what we possibly can to protect seniors.

The plan to use Medicare to pay for other agendas is just not working. The public is not buying it. It is going over like a lead balloon out there on Main Street and in the coffee shops and living rooms and senior centers where cutting $270 billion from Medicare is understood very clearly.

Again, I was at two town meetings yesterday in my State, in relatively rural counties. The people understand, there, the seniors understand, there, very well, exactly what has happened. They did not need to get a lecture from me on it. They understood it. That message has really gotten through. It is really hurting.

If I were a member of the majority party in this body I would hear that message loud and clear. I would be somewhat afraid of that message. But most important, I would respect that message because it is a message which is coming directly from people who are affected by it and they do understand it. They understand it very clearly. The American people are really paying attention to this part of our debate over priorities.

A lot of the rest may go by, but this part they are paying close attention to. They are tuned in and they are turned off and they are angry and they are scared. Not by the minority, but by the fact that their premiums and deductibles will get doubled; that they may be turned away by hospitals or doctors; that hospitals will lose money. Hospitals will not turn them away—but they are scared of the idea of $270 billion in Medicare cuts. And they have every reason to be scared about that, because the $270 billion in cuts are not needed, they are not called for. They have another agenda.

Before Medicare was enacted, just under half of America's elderly had no health insurance—over half had no health insurance, in fact, whatsoever. Can you imagine that? To be 80 years old and have no health insurance? What would that mean to a lady or a man, perhaps living by themselves, to have no health insurance? Today, 97 percent of America's seniors do have health insurance, thanks to Medicare. And that includes 330,115 older and disabled citizens in my State of West Virginia. I happen to care about them. I want to see the right thing done by them. The right thing can still be done by them, for them, by us.

Nationwide, these are Americans whose average income is $17,750, which is not very much money. Not so in West Virginia. In West Virginia the average income for seniors is $10,700 a year, of which already one-fifth is being spent on health care. So think about what an $11 premium increase per month would mean? In other words, if you start out with $10,700 and then already 21 percent is being spent for health care, so that is more than $2,000. And then you have to add on another $1,000 just for the premium. You come very quickly to the point where these folks, who are real people—you know they are real people, they come out in the cold to meetings in West Virginia and other States, and meet with us. They are afraid. I did not tell them to be afraid. They are afraid. They arrive at the meetings afraid. That is why they came to the meeting, because they are afraid and they want to know is there going to be a change in this policy?

They want to stay healthy. They want to stay alive. They do not even get prescription drugs, do they, under Medicare? They do not even get prescription drug coverage; or home care, which is what we all want. They cannot get that under Medicare. But certain things they can get and they really do want them.

If I could be very blunt about it, Medicare, I think, is on the short list of America's all-time great accomplishments as a Nation. I think it belongs on the list that includes winning the American revolution, breaking off with the British, in other words, and starting the world's greatest democracy; establishing Social Security; stopping Hitler and ending the Asia part of the Second World War; sending a man to the Moon. I put Medicare in a league with those. We had hundreds of thousands of soldiers killed in the Second World War. We have hundreds of thousands of seniors who live, dependent, upon Medicare in West Virginia, and 37 million across the country each and every year, except that the number gets larger.

Medicare should not be treated like the bank standing there on the corner to be robbed so the money can be just handed out to the most wealthy, even though some of the intentions might be good. Before the conferees finish their work, this motion is a chance to give up on an idea that is making Americans mad. And it is not just senior Americans.

At town meetings I have gone to over recent months—and the one I was at yesterday—it is not just the seniors that are mad. It is all of those folks that turn out in those rural counties that are mad. They are angry that this is happening—happening in a sense without their knowledge. The knowledge has gotten through because of the press after its usual preoccupation with trying to figure out not the substance of the issue but who wins and who loses. Are the Republicans up? Are the Democrats down? What is Clinton going to do? What is he not going to do in the offer to the President today? That is what it always is. That is what these people have to get. It is political warfare. It has nothing to do with their lives. That is for the most part what the media out there covers. So it is hard for them to get the point, but they are informed on this issue.

So, again, before the conferees finish their work, this motion is a chance to give up on the idea that is making Americans so mad and is forcing the budget process to remain divided and contentious—in some ways is forcing a constitutional crisis. I will get to that in a moment. The Senators on this side have absolutely no choice, Mr. President—no choice.

We have exhausted our remedies. There is nothing more we can do. We are in the minority trying to fight for Medicare. But we have exhausted our remedies except for something called a motion to instruct conferees, which probably will not pass, but I hope it does. I hope it does because it is in the interest of everybody in this body and certainly in the interest of senior Americans.

The President has absolutely no choice but to promise the veto pen. We were elected to stand for what we think this country stands for. That includes the idea of health, income security through Medicare, through Medicaid, and through Social Security—all of these things—when you have finally finished your working years and you reach your later years.

I know the people of West Virginia expect me to keep fighting for Medicare. They told me that yesterday. Go back there and fight. Go back there and fight. That was their instruction. They understand that balancing the budget does not mean using Medicare as some kind of a fund for giveaways. It means using Medicare for Medicare.

The Senate can agree on a budget that will eliminate the deficit, but only when we first agree that Medicare should still be standing the day that vital goal is reached.

Mr. President, I voted for a balanced budget in 7 years. It was not the one that prevailed. It was another one. But

it balances the budget in 7 years. I am for that.

So I do not offer this as some kind of an evasive mechanism. I offer it with the deepest sincerity, with a real sense of fear for what is going to happen to our seniors, and potentially to our country.

So I urge my colleagues to vote for this motion to protect Medicare and the millions of seniors who should hear from us that their security is not being traded away.

Let me also just make a comment at this point. If I might ask how much time is remaining to this Senator?

The PRESIDING OFFICER (Mr. SMITH). The Senator has 11 minutes remaining.

Mr. ROCKEFELLER. Mr. President, let me also comment on the issue that fills the morning headlines and the news stories—as well it should—that relates directly to Medicare and the 37 million senior citizens who count on Medicare. We all know too well that some are not acting as if it is not going to happen. But, you know, it is right on the threshold. We are right on the brink.

The Federal Government may shut down within 24 hours. That may be a thought that pleases a lot of people, but if you are trying to land an airplane and you are trying to make sure that you can get a passport to come back from Europe to this country, or whatever, this is a very, very grave subject. This has not happened, I think, since perhaps in the year 1990. And there is some thought that, if this happens, this time it will last longer. The last time it cost the American taxpayers $1.7 billion. Heavens only know what it will cost this time. But here we are.

Is the Government going to shut down in 24 hours? Beyond that, the United States' fiscal integrity is on the line as it has never been on the line before.

When Robert Rubin talks, it is interesting. He is not just sort of talking like the Secretary of the Treasury, so to speak. He is scared. He is afraid of what is going to happen.

Why are we in peril? Why is our integrity in peril? Because our debt ceiling limit may not be extended in time. Why? Because the party, to be quite honest about it, Mr. President, that sought control of this Congress, that asked for the votes to be able to control this Congress—and has those votes and does control this Congress easily—needed to be the majority party. You are. I would say to the Presiding Officer, you all are in charge. And the majority party now refuses to take care of one of the most basic responsibilities involved in Government.

The Republican leaders are actually refusing to allow two basic measures—the continuing resolution and the debt ceiling extension—to travel from Congress to the President without a bunch of unnecessary, inappropriate, frankly some just silly baggage loaded onto these two monumental bills because of what can happen.

It would be one thing if the majority would claim that they have completed their own promised work on the budget and a series of appropriations bills. But they have not. They are still negotiating the reconciliation bill in some room somewhere to figure out amongst themselves just exactly how they plan to cut Medicare by $270 billion. That is going on right now. And then to dole most of that money out through tax breaks.

The Republican majority still needs to finish their own work on the budget, and we are 24 hours from shutting down the Government. Shutting down the Government is like shutting down the people, in certain respects—not in all respects, but shutting down the work of the people and what the people need to have done.

So, for some reason, even though any teacher would give the Republicans an ''incomplete'' today on their promise to produce a 7-year budget plan, we find the majority party playing with fire and endangering the country in ways that can be and have to be avoided.

Take the continuing resolution. That is the basic piece of legislation to keep the Federal Government operating so national parks stay open, passports get approved, checks go out. The list goes on and on and on. Of all possible pieces of baggage that the majority party could attach to this bill, never, ever, ever, never, ever, ever, did I think that they would take a premium increase in Medicare, a premium increase for Medicare beneficiaries and make it as their top priority—to say to the President of the United States, ''You take this premium increase, Mr. President, or we will shut down the Government.'' Take this premium increase on 37 million seniors in this country or we will shut down the Government.

We used to do that kind of stuff at camp except we did not run the Government. But that is the kind of stuff we used to do at camp, I say to my friend from Arkansas. The Republican leaders are actually demanding that the President swallow an increase in Medicare premiums in order to keep the Government running. The Government is meant to be serious stuff. The premium increase or whatever is going to happen, that comes in the commission stage later on. That should not be the issue now. The issue now should be to make Medicare solvent. I say to the President, do not swallow this ridiculous demand and do not give in to it. Do not do that to our country. Do not do that to your office. Do not humble your office in that manner, by agreeing to this Republican demand to hurt seniors as a tradeoff to keep the Government running.

More than three-quarters of all Americans on Medicare have yearly incomes of less than $25,000 a year, and as I have said, in my home State of West Virginia—and I daresay in the home State of the Senator from Arkansas it is not much more than what it is in West Virginia—the average annual income for Medicare beneficiaries is $10,700 a year—not $25,000, not $17,000, $10,700 a year, and $2,000 plus already of that goes to health care. So that leaves them $8,000 for the rest of the year for everything else. And now we are going to add $150 or whatever of new premiums—and that is just part of doubling Medicare copays and deductibles as is contemplated in the rest of the majority party's budget plan.

The specific Medicare premium increase that the Republican leaders are demanding would cost our seniors an extra $11 a month. That means their premium would go from $42.50 to $53.50 a month. Maybe the upper-income Americans in this body and some others of the upper-income Americans who are counting on a tax cut in the Republican budget bill will not notice the $11 increase in their premium insurance, but I guarantee you every last senior that I saw yesterday in town meetings—that I have seen during the course of these years—will feel it and will have to make choices as a result of it. An extra $11 a month in cost just might mean skipping a couple more meals at the end of the month.

Just talk, you say. No, it is not. It just is not. That is how fine the margin is for them. Or not being able to pick up one's heart medicine or coming up short when it is time to pay for the heating bill.

That is why the President cannot in this Senator's judgment and will not in this Senator's judgment and should not even consider the idea of being pushed by Republicans to raise Medicare premiums even before they have finished their budget.

Today is the day that the Republicans should give up trying to use Medicare and 37 million seniors and disabled Americans as pawns. This is that day. It is a ploy that is not working. It is a ploy which is not good. I think most Republicans probably recognize that at this point.

Mr. President, I close simply by saying that what I am doing is begging my colleagues to walk away from this Medicare premium change at this point. Do not make the President veto it because of something like that. Let us try to do this properly and rationally.

I thank the Presiding Officer and yield my remaining time to the Senator from Arkansas.

The PRESIDING OFFICER. All time remaining under the control of the Senator from West Virginia has expired.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may be allowed 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PRYOR. Mr. President, I thank the Chair.

I thank my colleague from West Virginia. His statement was eloquent. It

was delivered with compassion and force as always, and I applaud him for his commitment to this cause.

The Senator from West Virginia has brought up a most telling point which brings us to the brink of the so-called closing down of the Government, which does not have to happen. The Medicare issue that is today in the reconciliation bill is also the issue—that is, threatening to bring down the Government—that the Republicans have put into the concurrent resolution. It is the same issue. It should not be debated in the continuing resolution. It should be debated in the reconciliation bill, as my colleague and friend from West Virginia knows, but there is a reason why there is no debate going on between the conferees of the House and Senate, Republicans and Democrats on reconciliation. We do not have any conferees. There is no one to confer with. And as a result we find the Government is about to close down. We hope not. It is not necessary. It is manufactured, this crisis.

In behalf of the Democratic leader, I would like for the RECORD to indicate that no Democratic Senator would require nor request a vote on sending the continuing resolution in its current form to the President. We understood and hoped this morning that there would be presented the continuing resolution to the Senate. We were not. No Democratic Senator voted for the continuing resolution which passed on Thursday, and we see no reason to delay the continuing resolution going to the President for his disposition.

I ask for 30 additional seconds, Mr. President.

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

Mr. PRYOR. Nor do we attempt to slow down this process. We want to see this process go forward. We want to prevent this Government closing down. It does not have to. It is our understanding on the Democratic side of the aisle that Republicans may now seek to amend the continuing resolution further and we are now waiting word as to what that amendment might be.

Mr. President, I thank the Chair. I thank the distinguished manager. I yield the floor.

The PRESIDING OFFICER. All time of the Senator has expired. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield myself such time as I may require.

Let me today respond in part at least to some of the issues that were raised by our colleague from West Virginia in presenting his motion to instruct conferees. What I would like to begin with is a discussion of the numbers themselves.

The Senator from West Virginia and others on the Democratic side of the aisle have contended in recent weeks that if we only reduced the growth of Medicare spending by $89 billion, somehow this alone would be enough to make the Medicare Program solvent, to preserve and protect and strengthen it.

That is simply not the case. The $89 billion number which has floated around here for some time is a number which at least many of us consider to be a number in great dispute. Once again, it is a number that comes not from the Congressional Budget Office, the office that I would assume Members of Congress would look to for accurate information, but, rather, comes from the Office of Management and Budget.

We have talked on numerous occasions here on the floor of how, when the President was first elected, he came to Congress and said, ''It's time to end the games of rosy scenarios and administration politicking by using executive branch numbers. Let's all use the same numbers. Let's all use the CBO.'' But now when the crisis hits, when the crunch time comes, we are back using OMB numbers. And $89 billion simply will not get the job done.

In fact, it is interesting to note, Mr. President, that the President himself in his proposals to bring the budget into balance has suggested a number in the range of $127 billion as the amount of dollars that need to be reduced in Medicare spending over the next few years in order to bring the budget into balance. That $127 billion is also an OMB number. If it was calculated by the CBO, using the assumptions we have made here, it would be much higher. In fact, I think it would be closer to $190 billion, using CBO kinds of assumptions, to get the job done.

But the $89 billion proposed by this motion really only covers part of Medicare. That is the second thing that needs to be put into perspective. That covers part A of the trust fund. Let us look at that trust fund. Part A of the trust fund will go into deficit this year for the first time in its history. We have heard a lot of talk during the debate about the Medicare Program, from the beginning when the trustees' report was released, that, in fact, the trustees' report should not be taken too seriously. After all, for years and years the trustees have prophesied that at some date in the future Medicare part A would go bankrupt.

Now we are hearing a different story. Now maybe there is a need to adjust it. I say that $89 billion is not enough. There is a very serious need because part A, for the first time, in 1996 will run a deficit. And at this point there is no foreseeable stage in the future when it will not run on an annual basis deficits that will grow larger and larger and larger.

That is because the structure of the program, the way it is currently set up, absolutely guarantees that the deficits in part A will continue to grow. It will grow faster, faster, and even faster in about 15 years as people in the so-called baby-boom generation reach an age when they become consumers of entitlements rather than people providing revenue to these trust funds.

Reductions of $89 billion in spending in Medicare represents business as usual, represents the approach that has been taken for too long here in the Congress of the United States, the kind of piecemeal, one-step-at-a-time approach to Medicare that has caused the program to continue to run at growth rates that are far greater than what the private sector sees in health care provider increases.

It is time to end that approach and play by the real numbers and time to play by the CBO numbers. The $89 billion is a stopgap solution; we need a longer solution. We need not only a solution for part A, we need to solve the problems of part B, because part B is growing too fast as well. That is what we have attempted to do in this budget reconciliation package.

Mr. President, the allusions that have been made suggest that the changes we are talking about are ones that are simply designed to cause people hardship and difficulty. That is not the case. Let me just review for the Congress today some of the changes that are incorporated in our reconciliation package.

First, as was alluded to by the Senator from West Virginia, we intend to means test beneficiaries so that upper income citizens are not on the same level as those in greater need and, in fact, do pay their fair share. It is suggested that before we move in that direction, we should have a long-term study and commission or some other form of assessing whether or not to move toward the pay-your-fair-share approach. I think we should put the commissions out of commission. I think this is an approach that is needed now. We do not need to delay in making that decision.

Second, what we have tried to do in our plan is try to provide those people who are in the Medicare Program with the right to choose a program that is best for them.

The Senator from West Virginia made a comment or two that I was struck by. He talked about how Medicare does not provide for pharmaceuticals. It does not provide, as you also know, Mr. President, for things like new eyeglasses. That is because we have a one-size-fits-all Medicare plan. If you are a senior citizen in this country, you do not have a choice, you are in Medicare and you only get one approach. If you are not, if you are in the younger age category, you have a lot of choices.

What we want to do and one of the ways we intend to bring down the growth of Medicare is by giving our seniors the right to choose different options. I know seniors who say, ''What I would like is a system where I do not have to pay for pharmaceuticals, where we have a break on drugs like a lot of private health care plans have.'' We want to give seniors that right. We do not want to take away their choices. We want to expand them.

I know seniors who say, ''I would like to have a situation where I can get my eyeglasses changed and not have to be hit in the pocketbook by the excessive costs of new eyeglass prescriptions.'' We want to give them that choice, not diminish their choice; expand it.

Finally, what we want to do is eliminate the waste and the fraud and the mismanagement in the Medicare Program. One of the ways we intend to reduce the growth of Medicare is by enforcing tough standards to deal with fraud and abuse. Indeed, Mr. President, this Senator offered an amendment which was adopted to provide the beneficiaries of Medicare with an opportunity to obtain rewards for ferreting out the waste and fraud and bringing it to the attention of Federal officials or finding ways to make the program run more efficiently.

There are a lot of ways we can address these problems. Every way does not include, as was suggested earlier, simply more hardship for people. We are trying to be innovative and broaden the choices for people. And what we are trying to do is offer a long-term solution to this problem, because it is not going to get better, Mr. President, it is going to get worse.

If you are in Medicare now or if you are approaching Medicare age, we are facing insolvency in the Medicare system. And the motion to instruct, if it were to be implemented, would not offset that potential insolvency because, Mr. President, in just a few years, as the entitlement commission indicated just last summer, we are talking about a day in this country, if we do not slow the rate of growth of these programs, when entitlement spending and spending on the interest on the national debt will together consume all of the revenues of Government. That would mean no national security, no law enforcement, no spending on education, training, highways, or anything else unless we started borrowing money at a level that this country's economy could not sustain, which means we have to address these problems now, early in the process, not much later on. That is what the Republican plan intends to do.

Finally, I would like to just address another point or two with regard to the Medicare issue. Today, it is being suggested that the lines are clearly drawn, that there is a side that cares about seniors and a side that does not. The majority party cares about seniors of this country. It was not the majority party that increased the tax on the earnings of Social Security beneficiaries. In fact, every Member of the majority party voted against those tax hikes in 1993. It was the other side who imposed those higher taxes.

It was not the majority party that just last week wanted to give the President the ability to tap into the Social Security trust funds to deal with our debt limit. We want to protect those Social Security trust funds. And that is why our short-term debt ceiling bill would keep those trust funds sacred.

Finally, it was not the majority party that introduced a balanced budget plan that would dramatically change the CPI without any consideration of those issues. It was the balanced budget plan offered on the other side.

Mr. President, we see a lot of polls. We see polls that were alluded to by the Senator from West Virginia that say, ''Gee, these plans may or may not be popular today.'' But, Mr. President, every day the polls change. If there is a new TV ad attacking a plan, that will change the polls. If there is a story in the newspaper or on the news, that will change the polls. We did not come here, Mr. President, to change our philosophies, to change our objectives, to change what we were sent here to do based on the intermittent polls conducted by various pollsters whether for the media or on a partisan basis.

We came here to fulfill promises that were made. And those promises, just so I can bring them back to the foreground, which underlie what we are trying to do across the board with this budget, were to, first, end the red ink in Washington, 25 years of deficit spending. That is what our budget does. It brings the budget into balance. And what does that mean? It means lower interest rates. It means the Federal Government finally operating the way we have to operate in our families and many State and local governments have to operate. That is by spending no more than you take in.

Second, we have an obligation and a promise and a commitment to preserve, protect, and strengthen Medicare, not through next year's election but into the future. And that is what our plan accomplishes.

Finally, we have a commitment, a promise, to let people keep more of what they earn. We heard a lot of talk about this tax cut already. I do not want to get into great detail about it here again today. The motion to instruct suggests that somehow we would offset any budget impact of this reduction in the change in the rate of growth of Medicare by reducing so-called tax breaks for upper income taxpayers and corporations.

Mr. President, the tax cuts that are part of this reconciliation package, just to go over them one more time, fall to families, fall to small businesses in great degree. Over $140 billion of the $245 billion—actually a $225 billion net tax cut—is the family tax credit, and 83 percent of that, under the current version, goes to families who make less than $100,000 a year and over 70 percent to families making less than $75,000 a year.

Another major part of that tax cut is the spousal IRA; another part is ending the marriage penalty; another part is to allow family farmers and small business people to pass on their assets to their children without facing huge Federal taxes at the time somebody passes away.

The only way we are going to offset the change that would be suggested in this motion through tax changes would be to hit families and undermine the tax cuts which we have developed for them. That is not the way, I think, we should do business, Mr. President.

So, for all of these reasons, we stand strong, I think, in support of the original reconciliation package of the past.

At this time, I yield such time as we may have remaining to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming has 7½ minutes remaining.

The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

Mr. President, I, of course as all of us, have listened with great interest this morning. Medicare is an item in which all of us have a great interest.

I would like, as the Senator from West Virginia indicated, to say to the town meeting, Let's take the easy way out. I would like to say, We don't really need to make the tough decisions. We can put it off again, as we have in the past. I guess it would be easier to fix it through the next election rather than through the next generation.

I do not think that is why we are here. Many of us just came here, and we came here with a dedication to make some fundamental changes. We came here with some dedication to not continue as we have over the last 30 years and just fix it so it is easy, just fix it so we can get by until the next crisis, but rather really look at making some fundamental changes.

I think there is a concept we all have to consider, and that is, when you look at the way things are and you are not happy with them, then you have to make some change. You cannot expect to get different results by continuing to do the same thing, which is what has gone on here for too long.

We are seeking to make some changes. We are seeking to make a philosophical difference, a fundamental difference in direction, and I understand there are changes. I happen to believe, and I think the majority party believes, we ought to have less Government, it ought to be less costly, we ought to balance the budget, we ought to have fundamental reform in welfare, we need to strengthen and maintain Medicare, Medicaid, we need to have tax reduction—we believe in that.

I understand there are those who believe more Government is better, and that is a legitimate view. I do not share it.

I am a little concerned, frankly, in the area of public policy where we transfer decisions to people, but they have to be based on facts. I heard yesterday on the TV how we are raising the Medicare premium. It is just not a fact. We now pay 31.5 percent. That is what we will continue to pay. It has been that way since 1990. It was raised by a Democratic Congress in the Budget Reconciliation Act. That is a fact.

We are not raising it. It is continuing on where it was as a percentage of the cost of that premium.

A balanced budget, how long has it been? Almost everyone who will get up and object to what is happening has been here for these years when we have not balanced the budget. Now, I know there are various ways to do it, but we do need to change. We talked about the taxes—not accurate. We talked about great educational cuts, less than one-tenth of 1 percent.

So, Mr. President, we need to talk about facts if we are going to have a participatory Government. The President has not participated in this dialog and still does not.

So, of course, we are talking about a popular program and all of us want to maintain it. That is really the issue: How do you best do it.

Why is it attached? Why is this portion attached? Let me tell you why. Because in part A, which it deals with, part A is withheld from Social Security and you cannot change the computers as quickly. If you waited until after the first of the year to do this, then it would be May again before you could change the computers back to 31.5 percent. There is a logical reason for it being there. The rest of Medicare is not there. This one is there because it is a mechanical process that has to be accommodated.

I, too, come from a rural State. Let me tell you some of the things in Medicare that are going to be useful to rural States. The Senator from West Virginia talked about hospitals that have been closed. We just had one close. It had a utilization of 4 percent. You cannot operate that way.

Under the current law, the Federal Government cannot reimburse for hospitals that are not full hospitals. We have a proposition in here to redefine hospitals so that a community like that can have an emergency room, it can have a stabilizing facility so that you could be there and be reimbursed by the Federal Government.

We have Medicare bonus payments so physicians come to these rural areas. We have telemedicine grants, rural emergency access, hospitals which I just spoke about. We do something to equalize HMO and Medicare. In Florida, they get $650 a month for Medicare. In Wyoming and South Dakota, it is $150. That is not fairness, that is not equity.

These are the kind of changes, if we want to have a strong Medicare Program, that have to be made over time. We cannot take the easy way out. We cannot just patch it up and see if it can go forward. We have to make some changes, and that is what it is all about.

Only that portion that has to do with this maintaining the 31.5-percent level is in this proposition that we are talking about, and it is in there for a particular reason, a mechanical reason, so that it can continue to be.

So, Mr. President, I suggest to you we need to reach down, we need to take a look at the kind of results we want, we need to take a look at the fact that under the proposal that is being talked about here, there is only stability for about 6 years, when we are talking about going on to 2009 when the baby boomers come in. You need to do something before that. We do not need to go to another committee. We have been through this time and time and time again. We have spent all 2 years on this matter—everyone in this body.

So we know what decisions have to be made. They are tough. Of course, they are tough. Decisions are not easy. We are here to be trustees for people to make decisions to make things work. We are not here to pass it off. We are not here to be easy. We are not here to be able to get on TV and make things sound great. We are here to deal with the facts. We are here to deal with change. We are here to deal with maintaining Medicare so that we have a program for the elderly, and if we want to do that, then we have to make a fundamental change.

Mr. President, I yield the floor.

Mr. GRAHAM. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Chair indicates to the Senator only 10 seconds is remaining.

Mr. THOMAS. My time has expired.

The PRESIDING OFFICER. All time has expired on the motion.

Mr. GRAHAM. Mr. President, has all time expired on the motion to instruct that was offered by the Senator from West Virginia?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, I believe under the previous order, it is now in order to offer a third motion to instruct conferees.

The PRESIDING OFFICER. The Senator is correct. There are two motions pending, the motion to instruct regarding Social Security and the motion to instruct regarding health care.

MOTION TO INSTRUCT—SOCIAL SECURITY

Mr. GRAHAM. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] moves to instruct conferees on H.R. 2491, the Balanced Budget Reconciliation Act of 1995—

(1) to honor section 13301 of the Budget Enforcement Act of 1990,

(2) not to include in the conference report any language that violates this section, and thus

(3) not to include the $12 billion in Social Security cuts that were included as an offset for on-budget spending in the Finance Committee's amendment.

Mr. GRAHAM. Mr. President, I control 20 minutes. The Senator from South Carolina controls 20 minutes. I defer to the Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from Florida.

Mr. President, the reason we make this motion is not simply to obey the law, but to understand and appreciate the reasons that we overwhelmingly passed this law back in 1990.

Let me ask unanimous consent at this point to have section 13301 of the Budget Act printed in the RECORD at this time.

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

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Nothwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget, authority, outlays, and receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.''.

Mr. HOLLINGS. Mr. President, this section essentially says, ''thou shall not use Social Security trust funds in computing the deficit or the debt.''

We passed this provision back in 1990 after the Budget Committee had fully considered the particular problem. What we had been doing was obscuring the true size of the deficit, not by reducing it, but by moving it. In other words, we would take the surplus in the trust funds for Social Security and count them as revenues so that, when balanced against the expenditure column, it looked like we had reduced the deficit.

The truth of the matter is that we were only moving the deficit—from what we owned the financial markets to what we owned the Social Security trust fund. That is why my colleagues on the Budget Committee voted overwhelmingly to take the Social Security trust fund off budget by a vote of 20–1 on July 10, 1990.

I ask unanimous consent to have the record of this vote printed in the RECORD at this point.

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

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay:

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Senator DOMENICI, myself, and the rest of the Senate Budget Committee save the Senator from Texas, Senator GRAMM, voted that trust funds of Social Security not be used in calculating the annual deficits or surpluses. Soon thereafter, on October 18, 1990, we had a vote in the U.S. Senate and passed the same legislation by a vote of 98–2.

I ask unanimous consent that that vote be printed in the RECORD.

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

VOTE ON HOLLINGS-HEINZ, ET AL., AMENDMENT WHICH EXCLUDES THE SOCIAL SECURITY TRUST FUNDS FROM THE BUDGET DEFICIT CALCULATION, BEGINNING IN FISCAL YEAR 1991

Yeas (98)—Democrats: Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

Republicans: Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, Wilson.

Nays (2)—Republicans: Armstrong, Wallop.

Mr. HOLLINGS. Mr. President, at that particular time, so there will be no misunderstanding, the present leader of the budget in the U.S. Senate, the chairman of our committee, Senator DOMENICI of New Mexico, said:

I support taking Social Security out of the budget deficit calculation. I support the Heinz-Hollings-Moynihan amendment.

Thereafter, the Senator did have some misgivings, and I want to quote him:

The issues involved with taking Social Security, including interest, out of the budget deficit, are not as simple or painless as they seem, or as the sponsors of this measure have suggested. If we take interest off budget, then we have to come up with more deficit reduction, and that means only one of two things—more taxes or more spending cuts.

Now, Mr. President, we get right to the meat of the coconut. The real fiscal cancer in the Federal Government today is the amount that we have to pay annually in interest costs on the national debt. The estimate for this fiscal year is $348 billion. We could adopt the GOP budget in the next 10 minutes, and we still would not have not cut spending. Why? Because spending for our interest costs on the national debt are up to a billion dollars a day.

It gets worse and worse and worse every day, and it will be next to impossible to attack this problem if we do not act now. We are 7 years and two Presidential elections from the time when Medicare will go into the red. We are 25 years away from the time when Social Security surpluses will be exhausted. Yet we constantly hear the rhetoric about the looming crisis in Social Security and the need to ''protect, preserve, and strengthen'' Medicare—all because we do not want to talk about the fiscal crisis that we are in this very minute. Why do we avoid this reality? Because if we were to talk about it, we might be forced to do something about it.

In order to do something about it, you have to have a balanced approach that includes spending cuts as well as revenue increases. Our budget history for the last 15 years highlights this reality. When Howard Baker was the majority leader, he and I joined in trying to pass a budget freeze from 1981 to 1985. We said, ''Take this year's budget for next year.'' That would have saved billions of dollars, but alas, that road was not travelled.

Having not succeeded there, I started working with Senator GRAMM of Texas and Senator Rudman of New Hampshire and said, under Gramm–Rudman-Hollings, that we would have truth in budgeting. We would not only have the freeze, but additional cuts across the board as well. We were on course with automatic $37-billion-a-year cuts, in an orderly fashion, to give us a balanced budget by 1990.

In 1986, we expanded our field of vision saying, wait a minute, it is not just the Appropriations Committee appropriating and spending more; that Finance Committee should be responsible as well in cracking down on unnecessary tax breaks. As a result, we had tax reform which purported to end corporate welfare.

By 1987, we met in the Budget Committee and considered other freezes, cuts, loophole closings. I remember telling Dick Darman, Director of OMB for President Bush, ''Look, unless we grab a hold of this now with some kind of taxes, as well as the cuts and freezes and loophole closings, we are going to be in desperate circumstances. We are going to run up to about $400 billion deficits, the debt growing all along, and interest costs growing all along.''

As a result, eight of us in the Budget Committee voted in a bipartisan fashion to increase taxes. You cannot find that type of candor anymore around this Capitol, around the White House or anywhere else in this city. But, you are not going to get on top of this cancer unless you have that kind of surgery. Because, unless revenues are part of the solution increase taxes will continue to rise.

So let me be clear, Mr. President, those who say they are against taxes and want to cut spending, and even taxes, are totally off base with respect to fiscal responsibility. They know it, you know it, and the blooming press knows it, but they will not print it because they have joined in the pollster conspiracy. When the question is asked: Are you for taxes? The answer invariably is: Oh, I am against taxes. So we all jump on the bandwagon. A public servant who comes out for paying a bill is portrayed as some fellow for wasteful spending. You cannot get any more wasteful than a billion dollars a day in interest costs for nothing. It was only $75 billion when Reagan took over. It is now $348 billion. That is an increase of $273 billion for absolutely nothing.

So my point is, let us quit obscuring the size of the deficit. Let us quit moving the deficit from the general fund over to the Social Security.

My colleague from Florida will talk specifically about the $12 billion they borrowed from the trust fund when they had to pick up votes on the other side of the aisle with the Roth amendment. In offsetting their amendment, they used $12 billion that under the law should not be used for additional spending but should be credited to the Social Security Trust fund. It is the height of what we call smoke and mirrors. People sincerely get on the floor and claim, ''We are not using smoke and mirrors.'' False. That is exactly what you are doing when you use the surpluses in the Social Security trust fund to claim that you are balanced and when you backload all of the tough choices.

Indeed, 50 percent of the proposed cuts under the GOP plan do not come until after the Presidential election in the year 2000.

This year, to be specific, we are trying to cut $45 billion in spending under the Republican budget. In the year 2002, Mr. President, we will have to slash $347 billion. We cannot get the $45 billion this year, much less the $347 necessary in year 7. That is why 10 of the 13 appropriations bill are not over to the President—because Republicans cannot agree on what to cut.

We have friends on both sides of the aisle who think we ought to do more in education, more in technology, in legal services, and right down the list.

Mr. President, we should look at what we have been doing. We have been long on sweeping promises to the American people and slow on results. In 1981 under President Reagan, the first concurrent budget resolution for the fiscal year 1982 predicted a deficit by fiscal year 1984 of zero. No deficit, a balanced budget.

I ask unanimous consent to have that page printed in the RECORD at this point.

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

EXCERPT FROM FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1982

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:

Fiscal year 1982: $48,800,000,000;
Fiscal year 1983: $21,400,000,000;
Fiscal year 1984: $0;

(b) the appropriate level of the public debt is as follows:

Fiscal year 1982: $1,091,200,000,000;
Fiscal year 1983: $1,154,300,000,000;
Fiscal year 1984: $1,197,600,000,000;

and the amount by which the temporary statutory limit on such debt should be accordingly increased is as follows:

Fiscal year 1982: $91,400,000,000;
Fiscal year 1983: $63,100,000,000;
Fiscal year 1984: $43,300,000,000.

(b) Based on allocations of the appropriate levels of total new budget authority and of total budget outlays as set forth in paragraphs (2) and (3) of the preceding subsection of this resolution, the Congress hereby determines and declares pursuant to section 301(a) of the Congressional Budget Act of 1974 that, for the fiscal years beginning on October 1, 1981, October 1, 1982, and October 1, 1983, the appropriate level

Mr. HOLLINGS. Then in 1985—we need not put that in; everyone knows that Gramm-Rudman-Hollings was a 5-year path to a balanced budget.

They talk about fiscal responsibility. I will show them the TV where I got the Good Government Award for ending deficits for all time from President Ronald Wilson Reagan.

By 1990, we got together—and please, my gracious, put this in the RECORD, please. I ask unanimous consent that the concurrent resolution on the budget for the year 1991 be printed at this point.

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

EXCERPT FROM CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1991

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,002,300,000,000;
Fiscal year 1992: $1,024,800,000,000;
Fiscal year 1993: $1,049,900,000,000;
Fiscal year 1994: $1,059,900,000,000;
Fiscal year 1995: $1,080,900,000,000.

(4)(A) The amounts of the deficits are as follows:

Fiscal year 1991: $143,700,000,000;
Fiscal year 1992: $100,900,000,000;
Fiscal year 1993: $62,000,000,000;
Fiscal year 1994: $14,700,000,000.

(B) The amount of the surplus is as follows:

Fiscal year 1995: $20,500,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,369,600,000,000;
Fiscal year 1992: $3,540,900,000,000;
Fiscal year 1993: $3,676,700,000,000;
Fiscal year 1994: $3,766,900,000,000;
Fiscal year 1995: $3,827,600,000,000.

Mr. HOLLINGS. The record I read—and everybody should fall down dead from shock—''The amount of surplus is as follows: Fiscal year 1995, $20.5 billion.'' That was at the end of September, a month before last. We are supposed to have a $20.5 billion surplus. Instead we have a $283.3 billion deficit.

Here we go again, balanced budget promised in 1981. Balanced budget promised in 1985. Surplus promised in 1990. Now they come, with a 7-year promise that gets by two Presidential elections, and relies on completely unrealistic cuts.

Mr. President, I ask unanimous consent to have printed in the RECORD the particular chart entitled ''Here We Go Again'' that gives the true facts.

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

''HERE WE GO AGAIN''

(By Senator Ernest F. Hollings)

Starting in 1995 with:

(a) A deficit of $283.3 billion for 1995:

1995:	(In billions)
Outlays	$1,530
Trust funds	121.9
Unified deficit	161.4
Real deficit	−283.3
Gross interest	336.0

(b) And a debt of $4,927 billion.

How do you balance the budget by:

(a) Increasing spending over revenues $1,801 billion over seven years?

GOP ''SOLID'', ''NO SMOKE AND MIRRORS'' BUDGET PLAN

Year	CBO outlays	CBO revenues (billions)	Cumulative deficits (billions)
1996	$1,583	$1,355	−$228
1997	1,624	1,419	−205
1998	1,663	1,478	−185
1999	1,718	1,549	−169
2000	1,779	1,622	−157
2001	1,819	1,701	−118
2002	1,874	1,884	+10
Total	12,060	11,008	−1,052

(b) And increasing the national debt from $4,927.0 billion to $6,728.0 billion?

DEBT

[*off CBO's April baseline]

	National debt (billions)	Interest costs (billions)
1995	$4,927.0	$336.0
1996	5,261.7	369.9
1997	5,551.4	381.6
1998	5,821.6	390.9
1999	6,081.1	404.0
2000	6,331.3	416.1
2001	6,575.9	426.8
2002	6,728.0	436.0
Increase 1995–2002	1,801.0	100.0

[*off CBO's August baseline]

	1996 (billions)	2002 (billions)
Debt includes:		
(1) Owed to the Trust Funds	$1,361.8	$2,355.7
(2) Owed to Government Accounts	81.9	(1)
(3) Owed to Additional Borrowing	3,794.3	4,372.7
[Note: No ''unified'' debt; just total debt]	5,238.0	6,728.4

[1] Included above.

(c) And increasing mandatory spending for interest costs by $100 billion?

How? You don't.

(a) 1996 budget: Kasich conference report, p. 3: −$108 billion deficit.

(b) October 20, 1995, CBO letter from June O'Neill: −$105 billion deficit.

You just fabricate a ''paper balance'' by ''smoke and mirrors'' and borrowing more:

SMOKE AND MIRRORS

(a) Picking up $19 billion by cutting the Consumer Price Index (CPI) by .2%—thereby reducing Social Security benefits and increasing taxes by increasing ''bracket creep''.

(b) With impossible spending cuts: $270 billion in Medicare, $182 billion in Medicaid, $83 billion in Welfare.

(c) ''Backloading'' the plan: Promising a cut of $347 billion in fiscal year 2002 when a cut of $45 billion this year will never materialize.

	Billions	Billions
2002 CBO baseline budget	$1,874	$1,884
This assumes:	(1) Discretionary freeze plus discretionary cuts (in 2002).	−121
	(2) Entitlement cuts and interest savings (in 2002).	−226
[1996 cuts, $45 B]	Spending reductions (in 2002)	−347
Using Social Security trust fund.		−115
Total reductions (in 2002).		−462
+Increased borrowing from tax cut.		−93
Grand total		−555

(d) By increasing revenues by decreasing revenues (tax cut)—$245 billion.

(e) By borrowing and increasing the debt (1995–2002): Includes $636 billion ''embezzlement'' of the Social Security trust fund—$1,801 billion.

THE REAL PROBLEM

Not Medicare—in surplus $147 billion—paid for.

Not Social Security—in surplus $481 billion—paid for.

But interest costs on the National debt—are now at almost $1 billion a day and are growing faster than any possible spending cuts.

And both the Republican Congress and Democratic White House as well as the media are afraid to tell the American people the truth: ''A tax increase is necessary.''

Solution: Spending cuts, spending freezes, tax loophole closings, withholding new programs (Americorps) and a 5 percent value added tax allocated to the deficit and the debt.

''HERE WE GO AGAIN''

[Promised balanced budgets]

President Reagan.	1981 budget	$0	(by FY 1984)
President Reagan.	1985 GRH budget.	0	(by FY 1991)
President Bush	1990 budget	+20.5 billion	(by FY 1995)

Mr. HOLLINGS. The unrealistic cuts are completely unrealistic. We cut Medicare and Medicaid under President Reagan. We cut Medicare and Medicaid under President Bush. We cut $57 billion under President Clinton from Medicare. At that time when we could not get a single Republican vote in either the House or Senate, we cut Medicare.

Now, after all of those cuts, Republicans are arguing to reduce Medicare by another $270 billion just to give everyone a tax cut and reap the political benefit in next year's elections?

It is a disgrace. They ought to be ashamed of themselves. You cannot generate that amount of savings. It will not happen. Nor will you save the over $80 billion banked on from welfare reform. You cannot set up a jobs program, a training program, a day care center program and everything else to put those on welfare to work without spending more money. Ask your Governor, because I can assure you, you will be hearing from him or her in the coming months. It is totally unrealistic.

As a final trick, the GOP plan borrows $636 billion from Social Security over the next 7 years in order to obscure the size of the deficit and say the job is done.

Added to the over $484 billion that we already owe Social Security, we will owe the Social Security trust fund $1 trillion in the year 2002. It is sordid

gamesmanship, Mr. President. Sordid gamesmanship.

With this one instruction, Mr. President, we can hopefully sober them up. Maybe the media that is supposed to keep us honest can help out a bit. I think it was Jefferson who said, if it is between the free Government and the free press, I choose the latter.

Why? You can get a free Government, but you will not hold it along unless you have free media. I hope that still holds true for the press in Washington, DC. This media crowd is fast asleep. There one exception that I have found in a recent USA Today article entitled ''The Balanced Budget Myth,''.

I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the USA Today, Nov. 6, 1995]

THE BALANCED-BUDGET MYTH

Each day, the debate over balancing the budget produces another dire warning. The cuts are too deep! say the Democrats. Taxes must fall! say the Republicans.

But after they compromise and begin arguing over who won a few weeks from now, one truth will remain: Both sides will be lying, because neither is talking about a truly balanced budget at all.

The non-partisan Congressional Budget Office underscored that point recently. It pointed out that come 2002, when the budget will be ''balanced'' under Republican plans, the government will still be borrowing more than $100 billion a year. This is done by writing IOUs from the Treasury to Social Security and other trust funds that Congress declares ''off-budget.''

The bill for this little game won't come due in the political life of President Clinton or much of today's Congress. But the public will pay it soon enough.

To understand, look, ahead to 2005. That's just 10 years away, about the time it takes for an 11-year-old child to go from grade school through college.

That year a critical balance tips. Increased costs for Social Security will begin to deplete Congress' cushion. Because the Social Security trust fund is a fiction filled with nothing but government promises to pay, Congress will gradually lose its fudge factor.

By 2013, when the trust fund peaks, taxpayers will feel a hard bite. They'll have to start doing what the trust fund was supposed to do—pay for the retirement of 75 million baby boomers. The budget will plummet into a sea of red ink, with $760 billion a year deficits by 2030. By then the government will have to double the current 12.4% employer-employee payroll tax to cover Social Security obligations.

That's unaffordable. Yet, neither President Clinton nor leaders of either party in Congress acknowledge reform is needed to avert economic catastrophe. To do so would require Republicans to get off their tax-cut bandwagon and democrats to accept deeper spending cuts. Both prefer the myths that a budget borrowing from Social Security is balanced and a trust fund filled with IOUs to be paid by today's 11-year-olds has value.

Those are frauds only fundamental reform can fix.

The leaders of Clinton's commission on entitlements—Sen. Robert Kerrey, D-Neb., and former Sen. John Danforth, R-Mo.—last year recommended raising the retirement age to 70 and converting a portion of the current payroll tax into a mandated personal retirement account. The Concord Coalition, a deficit watchdog, has called for cutting benefits to upper-income retirees. Other proposals include taxing all income for Social Security and subjecting all benefits to normal income taxation.

Which measures are best? Only a thorough debate of the various measures can decide. But first political leaders must give up their convenient budget myths and face the fact—a Social Security train wreck is coming, and sooner than they think.

Mr. HOLLINGS. ''Both sides will be lying,'' it says. ''After the compromise,'' and again arguing over who won a few weeks from now, ''one truth will remain. Both sides will be lying because neither is talking about a truly balanced budget.''

Once again, Mr. President, we have lied to the American people. In this context, I just hope the media will wake up and start reporting it. The real deficit had to be reported by Chairman KASICH in the conference report. He reported $108 billion deficit.

June O'Neill, in a letter on October 20—and I ask unanimous consent to have the letter printed in the RECORD at this point.

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

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, October 20, 1995.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR: Pursuant to Section 205(a) of the budget resolution for fiscal year 1996 (H. Con. Res. 67), the Congressional Budget Office provided the Chairman of the Senate Budget Committee on October 18 with a projection of the budget deficits or surpluses that would result from enactment of the reconciliation legislation submitted to the Budget Committee. As specified in section 205(a), CBO provided projections (using the economic and technical assumptions underlying the budget resolution and assuming the level of discretionary spending specified in that resolution) of the deficit or surplus of the total budget—that is, the deficit or surplus resulting from all budgetary transactions of the federal government, including Social Security and Postal Service spending and receipts that are designated as off-budget transactions. As stated in the letter to Chairman Dominici, CBO projected that there will be a total-budget surplus of $10 billion in 2002. Excluding an estimated off-budget surplus of $115 billion in 2002 from the calculation, CBO would project an on-budget deficit of $105 billion in 2002. (The letter you received yesterday incorrectly stated these two figures.)

If you wish further details of this projection, we will be pleased to provide them. The staff contact is Jim Horney, who can be reached at 226–2880.

Sincerely,

JUNE E. O'NEILL.

Mr. HOLLINGS. The Director of the CBO, estimates a projected budget deficit of $105 billion in 2002.

We had to write and insist that she follow section 13301 of the Budget Act. Two days before, she had said ''Why, heavens above, we have a $10 billion surplus.'' Two days later, obeying the law, she found $105 billion deficit.

No wonder in the New York Times Adam Clymer wrote the article here about 10 days ago that 81 percent of the American people do not believe the budget will be balanced. God bless them for their common sense.

I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. HATCH). Who yields time?

Mr. GRAHAM. Mr. President, I believe under the previous order I have 20 minutes?

The PRESIDING OFFICER. The Senator from Florida has 20 minutes remaining.

Mr. GRAHAM. Mr. President, I wish to commend my colleague from South Carolina, who has been toiling in these vineyards with the goal of achieving a balanced budget for many years and has given us the background, the historical context in which a very serious event occurred on October 27. Let me recall for the Senate what happened that night.

You may remember we had been in session for many hours that day. That was the day in which we cast some 40 individual votes. We had been waiting to receive the final amendment that would encapsulate a number of revisions to the Finance Committee's section of the reconciliation bill. After having requested for the better part of 36 hours the legislative language of those revisions and the impact which they would have, finally, at approximately 6:25 in the evening, we received version 1 and, at 9:45, received version 2 of what came to be known as the Roth amendment.

So, just prior to the Senate's final vote on the reconciliation legislation, Senator ROTH submitted an amendment which adds the following components. It modified certain Medicare provisions, it changed nursing home standards, and, the most significant provision from an economic standpoint, it reallocated the Medicaid funding formula.

Those modifications had a total cost of approximately $13 billion. The motion which I have offered goes to the budget offset, which was offered in the amendment of Senator ROTH, as the basis of paying for the modifications in his amendment.

The amendment of Senator ROTH directed that all outlay programs within the jurisdiction of the Finance Committee use a cost-of-living adjustment rate of 2.6 percent rather than the 3.1 percent cost of living, which had been estimated several months earlier in the budget resolution.

Let me quote the language of the amendment by Senator ROTH as it relates to the methods of paying for the additional spending in his amendment.

''Notwithstanding any other provision of law''—I say to my colleague, Senator HOLLINGS:

Notwithstanding any other provision of law, in the case of any program within the jurisdiction of the Committee on Finance of the U.S. Senate which is adjusted for any increase in the Consumer Price Index for all urban wage earners and clerical workers

[CPI–W] for the United States city average for all items, any such adjustment which takes effect during the fiscal year 1996 shall be equal to 2.6 percent.

That amendment raised several questions. One of those questions is just exactly what programs is this provision intended to affect. Application of the 2.6 percent rate would impact a number of outlay programs, including railroad retirement benefits and supplemental Social Security income.

But, by far, the lion's share of the impact would be on one program. Mr. President, you guessed it, that program is Social Security. Approximately $12 of every $13 affected by this amendment, or $12 billion of the $13 billion in savings, comes from one program: Social Security.

Some have stated this is not a raid on the Social Security trust fund; instead, it merely recognizes the economic reality that the cost-of-living adjustment will be 2.6 percent rather than the 3.1 percent upon which the budget was predicated when we passed the original budget resolution last spring. As a result of this lower actual cost of living, the Federal Government will pay out less in numerous outlay programs, including Social Security.

At first that seems to be a plausible argument. But like so many things, the devil is in the details. And here is what the devil says. The devil says that there is no real money being saved by legislating at this lower rate. That is why the Congressional Budget Office stated that the Congressional Budget Office and the Office of Management and Budget do not score savings for a cost of living that would have happened anyway under current law.

Mr. President, I ask unanimous consent that immediately after my remarks, a memorandum from Mr. Paul Van de Water, Assistant Director of the Congressional Budget Office in the Budget Analysis Division, be printed in the RECORD.

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

(See exhibit 1.)

Mr. GRAHAM. What Mr. Van de Water said is that the policy of the Congressional Budget Office and the Office of Management and Budget is not to score savings when the law would have incorporated those savings in any event.

The reason the Congressional Budget Office historically does not score an updated cost-of-living assumption alone, out of the context of all of the other economic factors which influence the ultimate Federal deficit or surplus—the size of the deficit, the size of the surplus—is that to do so would create a very dangerous temptation.

What would that temptation be? The temptation would be for a Member of Congress to look at all the factors such as are listed on this chart that go into arriving at an overall assessment of the Federal Government's fiscal condition. Suppose, for instance, if you focused on the issue of inflation and because of the change in inflation rates between the time that the original budget resolution was passed until the time that the debate was taking place—in this case, on the 27th of October—if the movement of inflation had been such that it had increased revenues or had suppressed outlays, then we might say, let us change the inflation adjustment factor and take the benefit that would give us in terms of additional expenditures because of higher revenues or additional moneys being available because of we have repressed our expenditures.

But what if the other had occurred? Suppose, in fact, inflation had increased and therefore had caused us to have to spend more money on things like the national debt and had reduced our revenues because higher inflation had resulted in less economic activity? Which Senator would come forward then to offer an amendment to say, ''Let us come up with some additional spending cuts, let us find a source of taxation in order to counterbalance what has happened in the area of inflation''?

The fact is, there would be very, very few who would do so. So, instead, by being able to pick and choose which factors happen to benefit the position that one wished to advocate, you would do exactly as the Senator from South Carolina has suggested we have been doing for the better part of the last two decades, and that is creating the smoke, looking into the fraudulent mirror that gives us the false sense we are making progress in reducing the deficit but actually contributes to higher and higher deficits, higher and higher national debt.

So, how does the Congressional Budget Office deal with this issue? The Congressional Budget Office says they will only revise the baseline if they take into account all factors, not just cherry picking those that happen to have a beneficial effect. Let me quote, again, from the letter from Mr. Van de Water.

At the request of the budget committees, CBO [the Congressional Budget Office] has from time to time, updated the baseline to reflect recent economic and technical developments. In such circumstances, however, we insist on incorporating all relevant new information, not just selected items such as COLA's [cost-of-living adjustments].

Did the Roth amendment take into account all economic changes and technical developments during the 8 months since the economic baseline had been established? You see all the factors that primarily influenced that economic baseline.

Does the amendment take into account the fact that interest rates have actually been higher than assumed in the baseline, which results in higher outlays? No.

Does the amendment take into account the fact that the Federal Government be required to make an additional $20 billion in payments resulting from adverse court decisions in the banking area? No.

No, the Roth amendment only takes into account a portion of the inflation factor—namely, cost of living. Furthermore, the amendment only takes into account the cost of living as it relates to outlays rather than both outlays and revenues. And, moreover, it relates only to certain outlays, those within the Finance Committee's jurisdiction.

Mr. President, this is the most compelling detail in the devil's brew. If we had followed the Congressional Budget Office precedent and taken into account all factors, we would not have had a $13 billion savings to use to finance these new spending items in the Roth amendment. No. In fact, we would not have had any savings at all. The economic reality is that the baseline assumptions were too optimistic.

Let me quote again from Mr. Van de Water's memo.

In this instance, if we were to include all of the information in our August baseline, plus the actual 1996 cost of living, our estimate of the year 2002 deficit would have been higher, not lower.

It would have been a higher deficit, Mr. President, not a lower deficit.

An economic update would show a higher deficit, and we count the update as saving money. I call it a raid on the Federal accounts. And since the Roth legislative language calls for the money to come from $12 out of every $13 from the Social Security payments, Mr. Senator from South Carolina, I call it a raid on the Social Security trust fund.

Some may argue that this macroanalysis proves too much and that the Roth amendment deals only with Finance Committee programs. Let us look narrowly and see if there has been a raid, looking only at Finance Committee programs.

The Roth amendment takes into account only outlays impacted by a lower 2.6 cost of living. The Social Security fund will spend fewer dollars to meet its obligations to the Social Security beneficiaries at a 2.6 cost-of-living adjustment. It would have had a 3.1-percent cost-of-living adjustment. True, but there are other ramifications to that lower cost of living. For example, many workers' salaries are tied to the same consumer price index that is the basis of our cost of living. If those salaries rise by only 2.6 percent rather than 3.1 percent, what happens to the payroll taxes withheld from their checks? They will be lower than the economic baseline projected, and, as a result, less money will flow into the Social Security trust fund.

Does the Roth amendment take these lower revenues into account? Mr. President, sadly, no. It only takes credit for lower outlays and does not recognize the effect of lower receipts into the Social Security trust fund.

Just what would be the impact of an updated economic assumption on the Social Security trust fund? Outlays are reduced by $18 billion—$12 billion by the COLA reduction and $6 billion from

other changes. But, Mr. President, revenues are down by $62 billion as a result of economic changes such as the lower amount of payroll taxes coming into the Social Security trust fund.

Thus, the net effect to the Social Security trust fund of the $18 billion of lower outlays but the $62 billion in lower revenue to the Social Security trust fund is a decrease of $44 billion in the status of the Social Security trust fund over the 7 years from that which had originally been estimated under the budget resolution.

So, Mr. President, we are diverting $12 billion from the Social Security trust fund in order to finance additional spending while the trust fund will actually have $44 billion less than originally projected. That, Mr. President, is a raid on the Social Security trust fund.

I find it quite ironic that Congress would be so concerned about the Social Security trust fund that we would attach a rider to the debt ceiling extension legislation which would preclude the Secretary of the Treasury from using Social Security and other trust funds as a form of cash management during this period in which we are about to reach our legal spending level.

Why would we be so concerned that we would put the ability of the Federal Government to meet its financial obligations at risk but then we would so freely raid the very same trust fund to pay for additional spending, additional spending unrelated to Social Security obligations? We cannot have it both ways.

We cannot say, on the one hand, that we want to be the great defenders of the Social Security trust fund, but, on the other hand, raid the Social Security trust fund. We cannot say, on the one hand, that these COLA modifications merely reflect reality and that it would have happened anyway, and then it is not real savings but just funny money and cannot be used to offset real spending. If it is a real cut, on the other hand, then it constitutes a diversion of funds and a raid on the Social Security trust fund. You cannot have it both ways, Mr. President.

Either conclusion—either that it is phony money to support real spending or that it is a raid on the Social Security trust fund, real money to support real spending—either one of those conclusions justifies jettisoning the Roth amendment as the basis of paying for an additional $12 billion in new spending unrelated to Social Security obligations.

Therefore, I urge my colleagues to adopt the motion offered by the Senator from South Carolina and myself to instruct the conferees not to include the $12 billion in Social Security cuts contained in the Roth Finance Committee amendment.

Thank you, Mr. President.

I reserve the remainder of my time.

EXHIBIT 1

MEMORANDUM

To: Sue Nelson.

From: Paul Van de Water, Assistant Director of CBO in the Budget Analysis Division.

Subject: Taking account of the actual COLA.

The budget resolution baseline assumes a 3.1-percent cost-of-living adjustment for Social Security and other federal programs in January 1996. The actual COLA will be 2.6 percent. Two clear precedents apply in this situation.

CBO and OMB do not score savings for legislating a COLA that would happen anyway under current law. This rule was applied to veterans compensation in 1991 and to Food Stamps in 1992.

At the request of the Budget Committees, CBO has from time to time updated the baseline to reflect recent economic and technical developments. In such circumstances, however, we insist on incorporating all relevant new information, not just selected items, such as COLAs. In this instance, if we were to include all the information in our August baseline plus the actual 1996 COLA, our estimate of the 2002 deficit using the discretionary spending amounts specified in the budget resolution would be higher, not lower.

Mr. GRAHAM. Mr. President, could the President inform us as to how much time remains on this motion to instruct?

The PRESIDING OFFICER. The Senator from Florida has 2 minutes and 12 seconds, and the Senator from Michigan has 20 minutes.

Mr. GRAHAM. We will reserve our time, Mr. President.

Mr. ABRAHAM. Mr. President, I note the absence of a quorum and seek unanimous consent that the time not be charged to either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ABRAHAM. Mr. President, I yield at this time such time as he may need to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague from Michigan for yielding.

I have listened with a tremendous amount of interest to the debate over this motion to instruct conferees. I guess the thing that frustrates me most in the midst of all of this, in the midst of a Presidential veto this morning, is that by the unwillingness of this administration to act we are clearly putting a variety of trust funds in jeopardy at this moment that budget reconciliation has in every way sought to assure.

During our debate on the balanced budget amendment, we heard the other side literally go on for days that the reason we were balancing the budget was a variety of things, and that we were going to do it on the back of the Social Security trust funds. It was the only way Republicans could figure out a way to balance the budget. I think what is their greatest frustration today is that we have offered a truly legitimate balanced budget and the trust funds are secure, and in fact the trust funds are safe.

When the Senator from Florida suggests in his motion not to include the $12 billion in Social Security cuts that are included as an offset in relation to CPI adjustment, I find it interesting that he would phrase it that way when in fact but just a few days ago he voted for a Simon-Conrad budget that did the same thing. So we have really reduced the debate in this Chamber to politics, plain and simple raw politics: Do you want to maintain the stability programs like Social Security and balance the budget in doing so, or do you really want to progress down the same old path of spend and spend and promise well more than this Government could possibly provide or the taxpayers would be willing to pay for.

That is what we have reduced ourselves to in the final hours of a critical debate on a very conclusive process that honors the commitment that a variety of us made to the American people some months ago, that we would work in every way for a balanced budget by downsizing all of the areas of Government, except Social Security would remain sound and stable and off the table.

We have done all of those things, but because that is what the American people want and because there are many who are very fearful that they lose control of the phenomenal power they have exercised for decades in the ability to promise and spend and promise and spend and literally make our citizenry the victims of a government instead of the beneficiaries of a government, we have finally arrived at this debate.

What we are offering is very straightforward in protecting these systems and assuring their stability out into the future. Everyone knows that the only real saving grace of Social Security or any of these kinds of programs that extend benefits to citizens in our society either based on a commitment long term in an actuarial sense like Social Security or even that of qualifying under certain criteria for need, the only way you can offer those is if you have a balanced budget. The only way you can guarantee 30 years out that the beneficiaries of Social Security are going to get their Social Security checks is if there is no massive debt in this country that is pulling $400 billion or $500 billion a year out of general fund moneys to pay interest on debt. It is a self-fulfilling prophecy. We know that. The American people know it. That is why for the last many months we have struggled on key and important budget issues from both sides of the aisle trying to strike the compromise and split the difference and

yet continually march ourselves toward a balanced budget by the year 2002.

So when I look at instructions like this, these are like reverter clauses—revert to the old ways, revert backward, revert to deficit spending, revert to trust fund instability, revert to debt, revert to borrowing back money from future generations and not being willing to pay for it. But what the American people said is, do not revert at all. They instructed us last November. We had our instructions as conferees in a massive referendum across this country that was one of the most politically realigning referendums in the history of our country. They said to us as conferees: Balance the budget, stabilize the programs, reduce the unnecessary spending, reprioritize the programs of Government. If it is 30 years old, it is not working, and its intent has never been met, review it and get rid of it, but honor Social Security and in so doing make sure it is strong. That is exactly what we have done in all instances here.

Every Senator on this floor serves as a member of the board of directors of Social Security. We have the absolute responsibility by our pledge, and that is to uphold the Constitution, and our commitment to the American citizens that we will honor programs of this nature by providing for their stability, and we must manage them accordingly.

For this Senate to vote to follow the instructions of this motion to the conferees would not be to strengthen or stabilize, it would be to perpetuate the past. And the past, by all estimation, is wrong and has brought about the kind of instability, the kind of doubt in the minds of the American people that beg for change. And we have offered that in the budget reconciliation process that we are currently under that will spell not only significant change, but tremendous stability.

Mr. President, I thank my colleague from Michigan for yielding. I yield back the remainder of my time.

Mr. ABRAHAM. Mr. President, can I inquire as to how much time we have remaining at this point?

The PRESIDING OFFICER. The Senator from Michigan has 12 minutes 41 seconds. The Senator from Florida has 2 minutes 12 seconds.

Mr. ABRAHAM. Mr. President, I yield myself such time as I may need just to enter a few additional comments into the RECORD that I would like to make after the fine address by the Senator from Idaho.

Mr. President, the Senator from Florida, in explaining his motion, at the conclusion of his remarks, commented on the issues that pertain to the short-term debt bill which we voted on here last Thursday night and expressed puzzlement that in that short-term debt bill the Republican Members here who supported it included a provision that would limit the ability of the President to raid those Social Security trust funds that are in fact the subject of his motion today. He said he is puzzled because of the Roth amendment, which his motion specifically addresses, to change the number that is employed for calculation of Consumer Price Index changes.

I guess I have sort of the reverse puzzlement. I am puzzled that people who, on the one hand, argue that they are concerned about the Social Security and other trust funds' integrity were willing to vote against the short-term debt limit issue, a bill that we passed last Thursday night, because if this is the issue that they hold as so vital and important, I would think they would have joined us in calling for those various trust funds to be off limits and to prevent the President from having the ability to raid those trust funds.

During the debate on the debt limit, the Democrats supported an amendment offered, I believe, by the Senator from New York, which would have given the administration the authority to raid Federal workers' retirement trust funds, the elderly's trust funds, Social Security benefits, and the pensions of our country's veterans. The amendment would have essentially stricken all language pertaining to all of those trust funds from the short-term debt bill.

Now, I understand that on final passage people might have found some of the provisions, in addition to those trust fund provisions, objectionable. But I was amazed that no effort was made at the time of consideration of the Moynihan amendment to limit that amendment to the areas that did not pertain to these trust funds, but rather to include them.

In short, the Democrats had the opportunity to make the strong statement, which this motion to instruct suggests they wish to make, regarding the integrity of these trust funds by either voting against that Moynihan amendment, as we did on our side, or by offering a smaller version of the Moynihan amendment that would have only focused on those aspects of the short-term debt bill that were unrelated to the trust funds. And yet that did not happen.

The President, of course, has said he needs the extension of the debt limit. He has now vetoed that extension. The administration now says that they can raid the $1.3 trillion in pension funds of Federal workers and the Social Security trust fund in order to keep the Government from defaulting. This does not seem to me, Mr. President, consistent with the concerns that are certainly embodied in this motion and that the Senator from Florida has spoken about many times here to us, the concern that relates to the integrity of these trust funds.

And I find that far more puzzling—far more puzzling—than the issues that were raised by the Senator from Florida with regard to the Republican position regarding the Moynihan amendment. One of the reasons this Senator voted against the Moynihan amendment was because it would have provided that kind of basically unlimited credit card option to the President and to his economic advisers to tap into those trust funds in order to address these issues pertaining to the payment of U.S. obligations.

I would like to now turn briefly to address some of the issues that were raised by the Senator from South Carolina with reference to the various ways by which the budget deficit is calculated. The fact is that ever since the Budget Act of 1974, every budget has calculated the budget on a unified basis. Now, I am not at great odds with the Senator from South Carolina in the concerns that have been expressed that we need to go further, that we are not going far enough in terms of reducing the growth of Federal spending. On those points I am in agreement. In fact, I was sort of, I have to say, surprised and pleased to hear his concerns as expressed today because we have had numerous opportunities before the Senate over the last few months to vote to tighten the belt further, and all too infrequently have we heard support for those gestures on the other side of the aisle.

But the fact is, Mr. President, both the Office of Management and Budget and the Congressional Budget Office use the unified budget to calculate the deficit. When the Democrats were in charge here in Congress, they calculated the deficit including the Social Security trust funds. Both budgets submitted by President Clinton this year included the Social Security surplus in their calculations. And, indeed, some of the changes in the level of the deficit that have been pointed to, with pride, by the President are, in fact, changes that were in large part obtained because of these Social Security trust fund surpluses that the President uses in his calculations.

In short, Mr. President, I guess I would be more sympathetic to the case that is being made if the same fervor had been used here on the floor to criticize the President's budget when it came down here as is now being employed to criticize our budget. The fact is that there seems to be a certain priority here. When the Republicans come forth using the same unified budget that has been used every year since 1974, suddenly the issue of using the trust funds is of great concern. When the President comes forward using those same surpluses, the issue seems to not be on the front burner. I guess I have to draw a conclusion from that discrepancy that this is more of a partisan attack than it is one of a substantive sort.

Let me talk about the broader question that was raised by the Senator from South Carolina, at least as it pertains to the deficits, because he makes the point that in the 7-year period we are talking about, at the end of that period of time, according to the unified budget, we will have eliminated the

Federal deficit, but because of the Social Security surplus' effects, there will still be that deficit to contend with.

I have good news for the Senator from South Carolina. The good news is that not only is the Republican budget which we have been voting on here in recent months the only budget that achieves balance using the Social Security trust funds in the year 2002 according to CBO scoring, but the Republicans are also the only people here who have a budget that achieves balance without using the Social Security trust funds. And that will be achieved in the year 2005.

Indeed, Mr. President, according to the Senate Budget Committee, the surplus from our balanced budget plan will exceed the surplus in the Social Security trust fund in the year 2005. In other words, we are not only on the way to achieving balance in the year 2002 under the unified budget, but the plan which we have been fighting for here in the Senate, the plan that is responsive to citizens across this country who have said it is time to put the Federal fiscal house in order will achieve balance even if you do not use a unified budget by the year 2005.

In other words, it continues the job that we were sent here to do, to bring about the kind of fiscal integrity in Washington that every family in my State of Michigan from Sanilac County in the thumb all the way over to St. Joseph, MI, and Berrien County in southwest Michigan has to do in their own home, that is, to bring about balance.

We will achieve that in the year 2005 under anybody's calculus. That is what is critical, because nobody else, Mr. President, even comes close to achieving this balance. According to the CBO, the President's so-called balanced budget would still have a $200 billion deficit in the year 2002.

And that $200 billion or so deficit will continue as far as the eye can see.

So, Mr. President, I guess what I will just say in closing, one last point just to follow up on the concerns that have been expressed relative to the CPI, is that there was another balanced budget proposal brought before the Senate which Senator CRAIG alluded to. It was brought by Senators SIMON and CONRAD during our reconciliation debate. It was brought and supported, I believe, exclusively by folks on the other side of the political aisle.

In that budget, they brought about balance by very substantially tapping into the Social Security trust funds by making a very substantial adjustment in the CPI, not an adjustment based on this year's actual inflation numbers, as was the case with the Roth amendment, but by simply on an across-the-board basis, adjusting at an adequate level to bring about a balanced budget. In short, they used the Social Security changes, a reduction, in fact, Mr. President, of some $41.1 billion in Social Security payments, to bring their budget into balance.

In total, they reduced Federal outlays from the various trust funds, and so on, including Social Security, by over $73 billion over 7 years, all of it because of changes in the Consumer Price Index in order to make their budget stand the challenge of reaching balance.

Mr. President, I will say, $73 billion is considerably more than $13 billion, and it was not achieved based on an actual number, but rather on a number that was needed to reach balance. So if there is a plan before the Senate that should be critically analyzed and, I believe, scrutinized very closely for having addressed the Social Security trust fund numbers improperly by making changes in the CPI that were very substantial, it was that amendment offered on the other side.

I suggest if there are concerns about the CPI that they should be directed at those who proposed that approach, not the approach that was used on our side where the real inflation number was employed.

In summary, Mr. President, the fact is that we came here to balance the budget. The Republican plan will put us in balance in the year 2002 using the unified-budget approach that has been used by Presidents and Congresses since the 1974 Budget Act. The Republican plan will put us into balance, regardless of whether you use a unified budget, by the year 2005. It is the only plan in town that will accomplish those objectives. It is the only plan in town that will begin to bring down the interest rates that people pay across this country for student loans, new cars, new homes and various other things they need for their families. It is the only plan that will restore fiscal integrity to the Government of the United States, and that is why we feel so strongly that it is the right plan for America.

I yield back whatever time remains.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, to close the motion to instruct, I want to say how much I admire the Senator from Michigan. In the several opportunities I have had to discuss with him issues from foreign policy to issues of our national fiscal future, he always approaches the question with a learned background and with thoughtful analysis. I think that is in the tradition of the U.S. Senate and, frankly, that is what the American people would like to have us do: To have a reasoned dialog. We may disagree, but at least we will be disagreeing on a set of facts that are reasonable and we will be expressing the basis of our disagreement in a manner that the American people can understand and evaluate. I commend him for his contribution to the Senate level of discussion.

Mr. President, the debate on the motion to instruct is not the debate on whether you are for or against the balanced budget amendment or whether you are for or against the goal of a balanced budget at an early date. I share those goals. I voted for the balanced budget amendment. I voted for a provision in the balanced budget amendment that would define what constitutes balance as not including the use of the Social Security surpluses to that end, and I have voted for a plan, along with over 75 percent of my Democratic colleagues, that would have achieved that objective and would have done so before the year 2005.

What I think is significant about the direction of this motion is that it goes to an unusual use of the Social Security trust fund. It is not like the kind of cash management uses of the trust fund that have been used under both Republican and Democratic Secretaries of Treasury in time of need where, in every instance, the Social Security trust fund has been fully reimbursed after the moment of crisis has passed. It is not like efforts that have resulted in a reduction in the outlays of Social Security where the money stayed in the Social Security trust fund and, therefore, contributed to a larger surplus and greater long-term solvency.

What is unusual about this Roth amendment is it first cuts Social Security outlays by $12 billion and then shifts them and uses those outlays to support different spending, spending unrelated to Social Security.

I will ask to have printed in the RECORD the statement of the chairman of the Budget Committee when he was asked if this is what, in fact, is intended, and his response was: ''I want to say that the dollar numbers being referred to''—that is the $12 billion being removed from the Social Security trust fund—''are actual. That is all I want to say.''

That is the quotation from the chairman of the Budget Committee.

I ask unanimous consent that that portion of the CONGRESSIONAL RECORD of October 27 be printed in the RECORD immediately after my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I just ask this question in closing. Here is what the motion says. Who wishes to disagree with these propositions: That we will honor section 13301 of the Budget Enforcement Act of 1990 which states that thou shalt not commingle the trust fund of Social Security with general Federal spending. Who disagrees with that proposition that we should honor that commitment made in 1990?

Who disagrees with the proposition that we should not include in any conference report any language that violates section 13301 of the Budget Enforcement Act? Who disagrees that we should not include any language that violates that principle of sanctity of the Social Security trust fund?

And who disagrees with the proposition, therefore, that we should not include $12 billion in Social Security cuts that were included as an offset for on-budget spending in the Finance Committee amendment?

That is what we are being asked to vote on: To honor, to not include and, therefore, to not violate our trust.

This is a motion that ought to be adopted unanimously by voice vote. I cannot believe that Members of the Senate are going to vote against a motion that effectively says we will dishonor our commitment to maintain the integrity of the Social Security trust fund, that we will include language that is contrary to the spirit and intent and very language that we committed ourselves to in 1990 and, therefore, that we should consummate that disavowal by raiding the Social Security trust fund of $12 billion to support spending unrelated to Social Security obligations.

Those are the questions: To honor, to violate, to include, to maintain our sense of honor and responsibility to the Social Security trust fund.

I urge, Mr. President, my colleagues' adoption of this motion to instruct our conferees and that our conferees follow our admonition as they proceed in the conference committee on the reconciliation legislation.

Thank you, Mr. President.

EXHIBIT 1

Mr. GRAHAM. Mr. President, I am directing my attention to section 7482 of the legislation, which begins on page 45 and states:

''Cost-of-Living Adjustments During Fiscal Year 1996.

''Notwithstanding any other provision of law, in the case of any program within the jurisdiction of the Committee on Finance of the United States Senate which is adjusted for any increase in the consumer price index for all urban wage earners and clerical workers (CPI-W) for the United States city average of all items, any such adjustment which takes effect during fiscal year 1996 shall be equal to 2.6 percent''

It is to that section, Mr. President, that I direct the point of order. I raise the point of order under section 310(d) of the Congressional Budget Act of 1974 against the pending amendment because it counts $12 billion in cuts to Social Security which is off budget to offset spending in the amendment.

The PRESIDING OFFICER. Does the Senator from New Mexico wish to be heard on this point of order?

Mr. DOMENICI. I want to say the dollar numbers being referred to are actual. That is all I want to say.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan has 34 seconds remaining.

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

The PRESIDING OFFICER. Under the previous order, one more motion to instruct the conferees is in order.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ABRAHAM. Mr. President, notwithstanding the previous order, I ask unanimous consent that Senator KENNEDY be recognized at 4:30 p.m. today to make a motion to instruct conferees with respect to the reconciliation bill, and that the House message on H.R. 2491 be laid aside until that time.

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

MORNING BUSINESS

Mr. ABRAHAM. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business until 3 p.m. today, during which Senators may speak for up to 10 minutes each.

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

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and talk is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote. Control, Mr. President. As of the close of business, Thursday, November 9, the total Federal debt stood at exactly $4,983,863,012,854.62 or $18,918.83 per man, woman, child on a per capita basis. *Res ipsa loquitur.*

Some control.

POSITION ON VOTES

Mr. AKAKA. Mr. President, had I been present for votes on Thursday, November 9, 1995, I would have voted the following way:

Senate vote 564 on House Joint Resolution 115, the continuing resolution, I would have voted ''no.''

Senate vote 565 on House Joint Resolution 115, the continuing resolution, I would have voted ''no.''

Senate vote 566 on House Joint Resolution 115, the continuing resolution, I would have voted ''no.''

Senate vote 567 on House Joint Resolution 115, the continuing resolution, final passage, I would have voted ''no.''

Senate vote 568 on H.R. 2586, the temporary debt limit increase, I would have voted ''no.''

Senate vote 569 on H.R. 2586, the temporary debt limit increase, final passage, I would have voted ''no.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

BUDGET STANDOFF

Mr. COATS. Mr. President, over the weekend, both in reading various newspaper accounts and watching the television accounts of the so-called standoff between the Congress and the President over the question of the continuing resolution, funds to keep the Government moving forward, the debt limit, and the budget battle that is currently underway in this Congress, I was particularly taken by an article in Saturday's Washington Post written by Ann Devroy titled, ''For Clinton, the Battle Is To Stand Firm.''

What was interesting is that apparently the President's advisers and pollsters have determined that, as Ann Devroy says, ''President Clinton's reputation for vacillation has made his political need to display strength of character now a silent partner in the nonnegotiation drama'' that is currently taking place here in Washington.

It goes on to say that the President's closest adviser is exulting that polling has shown that the President is beginning to make progress on what he stands for.

The article goes on to say that various sources that Ann Devroy has talked to say—and she quotes—''We were told that what people in their focus groups cite as what they disliked most about Clinton is he is weak, vacillating, opportunist, flip-flops constantly.''

''Pollsters of both parties have''—again, quoting from the article—''Pollsters of both parties have throughout the Clinton presidency identified as a significant problem for the president the perception that he has no core beliefs.''

So what we have seen here now in the past couple of weeks, particularly over this past weekend, and, undoubtedly, we will see this week, is an attempt by the President, on the advice of his counselors, on the advice of his pollsters, and on the advice of those conducting his focus groups, to shore up his character, to define something of what the President believes in and, therefore, ''Stand firm, do not negotiate with the Congress to find a break to the impasse that currently exists between the executive branch and the congressional branch.''

That is what is guiding the decision-making process in the White House and the President's statements.

So, all the President's protestations about the Congress trying to shut down the Government, denying opportunities

for Americans to work, holding America hostage, apparently are all part of a grand political design, grand political scheme to shore up, as the article quotes, shore up the fact that the President is perceived by most people in the focus groups as weak, vacillating, opportunist, and flip-flopping.

We wonder why the American public is so cynical about the political process. We wonder why so few people today show up at the polls to vote. We wonder why the elections across the country—just this past Tuesday, in many cases, less than one-quarter of those eligible to vote even bothered to show up to vote, when they see this kind of political cynicism operating in Washington, DC.

At the same time, I could not help but notice in Sunday's paper a statement that the House minority leader, Mr. GEPHARDT, said in a recent speech that the ''GOP budget goes to the very fringes of radicalism.'' And, of course, we have heard the Vice President and others in the President's Cabinet repeat that mantra now, that it is extremism that is driving the GOP agenda.

So we have had the whole spin all weekend, the focus groups, the Cabinet members, the Vice President this morning on the news shows, and other Cabinet members on the news shows, all pushing the latest White House line. Unfortunately, what they push and the rhetoric that comes across is totally separate from the facts.

This so-called radical, extremist Republican budget over the next 7 years increases spending $2.6 trillion, increases in revenues to the Government of $3.3 trillion. Spending will grow between now and the year 2002 under the Republican radical, extremist budget, spending will grow from $1.514 trillion in this current year to $1.844 trillion in 2002, a 22-percent increase. Medicare spending—which I am sure everyone has heard from the President and his spokespeople that is going to produce dramatic cuts, throw people on the street, throw the elderly out of their nursing homes, and so forth—Medicare spending will increase in that 7-year period 61 percent, from $178 billion in 1995 to $286 billion in 2002. Medicaid spending will grow at a 41-percent increase. Total welfare spending will increase 38 percent. Food stamp spending will increase 45 percent; supplemental Social Security income 69 percent; earned income tax credit spending 22 percent; foster care spending 86 percent. This is the radical, extremist Republican budget.

If we look a little more specifically at Medicare, I think we can begin to understand the length to which the President and members of his party will go to radically alter the news that is being presented to the American people, to put their political spin on something that is totally opposed by the facts of the situation.

Republicans are addressing the Medicare spending issue because the President's own trustees' report in April 1995 stated the following:

> The Medicare program is clearly unsustainable in its present form. . . . We strongly recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions, and delivery mechanisms.

That is the Medicare trustees' report of April 1995.

Incidentally, three of those trustees are members of the President's own Cabinet. Our party has stepped forward in a responsible way to address this alarming report. It has done so by recognizing that unless we slow the growth of Medicare from its current three-plus times the rate of inflation, to around two times the rate of inflation, we will not successfully even begin to address the concern raised by the trustees' report.

We are not the only ones who think that something needs to be done. On October 5, 1993, the following statement was issued:

> Today Medicaid and Medicare are going up at three times the rate of inflation. We propose to let it go up at two times the rate of inflation. That is not a Medicare or a Medicaid cut. So when you hear all this business about cuts, let me caution you that that is not what is going on.

What Republican said that? because that is exactly what Republicans have attempted to do. So when you hear all this business about cuts, this person said, ''Let me caution you that is not what is happening. What is happening is that we are reducing the rate of growth from three times the rate of inflation to two times the rate of inflation.'' That statement was made by the President of the United States, William Jefferson Clinton, in October 1993. You would never know that today, because what is coming out of the White House is the exact opposite of that statement.

We are also talking about the level of premium at 31.5 percent. That is what it is currently today. You see this country offers an extraordinarily generous benefit program for those 65 and older called Medicare. Part A of Medicare hospitalization is 100 percent covered. And part B, which provides for doctors' fees and other nonhospital costs, is paid for to the extent of 69.5 percent by the taxpayer. We are asking the elderly for that part B coverage only to cover 31.5 percent. That is the current rate that we are asking them to pay, their part, their share of the program. And the GOP budget plan requires that that stay at that level, does not increase it but asks that it stay at that level. But what the President would like to do is revert it back to a level of 25 percent. We are saying, given this trustees' report, this is not responsible. Can we just ask those currently under Medicare to maintain their same level of support? That is the so-called cut that the White House and the President, or those who speak for him, are talking about. And it is not a cut.

Ironically, in the year 2002, under the Republican plan, Medicare recipients will pay a $90-a-month premium, if current increases in Medicare costs are as projected. Under the President's plan, they will pay $82-a-month premium, an $8 difference. This is what is labeled as throwing people out of nursing homes, on the street, without medical care. These are the cuts, the so-called cuts, in Medicare.

When we debated the balanced budget amendment earlier this year, we were told by member after member of the Democratic Party, on the other side of the aisle, that balancing the budget was an absolute imperative, and I want to quote some of them. I will not give their names:

''The budget is not going to be balanced in 2002 unless the responsible people, that is those of us in the Congress, in 1995 start to focus on their share of the work.''

''Words on a piece of paper cannot balance the budget, only legislators like you and I can,'' said another Senator.

A third said: ''Let's go on the record, Democrats and Republicans alike, that we are serious about deficit reduction, we are serious about balancing the budget, because I think that we all are.''

Another said: ''I believe a balanced budget is the correct policy decision for this country.''

Another said: ''Let Senators get to work and show Americans we have the courage this amendment presumes that we lack.''

Republicans had the courage. They came forward with a balanced budget plan enacted over a 7-year period of time, because a $4.9 trillion debt is irresponsible legislating. The rate of growth of our debt is staggering. It imposes a burden on the American economy and on the future and future generations that is immoral. We have come forward with a plan. Our friends and colleagues from across the aisle did not bring forward a plan, and what little attempt they made out of the White House was discounted by the very scoring agency that the President asked us to use.

So now here we are with a plan, a plan to deal with one of the most serious financial crises this country has ever faced. It is not a radical plan. It is not an extremist plan. It is a responsible plan. And for the first time in decades, in response to the call of the American people in November 1994, we are beginning to rein in the out-of-control growth of Government. For the first time in decades, we will actually limit the rate of growth of Government.

Finally, the Congress, under the leadership of the Republicans, has proven that they can deliver on the promises made to the American people to balance the budget.

Several weeks ago, Mr. President, I stood on this floor discussing and debating the reconciliation bill which we were about to pass, that bill that combines a number of efforts to reach our goals for putting in place the process of responsible spending and balancing the budget, and I said:

> The reconciliation bill we are debating not only makes sense, it makes history. For many of us, a balanced Federal budget is a distant memory. For decades it has been an empty political promise. All that remains is one final act of courage and vision.

I went on to say:

> That courage will be tested in the Congress by some difficult choices, and that vision will be measured in the President as he becomes either a partner or a partisan. If either he or we are unequal to the task, the patience of the public will be exhausted, and we will have squandered a unique opportunity, and we will feed a dangerous disillusionment with American politics.

That moment is here. That time for courage is here. The courage has been met by the Republican budget plan. Republicans stand today and say: Mr. President, we have a plan. We have responded to the call—your call, our colleagues' call—to be responsible and balance this budget.

But the vision called for and necessary on the part of the President has not been met. There is no vision beyond November 1996. The vision is to reelect the President at whatever cost. The vision is to make sure that the President's campaign succeeds, regardless of what he has said in the past, regardless of his rhetoric.

Just a few short weeks ago, it appeared we were on a path to negotiating a sensible plan to balance this budget with the President's support. If you looked at what the President said and what he called for, it was very close to what the Republicans enacted. But then someone determined that the President needed to have his weak, vacillating character firmed up. And so the whole plan was thrown out the window.

Now we are in an exercise of what I think is the utmost in political cynicism: Of making sure that the President's political posture is the kind of posture that will be necessary to inch him up in the polls so that he can be reelected in November of 1996.

The courage of the Republicans in providing a plan which, yes, includes tough choices but, yes, responds to a desperate need, a need to get control of a government that for years and years and years has been simply out of control, that plan is before us, but that plan is before us without the vision of the executive branch and particularly of the President.

So while the Democrats continue their efforts to tear this bill apart piece by piece, we have to remember that the centerpiece of what we are attempting to do is to balance this budget. In the future, this will be recalled as our contribution to history. If we ignore this budget crisis, this country and future generations will pay dearly.

I think the argument for a balanced budget comes down to something simple. It is one of our highest moral traditions that parents sacrifice for the sake of their children, and it is the depth of selfishness to call on children to sacrifice for the sake of their parents.

If we continue on our current path, we will violate a trust between generations, and we will earn the contempt of the future. This is our moment. This is our time. It will take courage and it will take vision. Let us trust that both the Congress and the President will have an ample amount of each in order to accomplish what I think we all know needs to be accomplished.

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

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

CONFUSION ABOUT WHY WE CANNOT ACT TOGETHER

Mrs. HUTCHISON. Mr. President, I appreciate having the opportunity to listen to the Senator from Indiana talk about what we are facing in the next 7 hours for this country. It is a very important time.

I was in my home State, as well as several other States, over the last weekend, and I talked to people. People are really confused. People see Congress and they see the President, and they are confused about why we cannot act together.

I think it is very important that we clarify to the greatest extent that we can some of these issues. Let us talk about the continuing resolution that has been passed by the House, will be finally passed again in the Senate today, we hope, that in another month, a few weeks maybe, until December 1, anyway, call on the President to sit down with us and work out a budget reconciliation bill that we would hopefully come to terms with by December 1, so that we can, in fact, take the first-year step of the 7-year march to a balanced budget. That is what the Senator from Indiana was talking about—whether we are going to take that first-year step of the balanced budget. We must have the spending levels that we are asking for in the continuing resolution in order to make the 7-year balanced budget.

If we do what the President wants, which is to continue spending at this year's levels, we will not meet the 7-year deadline.

This Congress has spoken. We have passed a budget resolution that sets the cap on spending that is allowed if we are going to balance the budget. We would love to sit down with the President and talk about priorities, but we cannot negotiate the cap. The cap has been passed. We have a budget resolution on the table.

Has the President yet submitted to this Congress a balanced budget? No. The President has yet to submit to Congress a budget that actually balances. The best he could do was a budget that had $200 billion in deficits. That was the very best. Never have we seen a balanced budget.

Congress has given the President a balanced budget. Perhaps the President does not like the priorities that we have. That is legitimate. Let us sit down and talk about what we spend within the cap. But what the President is saying in the continuing resolution, which he says he will veto, is that we must continue spending at last year's levels, which means to the American people and to Congress that the President is not going to let us have the balanced budget that we must have this year.

If we do not meet this year's test, we cannot do it in 7 years. The President first said he wanted 10 years, then 9, and then 8. At one point, he said he would go along with 7 years. But he never submitted a budget that would do it in 7 years—so Congress did. Now we are trying to pass a continuing resolution that will end on December 1, when we believe that two responsible branches of Government ought to be able to sit down and work out a budget reconciliation package for the American people that would meet the budget test.

There are two things the President says he does not like in the continuing resolution. The first is he does not like the lower spending levels that I have just talked about that are necessary for us to have the 7-year balanced budget.

The second thing he does not like is the monthly Medicare part B premiums, which will rise in January $7 a month in order to meet exactly where we are now, and that is that the Federal Government will put in 69 percent, and the recipient will put in 31.5 percent. That is where we are. Anyone who was here when we passed Medicare—I was not—knows the Medicare part B premiums, which are the doctors' visits, were supposed to be shared 50–50 between the recipient and the Government. They are now at 69.5, Government, and 31.5, recipient. That is where we are now, and that is where the Congress is saying we must stay if we are going to keep Medicare from going bankrupt. We have to raise the premiums that go with the rise in costs to keep the level at 31.5 percent.

It would be irresponsible for the President not to sign a continuing resolution that allows us to put the paperwork in place to make that happen. The President's own Cabinet has said Medicare will start going into a deficit next year. The President's own Cabinet says that Medicare can only last with the trust fund that is built up until the year 2002. So we are trying to save the Medicare system by keeping the 31.5 percent level of the recipient in the part B premiums and to slow the rate of growth over the next 7 years from 10 percent increase per year, which is

what we are looking at now, to 6.4 percent per year.

Now, in the private sector, health care costs are rising at 4 to 5 percent. So it would seem that a 6.4 percent growth would be a responsible approach for Medicare growth. And that is what we are doing. We are not cutting Medicare spending; we are increasing Medicare spending at a rate of 6.4 percent per year.

The President is not being responsible when he says he will veto a continuing resolution because the Medicare part B premium is going to increase $7 per month to keep it at the 31.5 percent, and because he does not want to have the lower level of spending so we can meet our budget resolution goal for this year, so that we can have the balanced budget. The President cannot have it both ways. The President cannot go out and say, ''You cannot cut spending, you cannot balance the budget; I would like to see a balanced budget, but I am not going to give you one.'' He cannot keep having it both ways.

The people of this country are not stupid. The people of this country understand that we are looking at a $5 trillion deficit, debt in this country—$5 trillion. I would venture to say that no one ever thought we would reach the level of $5 trillion. But we have.

The American people know that everyone is going to have to pitch in. Our lifestyles are not the same as they used to be. No one's is. In 1975, a family of four spent 33 percent of their annual income on the necessities of transportation, housing, and utilities. In 1995, that level is 46 percent. So people are not stupid. They know that even if they are making a little more money, they are not living at the same level they were. They know that. So they know that we are all going to pitch in, that we are all going to do our part to make sure that we do have a balanced budget in 7 years because our elderly want their grandchildren to have a Medicare system. Our elderly want their grandchildren to get jobs in the future. They want a sound economy. They want low interest rates. They want this country to be the country they had the opportunity to grow up in. That is what they want for their children.

Mr. President, that is what Congress is trying to give to the elderly and to the working middle-class taxpayers of our country.

Let us talk about the debt ceiling. The President has already vetoed the debt ceiling. This is what Congress tried to do. We were trying to extend the debt level and raise it to December 12, a temporary lifting of the debt ceiling, once again, so that we would be able to get the budget reconciliation in place, so that we would have the first year set out with the spending caps to go to the 7-year balanced budget. We believe it is a responsible approach to lift that debt ceiling.

We also provide that there will be no borrowing from trust funds. We provide that habeas corpus reform will take place. We provide for regulatory reform to get the onerous restrictions off of our small businesses in this country so they will be able to compete in the international marketplace so they will be able to create the new jobs that will get our economy going again.

We do ask for the commitment to the 7-year balanced budget so we will not have to talk about whether it is 10, or 9, or 8, or 7 in the future, but everyone will realize and acknowledge and commit to the 7-year balanced budget.

Now, Mr. President, our congressional leaders have said that we will negotiate on this debt limit raising. I think we should. I think the President can have his way on some of these issues. I think Congress would be willing to give.

Mr. President, it is very important that we not give on the bottom line, that we must have a temporary raising of the debt ceiling so that we can responsibly do the budget reconciliation. It would give us the final budget for this fiscal year so that we will not have to argue anymore about how much we are going to spend and so that the markets in this country will know that our commitment is good.

Once we prove to the marketplace, to our international allies and people who are buying our debt, once we show that we have the will to balance the budget, this economy is going to strengthen.

The Chairman of the Federal Reserve, Alan Greenspan, has said that very thing—that once the commitment is shown, our economy will strengthen. Interest rates will remain steady and low. We will not be looking at runaway inflation, and we will start creating jobs in this country once again—not just service-sector jobs but real jobs; jobs where we can compete in the international marketplace, and we will not have to have our businesses opening corporations and manufacturing operations overseas because they cannot afford to do business here.

Mr. President, that is what we are talking about. I hope for the American people and for all of us that we and our leaders can come to terms. We do not want a Government shutdown. The last thing we want is to default on our debt. There must be some meetings. There must be some give.

Mr. President, we are here to do our part.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Kentucky.

Mr. FORD. I thank the Chair. I will not be very long. I know my friend from Washington has a statement he would like to make.

PREMEDITATED TRAIN WRECK

Mr. FORD. Mr. President, I am intrigued by the statements that have been made on the Senate floor recently in the last few moments, as if this is a budget that has gone to the President.

This is no budget that has gone to the President. It is a continuing resolution that keeps Government running at a certain level, and a debt ceiling that will allow us to secure the funds to do that.

The point keeps being made that the President will not do this. Well, the President has not received a clean continuing resolution. There are add-ons. The President has not received a clean debt ceiling increase. There are add-ons.

Mr. President, just go back to April of this year. This is a premeditated—a premeditated—train wreck.

In April, the Republican leadership said this would happen. They wanted it to happen so they could talk about it. They want to put the President on the spot. I do not think any us would sit in the Oval Office and allow Medicare to go up 25 percent.

That was an issue last week in several of the campaigns—I know it was in my State—Medicare.

We talk about statements by the commission on Medicare. Last year when they gave us a report, it was not quite as good as it was this year. This year they said Medicare would be solvent for an additional year. We have more employment, more money going into Medicare.

Somehow or another we are being blamed for inefficiency of the majority party. The inefficiency of the majority party is that they have not done their work on time. October 1 was the deadline for the appropriations bills to be on the President's desk. Here it is, November 13, 6 weeks later, and we only have two or three at the White House—6 weeks late. So the majority has been inefficient in getting the appropriations bills to the President.

This would eliminate the continuing resolution. All we need would be a debt ceiling so we would not have two bills on the President's desk.

All we are asking, Mr. President, is that we not tie other items to a continuing resolution, increasing Medicare by 25 percent. Increasing Medicare by 25 percent—we are talking about the average income in my State of those on Medicare about $15,000. Add another $150 a year on to that household?

I do not believe there is anyone here, if they were President, who would sign a continuing resolution that binds the President's hands, or a debt ceiling that binds the President's hands.

One thing you do not hear, you increase the debt ceiling, and after it reaches that, it is reduced. The debt ceiling is less at the time it expires than they are making it now. Why? So if we do good work, have good income, which we think we are going to, we have reduced the deficit 3 consecutive years—exactly what we said we would do in 1993.

If we get the appropriations bills out of the House and the Senate and to the President's desk, if we just give him a clean debt ceiling and a clean continuing resolution, we can sit down and work. There will be no problem.

The premeditated train wreck that was announced last April is occurring. There is not anything unknown about this. ''We are going to do it. The President is going to do it our way or no way.''

I have been around here a little while and I have heard that before. I believe the best interests of this country are to give us a clean debt ceiling, give us a clean continuing resolution, and then we can work out the legislative problems after that.

I think we would find that things would move a lot faster than trying to tear up the country and to tear up the financial stability of this great Nation of ours.

I hope we can get a clean debt ceiling, a clean continuing resolution, and that the majority would do their work and give us the appropriations bills so the President would have an opportunity to sign those, and we can continue with the things all of us want to, and that is work towards a balanced budget.

I yield the floor.

A BUDGET PROMISE

Mr. GORTON. Mr. President, in the middle of last week, at the suggestion of one of my colleagues from Washington State in the House of Representatives, most of the Washington congressional delegation and several Members from other States in the country began a campaign to allow people in the United States to speak out in a tangible and dramatic fashion their desire that we stop coming up with excuses and pass a budget which could promise a balance to the American people.

We wanted individual citizens throughout the country to be able to say we have loaded enough in the way of debt on the backs of our children and grandchildren and that it was time to stop, time to chart a new course of action. The way in which we proposed to do this was to suggest to each and every individual in the country that he or she, if she wished the President to sign a balanced budget bill, should send the President a pen, a pen like the one I hold here in my hand, or, for that matter, a No. 2 pencil, or, in the case of the very children who will be saddled with the debts that we have run up in the past and that this President insists that we continue to run up, even a crayon. We suggested any writing instrument, in other words, Mr. President, except for a red pen, on the ground that there was a sufficient amount of red ink in Washington, DC, already.

This announcement took place on Wednesday of last week. On Friday afternoon I was present at radio station KVI in Seattle, a talk radio station, which had not much more than 24 hours earlier taken up this call and had suggested sending those pens either directly to the radio station or to some two dozen drop-off points throughout western Washington.

By the time I reached the KVI studios, there were already huge piles of envelopes containing pens—some without notes, almost all with return addresses, some with short notes to the President—stacked on the table surrounding the microphones in the studios. They numbered in the thousands, produced simply by that single radio station.

Others in the State of Washington have taken up the cause. This morning the National Taxpayers Union held a news conference attended by myself and by the junior Senator from Georgia and my colleague in the House of Representatives, together with one of these radio talk show hosts, to ask that this cause be taken up by other radio stations across the United States. If those stations have anything like the success that we had, there will literally be hundreds of thousands, perhaps up to five digits, of pens delivered to the White House, each and every one of which asks the President to sign a bill. No more excuses, no more deferrals, no more putting off to next year what we should do this year, but a set of laws, a set of changes and directions that will clearly promise us a balanced budget no later than shortly after the turn of the new century.

It is ironic, I believe, that we should have to insist that the President of the United States do this because when he was a candidate for President, Mr. Clinton promised to balance the budget in 5 years. He abandoned that promise on being elected. And by the beginning of this year, 2 years after being sworn in, he submitted a budget that would never be balanced, in fact, a budget that would never have deficits of less than $150 billion a year.

Later, he said perhaps he could do the job in 10 years, then 9, then briefly 7, now back to 10, but that he could only do it if he were allowed to set the assumptions, to play with the statistics, so that balancing the budget would become an easy task without any significant changes in spending policies in the United States, a tactic which has been used briefly by Presidents, both Democrat and Republican, with unsurprising results—increasing rather than decreasing budget deficits.

In addition, the proposal which we have been debating today, the reconciliation bill which will come before this body before the end of the week and be sent to the President before the end of the week, does much more to keep the President's original promises than simply to balance the budget, as important and difficult as that task is. It also keeps the President's promises, since abandoned, to provide a tax cut for middle-income Americans, and it will also keep the President's promise, to which he continues to give lip service and little more, to end welfare as we have known it.

It is over a bill that will carry out these promises of the President of the United States that all of the current furor takes place.

Rather than to promise to sign that bill, the President has committed himself to vetoing it. As of the moment at which I speak, he has vetoed one of the two much more modest interim measures that would allow him both time to veto that bill and to discuss with Members of Congress what alternative approach to the same goal he would adopt without causing the Government of the United States to come to a halt.

I am not sure precisely what the consequences of this course of action will be. Two bills, one of which has already been vetoed by the President and one of which is likely to be passed here later today and vetoed before the evening is up, will cause a certain degree of disruption. A veto of the reconciliation bill, a repudiation of the President's three promises, will, I suspect, cause somewhat more in the way of disruption because it will be the last of a series of actions on the part of the President that belie his promises and commitments as a candidate in the early days of his Presidency.

So far, the President has been unwilling, in any rational and thoughtful fashion, to discuss these goals. So far, he simply says he will not even begin to discuss them until preconditions are met which guarantee that he will never have to discuss them seriously. I suspect, however, that as has been the case so frequently in the past, once the shoe begins to pinch, the President will be willing to discuss this serious question, and I believe he will find Members on this side of the aisle willing to discuss everything with him except for the underlying premise that we must come up with a realistic method of balancing the budget. Once that principle has been reached, we can reach an agreement and the President can use one of those hundreds of thousands of pens to sign a balanced budget.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, we are in morning business, is that correct?

The PRESIDING OFFICER. That is correct, with time limits of 10 minutes.

A SHUTDOWN OF THE FEDERAL GOVERNMENT

Mr. DORGAN. Mr. President, let me comment on some of the discussion that has taken place on the floor of the Senate today. First of all, I think if there is a shutdown of the Federal Government, there will be no credit in any corner of this town, only blame and, in my judgment, justifiable blame. We ought not be at this position. We should not get to the point of a shutdown of Government services. We

ought not have a train wreck. And we certainly ought not have any kind of a default on the amount of money that is owed by the Federal Government.

It seems to me logical that the leaders of Congress and the President should and will sit down and discuss the issues that are between the two sides and resolve them. It is interesting to me, this is not even the stadium where the contest is going to occur. The major contest on the reconciliation bill is going to occur in the stadium sometime in the month of December. This is the bridge on the way to the stadium. The continuing resolution and the debt ceiling issue come to us with attachments, little extras added on, that those who put them on understand the President will not accept. So it does create a circumstance where we now have an 11th hour problem.

I hope this gets solved between now and midnight tonight. There is no reason for the Government to shut down. But I do want to say, those who have made a case today on the floor of the Senate that this occurs because they have a plan and no one else does, because their plan will work and no other plan will, because their plan calls for a balanced budget and no one else wants one, is just hogwash. That is simply not the case.

The case here is not a difference on the destination. I do not know of anybody in this Chamber who does not think there needs to be a balance between spending and revenues.

We need to balance the Federal budget. There are many different ways to get to that point. And the debate, as aggressive and as significant as it is, is a debate about priorities.

We ought to be debating priorities. It only behooves the political process, in my judgment, to have one side which says, ''Roll over and play dead,'' while the other side says, ''Here is the only way, here is the road to a balanced budget.'' I tell you what all of this is about, in my judgment, when you take a look at the priorities. It is about money.

There is an article in the Washington Post about a speech given by the Speaker of the House, Speaker GINGRICH, which says that the problem in this country is that we need more campaign cash. We need more money spent on political campaigns. Of course, that defies traditional opinion, and certainly defies the judgment that I hold. There is too much money in politics and too much money in campaigns.

The Speaker says the problem is there is not enough money; we need more spending on political campaigns. What a lot of nonsense.

The problem here, even on these issues, is money. Those who have are going to do just fine under these priorities and those who do not have so much are going to find they are going to have some problems. That is where the difference in priorities come in.

Let me just show a couple of quotes to my colleagues. These are not from a Democrat. They are from a Republican, Kevin Phillips, a Republican political analyst. Here is how he says it —again, not a Democrat—a Republican sees it.

He says:

> The revolutionary ideology driving the new Republican Medicare proposal is also simple: Cut middle-class programs as much as possible and give the money back to the private sector business, finance, and high-income taxpayers.

That is not a Democrat or a partisan. That is a Republican observing the problem with this plan, these so-called reforms.

One more from Kevin Phillips, a Republican analyst, who says it this way:

> Remember, at the same time as the Republicans proposed to reduce Medicare spending by $270 billion over seven years they want to cut taxes for corporations, investors, and affluent families by $245 billion over the same period. This is no coincidence.

Again, not a Democrat speaking, a Republican speaking about the dilemma of this plan.

I simply observe this. This notion that everyone is to tighten their belts and this plan towards a balanced budget requires equality of sacrifice, and everybody in America is told it is time to buckle up, that we are going to hunker down and solve this problem—well, it is not quite true. What has happened this year is we have seen the priorities in the appropriations bills and the authorization bills established that, in my judgment, are not the right priorities for the country.

Yes, we should cut spending, and there are ways to cut spending in significant areas of the Federal budget. But the fact is that we, of course, have not gotten the appropriations bills done. The Congress has passed only a couple of appropriations bills that have gone to the President. Most of them are not passed. It is months late.

The reconciliation bill, which is now going to be the subject of this debate in December, is 5 months late. June 15 is date by which the Republicans who run the Congress are required to have a reconciliation bill passed by the Congress. It is 5 months late. The reconciliation bill has not even had a conference.

Those who would be expected to be conferees on the Democratic side are unaware of any meetings held, not invited to any meetings, 5 months later no reconciliation bill, and all of the appropriations bills that are not done—that is most of them—the fact is that they have not been done largely because of hangups and disagreements among Republicans. They cannot agree among themselves. They have very controversial issues that hang out there. So the bills do not get moving.

If all the appropriations bills were passed, we would not have a shutdown tonight because all of the appropriations bills would be law. But they are not passed. Even those that have been passed by one Chamber or another demonstrate to me that it is not a case of people saying, let us all tighten our belts.

I have in my mind the defense bill. That came to the floor of the Senate, and it had a requirement, or request, by the Secretary of Defense which says, here is what we want for the defense of our country. Guess what? The conservative Senators said: We want $7 billion more. You do not want to build star wars right now. We want to build it. You do not want to build B–2 bombers. We insist you buy 20 of them for $30 billion. F–15's, buy more; F–16's, buy more; two amphibious assault ships, we do not want to choose between the two. Let us buy both, one for $900 million, one for $1.3 billion.

I could read the rest. UH–60 Black Hawk helicopters, a whole series of add-ons that were not requested by the military, not by the branch services, the Air Force, the Marines, the Army, the Navy—not by the Secretary of Defense. Just by conservatives standing on the floor saying: We are not spending enough; we want to spend more.

The only two areas where they want to spend more is, one, when the defense bill comes to the floor, they say, let us spend money not requested. And, second, according to the Speaker, let us spend more on political campaigns. We do not have enough spending in political campaigns.

I do not have the foggiest idea where people get these notions. There is too much spending in political campaigns. That is the problem. It ought to be cut down.

Guess what? All those folks who spend money on political campaigns are not going to grimace when they see this new Republican revolution because the fact is, they are treated with kid gloves. It is the other folks that have to tighten the belts that grimace a little bit when they see the results of their programs.

My point is that this is a legitimate debate about priorities. But even as we debate priorities about where to cut spending, as we do that, there is no reason at all to allow the Government to shut down tonight. Leaders of Congress and this President have a responsibility, in my judgment, to sit down and think through this, and to clearly decide immediately to pass a continuing resolution and a debt extension that is clean, that gets us into the middle of December when we are going to have the real debate about the reconciliation bill.

No one ought to shy away from the debate about priorities. That is what this is all about. There is no problem with that. But it does not make any sense at all for us to be hung up on the continuing resolution and debt extension with provisions put on each of them in a manner where it is well known the President will be required to veto.

So my hope is, between now and midnight tonight, the President and the leaders of Congress can agree on a clean continuing resolution and a clean debt extension. There is no reason to

hang Congress up and have the Government shut down and default on debt in the next couple of weeks. Let us have this debate about priorities. But let us do that in December on the reconciliation bill.

But I did want to take the floor today simply to say this is not as it is characterized by some as one side of the aisle wanting to cut spending and the other side does not. I think I have just demonstrated in at least one of the largest areas of Federal spending where there is precious little appetite to do anything other than to spend more by conservatives who come to the floor. It is a big jobs program. There is no belt-tightening when that bill comes up.

I hope when we debate and sort through these priorities in the middle of December and write a reconciliation bill that we will do the best with what each side wants: expanding economy, more jobs, and better opportunity in the private sector. We also want to ensure fairness in the spending priorities and budget priorities here in the Congress.

I think when Kevin Phillips, who is not a Democrat—a Republican—evaluates the set of priorities that is brought to us now by the Republicans, it demonstrates once again that there is plenty of room for disagreement, and I think also plenty of room for compromise hopefully in the middle of December when the American people would expect us to reach agreement. But, between now and then, there is no excuse to have the Government shut down or to have a default at the end of this evening.

Mr. President, I yield the floor.

PAYMENT OF VETERANS' BENEFITS

Mrs. HUTCHISON. Mr. President, I was in Amarillo, TX, this weekend dedicating a veterans' hospital addition, and I met a couple from Friona, TX. He is a disabled veteran. They were concerned about news reports they had heard over the weekend that veterans' benefits would not be paid if the Government is shut down.

I am taking to the floor because I want to make sure that the veteran from Friona, TX, and every other veteran in this country knows that veterans' benefits will be paid December 1 unless this administration decides that that is not the priority. I hope this administration will not do that.

Veterans' benefits are a priority. Veterans' benefits are an entitlement. Never before have veterans' benefits not been paid when there has been a temporary shutdown of Government.

So I came back to make sure. I talked to the budget committees. I talked to the veterans' committees. We consulted the Congressional Research Office to see if there was any merit in this alleged nonpayment of veterans' benefits, and in fact we were told that they had never heard of anything like that. And in fact unless the administration made the decision affirmatively to pay welfare recipients but not veterans, that in fact veterans would be paid.

So I wish to take the floor to tell the veterans of this country that most certainly they will be paid. There is cash flow to do that regardless of whether there is a continuing resolution or if the President vetoes the continuing resolution there are funds to pay the veterans' benefits, the next ones of which go out December 1. So I think it would be highly appropriate if the Veterans Administration would reassure the veterans of that because they are getting mixed signals.

In my home State of Texas, some veterans' offices are saying, of course, checks are going to go out, and some Veterans Administration offices are saying they do not know; that it is up in the air. And then there are reports that reporters calling the Veterans Administration here are getting the word that they will not go out. So there is confusion by the administration on this point. But there is no confusion on the part of Congress that veterans' pay is absolutely essential, that it is covered, and that the checks will go out December 1.

So I hope that the Veterans' Administration will, indeed, clarify this so that our veterans are not worried that their payments are of lesser stature than those of welfare recipients in this country.

I thank the Chair. I yield the floor.

REPUBLICAN PLAN

Mr. INHOFE. Mr. President, while I was presiding, I was desirous of responding to some of the things that had been said about the subject of this morning's business by a number of the Members of the Congress, specifically one from North Dakota.

During the course of his remarks, he talked about a plan, about the fact that the Republicans have talked about the plan that we had that we are going to discuss, that we have sent to the President that will reach a balanced budget in a period of 7 years, as if somebody else had a plan. I suggest that there is no other plan. If there is a plan, I have not seen it.

The Senator was talking about repeating some of the things that had been said over and over again having to do with reducing Medicare in order to give tax breaks to the rich. I want to say, every time I hear that, that the Republicans had no intention at any point of reducing Medicare. The Republicans gave a program that would have the effect of increasing Medicare by approximately 6.4 percent each year. That would be if a person were getting the maximum Medicare, as accorded today under the current law. That person would receive $4,800 a year. At the end of the 7-year period, that same individual would be getting $6,700 a year.

There is no way to say that that could be considered as a cut in Medicare. To say over and over and over again, with redundancy that is unbearable, that the Republicans are going to try to use cuts in Medicare—which I just talked about, that there are no cuts in Medicare—to give tax breaks to the rich is being unreasonable. Mr. President, 90 percent of the tax breaks that would come from a $500 tax credit per child would go to families under $100,000 of income.

But I want to get down to the point where he was talking about our Nation's defense. He was talking about the Senate bill that was too high, talking about the appropriations bill that was actually some $7 billion more than asked for by the military. I think we all know, being realistic, that when there is a Democrat in the White House, the military is going to be influenced by what that Democrat or a Republican in the White House might want.

We saw what happened back in the 1970's when we had a Democratic President in Jimmy Carter, and we saw our defense budget going down, going down and, of course, the social programs going up. Until such time as 1980, we did not have enough money for spare parts, and we found it necessary after 1980, up to 1985, to increase spending on defense by about 40 percent.

We do not want that to happen again, and yet we have seen during the course of this administration cuts in our defense budget to the extent that right now we are where we were in 1980.

This concerns me, because right now there is a crisis that is taking place and a decision that has been made by this President to send up to 25,000 troops on to the ground in Bosnia. You can talk about doing this and act like the budget is going to remain static during this time, and yet the foreign policy of this administration has put more and more money into humanitarian gestures, Mr. President, to the extent that he has had to come back to this Congress for emergency supplementals.

This is the position we have found ourselves in: We have a Republican-elected House and Senate. We have control. The Republicans gained control in the 1994 elections. And yet we have a President who sends our troops off on humanitarian missions, having no relativity to our Nation's defense. We sent them off to Somalia. Of course, our troops went to Somalia in December under the last month of the Bush administration. And yet, once that humanitarian mission, as described by President Bush when we sent the troops over to Somalia, was over, we time and time again pleaded with President Clinton to bring our troops back from Somalia. There was no mission there that related to our Nation's security interests. Yet, he did not bring them back and they did not come back until 18 of our troops were murdered in cold blood and dragged through the mud through the streets of Mogadishu.

What we do not want to happen in Bosnia—if you look at what the administration has done to our military—is for them to come back and say we need another billion dollars. They came back for a $1.4 billion emergency supplemental just to cover these humanitarian missions in places like Somalia, Haiti, Rwanda, and other places. And we are in a position where we did not have a voice in making the decision to spend that money on humanitarian missions, money we have to borrow from future generations, because we are borrowing this money. Yet, we cannot deny the President his request for emergency supplementals, because if we do that, he will take it out of the operating account of our existing military, and, of course, we are down now to a bare bones military system.

I think what is happening right now in Bosnia has a far greater significance than what we have been talking about in just the cost.

I had occasion to spend 6 months in Bosnia. I did it all in 4 days. It was the most miserable 4 days I ever spent. But I learned something while I was there. I looked around and I saw a country that had been pounded and pounded. Yet, we are not real sure who is doing the pounding all that time. We have three warring factions in Bosnia. We have the Croats, the Bosnian Serbs, the Bosnian Moslems. Yet, while the peace talks are going on, I suggest to you that some of the parties causing the problems over in Bosnia are not at the peace table.

So here we are faced with a dilemma where we are going to have to make decisions as to what is taking place over there, and we are going to try to stop the President from sending 25,000 ground troops in there where, certainly, there will be many, many deaths.

I will wind this up by only repeating the words of the commander of the U.N. forces in Bosnia, that British general, Gen. Michael Rose, who said, ''If the Americans send troops into Bosnia, they will sustain more losses than they did during the Persian Gulf war.'' That was 390 losses. I remember when I asked Secretary Christopher and Secretary Perry, ''Is whatever we are doing over in Bosnia significant enough—whatever mission that is—for the loss of several hundred—specifically over 400—American lives?'' They said, ''Yes.''

So I think there is the basis of the difference of opinion. Is the mission of containing a civil war and of protecting the integrity of NATO worth several hundred American lives. I say, ''no.''

That is another debate that is going on now. I would like to advise the President that it is my intention to introduce legislation that is going to make it more difficult for him to send troops into Bosnia on the ground.

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

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

Mrs. HUTCHISON. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 927, a bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Gilman, Mr. Burton of Indiana, Ms. Ros-Lehtinen, Mr. King, Mr. Diaz-Balart, Mr. Hamilton, Mr. Gejdenson, Mr. Torricelli, and Mr. Menendez be the managers of the conference on the part of the House.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent to address the Senate on the pending matter for such time as I may consume.

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

Mr. DODD. Mr. President, I rise this afternoon to debate the message from the House requesting a conference on H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995, and the naming of conferees.

I find it somewhat remarkable that today, of all days, we are being asked to deal with this matter, of all matters. I would have thought that today we would be devoting ourselves instead to finding our way out of the serious box we have fallen into over the budget impasse.

Let us remember what is about to occur shortly in this Chamber. As of midnight tonight, the Federal Government ceases all but essential services. Likewise, the Government's ability to borrow shortly will be exhausted. Keeping our Government operating and keeping the U.S. Treasury solvent should, in my view, be the only business of this body today. Even if it were not in the throes of a critical fiscal crisis, I would still argue the priorities of the leadership in taking up this particular bill at this juncture.

The Senate, as my colleagues will recall, has already exhausted 5 days debating this bill. There is no pressing reason why we must turn to it again now or go to a conference today or tomorrow. It is not as though the Senate has nothing else to do. We have yet to complete the bulk of the so-called must-pass legislation for this year. To date, we have completed action on only 4 of the 13 appropriations bills that we must enact—only 4 of the 13. We have yet to complete action on budget reconciliation, on welfare reform, on Medicaid and Medicare reform.

Instead, here we are debating going to conference with the House on legislation that has no particular urgency to it whatsoever. Fidel Castro has been around for more than three decades. I do not think anyone seriously believes that this legislation is likely to markedly alter his status or the current situation in Cuba any time soon, no matter how much we may wish it so. In fact, as I argued when the Senate spent 5 days debating this bill last month, I believe this legislation is fatally flawed.

In this case of the House-passed version, this bill would actually do serious damage to the United States, especially to our Federal courts. Frankly, Mr. President, this legislation is nothing more than special interest legislation par excellence. It is particularly ironic, Mr. President, that we should be here today deliberating legislation that falls within the jurisdiction of the Senate Foreign Relations Committee.

As I am sure my colleagues are aware, the Foreign Relations Committee has been basically shut down for the past 3 months by the chairman of the committee, with the concurrence of the majority leader. Eighteen ambassadorial nominees, nominees to China, South Africa, Pakistan, the Philippines, and several dozens of treaties, including START II and the Chemical Weapons Convention, have been held hostage by the chairman of the committee until he secures passage on S. 908, the State Department reorganization legislation.

The distinguished chairman of the Senate Foreign Relations Committee has been unable to pass that legislation to date because in its current form it does not enjoy bipartisan support. I appreciate the fact that the Senator from North Carolina is unhappy that he cannot get his bill passed. That circumstance, Mr. President, happens to all of us in this body from time to time. However, I believe it is the height of irresponsibility to hold up nearly all the other business of the Senate Foreign Relations Committee over one piece of legislation. I believe the action is almost unprecedented, if not in fact unprecedented.

I, for one, would argue that it is far more important that the United States be ably represented abroad at the highest diplomatic levels in countries where there are a great many U.S. interests at stake. China, Pakistan, South Africa, Indonesia—these are all countries of critical importance to the

United States and the conduct of our foreign policy.

I also believe that arms control must and should continue to be a high priority for the United States. START II and the Chemical Weapons Convention are critical elements in that arms control strategy. I would assert, Mr. President, that the American people care far more about arms control and being well represented abroad than they care about how some boxes get drawn on some State Department organizational chart or who draws them.

Under the current circumstances, I am not prepared to facilitate efforts by the majority to pick and choose the foreign policy items that they want acted upon while ambassadorial nominees and other major agenda items on the Foreign Relations Committee continue to be held hostage.

I would be far more sympathetic to proceeding with the matter before us if I thought some critical foreign policy issue were at stake. That is not the case, Mr. President. The motivation for moving the pending matter this week and today is driven primarily by a domestic political agenda and by a Presidential straw poll that will be held this coming weekend in Florida.

If the leadership of the House and the Senate thinks that this bill is of such high priority that it must be acted upon this week, then I would suggest that the House take up and pass the Senate version of the bill. While I believe that this version, the Senate version, has serious deficiencies, it is light years better than the House-passed version of this same bill. Unfortunately, they are not prepared to take that course of action because the sponsors of the bill are eager to restore title III of the bill in conference, the most controversial title of the bill, that was deleted in this body.

Mr. President, I am obviously prepared to speak at some length about my substantive objections to the bill at an appropriate moment. I respectfully urge that we forget about dealing with this matter and return to the critical issues that threaten to close down the Federal Government in a matter of hours and to call into question the full faith and credit of the U.S. Treasury.

Mr. President, I mentioned earlier there were some 18 nominees that were at stake being held hostage. Let me identify them, if I can: Sri Lanka, which has been vacant since August of this year; the APEC convention; Cambodia; Malaysia, vacant since June; Thailand, vacant since August of this year; Indonesia, vacant since July; Oman, vacant since June; Pakistan, vacant since September; Lebanon, vacant for 1 year, no ambassador there; South Africa; Cameroon; the Marshall Islands; Fiji; China; Mali; Rwanda; The Gambia.

All of these places, Mr. President, are without U.S. representation. We could have dealt with these matters. They have come out of committee without any real controversy. It is not as if some of these people here are particularly controversial at all. That is not the issue. I would understand that if that were the case. We made the decision here we are not going to deal with these Ambassadors over one piece of legislation.

But it is not just the Ambassadors. I mentioned earlier that treaties are being held up as well. START II, the Chemical Weapons Convention, nine bilateral investment treaties, five mutual legal assistance treaties, five extradition treaties, three tax treaties, two environmental treaties, the Law of the Sea Convention, the Women's Convention, the American Convention on Human Rights.

Now, again, Mr. President, some of these matters might provoke some controversy. I would not suggest that they are necessarily in the same status as these ambassadorial nominations. But, nonetheless, these matters certainly, I would argue, are of equal or greater significance than the pending legislation that we would like to appoint conferees on. As important as that legislation may be in the eyes of some people, it does not deserve to have a status higher than all of these other matters and higher than the status that we ought to be providing to the START II Treaty and the Chemical Weapons Convention that has been pending for some time.

Now, Mr. President, I mentioned earlier when we had the debate on the Cuban legislation that I thought the bill was fatally flawed. I still believe that to be the case. Let me say once again this is not an issue of whether or not you like Fidel Castro or are happy with the present situation in Cuba. I will state once again for the record, I am not. I would like nothing more than to see democracy come to Cuba, that a dictator leave, that we try to be able to achieve some human rights in that country and a restoration of representative government. That is not the issue here before us.

The issue is, is this particular strategy incorporated in this legislation the correct course to be followed? This legislation does not in any way change the present embargo, although there are many who feel the embargo ought to be modified because it is not achieving the desired results.

The problem with this bill is that it places some contingencies on other foreign policy matters that ought to be of greater weight than what we are presently doing or not doing in Cuba. I said at the outset of that debate that when we consider matters such as the legislation before us, we ought to ask ourselves two basic questions: Is what is being proposed in the best interests of our own country? And is it likely to achieve the desired results?

Mr. President, as you know, I had grave concerns about the legislation as it was originally drafted. I believe the bill would have done serious harm to our own country, particularly to our court system. Fortunately, the centerpiece of that bill that would have caused that harm, title III, is no longer a part of the Senate version. As I mentioned earlier, I thought it would be at least better, if the House wanted to move this matter along, to just take up the Senate-passed bill and pass that. But thanks to Senator KASSEBAUM and others who worked so hard to correct this serious problem, it is no longer a part of the Senate version.

Notwithstanding, however, Mr. President, this change, the two basic questions still remain: Is this bill in our own interests? Will it achieve the desired results? Regrettably, I believe the answer to both of those questions is still no. It is not in our interest, Mr. President, to complicate our relations with the governments of Russia or the other New Independent States that were formerly a part of the Soviet Union.

Yet provisions of this bill would do just that, by linking our assistance to Russia and these New Independent States based on their policies toward Cuba. We provide assistance to Russia and the New Independent States because, I believe, Mr. President, we want to see them carry out the kinds of reforms and programs that we are funding, because we want to continue to strengthen this still fragile democracy that exists in these nations. Conditioning our aid to Russia and to the New Independent States based on what is going on in Cuba, I think, is counterproductive, and yet that is exactly what we do in this bill.

It seems to me, Mr. President, we have to ask ourselves, is it in our interest to try to shore up these democratic institutions, these fragile democracies that only a few months ago were in the grips of communism? Fragile as they are, should we be linking that assistance based on whether or not they continue to provide concessional aid to Cuba? We may not like the fact that they do that, but are we going to jeopardize the democracies in Russia and the New Independent States solely because they maintain concessional aid to Cuba? Yet, that is exactly what the bill does.

Again, I do not necessarily disagree if people want to have some strong language about what we do, what kind of aid we provide to Cuba, what kind of support we provide. That is a legitimate debate. But to say to Russia and the New Independent States, ''We are going to cut off aid to you, we are going to deny you the kind of support'' that these countries need if they are going to succeed in the transition to democracy, based on the fact that they provide concessional aid to Cuba, I think, is very wrongheaded.

Provisions of this bill also impinge on arms control. Again, one can argue about whether or not you want to proceed with arms control. I think it ought to be a source of some collective pride and sense of well-being that today we no longer have any nuclear weapons that formerly resided in the

Soviet Union pointed at us. There has been a remarkable degree of success in dismantling that nuclear arsenal. And yet today, this bill on Cuba threatens, in my view, our arms control agreements with Russia and the New Independent States, specifically when it comes to Russian verification of United States compliance with these arms control agreements.

As I said a moment ago, it is certainly legitimate for the United States to discuss the types of activities that appropriately fall within the scope of verification of arms control treaties. That should be done bilaterally with the Government of Russia, not unilaterally imposed by the Congress in the context of its debate about Cuba.

Other provisions of this legislation bar Cuban participation in international financial institutions. That might be fine, but the bar goes until after democracy has been established in that country. We all know the critical roles played by the World Bank and the International Monetary Fund in the early days of Russia's transition to democracy and to a market economy. It is foolhardy, in my view, Mr. President, to prohibit the IMF or the World Bank from offering their assistance and expertise to a post-Castro government.

Mr. President, my objections to the underlying bill were based on several points. One is that, of course, to be tying our aid to Russia and to the New Independent States, based on Russia's continuing support of concessionary aid to Cuba, does not make a great deal of sense to me. In fact, to tie those two issues together jeopardizes, in fact, the very fragile democracy that exists in Russia and in the New Independent States.

Second, to tie arms control is just as dangerous, in my view. We have achieved great success in the last number of months by turning those missiles, which were pointed at our shores, away from our shores and, in fact, the arms control efforts have proven a great success. To link a future arms control success, based on whether or not Russia provides concessionary aid or assistance, to Cuba seems to me to have misplaced priorities. Whatever one thinks about Cuba, you do not jeopardize arms control because Russia does what 57 other countries in the world are doing—that is, providing aid or assistance, or allowing their businesses to operate in Cuba. Again, I am not applauding those particular actions, necessarily, but I do not think you want to link the foreign policy of this country—particularly the vital interests that we have with regard to Russia and the New Independent States—based on a relationship that those countries may have with Cuba.

This bill—the underlying bill—would also have the United States spend more money on TV Marti. Here we are cutting public broadcasting in the United States, cutting into those budgets; yet, we turn around and support additional funding to TV Marti—a program that, by any estimation, with all the studies that have been done, has been an abysmal failure. GAO report after GAO report has found it is totally ineffective, that virtually nobody in Cuba watches it, that it is a total waste of taxpayer money. Those are not my conclusions, but the conclusions of the General Accounting Office. Yet, we are going to spend more money on TV Marti at a very time, as I said, when, frankly, we are told that resources are not there to support our own public broadcasting efforts in this country.

As I said, Mr. President, during the consideration of the legislation, the only individual who has truly benefited from the debate, in my view, has been Fidel Castro. Once again, we have managed to make him larger than life and given him excuses for why his government has failed or why the Cuban economy is in a shambles. Once again, we will force our allies to come to his defense because they profoundly disagree with our own tactics.

Consider what happened in the United Nations only a few days ago, where a resolution on Cuba was offered. We had one country that supports us—one out of the entire world stood with us with regard to Cuba, and that was Israel. I point out, as I have in the past, Israel, in fact, has businesses, Israeli businesses, doing business in Cuba. So instead of having some profound affect on our allies around the world, we are achieving just the opposite.

So, Mr. President, I object to us moving forward, for a number of reasons. Let me reiterate them for my colleagues. One is that I do not know why, today, of all days, with the Government about to shut its doors and close down, with all of the other pending matters we should be raising before us, here we are dealing with a bill focused on Cuba. As I said earlier, we have only dealt with 4 appropriations bills out of 13. Why do we not deal with some of those appropriations bills? It seems to me that ought to have a higher priority than a piece of legislation that will have virtually no effect on Cuba, no effect on Fidel Castro. Yet, we bring that up today, with no particular urgency about it whatsoever.

Second, here we are moving to this bill, which comes under the appropriate jurisdiction of the Senate Foreign Relations Committee. Yet, we are going to rush this bill to the forefront, while 18 nominees to serve as ambassadors to the United States have been in limbo for weeks now—not days, weeks. These are 18 ambassadors that are going to critical countries, like Pakistan, China, and Indonesia, where we have critical United States interests at stake. Yet, those nominees cannot be voted on because the chairman of the Foreign Relations Committee wants another bill to be resolved—a bill he has an interest in. Now, I respect his interests. I disagree with him on what he wants to do in major part, but I know what it is like to have a bill you are interested in. But this ties up 18 nominees to serve as ambassadors of the United States to these foreign countries, and a number of critically important treaties, including START II and the Chemical Weapons Convention, nine bilateral investment treaties, and a host of other agreements, all of which have been held up, not because there is great disagreement with them.

These treaties ought to be debated if people have disagreements. Let us debate it here on the floor of the Senate and vote on them. But here it is, the majority controlling, saying these nominees cannot come forward to serve as ambassadors, and a whole host of treaties cannot be brought up. We will not deal with the reorganization of the State Department, but we are going to rush to the forefront a bill on Cuba.

It seems to me that we have misplaced priorities here, Mr. President. On this very day, hours away from shutting down the Federal Government, we are going to debate about whether or not we are going to cut off aid to Russia and jeopardize arms control because we are unhappy with how we see things in Cuba. Try to explain that to the American public. If they wonder what is going on in Washington, consider what we are debating today. Here it is, the majority, which controls the debate and the agenda, brings up a bill regarding Cuba. We are hours away from shutting down the Federal Government, while not even considering bringing up, as I said earlier, the nominees for the important ambassadorial posts and these important treaties, not to mention appropriations bills, Medicare reform, Medicaid reform. All of that takes a back bench while we deal with Cuba.

I mentioned earlier, I have problems with the underlying bill itself. The fact that we are going to link United States assistance to Russia and the New Independent States based on whether Russia and the New Independent States provide concessionary aid to Cuba—explain the logic of that to me, why you would jeopardize fragile democracies critically important to the United States and to Western Europe based on their concessionary aid to an island 90 miles off our shore, and why you jeopardize arms control—a critically important issue to this country. And yet this bill says that we will not provide the kind of assistance to the arms control effort if, in fact, Russia continues to provide concessionary aid to Cuba.

It just does not make any sense. The international organizations here are saying no aid to a post-Castro government—not Castro. Forget that. No aid to a post-Castro government in transition.

All of us recognize the value of the international organizations—a few months ago when Russia was going through that transition—yet in this bill we say with regard to Cuba ''No international financial assistance'' for

the World Bank or the IMF until democracy is absolutely established.

Were we to apply those provisions to the New Independent States and some of the conditionality in this bill, we would still be denying that kind of assistance to them as they struggle to get their footing into established democracy, a firm democracy in their country.

Mr. President, I feel very strongly that today to be raising on the floor of this body a bill involving Cuba, which I believe is fundamentally flawed—I realize it passed this body, but I know a number of my colleagues think it is a bad bill. Because we are going to have a primary, a straw vote I guess it is, in Florida this weekend, we are rushing to get the Cuba bill done.

So the closure of the Federal Government, the important appropriations bills, Medicare, Medicaid, they all take a back seat here now so that we can score some points to maybe win a straw poll in Florida. That is the only reason this bill is being brought up now—the only reason.

In fact, if they wanted to deal with this issue expeditiously, the House could adopt the Senate version and send it back over to us. No, that is not the case.

So today we are going to try and move through to deal with this Cuban aid bill while we put aside the very issue of whether or not the Federal Government is going to close its doors.

UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 115

Mr. DODD. Mr. President, I am about to propose a unanimous-consent request that would recognize the distinguished chairman of the Senate Appropriations Committee for the purposes of raising the continuing resolution.

At the conclusion of that discussion I will be prepared to ask unanimous consent that the Senator from Connecticut be recognized to continue his discussion on the matter before the Senate.

Mr. President, let me propound that unanimous-consent request: That, without losing his right to the floor, the Senator be recognized at the conclusion of the time that the Senator from Oregon is recognized, for the purpose of introducing the continuing resolution; at the conclusion of that introduction and discussion that the Senator from Connecticut be recognized once again and his remarks be uninterrupted.

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

FISCAL YEAR 1996 CONTINUING APPROPRIATIONS

Mr. HATFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 115, a joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1 and 2 to the joint resolution (H.J. Res. 115) entitled ''Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.''.

Resolved, That the House agree to the amendment of the Senate numbered 3 to the aforesaid joint resolution with the following amendment:

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.

Mr. HATFIELD. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

So the motion was agreed to.

Mr. HATFIELD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, on behalf of the Democratic side here, we did not object to proceeding to the continuing resolution. It is important we move this process forward.

Mr. HATFIELD. This procedure has been cleared with——

Mr. DODD. And I understand that, but I wanted to make note that we disagree with the continuing resolution, Mr. President; and I ask unanimous consent that the vote that occurred last Thursday be printed in the RECORD.

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

[Rollcall Vote No. 567 Leg.]

YEAS—50

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Coverdell	Inhofe	Specter
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Mack	

NAYS—46

Baucus	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Boxer	Glenn	Lieberman
Breaux	Graham	Mikulski
Bryan	Harkin	Moseley-Braun
Bumpers	Heflin	Moynihan
Byrd	Hollings	Murray
Cohen	Inouye	Nunn
Conrad	Johnston	Pell
Daschle	Kennedy	Pryor
Dodd	Kerrey	Reid
Dorgan	Kerry	
Exon	Kohl	
Robb	Sarbanes	Snowe
Rockefeller	Simon	Wellstone

NOT VOTING—3

Akaka	Bradley	Lugar

Mr. DODD. Mr. President, the Democrats on this side still have objection to this proposal, but nonetheless we feel the process is worthwhile.

Mr. DOLE. If I may proceed for 5 minutes.

Mr. DODD. Absolutely.

Mr. DOLE. First, let me state that the Senate will remain in session until midnight tonight in the hopes we can get this to the President very quickly and that if he should veto the continuing resolution, which I hope he will not, there still might be time for the President and the leadership to work out some agreement that would prevent a shutdown of the Federal Government.

I am not an advocate of shutting down the Federal Government. I think there ought to be some way to come together. I think the American people expect us to do that.

This will be on its way to the House within a minute or two and will go directly from the House and we will see it is expedited and over to the President and hopefully the President will have it a little after 5 o'clock. That would still give us 7 hours to resolve the difference.

There has been some discussion today of maybe changing one of the provisions on Medicare, just writing in the figure $46.10 which would amount to a freeze. That was raised by the distinguished Senator from New Mexico in a talk show over the weekend and also by the Senator from Oklahoma, Senator NICKLES, and discussed by the Senate leadership at 12:30 today, and then discussed with the Speaker maybe an hour or so ago, along with a number of other things we are also looking into—items of disagreement on the total reconciliation package, and we are about to wrap that up.

Before we concluded our discussion, we understand Mr. McCurry resolved the matter for us at the White House, indicating in addition to the Medicare provision they had other substantive problems with the continuing resolution.

So it underscores that all this weekend was a smokescreen on Medicare, and the truth of the matter is there were other objections—not just Medicare.

So they are playing the Medicare scare card all weekend, so we were working on maybe a softer version just to freeze at $46.10 and that, again, Mr. McCurry indicates was not satisfactory.

In fact the quote reads, ''Explain what's wrong with the freeze, just explain what's wrong with the freeze.''

Mr. MCCURRY. Well, because the President prefers current law. Current law is very clear on what premium increases should be.

Mr. President, I ask unanimous consent to have the entire transcript of the White House Press Secretary's remarks printed in the RECORD.

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

REGULAR BRIEFING BY MICHAEL MCCURRY, 2:23 P.M., EST, MONDAY, NOVEMBER 13, 1995

Mr. MCCURRY. Let me—good afternoon, everyone. Let me start with an announcement concerning the president's very important trip to Japan for the meeting of the Asian Pacific Economic Cooperation Forum leaders summit and very important state visit, bilateral visit with the Japanese government.

First, as is obvious, the president has to tighten his schedule in order to take the very important work that he needs to do on this trip and fit it in to what will amount to a weekend trip to Japan. (Laughter.) The president will depart 11:00 Friday evening from Andrews Air Force Base, and will return Tuesday morning at approximately 2:00 a.m. to Andrews Air Force Base.

Question. Was that a.m. or p.m.?

Mr. MCCURRY. A.M. Tuesday morning. He will—he leaves at 11:00 p.m. Friday, and he will be returning at 2:00 in the morning Tuesday morning; so in other words, very late Monday night.

That will allow him to participate fully in the APEC leaders meeting that will occur on Sunday. It will also allow him to accept the gracious invitation of the emperor and empress for a state visit to Japan, and to conduct important bilateral meetings with Prime Minister Murayama. The United States appreciate the courtesy of the emperor and empress in allowing this schedule adjustment to occur. Obviously, we also appreciate the cooperation of the Japanese government and the Japanese people as we make these necessary adjustments to the president's schedule. The president is confident that this schedule will allow him to do the very important work of advancing U.S. economic interests as we participate in these important discussions with the other Asian economies, and as we deal at a very important point with the very important bilateral relationship we have with the government of Japan.

Yeah, Mike?

Question. Is that locked in now, or if you get a deal can you expand it back out?

Mr. MCCURRY. Say again?

Question. Can you expand it again if you get a deal, or is this locked in?

Mr. MCCURRY. This is—we are making all the adjustments necessary to follow this schedule, so this will be the schedule.

Question. You mean even if you get a deal it will be the schedule?

Mr. MCCURRY. There's nothing to indicate that that's going to happen in a time that would allow us to open the trip back up accordion style.

Question. Let's suppose that you don't get a deal——

Mr. MCCURRY. I'm not going to do ''supposes.'' This is the schedule. We're announcing the schedule as it's now announced.

Yes?

Question. How long will the state visit be then?

Mr. MCCURRY. It will be one day. It will be—the president will fly from Osaka down to Tokyo on Sunday night. He will have sessions beginning at 9:00 in the morning Monday, he will conclude with a state dinner at the Imperial Palace at conclusion of the state dinner.

Question. In his talk to the DLC, the president said something like he hopes to be able to make this trip to Ireland. Did he use that language because that trip could also be in some danger because of the (threat ?) of a government shutdown?

Mr. MCCURRY. Well, the president still is keeping to his planned schedule. It's impossible for us now to predict what will happen between now and the end of this month in this rather fluid situation

Question. Is Mrs. Clinton going?

Mr. MCCURRY. Mrs. Clinton does plan—does plan to attend, yes.

Question. Since you're talking about scheduling, if the CR comes down here—it now looks like they're going to vote about 5:30, what time do you think the president would take action?

Mr. MCCURRY. He will exercise his veto as soon as he receives the measure from the Hill. As you know, final passage in Congress has very little to do with what time Congress actually sends the measure of the White House. We had final passage on the debt ceiling measure Friday that did not arrive here until Sunday. So it's impossible for us to predict to you now what time that measure will arrive from the Congress.

Question. Will he do it in a public way?

Mr. MCCURRY. I'm not aware that—you've got more information than I do! I'm not aware that the Senate has now dropped the Medicare premium increase. I've heard one or two members suggest that, but we don't have anything authoritative from the Republican leadership indicating that they're now dropping the Medicare premium increase from the continuing resolution.

Question. What do you have from Domenici?

Mr. MCCURRY. We have what we've seen him say on CNN. (Cross talk.)

Question. (Off mike)—saying he hasn't talked to Panetta?

Mr. MCCURRY. His conversations with Mr. Panetta, the idea that he discussed is very much the same one that he's discussed publicly now on television.

Question. Well what's your reaction?

Question. So what's your reaction to it?

Question. What's your reaction?

Mr. MCCURRY. Well, it's an interesting idea, but it's got nothing to do with resolving the current crisis. The president, as he's made clear, needs for them to drop the Medicare premium increase from the continuing resolution so that we can then get down to a serious discussion about what will be in a continuing resolution that's appropriate and acceptable to the president.

Question. In other words——

Question. So you're saying a freeze is not good enough?

Mr. MCCURRY. A freeze has to—a willingness on the part of Congress to drop the Medicare premium increase can open the way to further discussions. That's the most you can say at this point because the president has substantive objections to other aspects of the continuing, especially the level of funding.

Question. Explain what's wrong with the freeze, just explain what's wrong with a freeze.

Mr. MCCURRY. Well, because the president prefers current law. Current law is very clear on what premium increases should be.

Question. Mike, following up, when you say the objection to other aspects of the CR is the funding levels, assuming the Senate even takes up Mr. Domenici's proposal, which isn't at all clear that it's been embraced by Senator Dole or the leadership, and they send him down a bill with the 46–10 frozen in there, whatever, are you saying he could still veto because of the 60 percent funding levels? Is that still——

Mr. MCCURRY. The president—look, nothing has changed from the viewpoint of the White House. The president is willing to sit down with the bipartisan leadership of Congress to discuss how we are going to avert this crisis, a shutdown in our government, and the only condition he attaches to that is some measure of good faith on the part of the leadership by dropping the proposed Medicare premium increase that is in the current version of the continuing resolution. If they drop that, there is a basis upon which to have discussions about how we move forward from here, even though the president still has substantive objections to the continuing resolution now pending in the Senate.

(Cross talk.)

Mr. MCCURRY. Well, if there's no action by the Congress, or if there's no action on a measure that the president signs, then the there's proceeds.

Question. Mike, suppose they sent him the thing with the Medicare premium dropped, would he sign that? A CR with the Medicare premium dropped, would he sign that?

Mr. MCCURRY. The president's made it clear he would sign a clean extension, clean continuing resolution, one that follows——

Question. That doesn't answer the question.

Mr. MCCURRY.—the formula that was developed in September. Well, I can tell you what the president has said he will sign, I can't speculate for you what the president will do on something hypothetical that we don't have any indication at all is the viewpoint of Congress. Is Congress going to pass any of these things that you're suggesting and send it to the president tonight? That's a different question. There's no indication that's going to happen at this point.

Mr. DOLE. Even though the President still has some objections to the continuing resolution now pending in the Senate, the point is a number of cases here that a freeze was not acceptable, and that they had other objections—which they have a right to have—so I am not certain what the offer to meet with the leadership really amounted to.

We have been saying all weekend, people should understand we are talking about part B Medicare; part B Medicare, where all the money that is not paid by the beneficiary is paid out of general revenues, paid by taxes by people that work at McDonald's, people that work right here on the Senate floor.

You are asked to pay 68½ percent of some millionaires' part B premium or someone making $100,000 a year. It does not make a great deal of sense to me.

All we were talking about, we were just keeping the 31.5 percent in place long enough until we negotiate some agreement, hopefully, with the President of the United States on an overall balanced budget over the next 7 years.

So, we made our case. The President has made his case. I think they have overstated the case. And today they admit that it is not just Medicare; even the freeze would not be satisfactory, because they have other objections, other objections in the continuing resolution.

So, it seems to me we have no other choice. We passed the resolution. I thank my colleagues on the other side for clearing the resolution, and we hope that as we speak it is on the way to the House and will soon be on the way to the White House. If the President should deem it necessary to veto it, that then he would be willing to sit down with us. We are the leaders, and we would be happy to try to work it out before midnight to avoid a shutdown.

As I have said earlier, the Senate will be in session and the House will be in session until midnight. We are prepared to act up until midnight or after, if necessary, to prevent a shutdown of the Federal Government.

The PRESIDING OFFICER. The Chair now, under a unanimous-consent agreement, recognizes the Senator from Connecticut.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the message from the House.

Mr. DODD. Mr. President, I thank the Chair. Let me return to the subject matter that is the pending business of the Senate, but let me also state here in response to the distinguished majority leader, it was our intention that this process do move forward, but also it is our strong feeling this CR ought to be as clean as possible.

There is a place and time to negotiate the budget proposals for 7 years, but we do not believe it ought to be part of a continuing resolution and that extraneous matter included in the CR is really a back-door attempt to achieve through this process efforts which should properly be the subject of negotiations as part of the long-term budget commitments of this country.

So the CR ought to be as clean as possible. As I mentioned earlier, we have only dealt with 4 appropriations bills in the last number of months out of 13 that should come before this body. I think we might better spend our time in dealing with those appropriations bills, get the job done, and then the need for a CR—of course, it becomes unnecessary.

In any event, Mr. President, I am aware our colleague from Massachusetts will be coming to the floor shortly to talk specifically about some of the Medicare proposals.

Allow me to just wrap up my own comments about the matter that is presently before us, and that is the message to the House on the appointment of conferees dealing with the so-called Cuban bill.

I am somewhat mystified as to why this particular bill has such a high priority that we are willing to move almost everything else out of the way to consider it. There is no sense of urgency about it whatsoever. We are moving this bill out of the Foreign Relations Committee while simultaneously holding up nominees to be Ambassadors and critically important treaties that ought to come before this.

Frankly, when you consider a sense of urgency, not to have United States representation in the People's Republic of China, Pakistan, Indonesia, seems to be an issue that ought to be dealt with immediately, rather than putting that on a back burner and dealing with this bill, which most people think will have absolutely no effect whatsoever on the Government in Cuba. It will complicate our relationships with Russia, with the New Independent States, and others, given the fact that we link our aid to those nations and our arms control efforts based on whether or not they provide any assistance to Cuba. That ought not be the way we deal with the fragile democracies in Russia and in the New Independent States.

So, for those reasons, I feel it is worthwhile to focus some attention on this and to try to bring the attention of the U.S. Senate back to a discussion of what ought to be the subject matter for debate and discussion today, and that is the priorities of our overall budget for this country and why it is we cannot seem to get a clean debt ceiling extension in a CR that is devoid of extraneous matter, and then get to the business of negotiating on the budget over the next 7 years but not tying up those two matters with matters that have no business being there at all.

With that, I ask the Chair to tell me what the pending business of the Senate is.

The PRESIDING OFFICER. The present order of business is to recognize the Senator from Massachusetts for pending business. And at that point we are going to resume H.R. 2491.

The Senator from Connecticut is recognized.

Mr. DODD. I gather the Senator from Massachusetts [Mr. KENNEDY], may be a bit delayed. He should be here momentarily.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Maimon Cohen, who is a fellow working with me, be allowed to be on the floor for the duration of the debate on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. WELLSTONE. Mr. President, let me be clear that Senator KENNEDY will be on the floor with his motion. I am actually not making a motion. But what I thought I would do is take a little bit of time to talk about one provision in the motion. That is something that I have worked on, and I want to speak a little bit about that.

Mr. ABRAHAM. Mr. President, I just ask that maybe we keep track of the time because we are on a time limit. So this time might be assigned to the block of time which will be used for consideration of this motion, if that is part of the agreement.

The PRESIDING OFFICER. I want to inform the Senator from Minnesota that the Senator from Massachusetts will have a total of 40 minutes on this motion.

Mr. WELLSTONE. Mr. President, I have been allotted 10 minutes. So I will be pleased to lock that block of time.

The PRESIDING OFFICER. Without objection, this time is taken from the time of the Senator from Massachusetts.

Mr. WELLSTONE. I thank the Chair. Before I proceed, could I make sure? I ask the Chair to please notify me if I should go over 10 minutes, because I do not want to take any more time than that.

The PRESIDING OFFICER. The Senator is allotted 10 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me just talk about one provision in this motion to instruct conferees that Senator KENNEDY is going to be making. This is a provision that I worked on, which essentially says that the Congress shall be instructed to delete provisions that provide greater or lesser Medicaid spending in States based upon the votes needed for the passage of the legislation rather than the needs of the people in those States.

What I am essentially saying here is that what happened a couple of weeks ago in the dark of night was that the U.S. Senate exchanged Medicaid money for votes. What I am saying in this provision in this instruction to the conferees is that when we develop a formula for allocating Medicaid—or what we call in Minnesota medical assistance funds—it ought to be based upon some rational policy choice. It ought to be based upon the needs of the people in the States. It ought not to be based on some kind of a deal which is all based upon the number of votes to pass a particular piece of legislation.

From my State, on this Friday night in about 3 hours we went from seeing a cut of $2.4 billion to a cut of $2.9 billion. In other words, the State of Minnesota lost $500 million.

Mr. President, we need to understand that in the State of Minnesota altogether the projected cuts on Medicare and medical assistance are going to be somewhere between $7 billion and $8 billion.

So the concern that I have—and the reason that I am working with Senator KENNEDY on this, and so much appreciate his instruction to conferees—it seems to me that it is outrageous for the U.S. Senate to make decisions on allocation of medical assistance funds to States based upon some sort of

wheeling and dealing that takes place where Senators leverage the votes for the amount of money that goes to their States as opposed to some kind of rational policy, and as opposed to the needs of the people in those States.

I am also out here as an advocate for my State of Minnesota. In the dark of night in 3 hours, all of a sudden Minnesota has $500 million less of support. Mr. President, let me now translate this, if I can, in human terms, in personal terms.

Let me first of all just say to my colleagues that I am concerned about this because it is not just some dry formula. We are talking about 300,000 children in the State of Minnesota that are covered by medical assistance. With the kind of reductions that we are going to be faced with—about $2.9 billion—the question becomes, What happens to those children? Mr. President, in the State of Minnesota we have a program called the TEFRA Program, which is extremely important, that allows 300,000 children with severe disabilities to be eligible for Medicaid based upon their own income and which allows families, therefore, to be able to keep those children at home.

Mr. President, the question becomes what happens to those children with disabilities and those families that provide tender loving care to those children with disabilities when we have these kind of draconian reductions in medical assistance? That is why I have some indignation about some dark-of-the-night decision that takes $500 million more away from my State of Minnesota.

But it is not just my State. It is some of the most vulnerable citizens in America. Mr. President, 60 percent of our medical assistance funds—that is what we call it in Minnesota; we are talking about Medicaid nationally—will go to pay for nursing home care. About two-thirds of all of the seniors that are in nursing homes in Minnesota rely on some medical assistance funds.

Mr. President, I am a huge advocate of home-based care. I think people should be able to live at home in as near a normal circumstance as possible with dignity. But sometimes the nursing home is the home away from home, and the question becomes what in the world are we going to do as caregivers who care about taking care of elderly people? What is going to happen to senior citizens that are in those nursing homes? Who is going to make up the difference?

Mr. President, all too often in my State of Minnesota—and I am guessing it is the same way in Louisiana or Michigan—I am hearing at the county level commissioners say to me: Senator, what is going to happen is we are going to be asked to raise the property taxes, and we are not going to be able to do so. And if we are not going to be able to do so, we are going to redefine eligibility; we are going to reduce services, and there are going to be a lot of persons who will be hurt.

Above and beyond that, there are some 70,000 senior citizens in Minnesota who are below the poverty level, and for those senior citizens the medical assistance funds are what enable them to pay their part B premium for Medicare, which is the physician services.

So again the question becomes, why does the U.S. Senate make decisions based on wheeling and dealing to get votes, not based upon the needs of citizens in our States? Why a medical assistance formula in the dark of night which is so patently unfair to so many States, including my State of Minnesota? And above and beyond my State and above and beyond the formula the real issue is, what about the impact on the people?

I have said 10 times in this Chamber that this is a rush to recklessness. I will say it an 11th time. This is not good policy. It does not pay attention to the impact it is going to have on people's lives. This instruction to conferees which relates to this formula is extremely important.

I conclude by repeating it one more time. Our instruction is to delete any provisions that provide a greater or lesser Medicaid spending in States based upon the votes needed for the passage of legislation rather than the needs of the people in those States. Without apology, without equivocation, I am proud to advocate it for citizens in my State of Minnesota. It is not just the seniors. It is not just the children. It is not just people with disabilities. It is also a State that values good health care. We want support for our medical education. We want our rural hospitals that depend so much on the Medicare and Medicaid patient payment mix to be able to continue to provide care. We want to be able to deliver primary care out in the communities. This budget that has been worked out is not based upon any kind of understanding of health care policy that will respond to people's needs in Minnesota or Iowa or any other State.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 20 seconds.

Mr. WELLSTONE. Mr. President, I yield 2 minutes and 20 seconds back to the Senator from Massachusetts when he brings this motion out.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. WELLSTONE. I yield the floor.

ORDER OF PROCEDURE

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. BREAUX. Mr. President, I would just ask the Chair to state the current business before the Senate.

The PRESIDING OFFICER. The Chair would inform the Senator that there is no stated business before the Senate at this particular time.

Mr. BREAUX. I ask unanimous consent that I may be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, but only to inquire.

The PRESIDING OFFICER. The Senator from New Mexico reserves the right to object.

Mr. DOMENICI. I thought at 4:30 this afternoon Senator KENNEDY was to lay down his instruction motion.

The PRESIDING OFFICER. The Chair would inform the Senator from New Mexico that that was the order.

Mr. DOMENICI. And I understand under unanimous consent we agreed to let Senator WELLSTONE use part of Senator KENNEDY's time on that.

The PRESIDING OFFICER. About 8 minutes was used.

Mr. DOMENICI. So is not the subject matter——

The PRESIDING OFFICER. The motion has not been made.

Mr. DOMENICI. So we have nothing pending before the Senate at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. What was the Senator's request?

Mr. BREAUX. I was going to ask to speak as if in morning business.

Mr. DOMENICI. How long?

Mr. BREAUX. Five minutes.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes as if in morning business.

BUDGET COMPROMISE

Mr. BREAUX. Mr. President, I take this time to voice my concern about the current situation with regard to the continuing resolution that is before this Senate to try to keep the Government functioning. Throughout Washington and I think throughout the various States people who work for the Federal Government and people who have concerns about the services the Federal Government provides are wondering whether we in the Congress are going to be able to get together and make Government work or, rather, are we going to fight to the finish and nobody will be a winner, least of all the American people.

Many Federal offices right now are debating the question of whether they are essential or not, which is sort of a novel thing to have to debate as a Federal employee in offices on the Hill and other agencies because they know if they are a nonessential employee, they do not go to work tomorrow unless we fix this problem. But if they are an essential employee, they have to come to work even though they might not get paid. So it is interesting to see whether you are determined to be a Federal employee who is essential or one who is not in order to determine whether you come to work tomorrow or stay home because we in the Congress and the administration have not been able to get

together and even come to an agreement on how to continue the functions of the Government.

Mr. President, I am concerned that many people in my home State of Louisiana are beginning to believe that the Congress is sort of a nonessential arm of the Federal Government, and they are saying that Republicans and Democrats in the Congress are really nonessential because they cannot get together to find a way to resolve this problem.

I think there is a lot of blame that should be evenly divided among all of us who have not been able to solve this problem. My Republican colleagues, because they have not been able to pass all of the appropriations bills to fund Government, have necessitated a continuing resolution to continue the functions of Government as if they were being continued last year, because we have not finished the appropriations bills. The problem is they have added a couple of little items to the continuing resolution which make major policy changes, and that is where the problem is. But it is not an irresolvable problem, in my opinion.

It should be that grown men and women can come together and say we are going to move toward a position that will allow the Government to continue, allow the functions of Government to work, and I happen to feel if we are able to do that, everybody wins. The American people win because Government works. The Congress wins because we have been able to resolve a problem.

I think we all lose if we bring this Government to a standstill. We are admitting that we are unable to govern. We are admitting that we cannot make it work. We are admitting that we are so stubborn, in my opinion, that we cannot meet somewhere in the middle.

I think there is a way to fix this problem. I know there are those who want to bring everything to a halt to make a political point, but I think the political point we all make is that we all lose.

Let me suggest this. The whole question is about Medicare premiums. Under the current law, Medicare premiums are going to fall down to about 25 percent of the cost of insurance. That is going to occur January 1. That means that if the law is not changed January 1, Medicare premiums will go down to about $42.50 unless some changes are made. Republicans have said: Well, no, we are going to not let it go down. We are going to keep it at 31½ percent, which means that come January 1 Medicare recipients are going to have to pay about $53.50. That is their proposal.

That is a major change. I do not think it ought to be on the CR. I think it is a back-door way to change public policy, and that is not the way we should be doing it. So there are those who say: No, it should go down to $42.50. Others say: No, it should rise to $53.50 because Medicare is in danger of going bankrupt so we need to pay more to protect it.

Let me make a suggestion. Let me make a suggestion that grown men and women can agree to keep the premium just as it is, $46.10, until we work out this problem. It does not go up. It does not go down. Keep it where it is until we resolve the major differences in the budget. Let us not make Medicare recipients hostage while we battle over what Government should do. Keep the premium exactly where it is—no increase, no decrease.

Now, the administration points out, and I think correctly, that the Republicans have also tried to do something different from the current CR, and that is that they would fund all of these other programs at the lowest level between the House and the Senate version of these appropriations bills. I think that is wrong. The current CR funds these programs at an average of what the House did and the Senate did. So why not do both of those things and fix this problem and assure the American people that we can make Government work.

My suggestion is quite simple. Keep the Medicare premium at $46.10 and fund the rest of the programs at the average between the House and the Senate. That is not magical.

I mean, I bet a person in the eighth grade could figure that out and say that is a fair compromise. But you know what? He probably would not be a politician, because if he is a politician he is going to say, ''Well, I can't do that because the other side may get an advantage, and, by God, I sure can't let that happen.'' So, I almost have decided the only way to solve some of these problems is to get people who are not running for reelection to come in and sit down, maybe get some of those kids in the eighth grade that know how to add and divide by two and split the difference.

I think we could bring this to a conclusion if we did just those two things, fund all of the bills that have not been completed with an average between the House and the Senate. It is easy to figure out. That is what the current continuing resolution does exactly. If it was good earlier, it is good now. And, second, freeze the Medicare premium at $46.10 until we finish this. We can send that to the White House, a bipartisan agreement between Republicans and Democrats to get the job done. That would allow us enough time until the end of this month to work on the bigger issues. We should not hold this country hostage, neither side, because of who gets the political gain.

Again, I repeat, the people of Louisiana are beginning to believe that Congress is a nonessential Federal employee. And that is a bad statement about the ability of this Congress to get the job done. I suggest we come together and get the job done.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Massachusetts is recognized.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Would the Senator suspend while we report the motion?

Mr. KENNEDY. Fine. I would be glad to send it to the desk, if that is agreeable.

MOTION TO INSTRUCT—HEALTH CARE

Mr. President, I send a motion to instruct conferees on H.R. 2491 to the desk on behalf of myself, Senator PRYOR and Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the instructions.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves to instruct the conferees on the part of the Senate to insist upon removal of the following provisions included in the House or Senate bills:

Mr. KENNEDY. I ask further reading of the instructions be dispensed with.

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

The motion is as follows:

The Senator from Massachusetts [Mr. KENNEDY] on behalf of himself, Mr. WELLSTONE, and Mr. PRYOR moves to instruct the conferees on the part of the Senate to insist upon removal of the following provisions included in the House or Senate bills:

(1) Provisions eliminating requirements in the Medicaid law providing drug discounts to State Medicaid programs, public hospitals, other programs or facilities serving low income people, such as community and migrant health centers, health care for the homeless centers, Ryan White AIDS programs, pediatric AIDS demonstrations, family planning clinics, black lung clinics, and public housing clinics;

(2) Provisions benefitting unscrupulous health care providers at the expense of Medicare and private patients by:

(a) repealing current prohibitions against additional charges (balance billing) by physicians and other providers rendering services to Medicare beneficiaries enrolled in private insurance plans;

(b) weakening current statutory provisions to prevent and combat fraud and abuse, including such abusive practices as self-referral and kickbacks, and such proposals to weaken anti-fraud efforts as establishing more lenient standards for imposing civil money penalties;

(3) Provisions threatening the quality and affordability of care in nursing homes by:

(a) weakening or eliminating Federal nursing home standards by repealing such standards or allowing state waivers from such standards and Federal enforcement of such standards;

(b) repealing prohibitions against nursing homes charging Medicaid patients fees for covered services in addition to the payment made by the State;

(c) repealing current prohibitions against States placing liens on the homes of nursing home patients.

(4) Provisions providing greater or lesser Medicaid spending in states based upon the votes needed for the passage of legislation rather than the needs of the people in those states.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

Mr. President, in the reconciliation bill the Republicans have extended an open hand to powerful special interests

and the back of their hand to the American people. Senior citizens, students, children, and working families will suffer so that the privileged can profit. Republicans are engaged in an unseemly scheme to hide what they are doing from the American people. Their proposals are too harsh and too extreme. They cannot stand the light of day. And they know it.

The fundamental injustice of the Republican plan is plain, $280 billion of Medicare cuts that hurt senior citizens are being used to pay for $245 billion in tax cuts that help the wealthiest individuals and corporations in America.

The Republican bill is also loaded with sweetheart deals for special interests whose money and clout are being wielded behind closed doors to subvert the public interest and obtain undeserved favors. In particular, the sections of the legislation dealing with health care are packed with payola for the powerful.

The dishonor roll of those who will benefit from the giveaways in this Republican plan reads like a ''Who's Who'' of special interests in the health care industry. The pharmaceutical industry, the most profitable industry in America, benefits lavishly from the Republican program. The House bill repeals the requirement that the pharmaceutical industry must give discounts to Medicaid nursing home patients and to public hospitals and other institutions serving the poor.

The total cost to the taxpayers from these giveaways is $1.2 billion a year. Democrats in the Finance Committee succeeded in eliminating this giveaway for the Senate bill. Our motion is designed to ensure that it is not included in the conference report. The American Medical Association also receives lavish benefits in the Republican bill in return for the AMA support of the excessive Republican cuts in Medicare.

In addition, the bill weakens the anti-fraud and conflict-of-interest rules for physicians. The Congressional Budget Office estimates that these benefits to physicians will cost the taxpayers $1.5 billion over the next 7 years.

The Republican bill also eliminates the provision in current law that prevents doctors from charging more than Medicare permits for those enrolled in HMO's and other private plans. The Republican plan will permit doctors to collect the difference from senior citizens. As a result, senior citizens could pay as much as $5 billion more a year for medical care because of the elimination of those protections.

Our motion directs the conferees to restore the limits on such billing and maintain strong protections against fraud and abuse.

Another unacceptable provision of the House bill is its elimination of all the Federal nursing home standards, a payoff to unscrupulous nursing home operators who seek to profit from the misery of senior citizens and the disabled. A Senate amendment purports to restore some of the standards, but, in fact, as my friend and colleague, Senator PRYOR, has pointed out, it leaves a loophole wide enough to permit continued abuse of tens of thousands of nursing home patients. It allows States to issue waivers that could weaken Federal standards and avoid Federal oversight and enforcement. Our motion instructs the conferees to maintain the current strict standards and protections for our senior citizens in the nursing homes.

One of the cruelest aspects of the Republican proposal is its failure to protect nursing home patients or their relatives from financial abuse. The Republicans claim that they have now revised their bill to maintain financial protection for the spouses of nursing home residents. What they do not tell you is that they still allow nursing homes to charge patients more than Medicaid will pay. Spouses can still be forced to sell their home, exhaust their savings to give their loved ones the care they need. That is not financial protection. It is financial abuse.

The Republican bill also wipes out the protections that have been in Medicaid since 1965 that prevent States from forcing adult children to pay the costs of a parent's nursing home bill. The Republican bill even lets States put liens on the homes of nursing home patients if a spouse or child are still living there. Obviously, Republican family values stop at the nursing home door. Our motion will eliminate these indefensible proposals from the bill.

What a travesty it is for Republicans to call this bill a reconciliation bill. The only reconciliation is between the Republican majority and special interest lobbyists for whom this bill has become one large feeding trough. Who knows what additional giveaways will be cooked up behind the closed doors at the conference committee? Adoption of this motion is a needed step to expose those sweetheart deals and eliminate them from the bill. I urge the Senate to adopt it.

The conference report on the reconciliation will come to the floor of the Senate later this week. But today we face the possibility of a Government shutdown because the Republicans are attempting to blackmail the President of the United States into signing a Medicare premium increase as the price of keeping the Federal Government in operation. This is the only proposal in the continuing resolution that would be permanent law. It should be rejected by the Senate and vetoed by the President. It is clear that there is a new meaning to GOP—Get Old People. The Republicans are not insisting that cuts in Medicare payments to doctors and hospitals be included in the continuing resolution.

I just want to underline that, Mr. President. In the particular provisions that the Republicans have taken as part of the continuing resolution, it only applies to what will be paid for by our senior citizens. The doctors are not being asked, nor are the hospitals, to make a contribution. Only the individual senior citizens, through higher part B premiums. That is what this battle is all about. Raising the part B premiums is one of the very objectionable provisions of the reconciliation bill, and the Republicans have tried to add that particular provision to this continuing resolution because they know it is an indefensible position. They are trying to force the President to sign this so that there can be a continuation of the funding of various government programs. It is unacceptable, and the President is absolutely right to reject it. They are not insisting that the fraud and waste be squeezed out of Medicare, though anti-fraud and abuse provisions to protect the Medicare program have been added over the last several years, and they are beginning to be effective.

I can remember hearings that we had in Faneuil Hall when we had 800 senior citizens. They said, ''Before you begin to raise our premiums, Senator, before you continue to raise our deductibles, before you continue to raise our copays, let's get fraud and abuse out of the whole Medicare system.'' There is not a senior citizen in this country who does not understand that.

Instead of tightening those provisions that would bring billions of dollars into the Medicare system, what are our friends, the Republicans, doing but weakening those provisions, which are so essential and important to the integrity of the system.

They are not insisting that senior citizens get the preventive and outpatient services that will keep them out of the hospital and reduce unnecessary Medicare spending. If you want to do something to control the cost of the Medicare, you take those senior citizens on Medicare who are going into the hospital unnecessarily—anywhere from 25 to 30 percent—and costing the Medicare system billions of dollars, and give them preventive and outpatient care. Or try and provide some help and assistance in letting seniors remain home, if that is their choice. That can save billions of dollars.

But those types of provisions are not included. There are no programs to increase preventive or outpatient services for our senior citizens that will improve the quality of health and also save money. The only provision the Republicans are insisting on is a new tax for senior citizens in the form of higher Medicare premiums.

The Republican assault on Medicare is a frontal attack on the Nation's elderly. Medicare is part of Social Security. It is a contract between the Government and the people that says, ''Pay into the trust fund during your working years and we will guarantee good health care in your retirement years.'' It is wrong for the Republicans to break that contract. It is wrong for Republicans to propose deep cuts in Medicare in excess of anything needed

to protect the trust fund. And it is doubly wrong for the Republicans to propose those deep cuts in Medicare in order to pay for tax breaks.

The cuts in Medicare are too harsh and too extreme: $280 billion over the next 7 years. Premiums will double, deductibles will double, senior citizens will be squeezed hard to give up their own doctors and HMOs.

The fundamental unfairness of this proposal is plain. Senior citizen median income is only $17,750 a year; 40 percent of the elderly Americans have incomes of less than $10,000. Because of gaps in Medicare, they already pay too much for health care that they need. Yet, the out-of-pocket costs they must pay for premiums and deductibles will rise $71 billion over the next 7 years, an average of almost $4,000 for elderly couples.

The Republican premium is especially objectionable, because it breaks the national contract with senior citizens over Social Security. Every American should know about it. Every senior citizen should object to it. Medicare is part of Social Security. The Medicare premium is deducted directly from a senior citizen's Social Security check. Every increase in the Medicare premium is a reduction in Social Security benefits, and the Republican plan proposes an increase in the part B premium and a reduction in Social Security which is unprecedented in size.

The Republican plan proposes an increase in the part B premium and a reduction in Social Security which is unprecedented in size. Premiums are already scheduled to go up under current law, from $553 a year today to $730 by 2002. Under the Republican plan, according to the Congressional Budget Office, the premium will go up much higher—to $1,068 a year.

As a result, over the life of the Republican plan, all senior citizens will have a minimum of $1,240 more deducted from their Social Security checks. Every elderly couple will pay $2,480 more.

The impact of this program is devastating for moderate- and low-income senior citizens. It is instructive to compare the premium increase next year to the Social Security cost-of-living increase that maintains the purchasing power of the Social Security check. One-quarter of all senior citizens have Social Security benefits of $5,364 a year or less. The cost-of-living increase for a senior citizen at this benefit level will be $139 next year.

The average senior citizen has a Social Security benefit of $7,874. The cost-of-living increase for someone at this benefit level is $205.

But under the Republican plan, the premium next year will be $126 higher than under current law. Average income senior citizens will be robbed of almost two-thirds of their cost-of-living increase. Low-income senior citizens will be robbed of a massive 90 percent of their increase.

Senior citizens have earned their Social Security and Medicare benefits through a lifetime of hard work. They have built this country and made it great. Because of their achievements, America has survived war and depression. It is wrong to take away these benefits—and it is especially wrong to take their Social Security cost-of-living increase to pay for an undeserved tax break for the wealthiest individuals and corporations in America.

The Republicans' attack on Medicare will make life harder, sicker, and shorter for millions of elderly Americans. They deserve better from Congress. This cruel and unjust Republican plan to turn the Medicare Trust Fund into a slush fund for tax breaks for the wealthy deserves to be defeated. And this attempt to sneak a Medicare premium increase into law as part of the continuing resolution needed to keep the Government running deserves the Presidential veto it will quickly receive.

It is irresponsible for the Republicans to threaten to shut down the Government if they do not get the unfair increase they want in the Medicare premium. I say, shame, shame, shame on the Republican party. Nothing more clearly demonstrates the harsh and extreme nature of their right-wing agenda for Americans that this attack on senior citizens and the willingness of Republicans in Congress to shut down the Government itself if they don't get their way.

Mr. DOMENICI. Mr. President, what is the time situation?

The PRESIDING OFFICER. The proponents have 20 minutes 10 seconds, and the Senator from New Mexico has 20 minutes.

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

First of all, I see Senator PRYOR on the floor. He offered a set of instructions to the conferees. I might tell him, I hope he wins 100 to nothing, because I am going to urge everybody to vote for him.

As a matter of fact, I think most of what the Senator from Arkansas is talking about will find its way into the reconciliation bill. I think we had this battle once before. Senator PRYOR won and we won also. It is kind of a dual win. He won on his proposal, and we turned around and in our reconciliation bill we won, with Senator COHEN being a cosponsor of Senator PRYOR's and arguing in favor of ours.

I do not see why we ought to have any further argument. We are willing to accept the Senator's motion. He would like to have a vote, but I can assure him, there will be 100 in favor—well, if they are here. We are going to tell every Republican to vote for it. Senator PRYOR is making some headway, at least he thinks he is.

There has been an argument on the floor about taxation and Medicare, sort of tying the two together, implying that we are reforming Medicare to save money so we can cut taxes.

Mr. President, and fellow Americans, let me say once and for all that the reconciliation bill, which they seek to instruct us about, does not need instruction on that issue, because what we have done in conference, that will come to us in the reconciliation bill, is nothing but a simple proposition that says none of the savings that come in part A or part B—so none of the savings in Medicare that come from anywhere in Medicare—can be used for anything other than Medicare. In other words, we have created a lockbox, a trust, if you would like, and not only did we leave in that trust fund what we saved in part A hospitals which belongs there, but the savings that will accrue because of part B—that is the everything but hospital insurance coverage for seniors—whatever we save there will all go into the trust fund.

Somebody might stand up and say, ''Well, that can't be, Senator DOMENICI, because we have never done that before.'' And that is right. We have never taken the taxpayer part of Medicare and put it into the trust fund. It has only been the entrusted money that went there.

But what we are saying now is that all of their savings go into the trust fund to preserve, protect part A hospital coverage. What can we say when we have done that? When we have done that, there is not any need to instruct us. So if there is an instruction telling us not to use any of Medicare savings for tax cuts, we will accept the instruction, because we are not going to do that.

We have decided that we want to make the trust fund solvent for more than just a few years. So we are going to make it solvent until somewhere around 2010 and to 2015.

So, seniors, as you hear all of these things about the Republican plan, what we are doing is taking every single penny, dime, nickel, dollar, hundreds of thousands or billions, we are taking every bit of that savings and putting it into Medicare hospitalization so it will not go bankrupt.

I cannot do it any better than that. When the bill comes to the floor, we will read you the language so that you will understand unequivocally, those who want to attack this plan can still run around and say, ''You are using Medicare savings to cut taxes,'' but if you read the law, it says you cannot do that because it says every bit of savings in Medicare stays in Medicare.

We cannot be any more certain of what our intentions are, any more certain of what we want to do on Medicare than to go the exceptional mile where never before have we put in that hospital trust fund dollars from the general taxpayer. But we are doing it here to the extent that we are savings taxpayers' dollars. We are putting the savings in that trust fund.

I am not sure what all these instructions are. My good friend, the occupant of the chair, has been here during the day, but to the extent that there is an instruction telling us to make sure we are not cutting, reforming, changing

Medicare to cut taxes, whatever that instruction is, we are going to accept that, too.

If we can sort it out here, we are going to give whoever proposed it a resounding 100 votes, because we have already done it. We have made sure that we cannot use Medicare savings to cut taxes.

Now, in a while, I will wrap up the other ones and see how I can inform our Senators as to how to vote. For now, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes, or until the Senator from Arkansas returns.

Mr. President, the fact of the matter remains that if they found the savings and premiums did not go up, in this particular instruction, some $52 billion—if they did not go up, the tax breaks would not be there, would they, I ask the Senator?

Mr. DOMENICI. They might be.

Mr. KENNEDY. It is not a question of might or might not. My understanding is that in order to condition the tax breaks, the other provisions of the Republican budget had to be achieved and accomplished before the instructions went to the Finance Committee.

Mr. DOMENICI. That is correct.

Mr. KENNEDY. The point is made. If they do not have this money, you do not get the large tax breaks. So, senior citizens, understand that they are taking your money right out here, as the chairman of the Budget Committee just said, putting it in some kind of box on the way into the pockets of the wealthiest individuals and corporations.

The Senator from New Mexico has just reconfirmed what we have been saying this whole time. If they did not have this increase in the premium, you would not have the tax breaks for the very wealthy. You can describe that in whatever way.

Mr. DOMENICI. I did not agree with that. It was another statement you made. I will explain the tax cuts in just a moment.

Mr. KENNEDY. Mr. President, I yield whatever time the Senator from Arkansas wants.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank my friend from Massachusetts for yielding to me. I also thank my friend, the Senator from New Mexico, for his statement about the nursing home standards. I hope that we will have a 100 to 0 vote on that in a few minutes, after the Senate resumes its voting process. I am very grateful for all of the support that we have had throughout the country to retain the present standards.

Mr. President, I want to talk about one other aspect of the Kennedy proposal that I strongly support. In fact, I support each of his very splendid proposals within this motion to instruct the conferees. But there is one specifically that I think deserves attention and emphasis at this point.

Before 1991, State Medicaid programs faced an intolerable situation. Since 1951, they were forced to pay the very highest prices for prescription drugs in the country. The irony was that these States and their Governors were buying medicines from the pharmaceutical companies for the very lowest-income families in the country. Alone, they could not afford these life-saving medications. Medicaid provided a lifeline for their well-being and their quality of life. But because the drug companies refused to negotiate with State Medicaid programs on price discounts, these programs were paying the highest prices in the country.

Something important changed in 1991, something very like the nursing home standards enacted in 1987. A coalition of individual Senators and Congressmen got together from both sides of the aisle and enacted something called the Medicaid prescription drug best-price rebate formula. Instead of being forced to pay the highest prices in the country, we told the States that they could purchase their prescription drugs at the best prevailing price in the country. We guaranteed that—if the companies would not negotiate in good faith—the States would be assured of rebates justified by the large volumes of drugs they purchased and the acutely vulnerable populations they served.

Let me emphasize, Mr. President, how important a change this was for the States. The Congress said that it would be the policy of our country to assure that States receive the best possible prices on medicines for the poorest of the poor. We struck a deal, and that deal has worked remarkably. It has been a remarkable work of efficiency and of fairness. I know of no State that does not appreciate and value this program. It has allowed the States, for the first time, to negotiate with real leverage with the pharmaceutical companies.

Since 1991 alone, the States—including Wyoming, Arkansas, Michigan, and Massachusetts—have benefited to the extent of $5 billion in rebates from the pharmaceutical companies. These funds have gone directly to the States to help them support the poorest of the poor within our population.

That is not the end of the good aspects of this program, Mr. President. The Congressional Budget Office estimates that, over the next 7 years, the States are going to gain another $12 billion in rebates. This is a tremendous boon to the States and their Medicaid programs.

Mr. President, this is an amazing breakthrough. It is a program that has worked, and it has worked well. The Governors have lauded this program. They have come to Washington to testify on behalf of keeping this program. The Medicaid directors—those who work daily with a diminishing number of dollars—say that Medicaid rebates are one of the best things that ever happened to them.

Let me repeat: Prior to 1991, we were paying the highest drug prices for the poor. The Medicaid rebate program was the first break that the States had in this intolerable situation. Today, billions of dollars a year are paid to the pharmaceutical companies by the Medicaid program. This is the one opportunity for the pharmaceutical companies to do their share—their fair share, I might say—of contributing to helping the poor and to assisting those who cannot afford their medicines. This is their one chance at justifying some of the very lavish tax breaks that we are about to give to some, in my opinion, who should not be getting tax breaks under the Republican proposal.

But let me tell you what has happened in the past few weeks. The drug industry has lobbied intensely to water the rebate program down. There are changes proposed by the other side of the aisle which could jeopardize the progress we made in 1991, as well as the progress we have subsequently made on behalf of the Department of Veterans Affairs, Indian Health Service, Public Health Service, and other Government programs.

The Senate language would strip flexibility and choices from the States, prohibiting them from negotiating the deepest possible discounts. The House language allows drug companies to ignore the needs of the Department of Veterans Affairs, the Public Health Service and Indian Health Service. The House would also exempt nursing home drugs from rebates outright—gutting the Medicaid program and forcing States to pay far more for 70 percent of their drug purchases.

Tens of billions of dollars are being expended every year, and we are on the verge of taking away the leverage in spending those tens of billions of dollars. We are proposing to take leverage away from the States, the Veterans Administration, the Public Health Service—they are going to be cut adrift. They will be forced to say to the public, we are sorry, we don't have the leverage anymore to negotiate. The playing field has been tilted against the poor and in favor of the most profitable industry in the world.

This would be a terrible thing, Mr. President, if we were to weaken a highly successful program which was born in a bipartisan spirit, has saved billions in taxpayer's money and which has been kept together by people who truly share the belief and the commitment to raising the quality of life of those who urgently need medicines but lack the resources to obtain them.

What will we be left with, Mr. President? A hollowed-out Medicaid rebate program that serves the drug industry more than the poor. Draconian restrictions on the number of drugs we can dispense to children and families under Medicaid. A free license to companies to ignore veterans, AIDS patients, and those served in America's public hospitals and community health centers.

In conclusion, Mr. President, I ask my colleagues to consider this one fact. Rebates have allowed us to expand the reach of Medicaid and the Veterans Health Administration and the Public Health Service. They have served the neediest in our country—and have done so efficiently. What we are doing today is turning our backs on that progress. Instead, we want to give an additional windfall to the pharmaceutical companies and allow them the opportunity to escape paying rebates back to the States.

Once again, Mr. President, I do not know why we are doing this. It is a program that has worked. It is a program that the Governors support. It is a program that the Medicaid directors support. It is a program that we should keep as it was passed in 1991. We should not change it.

I am very hopeful that the Senate will adopt Senator KENNEDY's motion to instruct the conferees to keep the concept of buying Medicaid drugs at the best possible price, to preserve the States' leverage in serving taxpayers, and to allow the pharmaceutical companies of America to participate in contributing to this tremendous cause.

I understand there is a possibility that Senator DORGAN of North Dakota may want a few moments. At this time, Mr. President, I yield back my time to my distinguished colleague from Massachusetts.

Mr. KENNEDY. I will yield myself a few minutes until the Senator from North Dakota arrives.

I want to again express the appreciation of all the Members to Senator PRYOR from Arkansas. He was the Senator that really worked out a bipartisan, cooperative agreement with the pharmaceutical companies so that those whose lives depend on many of these prescription drugs, among the poorest of the poor in our country, were not going to be denied being able to receive those prescription drugs, and to work that discount out.

We have been able to extend the rebate program. It applies to the black lung clinics. It applies to the neighborhood health centers that serve 6 million of the poorest Americans. We worked that out 2 years ago, and we had bipartisan support and also had the support of the pharmaceutical industry.

Now all of that is effectively being wiped out—over $200 million a year will be lost in terms of the public health clinics. I hope that we would say—this should be done, as I understand, with hearings or justification.

We have yet to hear why there is suddenly this very important need to wipe this kind of protection out—whether the poor are getting wealthier, whether there are less uninsured, we are moving beyond the needs of the poorest.

Quite frankly, every indication is to the contrary. The total number of uninsured are going up, the number of poor children and generally needy people in our society is going up.

I am just interested, since the Senator from Arkansas is a member of the Finance Committee, if he would just review with me and correct me if he believes I am wrong on this point, that the Medicare part B premium is really very much a part of Social Security.

I remember when we heard long speeches in this body about how we were not going to take away or touch Social Security. It is my understanding that next year the Social Security COLA would be $139 for those Social Security recipients that are receiving $5,300 a year. That is $139 for a COLA to offset the increases in the cost of living, which the seniors have no ability to control.

The increase in the part B premium for next year is expected to be $136, so if you take the $136 which the seniors will have to pay in this new kind of tax, and put that under their $139 in new dollars, they will have for a COLA, they end up with $3.

In a very real way, this is diminishing or adding an additional tax on Social Security. The neediest recipients of Social Security would have received $139; but at the end of the day they only have $3, and effectively the increase in premiums is taking 98 percent of the COLA.

An average Social Security recipient receiving $7,800, will receive a COLA of $205. You subtract $136 for their premium increase and end up with $69, which means 66 percent of their premium will be taken.

Even those that get $10,000 in Social Security benefits—which is about the highest level—get a COLA of $261; take $139 from there and that leaves $125. So their COLA is effectively cut in half.

Does the Senator agree with me that these are real dollars for Social Security recipients, and that with the increase in the premiums that are being suggested by the Republicans, this, in effect, is an additional tax? You can call it a fee or premium or whatever, but you are taking the money out of the paychecks of Social Security recipients.

Mr. PRYOR. Mr. President, if I may respond to my friend from Massachusetts, I think he is precisely on point. He is exactly right.

In addition, I might like to add just one more factor. I believe that something like 60 percent of all of the Social Security recipients are on a fixed income. They cannot go out and sell some more shoes or sell some more cars or do this or do that to increase their resources because they are locked in to an income.

If we take this money from their Social Security by essentially adding a tax to their part B premium, and add it to the dilemma of trying to survive today, paying the costs of getting by, and paying the costs of food and the tremendous escalating costs of their medicines, we are going to impoverish many of our seniors today on Medicare.

I want to salute the Senator from Massachusetts for bringing this to our attention. I wanted to elaborate to some extent on the number who were on fixed incomes.

Mr. KENNEDY. Mr. President, I yield myself 1 final minute and hopefully the Senator from North Dakota will be here.

Mr. President, it is irresponsible, then, for the Republicans to threaten to shut down the Government if they do not get the unfair increases they want in the Medicare premium.

I say, ''shame, shame'' on the Republican Party. Nothing more clearly demonstrates the harsh and extreme nature of their right-wing agenda for Americans than this attack on senior citizens and the willingness of Republicans in Congress to shut down the Government itself if they do not get their way.

I yield the floor.

Mr. DOMENICI. I yield 5 minutes to the Senator from Wyoming.

Mr. THOMAS. Mr. President, I express some concern about the continuing opposition to change that I hear here on the floor. Some concern about how in the world we are going to get a consensus in public policy when we have as much, I believe, misinformation as we have here on the floor.

I think we really need to address ourselves, do our jobs here as trustees for the American people in trying to find a way to do some things, to make this fundamental change.

You have to go back, it seems to me, each time we do this, to examining where we are. The Senator from Massachusetts who just left talked about having more poor people than we have had, more different than we have had. You cannot expect things to be different unless we make some change. If you want different results, you have to make some changes.

We have set about in this last few months coming to a culmination, coming to the end, this week, the opportunity to make fundamental change, the opportunity to balance the budget—which I suggest my friends who have been here for 20 years, 30 years, have not done it for 30 years—some fundamental change in welfare, welfare reform, the welfare plan than that which has been in place for 25 years. We have, as the Senator suggests, more poor people than we did before. We have to make some changes.

Medicare? There is no question but that we have to make a change in Medicare. The trustees say we have to make a change in Medicare. Medicare has been growing at three times the rate of inflation. You cannot continue to do that. Obviously, we have to make some change.

Someone on the floor a while ago used a parallel of having a home with no insulation and holes in the walls and cold was coming in. You have two choices. You can either buy more fuel and start a fire and let most of it go out through the hole in the wall, or you can find some insulation and try to fix the wall. That is what we are seeking to do.

There is a limit to how much money you can put into health care. But what we need to do is fundamentally reduce some of the costs, and that is what we are seeking to do here in Medicare. We are seeking to give some choices to the elderly, choices that you and I have as Government employees, so they can choose appropriately; an opportunity to go into managed care which will be less expensive and provide excellent services.

The idea that there is a tax increase, I do not quite understand. In 1990, a Democrat-controlled Senate voted to increase part B premiums from 25 percent to 31½. That is where it is. But I hear from everyone, as if by rote, that ''you are raising taxes.'' We are not raising taxes at all. It is continuing at 31 percent of the premium. That is where we are.

What are the words—''raising taxes so you can pay for tax breaks for the rich,'' 90 percent of which goes to families earning below $100,000. These are the kinds of things that make it difficult, it seems to me, to have some kind of a public policy debate when those are the kinds of things we talk about. They are not accurate.

There is a reason why this matter of the part B premium is on this continuing resolution. The reason has to do with the ability of Social Security to put it in the computer and not go back to 25, to go back to 31 in May. That is the reason it is there. It is a legitimate, logistical reason it is there. It is not a political reason, not a political reason to talk about.

So I guess I am really enthusiastic about the fact that we are going to have a chance to make some fundamental change, that we are going to have a chance to change the programs that we see have not produced the kinds of things we want to have happen, to get the results that we want. And that is what it is all about.

Mr. President, I urge my associates to vote in favor of our reconciliation and to go forward with the balanced budget proposal that the Senator from New Mexico has given such great leadership in bringing to us.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes and 36 seconds.

Mr. DOMENICI. How much time do the Democrats have?

The PRESIDING OFFICER. They have 2 minutes and 19 seconds.

Mr. DOMENICI. Senator DORGAN, if I were to yield you 2 minutes, that would give you 4. Would that help you out?

Mr. PRYOR. Mr. President, I wonder if it is possible to put the Senate in a quorum call, not to have the time going against either side, for the time being? It will be very short.

Mr. DOMENICI. What is the purpose of it? We want to start voting. That is the only reason I am reluctant, because I am going to start speaking.

Mr. PRYOR. Senator KENNEDY has been yielded this time.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 19 seconds.

Who yields time?

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DOMENICI. Will the Senator like 2 additional? I will yield 2 of mine, just to leave me 7.

Mr. President, so Senators and staffers will know, we are getting close to the time for the first vote. My colleague will speak for 4 minutes, I will speak 7, if that is satisfactory to Senator PRYOR?

Mr. PRYOR. The leader is Senator KENNEDY from Massachusetts.

Mr. KENNEDY. We are fine. That is perfectly agreeable to me because there is no other alternative.

Mr. DOMENICI. I yield 2 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota has approximately 4 minutes.

Mr. DORGAN. Mr. President, we have had a healthy discussion on the floor of the Senate today about four sense-of-the-Senate resolutions which we have been trying for some weeks actually to offer. We do this because we are concerned about the priorities. I know some have been on the floor of the Senate saying one side wants a balanced budget and the other side does not care. Of course, that is not the case. The question is not whether we ought to balance the Federal budget. Of course we ought to do that. The issue is priorities. What kind of choices do we make? How do we balance the Federal budget?

Somebody says, ''Here is our destination.'' We say, ''Fine. We agree with the destination.'' But there are a lot of different roads to get to the destination. Among the discussions we have had this afternoon are issues of Medicare, the use of Social Security funds, and the Senator from New Mexico and I have talked previously about the use of Social Security funds. We will probably not agree on that issue. But I do not think those of us who raise these questions have ever been wrong. I just want to go back for a couple of minutes on this issue of Social Security.

It was 1983 that we passed a Social Security reform package. I happen to know that because I was on the Ways and Means Committee in the House at the time, and I happen to remember the day we did it because in the House, when we marked it up, I offered the amendment, the amendment in the Ways and Means Committee that was defeated.

That said, if you are going to raise extra money each year for Social Security and call it Social Security revenue and put it in a trust fund, take it out of workers' paychecks and say, ''We promise you we will keep it for the Social Security system,'' I said let us make sure it is not misused later.

That was 12 years ago, and every year since, as we began to accrue these surpluses, every year since it has been used as an offset against operating revenue in the Federal budget. That is just a fact. That is not something we ought to debate. That is a fact.

The argument I hear on the other side is it has been done over all these years so let us keep doing it. That is an argument for business as usual. This ought not be business as usual, and we ought not continue to take money out of the Social Security trust funds to use to balance the Federal budget.

I showed a chart on the floor here 1 day. I should have brought it back today. It has a little arrow on it. It says you cannot use money for two different things. Double-entry bookkeeping does not mean you can use the same money twice. Either the money is going to be in the Social Security trust funds or it is not. It is going to be used over here, in the operating revenues for the Federal budget, or the Social Security trust funds. They are going to be used one place or the other, not both. Regrettably, what we have in the coming year is the use of the Federal trust fund money over here in the operating revenues. And I have thought it was wrong since 1983. I have addressed it legislatively. I have offered amendments on it. It is wrong now. It is going to be even more wrong in the future because each year this amount of money grows.

So what you have here is a legislative sleight of hand of those who say we are going to balance the Federal budget, in effect, in the year 2002. Even under the most optimistic assumptions, you will still have a $110 billion budget deficit.

The Senator from New Mexico knows that on page 3 of the budget report that came to the Congress, it has a section called deficits. You go to 2002, on page 3, and evaluate what is this deficit? It is $110 billion. That is what they say, not me. Why? Because, in order for them to say zero, they had to take that money from the Social Security trust fund and use it—or misuse it. That is the issue. They are funny about their issues—the issue of education, which I think is important. The issue of part B premiums is what is holding us up at the moment.

As you know, among other things, the circumstances in which the majority party says we insist on this legislation, this stopgap legislation, insist on increasing the part B premiums, makes no sense. They ought to pass a clean stopgap bill, send it to the President, and let us stop this. This makes no sense.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me first talk about the issue of whether we have a balanced budget or not. The distinguished Senator has just addressed the issue of whether we do or do not because of the trust fund.

Let me remind everyone who is listening and wondering about this contentious issue that the trust fund must not be ignored. What is in that trust fund should not be used to balance the budget. The President of the United States sent us a budget when he first went into office. He used the trust fund as part of the unfunded budget. He sent us a budget this year. He did it 3 months later, claiming it was in balance. He used the trust fund. Mr. President, every President since I have been a Senator used it in the exact same way. The Republicans used it in the exact same way.

Lo and behold, 19 Democratic Senators on the floor of the Senate, courageous Democrats, produced a balanced budget. One of them happened to have as a cosponsor along with the distinguished Senator, Senator SIMON, his fellow Senator from his State as a cosponsor. And what kind of budget was that in terms of a balance? That was the exact same kind the Republicans produced and all the Presidents produced. There was no difference. It treated everything just like it has been treated before, excepting now the distinguished Senator, Senator DORGAN, insists that we are not in balance.

Frankly, I do not think the American people understand the argument, nor do they care about it. We are making such a gigantic step in the direction of a balanced budget that I do not think anybody is going to ask us to do more. That is essentially the argument—that we ought to do more. We have not done enough.

Why are we on the floor now? The U.S. Senate passed a reconciliation bill, a big law change, to change the laws so we can get to a balance. That already passed. We voted on 58 amendments. There might have been two or three of them who were Republican. They had every opportunity to vote. They lost. They might have won one or two.

When we are all finished, they want another day on the floor of the Senate. So now they say, let us instruct the conferees, the ones who are going to go off and meet with the House who have already been meeting—who have already finished the budget—but for another meeting. They want a chance to tell them what to do by virtue of motions to instruct. This is nonbinding.

It is also a desperate act of, let us get one more opportunity on the floor of the Senate to make some charges and allegations.

So we say, fine. Have at it.

I am pleased to tell those who offered all of these instructions, including my good friend, the Senator from Florida, Senator GRAHAM, that I am going to urge that every Republican Senator vote for his instruction. So if he is worried about it, he should know that he is going to win tonight. He is going to win because, in our opinion—and we are going to tell the Republicans—nothing in our budget bill violated the Budget Enforcement Act.

Second, we do not include anything in the conference report that violates that section that he refers to. And, lo and behold, we did not use $12 billion in Social Security cuts to balance the budget. So we are going to vote for it, and the Senator's instruction, albeit after the fact, is going to be noted and well taken. So I thank him for that.

I offered Senator KENNEDY a proposal that we take all of his, except one. So if anybody wonders how this big argument—he has about 10 provisions. We said we did all of them in our reconciliation except one with reference to balanced billing. So if we have to vote no on Senator KENNEDY's long list, it is because we do not agree on balanced billing. But on all of the rest, we agree. If he would agree to strip that, we will even vote for his instruction tonight. I will leave that for him to decide here in the next few minutes.

That leaves Senator PRYOR. I have said we are going to vote for that. And I say to the Senator, I was thinking of what I said. I am not saying we did every single thing that he is recommending in his instruction. I am saying we went as far as we could go, and we will accept the instruction since it is not binding. We will say we told the conferees to do their very best on his instructions, and I think for the most part it is going to be found to be rather close to what he wants. But I did not want him to think we adopted his exactly.

That means that we are not going to go with Senator ROCKEFELLER, who has something in his saying we should only raise $89 billion to make part B solvent. So he would like to make it solvent for only a few years.

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

Mr. DOMENICI. Let me finish my last reasoning since I did not have any time, and I will get back to the Senator. I do not want to run out of time.

So essentially the one we cannot agree to is we cannot agree to Senator ROCKEFELLER's for one reason. He said we should only make the part A coverage solvent to the extent of $89 billion put back into it. We are putting a lot more back into it because we want it to be solvent until the year 2010, maybe even 2015.

So we could not agree to that. The last part of his we would agree to. He says, do not use any of these to raise taxes. We did not. We put all of the Medicare savings back into Medicare. So, but for that, we could even vote for his but we will have to vote no on that.

If Senator KENNEDY will modify his, the Democratic Senators will have their great victory this afternoon. We will vote for them—all three.

Mr. KENNEDY. Mr. President, if the Senator will yield for 30 seconds, no one is more accommodating than the Senator from New Mexico in attempting to try to find common ground. But the issue on the double billing is one of extreme importance.

Now, of course, beneficiaries are not permitted to be charged above the reimbursement for Medicare. And it is my understanding from reviewing the language that under the proposal that is being discussed in conference there can be additional charges to senior citizens. But we want to retain current law.

All my legislation does is effectively retain current law. But, as I understand it, that is not the position of the Senator, the chairman of the Budget Committee.

Mr. DOMENICI. We will have a vote on the Senator's instruction. I thank the Senator.

Let me close by saying that this argument that we are having on the floor has nothing to do with these instructions. It has to do with whether or not we are going to get a balanced budget in 7 years using valid economics and using valid assumptions on what Government will cost. We have done that. We have used the Congressional Budget Office, and we will actually have a balance. And we are able to give the American taxpayers $245 billion back in taxes.

Let me say that while I cannot reveal the details of the conference, lo and behold, 90 percent of the tax cut is going back to middle-income Americans. So if there was any fear that we were going all the way to the House side, we did not. As a matter of fact, $75,000 is the earnings for a single head of household for the child care credit. And the rest of it, 90 percent, will be for middle-income Americans.

We will have capital gains in. For those who do not like that because some of it goes to rich people, that is just going to be the issue. But essentially we are passing a budget not for today, not for seniors, not for cowboys, not for ranchers, not for schoolteachers, but for everyone in America, in particular our children. Whatever they do in their lives, we are hoping they will have a better life than we. And we do not think that is the case with $200 billion deficits as far as the eye can see. That is the real issue.

We are delighted to have another debate on it. In a few days we will bring the bill here on the floor, and we will have another 5 hours of debate. We hope we can send to the President a real balanced budget.

Mr. PRYOR. Mr. President, parliamentary inquiry: Have we appointed conferees from this body to a conference on reconciliation? Has the Senate appointed conferees?

The PRESIDING OFFICER. The Senate has not.

Mr. PRYOR. So if we do not have any conferees, Mr. President, we do not have a conference. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PRYOR. The Senator from New Mexico keeps talking about ''we'' have decided, that ''we'' have decided that. But yet, there is no conference because there are no conferees.

Mr. DOMENICI. The Senator is correct.

Mr. PRYOR. Who does the Senator speak of when he is talking about ''we'' have decided this?

The PRESIDING OFFICER. That is not an appropriate parliamentary inquiry.

Mr. DORGAN. Mr. President, may I ask the Senator from New Mexico for his comment——

Mr. DOMENICI. We are out of time. I will be pleased to correct the record.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senator from New Mexico be allowed to answer my question in 1 minute.

Mr. DOMENICI. Could I ask for 1 minute for Senator COHEN to put a statement in the RECORD?

Mr. PRYOR. I would be glad to.

Mr. DOMENICI. Does the Senator from Maine wish to include a statement in the RECORD?

Mr. COHEN. I will withhold.

Mr. DOMENICI. Mr. President, fellow Senators, just as the Democrats did last year when they put together the President's package with the largest tax increase in history, only Democrats really put the package together. I happened to have been a Member. I was not invited to that meeting. When it was finished, they called a meeting and said it is finished.

So what we have been doing is meeting informally because we know we are going to have to write this package. We worked very hard day and night, all weekend, and when we finally got together tonight we could not appoint conferees because these motions were in the way. They wanted to have this debate today first.

So as soon as it is finished, we will appoint the conferees, and in due course during this week the conferees will meet and they will put together, ratify, and approve a conference report.

Mr. DORGAN. Mr. President, if I might ask a question, as soon as the conference is finished, they will appoint conferees?

The PRESIDING OFFICER. The 1 minute has expired. Any debate at this point would require a unanimous consent.

All time has expired.

The Senator from Maine has 1 minute.

Mr. COHEN. Mr. President, during the Senate debate on the budget reconciliation bill I offered an amendment with my colleague from Arkansas, Mr. PRYOR, to retain strong Federal standards for nursing homes and I am pleased that the Senate-passed budget reconciliation bill maintains the tough Federal standards that are currently in place to protect elderly and disabled individuals living in nursing homes. The continuation of OBRA '87 nursing home standards in the Senate bill is a major victory for today's 2 million nursing home residents, and tomorrow's growing elderly and disabled population.

A few weeks ago I chaired a hearing of the Senate Special Committee on Aging to examine the need for strong Federal quality of care standards in nursing homes. The testimony from family members and expert witnesses convinced me more than ever that the Federal Government must continue to play a central role in monitoring and enforcing nursing home standards.

The law provides a framework through which facilities can help each resident reach his or her highest practicable physical, mental, and general well-being. It also provides critical oversight and enforcement of nursing home standards, following years of evidence that the States simply did not make enforcement of nursing home standards a high priority.

While the bill originally reported by the Finance Committee required that States include certain quality of care provisions in their Medigrant State plans, I had strong concerns that many of the important OBRA '87 provisions were eliminated and that the bill lacked adequate Federal oversight and enforcement of nursing home standards.

Therefore, I worked with the Republican leadership and many of my colleagues on both sides of the aisle to ensure that this bill keeps intact the standards, enforcement, and Federal oversight now contained in current law.

During the debate on the reconciliation bill and since its passage, the nursing home standards provisions contained in the Senate bill have been attacked as inadequate and a return to the days when nursing home residents were tethered and overdrugged. It is unfortunate that my colleagues on the other side of the aisle have chosen to play on the strong emotions and fears of families of nursing home residents. They argue that the waiver provision included in the Senate-passed bill is a veiled attempt to gut nursing home enforcement. I want to assure my colleagues that, while I would prefer that a waiver not exist, this is simply not true.

An article appeared today, entitled, ''GOP Health Reforms Leaving Nursing Homes Behind. Both the House and Senate Budget Plans Propose a Wholesale Repeal of Important Nursing Home Standards First Passed in 1987,'' paints a distorted picture of the facts. The headline leaves the clear impression that both the Senate and House plans are callous and have turned their backs on nursing home residents. The article then goes on to attack the waiver process in the Senate bill as a plan to eliminate the Federal nursing home standards which we have all fought so hard to achieve.

Let me set the facts straight for the record.

First, the Senate bill continues Federal standards and enforcement. To lump the Senate provisions as being as bad as the House bill is simply unfair. The Senate recognized the need to maintain Federal law and did so in its reconciliation bill.

Second, the Senate-passed bill does provide for States to receive waivers from the Federal nursing home reform law, but these are provided in only very limited circumstances. Specifically, a State may apply for a waiver of standards only if its standards are equal to or more stringent than the Federal requirements. The amendment clearly indicates that no such waiver is allowed unless the Secretary approves the waiver, and only if the standards are equal to or more stringent than the Federal standard. Further, the provision specifies that waivers allowed under this section in no way waive or limit the Federal Government's enforcement of tough nursing home standards, patient protections, and other provisions of OBRA '87 against the States or the nursing homes.

Under the Senate-passed bill, even if a State obtains a waiver, the Federal Government retains the authority to go into specific facilities and impose penalties. Specifically, the Federal Government can still: perform look back inspections, through which the Federal Government reinspects a percentage of nursing homes already inspected by the States to determine if the States are adequately enforcing OBRA '87; enter any nursing home facility to ensure compliance with OBRA; terminate a facility's certification for Medicaid if conditions in the facility causes an immediate harm to residents; fine a facility if the nursing home is not complying with Federal law; terminate or suspend a waiver of any State that is not enforcing the Federal nursing home standards or has standards weaker than the Federal law.

Colleagues on the other side of the aisle argue that the Secretary does not retain these rights and that the Federal Government is unable to enforce Federal standards against individual facilities. I maintain that this is simply not correct under the language of the Senate-passed provision and have been urging the leadership to clarify this in conference so there will be no doubt of the intent. Rather than working constructively to support and clarify this language, however, those on the other side of the aisle have decided that they can score more political points if they provide strained readings of the provisions, energize opposition among the nursing home patients' groups, and paint a picture of all Republicans trying to roll back standards and enforcement.

The fact is that States are now allowed to apply more stringent standards than the Federal Government under current law. So the waiver really gives nothing to a State—other than the option of requiring nursing home standards that are tougher, with the Federal Government looking over the shoulder of the State and facility every

step of the way. While I strongly share the concern of my colleague from Arkansas that States have not had a good history of enforcing standards in nursing homes, the law should not automatically assume that tough enforcement by States—with full monitoring and full enforcement by the Federal Government of standards—is absolutely impossible.

Some critics also question whether a State could receive a waiver if its standards as a whole—rather than each and every standard—for nursing homes were equal to or more stringent than the Federal standards. I believe that the language in the Senate-passed bill means that each standard must be equal to or more equivalent to the Federal standards in order to qualify a State for a waiver. Again, I would support language to even further clarify that this is the intent—but we should do this in an effort to clarify and strengthen the bill, rather than suggesting that there is a veiled effort to create loopholes for nursing homes.

In addition, under the Senate-passed bill the Secretary is given 120 days to approve or disapprove a waiver application from a State. Opponents challenge this provision as perhaps allowing a State waiver to go into effect by default if the Secretary does not act within this time frame. This interpretation is a far stretch, since as my colleagues well know, under current law similar waivers are not granted by default if the Secretary does not expressly approve the waiver.

As I stated on the floor during debate on the reconciliation bill, I am pleased that the amendment that I cosponsored to preserve the current Federal law on nursing home standards was adopted and I supported the Roth amendment to the bill only because I believe that the waiver provisions contained in it do not undermine strong Federal enforcement and standards. I assure my colleagues that I will continue to press for strong Federal standards and enforcement, and will not support a conference report on the budget reconciliation bill that I believe will dilute either Federal standards or Federal enforcement against States or individual facilities.

Mr. President, I intend to support the motion of the Senator from Arkansas, but I also want to indicate I believe that there has been a distortion of what the Senate did last week. The indication is that somehow the Republicans have been less than concerned about nursing home residents and their rights and the standard that will be applied to make sure that at the very highest levels we maintain Federal enforcement obligation.

I wish to assure my colleague from Arkansas that the measure which passed—both measures—and I supported, and the Republican substitute, will insist upon standards that States can measure up to are higher than Federal standards. We still retain Federal enforcement rights. I believe you are insisting there be no waivers, but I wish to assure you that Republicans, by no means, are going to tolerate any diminution of either standards or enforcement by the Federal Government.

Mr. PRYOR. If the Senator will yield, does the proposal that the Senator has accepted contain waivers by States?

Mr. COHEN. The proposal that was voted last week in the Senate allowed for States that either had equal to or greater standards to apply for a waiver that could be granted but only if the Federal Government retained enforcement standards, enforcement rights. That is the measure we debated.

Mr. PRYOR. That is a change of which I wish to warn my colleagues.

The PRESIDING OFFICER. All time having been consumed, the question is on agreeing to the motion of the Senator from Massachusetts.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have a unanimous consent request. I ask unanimous consent that the votes occur in the order in which they were deferred and that there be 2 minutes equally divided between each motion to instruct.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

MOTION TO INSTRUCT—NURSING HOMES

The PRESIDING OFFICER. There is now 2 minutes to be equally divided on the Senator's motion.

Mr. PRYOR. I thank the Chair.

Mr. President, what we are faced with right now is whether we are going to retain the Federal standards as adopted in OBRA 1987. These are high standards. They are accepted standards. They are understood standards. They are standards that apply across this great country, across this wide land of ours in each of our 50 States.

In my opinion, to relax these standards is going to be a statement that we are making to 2 million nursing home residents that we do not care enough about their safety to retain these high standards.

I have just seconds ago been informed that even though I had been told earlier my motion would be accepted as is, there is going to be the possibility of relaxation of some enforcement provisions made by the Republicans in their so-called conference, and the conference does not even exist with the Democrats. So this is our last opportunity. I hope we will support the motion that is before the Senate at this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I waive my 1 minute.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays are already ordered on this motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 570 Leg.]

YEAS—95

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Dole	Lautenberg	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Faircloth	Lott	

NAYS—1

Ashcroft

NOT VOTING—3

Gramm	Jeffords	Lugar

So the Pryor motion to instruct conferees was agreed to.

MOTION TO INSTRUCT—MEDICARE

The PRESIDING OFFICER. The question now occurs on the motion to instruct conferees offered by the Senator from West Virginia [Mr. ROCKEFELLER]. The yeas and nays have not been ordered.

By a previous unanimous consent, there is 2 minutes to be equally divided to explain the amendment.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

Mr. President, this particular motion to instruct is to say to conferees that Medicare should not be cut by more than $89 billion, which is sufficient to keep it solvent to the year 2006, and that any money necessary to ensure budget neutrality would come from the tax break. That is it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, shortly I am going to move to table the Rockefeller motion. Let me say to all Senators on the Republican side, I would have urged that you support this but for the $89 billion limitation, because we think we can do better and we

deserve to make the fund solvent for more than just a few years.

So we are going to make it solvent to about 2010, maybe 2014. But as far as that portion of this that says we should not use Medicare to cut taxes, I can assure you that we are not doing that. We have put all the Medicare savings back into the Medicare trust fund, even those that come from the general taxpayer for part B, so we are not using any Medicare savings for tax cuts.

Mr. President, I move to table the Rockefeller motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion of the Senator from West Virginia to instruct conferees. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 571 Leg.]

YEAS—51

Abraham	Faircloth	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Nunn
Burns	Gregg	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Mack	Warner

NAYS—46

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	
Feingold	Levin	

NOT VOTING—2

Gramm	Lugar

So the motion to lay on the table the Rockefeller motion to instruct conferees was agreed to.

MOTION TO INSTRUCT—SOCIAL SECURITY

The PRESIDING OFFICER. The question next occurs on the motion to instruct conferees offered by the Senator from Florida, Senator GRAHAM. Under previous agreement, each Senator has 1 minute to explain the position on the motion.

The Senate will please come to order.

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, this motion relates to a provision that was included in the last hour of our consideration of the reconciliation bill. That provision purported to fund $13 billion of new spending by utilizing funds out of the Social Security trust fund.

This motion states that it is not our intention to dishonor the commitment that this Congress made in 1990 not to utilize the Social Security trust fund for financing the general purposes of Government and, therefore, instructs our conferees to desist from any actions that would have that effect.

I believe this amendment is acceptable to the chairman of the Budget Committee. I urge its adoption.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the first portion of his instruction we have never violated, so we can be instructed on it.

The second section, we have never violated it, so we can be instructed not to.

The third one, on $12 billion worth of Social Security, we did not think we violated it on the Senate floor. However, in the final product, we did not have to use that to get to a balanced budget, so I am recommending we vote aye on this instruction.

The PRESIDING OFFICER. All time has expired. The question occurs on the motion to instruct conferees offered by the Senator from Florida, Senator GRAHAM.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas. [Mr. GRAMM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 572 Leg.]

YEAS—97

Abraham	Cochran	Gorton
Akaka	Cohen	Graham
Ashcroft	Conrad	Grams
Baucus	Coverdell	Grassley
Bennett	Craig	Gregg
Biden	D'Amato	Harkin
Bingaman	Daschle	Hatch
Bond	DeWine	Hatfield
Boxer	Dodd	Heflin
Bradley	Dole	Helms
Breaux	Domenici	Hollings
Brown	Dorgan	Hutchison
Bryan	Exon	Inhofe
Bumpers	Faircloth	Inouye
Burns	Feingold	Jeffords
Byrd	Feinstein	Johnston
Campbell	Ford	Kassebaum
Chafee	Frist	Kempthorne
Coats	Glenn	Kennedy
Kerrey	Moynihan	Shelby
Kerry	Murkowski	Simon
Kohl	Murray	Simpson
Kyl	Nickles	Smith
Lautenberg	Nunn	Snowe
Leahy	Pell	Specter
Levin	Pressler	Stevens
Lieberman	Pryor	Thomas
Lott	Reid	Thompson
Mack	Robb	Thurmond
McCain	Rockefeller	Warner
McConnell	Roth	Wellstone
Mikulski	Santorum	
Moseley-Braun	Sarbanes	

NOT VOTING—2

Gramm	Lugar

So, the Graham motion to instruct conferees was agreed to.

MOTION TO INSTRUCT - HEALTH CARE

The PRESIDING OFFICER (Mr. SANTORUM). The question is on agreeing to the motion to instruct conferees offered by the Senator from Massachusetts [Mr. KENNEDY]. Each side has 1 minute of debate.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There is 1 minute of debate time on each side on this motion before the vote.

The Senator from Massachusetts.

Mr. KENNEDY. I thank the Chair.

Mr. President, this motion retains existing law in four important areas: In the discounts which are currently available for prescription drugs for our senior citizens; second, in the prohibition against double billing that is in existing law, so that the senior citizens will not be charged a cost above that designated, for example, in Medicare; third, in anti-fraud and abuse, to make sure that the existing provisions to prevent fraud and abuse to deal with those exigencies are preserved, which they are not preserved in the reconciliation bill at the current time; and fourth, in protections against additional costs in Medicaid, to make sure that there will not be additional costs for nursing home residents on Medicaid, spouses and their families.

We preserve existing law in all four areas. This will save seniors and seniors' families billions of dollars and save billions of dollars for the taxpayer, and I urge its acceptance.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

Mr. President and fellow Senators, frankly, it is very difficult to ascertain from this long litany of instructions to the conferees which of these we really can do and which ones we cannot, and because I cannot discern that with certainty—and a couple of them I know we cannot get done in the conference in the next 24 hours—I am going to recommend we table the motion.

Frankly, I believe we are going to get a lot of these good provisions done. I do not think we need to be instructed at this point.

So, Mr. President, I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me advise Members, this is the last of the four votes on the instructions. I would recommend you take a beeper with you because if we do work out something on the CR, the vote could come any time between now and tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to instruct conferees. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 573 Leg.]

YEAS—48

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner

NAYS—49

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Heflin	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Snowe
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Exon	Levin	
Feingold	Lieberman	

NOT VOTING—2

Gramm	Lugar

So the motion to lay on the table the Kennedy motion to instruct conferees was rejected.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Rollcall vote be vitiated on this motion.

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

The question occurs on agreeing to the motion to instruct offered by the Senator from Massachusetts.

So, the motion was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I just want to comment in the presence of Senator KENNEDY, one of the reasons we let this happen and did not fight any harder is because we are so appreciative on the Republican side for all the help he has been in getting the reconciliation bill passed.

Mr. KENNEDY. I thank the Senator. I want to be of similar help and assistance on——

Mr. DOMENICI. That kind of help we do not need. In spite of what it was, he prevailed.

The PRESIDING OFFICER. Under the previous order, the Chair appoints the following conferees.

Thereupon, the Presiding Officer (Mr. SANTORUM) appointed:

From the Committee on the Budget for consideration of all titles: Mr. DOMENICI, Mr. GRASSLEY, and Mr. EXON;

From the Committee on Agriculture, Nutrition, and Forestry for consideration of title I: Mr. LUGAR, Mr. DOLE, Mr. HELMS (for consideration of section 1113 and subtitle D of title I), Mr. COCHRAN (for consideration of title I, except sections 1106, 1108, 1113, and subtitle D), Mr. CRAIG (for consideration of sections 1106 and 1108 of title I), Mr. LEAHY; and Mr. PRYOR;

From the Committee on Armed Services for consideration of title II: Mr. THURMOND, Mr. MCCAIN, and Mr. BINGAMAN;

From the Committee on Banking, Housing and Urban Affairs for consideration of title III: Mr. D'AMATO, Mr. GRAMM, and Mr. SARBANES;

From the Committee on Commerce, Science, and Transportation for consideration of title IV: Mr. PRESSLER, Mr. STEVENS, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUYE;

From the Committee on Energy and Natural Resources for consideration of title V: Mr. MURKOWSKI, Mr. HATFIELD, Mr. NICKLES, Mr. CRAIG, Mr. JOHNSTON, Mr. BUMPERS, and Mr. FORD;

From the Committee on Environment and Public Works for consideration of title VI: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. BAUCUS, and Mr. REID;

From the Committee on Finance for consideration of title VII and title XII: Mr. ROTH, Mr. DOLE, and Mr. MOYNIHAN;

From the Committee on Governmental Affairs for consideration of title VIII (and for consideration of the title of the House bill relating solely to abolishing the Department of Commerce): Mr. STEVENS, Mr. COHEN, Mr. THOMPSON, Mr. GLENN, and Mr. PRYOR;

From the Committee on the Judiciary for consideration of title IX: Mr. HATCH, Mr. GRASSLEY, and Mr. BIDEN;

From the Committee on Labor and Human Resources for consideration of title X: Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. FRIST, Mr. KENNEDY, Mr. PELL, and Mr. SIMON (for ERISA and other matters);

From the Committee on Veterans' Affairs for consideration of title XI: Mr. SIMPSON, Mr. MURKOWSKI, and Mr. ROCKEFELLER.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

POISED FOR A SHUTDOWN

Mrs. BOXER. Thank you very much, Mr. President. I take to the floor late this evening, and I know there is other business that will be coming before the body, to talk about where we are as a country at this point when everyone seems to be poised for a shutdown, representing the largest State in the Union where, I daresay, Senator FEINSTEIN and I have more people who will be impacted by this shutdown than any other State in the Union. It is of grave concern to me. I believe the time has come for us to work together and keep this Government functioning. I believe if we cannot do that, then we are not doing our jobs.

The time has come for the Republican Congress to admit to something they do not want to admit to, and that is the occupant of the White House happens to be a Democrat. There is a Democrat in the White House, a Democrat who has said in every possible way that we can make bipartisan progress on the budget if Republicans moderate their extreme cuts in four areas: Medicare is one area; Medicaid is the second; education is the third; and environment is the fourth. And on the tax break side, that the Republican Congress not give huge tax breaks to the wealthiest to pay for those mean-spirited cuts.

Those are the main areas of disagreement: Medicare, Medicaid, environment and education and huge tax breaks for the wealthiest among us.

There are other smaller areas of disagreement, but those are the major ones. When you stop and think about the thousands of things that we deal with in this budget, if it can come down to four or five areas, I think there is room for us to work together. I do not think it is unreasonable for the President to simply ask for moderation on four areas crucial to all Americans, and I do not believe that the majority of Americans think that President Clinton is being unreasonable.

Why do I say that? Because it is clear, when you take $270 billion out of Medicare, you are hurting this very important and popular program. And you know that what Speaker GINGRICH said is true, they cannot kill it outright, but this will allow it to ''wither on the vine.''

''Wither on the vine,'' the very words of Speaker GINGRICH. And you know something, he cannot get out of it. That is what he said.

So the Republicans will allow Medicare—indeed, that is their plan—allow it to ''wither on the vine'' and then use the money to pay off those who earn over $350,000 a year. They will get $5,600 a year in tax breaks.

I listened to the chairman of the Budget Committee—I am on the Budget Committee, I serve there with great pride—when Senator KENNEDY of Massachusetts asked a direct question to the chairman of the Budget Committee. The answer came back, and I do give Chairman DOMENICI credit for this. He said, basically, yes to the question, ''Didn't you have to cut Medicare $270 billion to make room for your tax cut?''

Of course he did. Of course he did. That was in the budget itself. It said there has to be enough cuts to be able to afford those tax breaks.

It is symmetry, my friends, and very clear: $245 billion in tax cuts for the wealthiest; $270 billion cuts in Medicare. That is extreme. The Republicans go too far.

I think the President is being very reasonable and very rational and very correct in suggesting that they moderate those cuts, that they not harm Medicare, that they not cut Medicaid by $182 billion.

Who uses Medicaid? The disabled, the elderly in nursing homes. They still, with all the hoopla, are going to change the national standards for nursing homes. Their latest ploy is to have national standards that the States will enforce. Wonderful. We know what happened when the States were in charge of nursing homes. We remember those days.

I compliment my friend, Senator PRYOR, for his work on this issue. We are not going to go back to the days where seniors were abused, drugged, had bedsores or were given scalding baths. That is what happened in the 1980's.

I have to say when I hear colleagues on the other side say, ''Well, those Democrats just do not want change,'' yes, we want change but we want good change. We want change that is good for the country, that moves us forward, that keeps our values.

Yes, we have to look more carefully at the way we spend our dollars. Yes, we have to balance the budget. But it is a question of how you do it and the President is right to stand firm. I hope he will continue to stand firm because the American people support that.

Change in and of itself is not necessarily good. It is like if you have a teenage child. I have had a couple of them. They are past that stage. This is very good. When they were young and I said, ''You have to do better, you have to work harder''—''Yes, I will change.''

If they change for the better that is great, but if they came home and said, ''Mom I changed. I joined a gang,'' that would be a bad change.

When you repeal nursing home standards, that is a bad change. When you hurt seniors in Medicare, that is a bad change. When you cut so deeply into education and student loans that you really in essence say to our young people they are not going to have opportunity, that is a bad change. We should stand for good change.

We protect the pensions of our workers. This Republican budget goes after the pensions, allows them to be raided. That is a bad change.

This is not a revolution, this Republican revolution, that Americans can really embrace, because it is an America that loses its values, hope, opportunity, fairness. That is what I think we try to stand for on our side of the aisle. That is the kind of budget that we will support—yes, one that moves us toward balance.

How do you get there is the question. I think what is happening is that my colleagues on the Republican side want to blackmail our President and send him a debt extension, force him to sign it while at the same time a provision in there would tie his hands in future debt crises. That is not what we need for the strongest, greatest country in the world.

I used to be a stockbroker in another lifetime, and every time the President sneezed, the market would go down. People were worried. Imagine what it would be like if a President signed a bill that essentially tied his hands behind his back so he could not act in a crisis, to stand strong for the full faith and credit of the United States of America. That would be a terrible thing for him to do, and he is not going to be blackmailed into doing it. God bless him for that and give him courage and give him strength for that.

Imagine, these short-term bills having all this extraneous matter—raising Medicare premiums. The Republicans cannot even wait for the reconciliation bill, they are going to put it in this short-term bill. Raising premiums instead of looking at Medicare as a whole unit and bringing in the doctor piece and bringing in the waste, fraud, and abuse piece, as Senator KENNEDY said, and the hospital piece, and making sure the poor seniors are protected.

Why should the President sign a bill when he is up against the wall and being blackmailed into it? The President has every right to reject this. He should.

I am here to say that right now if the Republicans in this U.S. Senate wanted to, they could sit down with us Democrats. We could send a clean debt extension to the President, a clean continuing appropriations to the President, absent all this extraneous matter.

One of them even weakens environmental laws, threatening public health and safety. It is an outrage.

We do not have to shut down this Government and make people feel concerned if they want to apply for veterans' benefits or Social Security benefits that the door will be closed. It is not necessary to do that.

Send the President a clean extension of the debt. Send the President a clean continuing resolution. We have many battles that we have to fight but we do not have to fight it on this short-term bill.

I am only going to go for another 2 or 3 minutes but I really need to say that this crisis is a manufactured crisis. There is no reason for it to be happening. It is just an attempt by this Republican Congress to sneak things through here that they know they cannot get through in the light of day. They do not want to vote to raise Medicare premiums, so they stick it in on this debt extension or on the continuing resolution. On the debt extension they weaken the environmental laws. They are radical plans and their only hope of success is to slip it through.

We should not be playing a game here about who is more macho, NEWT GINGRICH or President Clinton. Frankly, I do not care. I do not care about that. What I care about is that my country functions, that my country operates, that we are not sending a signal to foreign countries that there is some problem here with us doing our work.

The full faith and credit of the greatest Nation on Earth is at stake, so we should not play the high noon games, the macho games, and the football games. We have a job to do. Keep the bills clean.

I also would like to take this opportunity to note that while the Senate voted unanimously to dock our pay if any part of the Government shuts down, the House of Representatives refused to do it. Speaker GINGRICH will not even meet with me and Congressman DURBIN in order to discuss this matter.

Here we have a situation where Federal employees who work very hard are being disrupted, their families are frightened, and yet because Speaker GINGRICH does not want to act on this, Members of Congress will get their pay. Wonderful signal. Wonderful signal. Play games with the faith and credit of the United States of America, but we get our pay.

I hope that Congressman DURBIN will be able to get his bill offered over on that side under suspension of the rules. We passed it here unanimously with Senators DASCHLE and DOLE going on my amendment.

I find it bizarre, just bizarre, that Speaker GINGRICH is very willing to give out the pain to the country but is protecting himself and his colleagues from any pain. It is wrong.

Mr. President, stand firm. You are right in what you are doing. Let us pass these short-term bills without extraneous amendments. Take the four or five areas of disagreement in the budget and hammer out agreements. This Congress has only sent the President 5 appropriation bills out of 13. They have not even sent the reconciliation bill over to him yet, and they are playing games with these short-term bills.

Get your work done. Send it to the President. He will veto it, because it

has hurtful cuts in education, environment, Medicare and Medicaid, and for its attack on working people and cozy tax breaks to the wealthiest and its raid on workers' pensions.

Send it to the President. Our founders envisioned that when there is a split in values, there will be a veto. Then there will be a veto override. And, if that fails, we will sit down and we will solve the problems before us.

Our values are clashing. In many ways, it is important for America to understand that. This is not about some small matters. This is about the heart and soul of America. Do we invest in our students? Do we care about our seniors? Do we care about our children? Do we value them? Do we want to balance the budget, but do it in a way that is humane and compassionate and fair and just? Or do we want to slash and burn and use those savings to give the wealthiest among us thousands of dollars every year?

I hope the answer to that is no. I think the answer to that is no. And when the President stands tall and vetoes this bill, we will move the debate forward. But that is a battle we do not have to have on the short-term legislation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I ask for 30 additional seconds.

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

Mrs. BOXER. In closing, strip these short-term bills of extraneous material and let us govern.

I yield the floor.

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

Mr. KERRY. Will the Senator withhold?

The PRESIDING OFFICER. The Senator from Massachusetts.

The Senator will withhold.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

The PRESIDING OFFICER. The Chair will lay before the Senate the message on H.R. 927, which the clerk will report.

The assistant legislative clerk read as follows:

Resolved, That the House disagree to the amendment of the Senator to the bill (H.R. 927) entitled ''An Act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The Senate continued with the consideration of the message from the House.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I ask the distinguished acting majority leader for his attention.

I ask unanimous consent the pending resolution be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Would we add to that that the Senator speak as in morning business?

Mr. KERRY. I beg your pardon?

Mr. LOTT. Add to the unanimous consent the Senator speak as in morning business.

Mr. KERRY. I do not need to have that additional part of the request. I think it would be sufficient simply to set it aside, and I would be happy to go back in a quorum call.

Mr. LOTT. Mr. President, I think we are going to be able to work this out here momentarily. But we are not prepared at this moment to set the issue aside.

Mr. KERRY. Mr. President, I ask unanimous consent that it be set aside temporarily for purposes of speaking as in morning business.

I ask the distinguished Senator from Mississippi how long he thinks it might be before we make a decision.

Mr. LOTT. Just momentarily.

Mr. KERRY. In that case, I ask unanimous consent to proceed for such time as necessary, until the Senator has an answer, as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE DEBT CEILING

Mr. KERRY. Mr. President, I congratulate the Senator from California on her comments with respect to the budget. I would like to just say a few words.

About a month ago, I came to the floor of the Senate and suggested that, as every Senator here knew, we were headed towards this inevitable moment that we are now in. I think a lot of us felt then that the American people would have been much better served if we had been able to come together on all sides of the aisle, as well as on the other end of Pennsylvania Avenue, in order to try to work out the differences between us.

But all of us understand there is a different dynamic that is working here. And that dynamic, I feel, is underscored by those things that had been attached to the debt ceiling and to the continuing resolution.

Most Americans are sitting at home today sort of scratching their heads. They are saying to themselves, what in God's name is going on in Washington yet again? We thought that in 1994 we voted for a ''change.'' Yet, here is Washington caught up in this paroxysm of business as usual. For the average Americans who thought they voted to get rid of gridlock in 1994, here they are with a kind of gridlock revisiting them. And a lot of people are probably saying a pox on both of your houses, all of you.

Undoubtedly, tomorrow, a lot of people are going to be confused as they see this definition of nonessential employees. All of a sudden the Government is going to shut down for a little while and nonessential employees are going to be sent home. I would not blame most Americans for sitting at home and saying, ''What is this? They are nonessential employees. The Government is going to function adequately for a few days—what are we doing with these people who are nonessential employees every other day of the year?'' So a whole lot of further confusion sets in by virtue of this absolutely predictable moment.

Why is this happening? As the Senator from California pointed out, it is happening because our friends on the other side of the aisle have had a responsibility to pass 13 appropriations bills. Last year, under the Democratic leadership, we passed those bills. We sent them to the President on time. Now only five of those bills have been passed, so we need to have what is called a continuing resolution, a temporarily spending measure, because they have not done their work.

Instead of just coming before the Senate and saying, give us a clean, temporary spending measure—what ''clean'' means is just pass a temporary spending measure; give us 2 more weeks to do our work. That is essentially what it means. We have not done our homework. So you go to the teacher and say, ''I need another 2 weeks.''

But, instead of just getting another 2 weeks to do the homework, they have brought back other conditions and attached conditions to the temporary extension that they simply could not get passed any other way.

They have had a regulatory relief bill here which the Senator from Kansas has introduced, which the Senate refuses to pass. The Senate refuses to pass it because it wants to attack things like letting citizens know, in their communities, what kind of toxic chemicals are released in their communities.

It is just a voluntary knowledge issue. Should Americans know that a chemical company in the town in which our good citizens live is emitting X, Y, or Z toxics into the sky? It is a very simple issue. It is totally voluntary. Once people have learned that they are emitting this, it does not forbid the emissions. It does not punish anybody. It just lets people know what they are breathing. Our friends want to do away with that. We have not allowed them to do away with that because we think it is important for Americans to know what they are

breathing, and what a chemical company might be putting into the sky. They do not.

Since they could not pass it in the normal course of business in the U.S. Senate, they have attached that kind of measure to the temporary debt ceiling, to the continuing resolution. The result is we are not going to let them pass it. The President says, no. I am not going to have legislative blackmail. I am not going to have a gun held to my head which holds hostage the default of the United States of America to an agenda that cannot be passed otherwise.

That is part of what is at stake here, Mr. President. It is only part of what is at stake here.

The other part of what is at stake here is a great difference that is now seeking definition in the debate in this country about what our priorities are as a Nation. I listened today. And I listened to the Speaker of the House. I listened to the majority leader. They stood up in front of the country, and they said, ''We want to balance the budget. They do not.'' I heard people say we want to just get the fiscal condition of this country under control, and they just want to spend money. That is not what this debate is about. That is not an accurate framing of what is at stake for this country. The issue is not whether or not we want to balance the budget. The issue is not whether or not we want to get control of the fiscal mess which no Republican President in the last 12 years vetoed. The issue is how are we going to balance the budget? Are we going to keep faith with the fundamental notion of fairness in America, or are we going to trample on every notion of fairness which has been part of the debate in this country since we were founded?

Is it fair to cut the money that provides summer jobs for kids who see no opportunity in their lives? Is it fair to ask senior citizens to pay a double amount in their premiums even though they are on a fixed income while you give a tax break to people earning more than $300,000 a year?

Mr. DODD. Mr. President, will my colleague yield?

Mr. KERRY. I would be happy to yield for a question.

Mr. DODD. I want to commend my colleague from Massachusetts. I hope people are paying attention to what he is saying. It might be worthwhile if our colleague would share with us the very notion. People hear the words ''continuing resolution'' and ''debt ceiling.''

As I understand it, Mr. President, the continuing resolution means that the Government is allowed to continue operating despite the fact that the Congress has not completed its business on the normal appropriations bills. As I understand it, we have completed work on 4 of the 13 appropriations bills—9 have not been completed—and that because the Congress has not completed its work on that we have a continuing resolution.

Am I not correct? I ask my colleague, if that is not the case?

Mr. KERRY. Mr. President, the Senator from Connecticut is absolutely correct. The continuing resolution is simply an extension of the budget that takes place because the budget has not been done by the people who are responsible for doing the budget.

Mr. DODD. I further ask my colleague. I understand that a minute ago he said this. Maybe people are not aware of this. Is my colleague suggesting that there are substantive pieces of legislation outside of the budget considerations that are being attached to a continuing resolution merely to allow the Government to operate until we complete our business? For instance, in the area of regulatory reform, is that being put on this kind of a bill?

Mr. KERRY. Mr. President, the Senator from Connecticut is absolutely correct. I think it is an essential component of what people in America need to understand; that while the dilemma is simply extending the budget because the homework has not been done—and I repeat in direct contrast to what happened last year under the Democratic leadership where all 13 appropriations bills were completed on time—the Republicans who were supposed to bring a revolution to the U.S. Senate and to Washington have failed to complete the work on the vast majority of these appropriations bills. Now the issue before the American people is how do you have a budget since they failed to do this work, and how do you continue to keep the Government moving for a short period of time?

But instead of just passing a short-term continuation of the budget, what they have purposely done is added to these measures a list of items that they know are calculated to punch hot buttons, and calculated to serve political purposes for campaigns at home so they can come in and say, ''Look. We tried to get this. But the President will not give it to us.''

Those items are items which could not pass here independently, and they effectively result in a kind of legislative political blackmail. They hold the gun to the head of the President. They hold a gun to the country, and they say to the country, we cannot get our way any other way. So we are going to get our way by pushing the country to the brink of default for the first time in American history, and tell the President of the United States he either gives us our way or the country be damned.

Mrs. BOXER. Will the Senator yield for a question?

Mr. KERRY. I want to finish the colloquy with the Senator from Connecticut.

Mr. DODD. I have been handed a one-page piece of paper that has just the following words:

Section 106(c) of Public Law 104–31 is amended by striking ''November 13th, 1995'' and inserting ''December 1, 1995.''

I am told that simple language would allow for the Government not to be shut down—no other bills, no other ideas, no other failed pieces of legislation—that simple clause would avoid the shutdown of the Federal Government of the United States if we would just adopt that simple language for a week or two to allow us to go about the business of negotiating all these other extraneous matters. The mere adoption of that one sentence would avoid this kind of train wreck that we are going to see later on this evening.

I ask my colleague from Massachusetts. Is that not correct?

Mr. KERRY. The Senator from Connecticut has hit the nail on the head. That is all it takes. It is very, very simple.

I might add, Mr. President, that if you want to add insult to injury for the American people, it is my understanding that the Republicans have agreed that nobody is going to forfeit any pay. So not only are we going to shut it down temporarily, but everybody is going to go home and are all going to get paid to sit at home.

What kind of a revolution is that? I mean this is the most extraordinary fakery I have ever heard in my life. We are going to shut down the Government but we are not going to shut down the Government. People are still going to get paid, in effect.

This is going to cost the American people more money, and the farce of it is the revolution is paying people not to do their jobs. Boy, that is a heck of a change in Washington, DC.

Mrs. BOXER. Will the Senator yield?

Mr. DODD. I thank my colleague.

Mr. KERRY. I am happy to yield to the Senator.

Mrs. BOXER. I am pleased to hear this discussion tonight because the Nation is very confused. They hear all of this argument, and they do not realize that the Senator from Connecticut and the Senator from Massachusetts just pointed out that with one sentence that we could move on and fight our battle on the budget, which is very legitimate. After all, we are going to see people on Medicare essentially lose at least half of their Social Security COLA as a result of this increase in their premiums.

But the question I have for my friend from Massachusetts is this: As I understand it, in this debt limit bill—I say to my friend—included in it is the House regulatory reform language. And the reason I want to ask my friend a question is this: He has been the leader in the Senate in trying to bring to the Senate a regulatory reform bill that makes sense, not one that guts the environment, not one that guts health and safety. As I understand it, the House version of regulatory reform is included in this debt ceiling.

I would like him to address for me and for others what this really means if this were to become the law and to discuss with us why on Earth he thinks the Republicans would have put a regulatory reform bill that deals nothing

with the debt on a debt ceiling increase. I would ask that question of my friend.

Mr. KERRY. Mr. President, I would be delighted to say a few words about that for my colleague from California.

The regulatory reform bill presents the most radical, overreaching effort to undo 25 years of environmental protection for the people of this country.

The regulatory reform bill that is attached to the debt limit will undo the protection of our citizens for the inspection of food for the potential of carcinogens in that food. To everybody who has read about E. coli poisoning, the incidents of people who have died or gotten seriously ill as a consequence of the lack of inspection, that will now be liberated. That will occur as a consequence of this.

I just share a list here. This is a long, rolling list. These are the 88 different openings for people to stop the process of putting out legitimate regulations within the Environmental Protection Agency. This list, which could not pass the Senate, has been attached to the debt limit.

Mr. NICKLES. We are not on debt limit.

Mr. KERRY. No, but it is attached to it. It is attached to it. What we are talking about here is whether or not the President of the United States is going to have this kind of gun held to his head or not.

Just take the continuing resolution. They have restrictions on Federal grants, lobbying to public interest groups; they have Medicare part B premium increases, abolition of certain agencies. These are not items that ought to be on what the Senator from Connecticut has adequately pointed out ought to be very simply an extension of the continuing resolution.

Mr. President, I know my colleagues on the other side of the aisle are going to say, look, we have been here for years, and we have never balanced the budget. That is correct. Some of us tried. We tried with Gramm-Rudman-Hollings. We tried with other efforts. We finally have come to an agreement that this year we are going to try to do it. The question is how are we going to do it, not whether we are going to do it.

So when anybody hears our colleagues come to the floor and say the Democrats do not want to balance the budget, I hope America will say, ''Wrong; not true.'' We voted, 39 of us, for a 7-year balanced budget on this side of the aisle. The difference is we did not do it by making it more expensive for kids to go to college. We did not do it by cutting out the volunteer corps of America, AmeriCorps. We did not do it by cutting student capacity to have summer jobs. We did not do it by taking hot lunches away from kids. We did not do it by raiding the pension funds of this country. We did not do it by denying the people at the lowest scale of income the earned-income tax credit, the ability to be able to work out of poverty.

Do you know how we did it? We did it by not giving to people this extraordinary $245 billion tax break, most of which is unexplainable in the face of this kind of a deficit.

Mr. DODD. Will my colleague yield?

Mr. LOTT. Will the Senator yield?

Mr. KERRY. I would be happy to yield, Mr. President.

Mr. DODD. I just wanted to ask——

Mr. KERRY. I yield for a question.

Mr. DODD. My colleague, did I understand him to say that we have an increase in premiums for Medicare in this continuing resolution? We are going to have Medicare put on a continuing resolution and not save that debate for the kind of attention it deserves with 37 million Americans depending upon Medicare? That is wrapped up in the continuing resolution?

Mr. KERRY. The Senator from Connecticut is absolutely correct.

Mr. DODD. Can my colleague from Massachusetts explain, what is the wisdom of taking a simple extension of the continuing resolution and incorporating a critically important program to millions of Americans and their families in something like the continuing resolution? Why not leave that for the broader debate? Is there some rationale that my colleague from Massachusetts, Mr. President, is aware of as to why we would have an increase in premium costs in Medicare put on something like this?

Mr. KERRY. Mr. President, I would say to my friend, there is certainly no legitimate or fair rationale. I can certainly explain to my colleague a political and craven rationale but not one that I think would meet the test and standard of fairness.

Now, I know that the acting majority leader wanted to ask a question. I would be happy to yield for a question.

Mr. LOTT. Mr. President, I understood when the distinguished Senator from Massachusetts started speaking he indicated he would speak until we were ready to dispense with the other issues pending, and we have gotten an agreement on that and I am ready to ask for that consent when he completes his statement.

Mr. KERRY. Mr. President, the Senator from Mississippi knows how to silence the Senator from Massachusetts. If we can get consent on this, the Senator from Massachusetts would be delighted to terminate his colloquy. So I would be happy to move to that consent if we can.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—HOUSE MESSAGE ON H.R. 927

Mr. LOTT. Mr. President, I ask unanimous consent that the House message regarding H.R. 927 no longer be pending.

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

Mr. LOTT. I must say, Mr. President, that that is unfortunate because this is an issue which passed the Senate on October 19 by an overwhelming vote, 74 to 24. There was a lot of discussion here about the position of the Senate being preserved. This is one where we are just trying to appoint conferees on an issue that passed, three-fifths of the Senators voting for it in a bipartisan vote, and now we are being told that there is opposition to appointing conferees to go to conference on a bill that has broad support. So it is our intention to renew this motion later but not tonight so that we will be able to go to morning business at this point.

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent there be a period for the transaction of morning business until the hour of 12 midnight, with Senators permitted to speak for up to 10 minutes each.

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

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

FOREIGN RELATIONS COMMITTEE BUSINESS

Mr. DODD. I just want to comment briefly, if I could, and I appreciate the acting majority leaders's willingness to lay this matter aside.

Let me say to my colleagues, I understand normally appointing conferees is a relatively routine matter. While I have underlying objection to the bill, I was in the minority. The bill did pass. The Senator from Mississippi is absolutely correct; it passed with a pretty good margin.

However, I point out to my colleagues that the principal author of this legislation is also holding up 18 nominees to serve as Ambassadors for this country, every single treaty including START II as well as the chemical weapons treaty. Frankly, moving this kind of bill to the forefront while every other major piece of legislation on the Foreign Relations Committee is held hostage because of one other piece of legislation he is interested in, I say, with all due respect, this legislation does not have the kind of urgency to it that the absence of a United States representative in the People's Republic of China, in Indonesia, I think warrants.

So I have objected to this in the hopes that these holds that have now gone for weeks—I would normally not

engage in this kind of legislative maneuver, a procedural maneuver, but it has not been a question of days, it has been weeks—weeks have gone by despite the confirmation hearings in the Senate Foreign Relations Committee. Hearings on these treaties, all of these matters are being held up, all of them, just so the chairman of the Foreign Relations Committee can have a bill that he cares about be resolved to his liking.

So, with all due respect, I am going to hold up this bill until those matters are resolved. Now, cloture motions can be filed, and I can be beaten on this. But frankly, my patience has run out on this. The fact of the matter is our country's interests are not being well served by not having a U.S. representative. Vote against these nominees if you want to. Vote against these treaties if you want to. But do not deny these people the opportunity for a hearing. First of all, it is not fair to their families. They have been confirmed by the committee, awaiting action here on the floor of the Senate, and yet weeks go by.

Some of these people are career people who have dedicated their lives to the foreign service of this country. They have been sent out by committee and are waiting in limbo. Weeks have gone by. That is just wrong. Vote against them, if you will, but do not deny them the opportunity of being voted up or down in the U.S. Senate. So I will strenuously object to our naming conferees and moving forward on this bill.

I might also point out, as I mentioned earlier, we have some eight or nine appropriations bills—the Senator from Massachusetts has pointed out a regulatory reform bill—all of these things, welfare reform, Medicare, Medicaid, all of which I would argue have a far greater importance than this bill, the so-called Cuban democracy bill, that frankly is of highly questionable merit, in my view, taking priority over everything else.

So, for those reasons, I partook of the procedural vehicles available to me to slow down the naming of conferees. If there is a lift on the hold on these ambassadors and a lift on the hold on the treaties, I will lift my hold on the conferees going forward on this particular bill that is before us. For those reasons, Mr. President, I have objected.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from Connecticut for a statement that I think enjoys broad-based, in fact unanimous, support on this side of the aisle. This has gone on too long. There is absolutely no reason why ambassadors representing the foreign policy of this country ought not be appointed. I think you have to go back decades, if not generations, to find a time when this many ambassadors were held hostage.

I think it is unfortunate, it is wrong, it is not the way to do business. It sends exactly the wrong message, not to mention what an incredible inconvenience it is to people in the Foreign Service who are depending upon some resolution of these matters. So, whether it is the ambassadors or whether it is a number of other Federal agencies that have to be dealt with in a reasonable way, this has gone on too long. And until we resolve those matters, I think it is fair to say that it will be very difficult to resolve some of the legislation relating to foreign policy pending in the Senate.

I am very hopeful that we can resolve these matters in the not-too-distant future because what is happening today is inexcusable. I think the Senator from Connecticut speaks for all members of the Democratic Caucus in articulating very clearly our strong feelings about this matter.

THE CONTINUING RESOLUTION

Mr. DASCHLE. Let me also commend the distinguished Senator from Massachusetts as well as the Senator from Connecticut for their comments on the matter directly pertaining to our schedule tonight and the next couple of days. I think there is some misunderstanding about what is involved with both the continuing resolution and the debt limit. I think it is very important that everybody clearly understand what the circumstances are tonight.

Tonight the continuing resolution, which the President will veto, includes the lowest funding level of either the House or the Senate. No programs were zeroed out, but the floor is now set at 60 percent of the 1995 level. Funding would be approved through December 1. The funding levels are an issue of concern to a number of us. But the most important concern, and the one that I think has drawn the greatest degree of anxiety across this country, and certainly the issue for which the President has said there is no compromise, is the increase in the premium that senior citizens will pay as a result of mistakes that we made in prior years in setting that premium.

I think everybody needs to understand that. We made a mistake several years ago. Instead of setting the premium at 25 percent and locking that percentage in for part B Medicare recipients, stipulated a dollar amount that we believed to represent a 25 percent payment. In doing so, we overestimated the amount it would take to reach 25 percent. As a result, the real calculation was not 25 percent; it was 31.5 percent.

We realized it. We all concluded, I think virtually unanimously, several years ago when this issue came up that it ought not be 31.5 percent; it ought to be 25 percent. We locked it into law. We set a timeframe within which that should happen. And now as a result of a realization that they need additional revenue for a lot of other reasons, including this tax cut, our Republican colleagues are suggesting that we legalize the glitch indefinitely.

That is the issue. Should we lock in an amount higher than we anticipated or intended, an amount we accidentally locked in several years ago, just to come up with revenue necessary to do what the Republican agenda has dictated? Should we effectively increase that premium to provide the pool of resources that they need for tax breaks for the wealthy?

Mr. President, what the President has said is, that is not negotiable. That Medicare premium increase is not something that belongs in the continuing resolution. That is something that has to be taken out. We can negotiate funding levels, and we can negotiate other matters with regard to how the continuing resolution ought to be drafted, but there ought not be any misunderstanding with regard to the importance of Medicare premiums. That ought to be off the table. That ought not to be in the continuing resolution. And that is where we are.

Mr. DODD. Would my distinguished Democratic leader yield?

Mr. DASCHLE. I would be happy to yield to the distinguished Senator from Connecticut.

Mr. DODD. I have been asking this question for the last couple of hours, Mr. President. Maybe the Democratic leader can enlighten me. I do not understand for the life of me why we are attacking Medicare premiums in a continuing resolution.

Is there some reason why Medicare is being incorporated in a temporary extension of the continuing resolution? Why are we taking something so critically important to millions of Americans, not only to the direct recipients, but their families who depend upon this, to avoid the kind of cataclysmic crisis that can affect them if they are afflicted with some serious illness? Why are we taking that as a subject, which I think requires serious study and analysis before we make changes in that program, why is that being incorporated by the Republicans in a continuing resolution? What is the value and purpose of putting it here?

Mr. DASCHLE. Well, I will respond to the distinguished Senator, I do not know what the answer is. I have to assume that they believe increasing premiums is more important than running the Government, is more important than getting a continuing resolution, is more important than any other priority out there. It is the most important issue for them today. Raising those premiums has the priority that no other issue has as we consider all of the other complexities involved in this debate.

What is even more important to me is what this action says to the American people in general and American seniors in particular. It says that we are going to ask seniors to pay more

before we ask doctors to take less. We are going to ask seniors to pay more before we ask anybody else involved in Medicare, who may be beneficiaries in other ways, to give some, to sacrifice as well. That, to me, is the fundamental inequality here that is the most disheartening thing. We are asking seniors—many of whom can ill-afford it—to sacrifice before we have asked anybody else to contribute, before we have even come to any conclusions about what may be involved in the overall Medicare reform effort that many of us would like to see at some point this year.

We realize we have to change Medicare. We realize that the trust fund has to be made solvent. We also realize this Medicare increase in a short-term, stop-gap funding bill has absolutely nothing to do with the trust fund. Now, not one dollar of this premium increase goes to the trust fund—nothing. It all goes to deficit reduction or to the tax cut, one or the other, most likely to the tax breaks. So that is really the issue here. We are holding hostage senior citizens asking them to do something no one else is required to do. And so it is understandable, it seems to me, that the President is resolute in his determination to veto the continuing resolution as long as that is in the bill.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Nevada and then to the Senator from California.

Mr. REID. Mr. President, I appreciate the leader yielding. I say through the Chair to my friend from Connecticut, this Senator believes that the reason the premium is being maintained is to fuel money for the tax cut, the tax breaks. What other reason could there be that there is this clamor to raise all this money on a document, a piece of legislation, that it is untoward this would happen at a time when the country is about to shut down that they would hold so tight to this? It is my belief that it is to fuel the tax cuts, the tax breaks.

Mr. DODD. If my colleague——

Mr. DASCHLE. I retain the floor, and I will be happy to yield to the Senator from Connecticut to respond, and then I will yield to the Senator from California.

Mr. DODD. I raised the issue earlier. As I understand it, in this continuing resolution, so we avoid the shutdown that will occur in a few hours, there is a simple one-sentence provision that would strike ''November 13'' and put in ''December 1,'' which would avoid shutting down the Federal Government tonight, as I understand it.

What we have now sent down to the President is some 15 or 16 pages, all getting involved in Medicare language, all of this language, extraneous language.

What my colleague from Nevada is saying is if they do not include an increased cost in Medicare to the beneficiaries out there, then this tax break that goes to the top income earners in America would be in trouble; is that the point?

Mr. REID. That was the point I was making to my friend from Connecticut.

Mr. DODD. I find that incredible. I ask the distinguished Democratic leader, with all the other things going on, what is the logic of saying we are going to take care of those in the upper-income levels with tax breaks at the cost of those who, as I understand it and he can correct me if I am wrong, but the median income of a Medicare recipient in America is $17,000, unless you are a woman on Medicare and then your median income is $8,500 a year, that the premiums of those people are going to go up if this becomes law in order to provide a tax break for people who have six-figure incomes. What is the logic in all of that, I ask the Democratic leader?

Mr. DASCHLE. I tell the Senator from Connecticut, I do not know what the logic is. The numbers the Senator from Connecticut referred to are accurate. The fact is that a vast majority of senior citizens today make less than $17,000. In South Dakota, and in many rural States, they make less than $15,000. This $11 increase per month is more than many of them today have available for some of the fundamental needs they face each and every year. Their choice, in some cases, is whether they have prescription drugs, whether they pay a heating bill, whether they are able to go into town, or whether they are able to buy groceries. All that is affected by whether or not this goes into law tonight or tomorrow or the next day.

So the Senator from Connecticut is absolutely right. This is not an easy choice for many people out there who may be watching and wondering what is this all about. But that is what this fight is all about, protecting what limited purchasing power they have, recognizing a commitment we made 2 years ago that we would correct the inadvertent mistake we made in the Medicare law in the first place. That is what this is about.

Mr. DODD. I thank the Democratic leader.

Mr. DASCHLE. I yield to the Senator from California.

Mrs. BOXER. Mr. President, I just want to thank the Democratic leader for coming over to the floor, because I believe that the people of America want answers to these questions that he is raising, I say to my friend, and the Senator from Connecticut, the Senator from Nevada and others, the Senator from Massachusetts—both Senators from Massachusetts who were involved in this.

I say to my friend that 83 percent of those on Social Security earn less than $25,000 a year—83 percent. So we are talking about something being slipped into a continuing resolution which is extraneous to that continuing resolution, has nothing to do with whether this Government can function, and the reason the Republicans are doing it is they do not have the guts to vote up or down on it.

The fact of the matter is, they want to force the President of the United States into signing this thing, and he will not do it, and God bless him for that, because he is standing up for our grandmothers and our grandfathers.

I have a couple of questions for my leader. The symmetry of these cuts in Medicare and these tax breaks for the wealthiest cannot be overlooked, as brought out by my friend from Nevada, and it can, in fact, be the only answer: $270 billion in cuts in Medicare and $245 billion in tax breaks. If you earn over $350,000, I say to my leader, you get back $5,600 a year.

But I would like to address my leader's attention to this chart, because I think it is important that the people understand we are really talking about Social Security here, not just Medicare, because what happens is, this is a time for seniors on Social Security to get their cost-of-living adjustment and their Medicare premium comes out of their Social Security cost-of-living adjustment.

If the Republicans have their way, and if they slip this Medicare premium increase through—and I know that the President will not stand for it—but if they do, I ask the leader to explain this chart because what we see here is that the poorest seniors would wind up losing 98 percent of their COLA on Social Security. The seniors who average $7,000 a year would lose 66 percent of their Social Security COLA, and the wealthiest would lose 52 percent. I say wealthiest, that is over $10,000 a year.

So you can see here the devastation that is being wrought. In other words, the seniors look forward to their cost-of-living adjustment because their food bills go up, their cleaning bills go up, and now it is being eaten by the Republican increase in the Medicare premium.

So I just ask my leader to comment on this connection because Republicans are always saying, ''Well, we don't touch Social Security,'' but the bottom line is, they would do so.

I also ask my leader to comment on why he believes they would put in extraneous materials into these bills that repeal 25 years of environmental law, why they would do it this way, why they would bring in criminal law reform on this, because I think people are confused. They understand that, as Senator DODD has pointed out, one sentence can take care of the short-term problem, and then we will have the fight.

So I ask my leader to comment on the impact of Social Security recipients of this stealth increase in premium, plus the whole notion of adding these extraneous matters to what should be a very straightforward continuing resolution and debt increase.

Mr. DASCHLE. The Senator from California makes two very good points. Obviously, the increases that we are talking about here would have a devastating impact. I was home in South

Dakota this last weekend. I wish I could tell the Senator from California precisely how many people I had the opportunity to talk to about this very matter. But time and time again, people on the street, in meetings, at dinner, in restaurants would come up to me and say, ''It is so important that you win this fight. It is so important that you not let happen what we are told could happen if the President or if the Democrats in Congress lose their resolve.''

This has nothing to do with cutting growth. What this is cutting is seniors' wallets, the opportunity for senior citizens to live in some dignity. This is telling senior citizens that the commitment we made to them is over, that somehow they are going to have to give, even though no one else involved in Medicare gives at all.

We have $17 or $18 billion in fraud and abuse out there, according to the General Accounting Office. We are not going after $1 of fraud and abuse, yet we are telling seniors that they have to pay increases in their part B premiums and that they will provide the sole source of revenue increases for whatever reason? It is outrageous to make that kind of a statement.

Never mind the commitment. Never mind the impact that it might have on seniors. The very thought that seniors are the only ones being asked to give tonight, to me, is inexcusable and just flat wrong.

Mrs. BOXER. Will the Senator yield? I remember when the Republicans with great fanfare said, ''We are going to save Medicare.''

Well, we all knew what it was about. They needed to find the money for the tax cut, so they dreamed up this number of $270 billion. Even though the Democratic leader and those of us who worked on it knows it takes $89 billion to save Medicare, they are going to go after it to the tune of $270 billion.

One of the things they said which I really could not disagree with was, ''And this time we will go after the very wealthy seniors who are on Medicare and ask them to pay just a little bit more.''

I say to my leader, after we have seen their proposal, is there anything in this continuing resolution where they have laid on this increase in premiums to seniors that differentiates between those who earn under $5,000 or those who earn over $100,000? Do they have a sliding scale?

Or are they asking seniors, many of whom, as my friend has pointed out, have to choose, literally, between eating and buying a pharmaceutical product to keep them alive—is there anything in this Republican plan that makes that distinction between the poorest senior and the wealthiest senior?

Mr. DASCHLE. There is no distinction at all, I say to the Senator from California. That, really, is another part of the inequity here.

The Senator asked why would we do this on a continuing resolution? I think one of the reasons they are proposing we do it on a continuing resolution is that they hope that by holding a gun to the head of the President, the President is going to cave, the President will give up his resolve and say, ''If that is what it takes to have a continuing resolution, we will do it.''

Mr. President, the President has made it very clear that it does not matter what form a continuing resolution may take. If it comes to him with this extraneous and unfair provision in it, it will be vetoed. There is no question he will veto any version of a continuing resolution that incorporates the Medicare provision in it. It does not matter. This Republican strategy is not working. They can use as many props and news conferences as they want, golf clubs and waffles—which, in my view, are extraordinarily sophormoric and unfortunate. That belittles the congressional process. It demeans this debate. It has nothing to do with the serious, serious, consequences of what it is we are talking about here. And it will not change the outcome.

I hope that our House colleagues and the Republican leadership will understand how unfortunate it is that they would demean this debate in the way that they have over the last weekend. There is no place for that kind of sophormoric and childish behavior on national television.

That happened. It is unfortunate it happened. I hope we can raise the level of debate and take into account the gravity and the seriousness of situations that we are discussing here tonight. That really is something that I think all Americans—Republican and Democrat—can agree to. We should raise the level of debate and not use these silly props, thinking that is somehow making a point. It is not making a point.

The point is we have to get back to the real issue here. The real issue is we can pass a continuing resolution tonight. We have a few hours left. Do it before it is too late. Pass a clean CR. Leave this Medicare debate for another time. Do not ask seniors to do something you are not asking anybody else to.

If we can do that, we can go home tonight. Federal workers can come tomorrow and this issue would be resolved.

Mr. DODD. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. DODD. There is something I would like to inquire of the Democratic leader because he made a passing reference to it. There may be those saying tonight we have to deal with entitlements. We have to deal with Medicare. We have to deal with Medicaid. I do not think anyone here is suggesting that is not a legitimate point.

The point is this: We are dealing with a 30-year old program that took people in poverty in this country—between 35 percent and 40 percent of people over the age of 65 were living in poverty in 1960 in this country; only 45 percent of them had any health insurance at all. Because of Medicare we have taken people out of poverty and given them, in their retiring years, a sense of dignity, not made them wealthy people, not provided them with great affluence, but merely taken away the legitimate fear that people have that an illness will come along and destroy life savings, make it difficult for their own children to be able to raise their families and educate their kids without having to worry about a catastrophic illness, bankrupting two generations in a family.

That is why we have Medicare. That is why it has been so successful.

As I understand it, what is being proposed here will increase the premiums for these people on Medicare. Obviously, we need to deal with the long-term health care security issues. Medicare is a legitimate subject of debate. I hear the Democratic leader saying so.

The point is you do not try to muscle this through on a continuing resolution. I ask if that is not the point he is making? that, in fact, it ought to be, even if people do not understand all of the nuances of the procedural debates, that the suspicions of average Americans ought to be raised when they see something as critical as Medicare coming along and all of a sudden it is slipped into a provision like this, a major change, a major change in Medicare, slipped into a continuing resolution that would then lock into law a fundamental change in one of the most critical programs affecting millions of Americans.

The issue is not should we debate this issue of how do we provide for long-term health security, but slipping this matter into a continuing resolution that could be adopted with a one-sentence provision, avoiding the shutdown of the Federal Government, literally thousands of people in this Federal Government not knowing whether to show up for work tomorrow, all because there is a fear about debating this issue in the normal course of congressional business.

Is that not what the Democratic leader is suggesting?

Mr. WARNER. Would the Senator consider one comment?

Mr. DASCHLE. Let me respond to the Senator and then I am happy to yield without losing my right to the floor.

The Senator from Connecticut said it as clearly and succinctly as anyone has tonight. The issue is not, should we address real reform in Medicare? The issue is, is this the vehicle on which to do it? Is this the night to do it? And, when we get to the proper vehicle, we must ask ourselves, is this the right way to do it?

Do we hold all Federal employees hostage to a resolution of this fundamental question about whether we ought to change Medicare at all, tonight, under these circumstances?

The Senator would conclude, as I concluded, that this is not the time,

this is not the place, this is not the forum, this is not the right way, this is not sending the right message to seniors. This provision ought to be stricken.

That is what we are suggesting. I think the Senator is absolutely correct in his assumption as he proposes the question tonight. I am happy to yield to the Senator.

Mr. WARNER. Mr. President, I just hope as my two colleagues are discussing an issue of Medicare, particularly the Senator from Connecticut, I find that you omitted any reference to the report of the trustees, trustees appointed by the President of the United States, who came back and clearly provided this body, the Congress, with a report saying that Medicare is going broke and that something has to be done. I hope the Senator, as he addresses this issue, would include reference to that report.

I, myself, am still hopeful. I just had a brief meeting with the majority leader. There are conscientious efforts underway to resolve this impasse. I am privileged to represent a great many Federal employees. I would like to see it resolved.

When I hear debate like this and no reference to that trustees' report, I feel it is selective argument.

Mr. DASCHLE. Let me retain the floor and say the answer to that comment is very simple: The increase in premium that the majority has included in the continuing resolution does not solve the solvency problem by one nickel. It has absolutely nothing to do with solvency. It has nothing to do with the trust fund. It has nothing to do with the long-term projections of the future of the trust fund. It has nothing to do with the trustees' report.

The trustees said we have to resolve the trust fund solvency issue and, toward that end, we have to find ways to save $89 billion. Nothing in part B changes or premium increases has anything to do with the trust fund, which is in part A.

That is why both of us have expressed our grave concern about what we are doing here. Perhaps if the premium increase had something to do with the trust fund, we could better understand—though I would still argue that this should be decided in the broader context of Medicare reform—the emergency need to include it in a continuing resolution. But it does not. There is absolutely no connection.

That makes it all the more critical, it seems to us, to take some time to consider whether or not it is fair to ask seniors to do something that we are not asking anybody else to do, to determine whether or not even in the overall context of Medicare reform this has a place. Certainly, I hope the Senator from Virginia would agree.

Just to finish, certainly the Senator from Virginia would agree that without hearings, without any full appreciation of what it is we are doing here, to add it to the continuing resolution is not a prudent thing to do.

I yield again to the Senator from Connecticut.

Mr. DODD. I appreciate the Senator's yielding.

My good friend from Virginia has raised the issue of the trustees' report. The trustees' report from last year painted a darker picture than this year, but I did not hear a single voice being raised about the condition of the trust fund a year ago. That is No. 1.

No. 2, we are now cutting $270 billion in the proposal out of the Medicare trust fund, as the distinguished Democratic leader has pointed out, Mr. President. No one can explain to anyone why that number was chosen, except in the context of the tax breaks of $245 billion. The only way you can pay for them is that size of a cut in Medicaid. There is no relationship between the size of that cut and what the trustees reported were the proposals with Medicare. That is point No. 2.

Point No. 3 is the one the Democratic leader has made in the discussion here, that matter that is included in this resolution deals with part B, which does not have anything to do with the trust fund whatsoever. So it is totally unrelated.

The last point I would make is this one. Normally, here, when there is a matter of this import involving this many Americans and something as critical as their health care, you would think there might be a set of hearings where we, as Members of this body, would enjoy the benefit of people who spend every day working at these issues as to how we might fix this problem.

There has not been a single day of hearings, not one, on this issue. We have had 27 days of hearings on Whitewater. We had 11 days of hearings on Waco. We had 10 days of hearings on Ruby Ridge. And not 1 day, not a single day, not 1 hour, not 1 hour of hearings on Medicare.

Mr. President, for 37 million Americans, their safety net in health care is being written into this piece of paper, passed without even the considerations of what the implications are for people. That is not the way to legislate. That is not the way to deal with a legitimate issue of how you bring some trust and some faith and some soundness to the Medicare trust funds.

So for those reasons some of us, as I said a moment ago, object to this because, frankly, we are just writing this into this particular proposal. We are not really examining how to fix this issue.

As I said a moment ago, the debate is not whether or not we ought to do something about the trust fund. The Democratic leader has spoken on numerous occasions about the importance of doing that. We all understand that. But that is not what this proposal is. It is written in here primarily, as was pointed out earlier by the Senator from Nevada, to provide the resources for a tax break.

Here we are, going to shut down the Federal Government in 3 or 4 hours, thousands of people are either going to lose pay or be sitting home wondering what is going to happen tomorrow, and it comes down to this issue: Whether or not you can muscle the President into signing a continuing resolution which goes right at the heart of senior citizens, when a simple resolution extending the continuing resolution for a week or two would avoid the problem altogether.

It is a backhanded way of dealing with a very serious, very legitimate issue that must be dealt with in a more profound way than we are this evening. I thank the Democratic leader.

DISCUSSIONS ON THE PRESIDENT'S TRIP TO ISRAEL

Mr. DASCHLE. Mr. President, let me add another point that I think is important. It has been discussed over the weekend again, and for the life of me I cannot understand how this got started, but there has been some discussion, led particularly by the Speaker of the House, that on the trip to Israel last week the President did not come back to discuss any of these matters with leadership.

I must tell you, I was there. The minority leader of the House, DICK GEPHARDT, was there. The majority leader was there, and the Speaker was there. The Israeli Ambassador was there. So there are a number of people who were there who can vouch for what I am about to tell you.

The fact is that, not once, not twice, but on a number of occasions throughout that trip, both going and coming back, the President came back and expressed himself, talked with us, hoped we could work something out. We did not talk specifics, but we talked very specifically about the desire to resolve these differences. Not only did the President come back to talk to us, but on a number of occasions his Chief of Staff, Leon Panetta, came back.

As I say, I do not know how this got started. But there ought to be no question, and we ought to put to rest once and for all this rumor, this innuendo, this statement on the part of Republican leadership, especially the Speaker, that the President did not express any interest in open discussion of this issue.

He was there with some frequency. He came back on a number of occasions. And, of course, it was the Speaker's prerogative to seek the President if he felt so strongly about the need to talk. He could have come up. If he did not think it was enough, as many times as the President came back and as many times as his Chief of Staff came back—if that was not enough—he could have sought out the President. There was no ''do not enter'' sign in the quarters. There was no statement, ''you are not welcome up here.'' There was every opportunity for people to come, every opportunity to talk with

the President, every opportunity to express themselves to the Chief of Staff or to the President.

So I must say, again, it does a real disservice to this dialog and, really, to a factual and honest accounting of what happened on that trip. The President came back on a number of occasions, and I have yet to see anyone else dispute that fact.

I hope that the Speaker would admit that on a number of occasions he had conversations directly relevant to the budget with the President of the United States on the trip and coming back from Israel just last week, in fact, a week ago tonight.

THE DEBT LIMIT

Mr. DASCHLE. Mr. President, I also want to address, while I have the floor—I know the Senator from Virginia is seeking recognition—but we have not had the opportunity yet tonight to talk briefly about the debt limit, at least I have not. I know some of my colleagues have addressed the matter.

The President, as you know, vetoed the debt limit bill this afternoon. He did so for good reason. Let there be no doubt, we need to increase the debt limit. We recognize how critical it is that the Government of the United States not go into default.

Let me offer praise for the Secretary of the Treasury for all that he has done to educate, to inform, to bring everyone to a better understanding of the ramifications of default, beginning Wednesday, if nothing is done. As I understand it, there is some hope now that we might be able to have yet another auction to move us back yet perhaps another 3 days. But while the Secretary of the Treasury and the administration appear to be doing virtually everything they can to see that this country does not default, our Republican colleagues, at that moment when they should cooperate and find some way with which to resolve this crisis, have chosen to do just the opposite.

On what ought to be a very simple extension of the debt, our Republican colleagues have added a complete elimination of all the opportunities the Treasury Secretary has to manage the debt, to use short-term tools, to do what every single Treasury Secretary has been able to do for decades. They have sought to strip him of all those responsibilities and opportunities for debt management at the very time he needs them the most. Can you think of anything more irresponsible than that? Anything?

It is just outrageous that, at the time when we ought to be pulling together with a full appreciation of the magnitude of the problems we may face if we go in default, what do our colleagues on the other side of the aisle do but say we are going to make it even harder. We are going to make it even more challenging, create even more problems.

And then, to add insult to injury, they add a provision that we have debated on the floor many, many times regarding what ought to happen on appeals for death row inmates; whether or not we ought to have this legal term ''habeas corpus'' modified in some way. What in the world does that have to do with dealing with the default this country may find itself in as early as Wednesday?

How is it that anyone can rationalize, anyone can explain, anyone can find any reason why habeas corpus belongs on an emergency debt limit bill?

And then we have had some healthy debates on the Senate floor now for months about regulatory reform. We have had some cloture votes, and in every single case Democrats have said very simply: You give us regulatory reform that does not endanger the public health and safety of Americans, and we are with you. You are going to get a vote with maybe 70, 80, 90 votes. But you offer regulatory reform that endangers the health and safety of Americans, and we are not with you. That issue has not been resolved. We have reached a stalemate until we resolve it, and there have been good-faith efforts on both sides to try to resolve it, good-faith efforts that are going on right now.

So what happens? Our Republican colleagues add the entire regulatory reform language, all of the comprehensive issues relating to the most detailed threats to public health and safety and all the questions we have debated for months now on the debt limit—on the debt limit—with no opportunity for debate and no opportunity for amendments. It is a take-it-or-leave-it deal. It is accept this or accept default.

Mr. President, for the life of me, I do not understand. I cannot contemplate what may have motivated our Republican colleagues to do that on this bill.

I will yield to the Senator from Nevada in just a minute, but I want to add the last list. In addition to that, the agencies terminated in this short-term legislation include the Interstate Commerce Commission, the Rural Abandoned Mine Program, Land and Conservation Fund, Pennsylvania Avenue Development Corporation, the Advisory Commission on Intergovernmental Relations, the Administrative Conference of the United States—all of that added on top of everything else. Yet, they would like to have the American people believe that this is an emergency, that somehow the President is not cooperating, that somehow all of this has to be done in the context of a continuing resolution, or the debt limit, or it is just not possible.

Mr. President, this is just not the way to legislate. This is not responsible. We know better than this. In our heart of hearts, we know we have to run the country, we have to govern, and we have to do the things necessary to make this country work better. And this is not it.

So I hope at some point before midnight tonight we could come to our senses, and at some point in the next 3 hours we could say, look, let us save these debates for later. Let us conclude that we are going to agree to disagree for as long as it takes to work out the larger issues. Let us admit that this strategy is not going to work, and say that rather than shutting down the Government, rather than bringing this country to a default, we are going to strip them all, we are going to send a clean resolution, we are going to send a clean debt limit, we are going to resolve these matters at another time, and we are going to do the right thing.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. WARNER. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Is there a 10-minute limit on statements by individual Senators?

The PRESIDING OFFICER. That is correct. We are operating in morning business.

Mr. WARNER. I think the distinguished minority leader has now used in excess of his 10-minute allocation?

Mr. REID addressed the Chair.

Mr. DASCHLE. Who retains the floor, Mr. President?

The PRESIDING OFFICER. The Democratic leader has the floor. If he wishes to yield for an inquiry, he has that opportunity.

Several Senators addressed the Chair.

Mr. WARNER. Parliamentary inquiry: Are not Senators under a 10-minute rule?

The PRESIDING OFFICER. The Senator from Virginia is correct.

Mr. DASCHLE. I did not think the parliamentary inquiry was in order if I did not yield time for such an inquiry. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. I yield to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. Is the Senator yielding for a question?

Mr. REID. I am asking a question of the leader.

Mr. DASCHLE. I yield for a question.

Mr. REID. I ask the leader. Is it not true that we have 13 different appropriations bills that should pass?

Mr. DASCHLE. The Senator from Nevada is correct. Thirteen appropriations bills, and only five have been passed so far.

Mr. REID. Is not it true that the President has signed only two of those?

Mr. DASCHLE. As I understand it, he has signed two and five have passed.

Mr. REID. Is it not true that we have been waiting for conferences to be completed sometime in some instances for months?

Mr. DASCHLE. The Senator is correct. I would add that in all the time

we have been under this budget process—since 1974 —this may be the latest, if not one of the latest dates that Congress has gone prior to the time it has completed its work.

Mr. REID. I also ask this question of the leader. Is it not true that when one of the elements of the Contract With America was sent to us from the House that we in the Senate acted upon that with an amendment and that the Senate adopted regulatory reform? In effect, what it said is, if there is a regulation promulgated to have a financial impact over $100 million, that there would be the ability for a legislative veto for 45 days, and the regulation would not become effective for 45 days?

Mr. DASCHLE. The Senator is correct. In fact, the Senator from Nevada was the author of the legislation.

Mr. REID. Is it not true that if a regulation was promulgated for less than $100 million, it would become effective immediately but that we would have the opportunity to in effect veto that within 45 days?

Mr. DASCHLE. The Senator from Nevada is exactly correct. His memory is perfect.

Mr. REID. Is it not true that amendment was offered by a Republican Senator, Senator NICKLES, and this Senator, and passed by a vote of 100 to nothing?

Mr. DASCHLE. The Senator is correct.

Mr. REID. Is it not true that took place approximately 5 months ago, and conferees have not been appointed as a result of inactivity of the majority?

Mr. DASCHLE. The Senator is correct.

Mr. REID. So we in effect have tried to do regulatory reform, have we not, in this body, and we passed comprehensive regulatory ''reform,'' in some people's minds, by a vote of 100 to nothing?

Mr. DASCHLE. The Senator is absolutely correct. We passed a line-item veto, a legislative veto, and we passed a number of issues relating directly to changing the regulations under which Congress must operate, changing the regulations under which we deal with States, and unfunded mandates. We have had a series of regulatory reform measures already passed, unfortunately many of which have not been passed into law as a result of the Republican opposition.

Mr. REID. And, in fact, I say to my friend, is not it also true, I repeat, that we have been waiting for conferees to be appointed on the regulatory reform that passed this body by 100 to nothing for 5 months?

Mr. DASCHLE. The Senator is absolutely right. There has been no consideration of legislation in conference because the conferees have not been appointed.

Mr. REID. I also say to my friend in the form of a question, is it not true that habeas corpus has been debated on this floor not for hours, not for weeks, but for months, if we add up time over the last 3 or 4 years?

Mr. DASCHLE. The Senator is correct. We have had countless hearings and extraordinary debate on the Senate floor. We have had countless amendments offered as alternatives to legislation that passed. This has been an issue that has been hotly debated for not only weeks and months but for years now in prior Congresses.

Mr. REID. I say to my friend, the distinguished minority leader, is it not true also that habeas corpus reform is not a partisan issue? Is that not true?

Mr. DASCHLE. That is correct. The Senator from Nevada is correct in stating that there are Democrats and Republicans on both sides of the issue.

Mr. REID. In fact, I say to my friend from South Dakota, is it not true that on occasions this Senator has joined my colleagues on the other side of the aisle for habeas corpus reform?

Mr. DASCHLE. I would have to go back and check the record, but I will take the Senator's word for it.

Mr. REID. I would ask if you can give this Senator, or the people of this country, any reason why on extending the debt limit we would have habeas corpus, regulatory reform, or termination of these agencies—some of which I agree to—but should we not vote those up or down?

Mr. DASCHLE. I think the Senator makes a very good point. The answer can be provided in one word. The word is ''coercion.'' This is the Republican effort to coerce the President to sign legislation that otherwise he would veto; to sign legislation that he philosophically finds at fault; to sign legislation that many of us on this side of the aisle are very uncomfortable with; to sign legislation that has not been resolved in the case of regulatory reform. It is to finish unfinished business that ought not be finished for good reason—because we have not been able to resolve our differences.

So they are putting it in this language in the hope—and it is only a hope, because the President made it very clear today when he vetoed the bill, it is a false hope that somehow we can resolve these issues by loading up a bill as critical as it is, as the debt limit and the continuing resolution are.

The PRESIDING OFFICER. The Chair would like to remind the Senator from South Dakota that the 10 minutes allotted to him under morning business has expired, and in fact you have controlled the floor for nearly an hour. It would take unanimous consent in order to continue.

Mr. DASCHLE. I thank the Presiding Officer. I appreciate the indulgence of the Senator from Virginia. I know he wishes to speak. I will regain the floor at a later time.

I yield the floor.

RETIREMENT OF MAJ. GEN. JERRY C. HARRISON

Mr. THURMOND. Mr. President, Napoleon once said that ''An army marches on its stomach.'' While Napoleon was commenting on the need of soldiers to have secure and dependable supply lines, combat arms personnel also require a multitude of other support services to ensure they have the means to accomplish their missions.

In the U.S. Army, a service of 495,000 men and women, one thinks of branches such as quartermaster, transportation, and finance when the role of ''support'' is mentioned. One support element that is largely unknown outside of Washington, DC, but is critical to the success and readiness of our soldiers, is the Army's Legislative Liaison Office. For the past 3 years, Maj. Gen. Jerry Harrison has headed this office, which represents the Army's interests on Capitol Hill.

Jerry Harrison's 32-year Army career began with his schooling at the U.S. Military Academy, and has included some of the Army's key postings. His assignments brought him to many billets, both here and abroad, and include Germany, Korea, Washington, DC, and Vietnam, where his efforts in defending a firebase earned him a decoration for valor. His career assignments reflect a high level of professional competence and include valuable command time in some very visible positions, perhaps the most prestigious being his tour as commander, 2d Infantry Division Artillery.

As a product of West Point, an institution respected worldwide for its high standards, General Harrison had instilled upon him the importance of education, and throughout his career, he sought additional civilian and military educational opportunities. A commissioned officer in the field artillery, he graduated from the field artillery basic and advanced courses; the infantry officer advanced course; the Command and General Staff College; and earned a master's degree from the Georgia Institute of Technology. He also returned to his alma mater to teach in the department of mechanics.

Mr. President, today's warrior is an individual who is educated, fit, adept at many different tasks, and a patriot. Gen. Jerry Harrison certainly possesses these characteristics. As the chairman of the Senate Armed Services Committee, I am pleased to offer him my congratulations on a distinguished career, and I wish him good health and happiness in the years ahead.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

NONESSENTIAL SENATE OPERATIONS

Mr. WARNER. Mr. President, I wish to address the Senate in my capacity as chairman of the Rules Committee.

Earlier today the Sergeant at Arms, the Secretary of the Senate, together with the acting staff director of the Rules Committee, addressed the various staff leaders of the Senators. But I wish to place in the RECORD a memorandum prepared by Secretary of the

Senate and the Sergeant at Arms, and once again remind all Senators, their staffs, and others that if this impasse is not resolved tonight, it will be a lapse in appropriations, and therefore it will be necessary to shut down non-essential Senate operations effective at midnight tonight.

In brief, the Secretary of the Senate, at the direction of the Rules Committee, has advised all Members that they will be required to determine which of each Senator's staff are necessary in that Senator's judgment to support the Senate's legislative and other constitutional activities.

Further, Mr. President, I ask unanimous consent to have printed in the RECORD the memorandum of the Secretary of the Senate detailing which departments of the Secretary's office will remain open and those that will be closed. Specifically, I would like to point out that the Office of Public Records will by necessity be closed; also, to include a memorandum of the Sergeant at Arms detailing departments and offices under his jurisdiction, and kindly note that the Capitol and Senate office buildings will be open but there will be no Capitol guide service to facilitate our visitors. Members and staff should be advised that all food and beverage services in the U.S. Capitol under the jurisdiction of the Senate and in the Russell, Hart and Dirksen buildings will be suspended until further notice.

Lastly, I wish to emphasize that although many functions will be suspended, the U.S. Senate security will be at its full operational level.

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

U.S. SENATE,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, November 13, 1995.

To: All Senate Offices.
From: Howard O. Greene, Jr., Sergeant at Arms
Re Sergeant at Arms services during anticipated furlough

In the likely event of a lapse in appropriations to the Legislative Branch of the Federal Government, furloughs will be implemented in certain areas of the Office of Sergeant at Arms (SAA). Those service areas which directly support the legislative and other Constitutional activities of the Senate will be fully staffed.

Most SAA departments will be open during this period, however, some departments will operate at reduced staffing levels.

Listed below are SAA offices that will be closed during the furlough period: Capitol Guide Service; Cabinet Shop; SAA Procurement Office; SAA Counsel Office; Congressional Special Services, (Exception: Interpreter will be on duty); Placement Office; All Drivers; Beauty and Barber Shop; Elevator Operators; Employee Assistance Program.

Partial Staff: Appointment Desk: Half staff. Garage: Half staff. Computer Center: Half staff. Human Resources: Half staff. ID Section: Half staff. Post Office: Half staff. Photographic: Half staff. Service Dept.: Half staff. Telecommunications Dept.: Half staff.

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, DC, November 13, 1995.

To: All Members.
From: Kelly D. Johnston.
Re potential lapse in appropriations.

At the direction of the Committee on Rules and Administration, I am writing to share with you some guidance on the furlough that will be required in the event of a lapse in appropriations to the Legislative Branch of the Federal Government. Each Member and each committee chairman will be required to determine which of his or her staff members are essential in the event of a lapse in appropriations.

If there is a lapse in appropriations, it will be necessary to shut down non-essential Senate operations, effective at 12 a.m. November 14, 1995. In that event, all non-essential staff will be placed in a furlough status until appropriations are made available.

Essential staff includes only those employees whose primary job responsibilities are directly related to or in support of legislative and other Constitutional activities. Any disruption in the employment of essential employees would render the Senate unable to exercise its powers as specified in Article I of the Constitution of the United States.

For your information, attached is a list of the essential personnel under the Secretary of the Senate, as prepared in consultation with the Senate Chief Counsel for Employment and the Senate Legal Counsel. This list may assist you in identifying which of your staff members are essential.

Please contact me if I can be of any assistance in this matter.

Attachment.

OFFICE OF THE SECRETARY OF THE SENATE—ESSENTIAL PERSONNEL LIST

Executive Office: Should be staffed to the extent necessary to administer other offices under the jurisdiction of the Secretary that remain open during the furlough. Also should be staffed to the extend necessary to ensure the continuation of computer services essential to allow the Senate to legislate during the furlough period.

Clerks: These offices should be staffed only to the extent the clerks are required to be on the Senate floor to allow the Senate to legislate during the furlough period.

Parliamentarian: Should be staffed only to the extent required to allow the Senate to legislate during the furlough period. Therefore, it should not be necessary to fully staff the office.

Captioning Services: All staff will be furloughed.

Historian: All staff will be furloughed.

Library: Should be staffed only to the extent required to allow the Senate to legislate during the furlough period. Therefore, it should not be necessary to fully staff the office.

Office Services: All staff will be furloughed.

Public Records: All staff will be furloughed.

Interparliamentary Services: All staff will be furloughed.

Daily Digest and Printing Services: Should be staffed only to the extent required to print the Congressional Record and to perform other legislative responsibilities in a timely manner.

Senate Gift Shop: All staff will be furloughed.

Stationery Room: All staff will be furloughed.

Senate Page School: Classes will be held.

Senate Security: Should be staffed only to the extent required to allow the Senate to legislate during the furlough period. Therefore, it should not be necessary to fully staff the office.

Conservation and Preservation: All staff will be furloughed.

Curator: All staff will be furloughed.

Document Room: Should be staffed necessary to ensure the delivery of documents needed on the Senate floor during the furlough period.

Official Reporters: All staff are essential.

Human Resources: Should be staffed to the extent necessary, if at all, to effectuate the furlough.

Senate Chief Counsel for Employment: Should be staffed to the extent necessary, if at all, to effectuate the furlough.

Disbursing: Should be staffed to the extent necessary to continue financial operations directly related to the functions of the Senate floor and to resolve financial issues relating to the furlough.

REPORT OF PROPOSED LEGISLATION TO INCREASE THE PUBLIC DEBT LIMIT—MESSAGE FROM THE PRESIDENT—PM 95

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

To The Congress of the United States:

In disapproving H.R. 2586, a bill that would have, among other things, provided for a temporary increase in the public debt, I stated my desire to approve promptly a simple increase in the debt limit. Accordingly, I am forwarding the enclosed legislation that would provide for such an increase.

I urge the Congress to act on this legislation promptly and to return it to me for signing.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 13, 1995.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on November 10, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agrees to the amendments of the Senate to the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, and that the House concurs an amendment of the Senate with an amendment.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2394) to increase effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year September 30, 1996, and for other purposes.

H.R. 2394. An act to increase effective as of December 1, 1995, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 2492. An act making appropriations for the Legislative Branch for fiscal year ending September 30, 1996, and for other purposes.

H.R. 2586. An act to provide for a temporary increase in the public debt limit, and for other purposes.

H.R. 2589. An act to extend authorities under the Middle East Peace Facilities Act of 1994 until December 31, 1995, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed on November 10, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 6:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 8:16 pm., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996:

From the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. BRYANT of Texas and Mr. TOWNS.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Phillip A. Singerman, of Pennsylvania, to be an Assistant Secretary of Commerce.

Rear Adm. John Carter Albright, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. MACK, and Mr. BRYAN):

S. 1409. A bill to amend section 255 of the National Housing Act to extend the mortgage insurance program for home equity conversion mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. MACK and Mr. BRYAN):

S. 1409. A bill to amend section 255 of the National Housing Act to extend the mortgage insurance program for home equity conversion mortgages, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE HOME EQUITY CONVERSION MORTGAGE PROGRAM EXTENSION ACT OF 1995

● Mr. D'AMATO. Mr. President, I introduce The Home Equity Conversion Mortgage Act of 1995 and express my appreciation to Senators MACK and BRYAN for their cosponsorship of this important bill. This legislation would provide a 5-year extension for a much needed Federal Housing Administration [FHA] mortgage insurance program which is of great benefit to elderly homeowners.

The Home Equity Conversion Mortgage [HECM] Insurance Demonstration Program offers elderly homeowners the opportunity to borrow against the equity in their homes. This effective program is designed to assist our Nation's elderly who have substantial equity in their property but have incomes too low to meet ordinary or extraordinary living expenses. A senior citizen can receive cash through this reverse mortgage in the following four ways: A lump sum; a lifetime guaranteed monthly payment; a line of credit to be accessed by personal checks; or a combination of monthly payment and line of credit options. These mortgages are originated by FHA-approved lenders, insured by the FHA and purchased by the secondary mortgage market. The HECM program represents an ideal public/private partnership in which needy citizens are aided without cost to the Federal Government.

The HECM program allows our Nation's elderly to draw an income from their home investment. It offers seniors aged 62 and older the opportunity to support themselves without having to leave the homes they love. Without this program, elderly homeowners with insufficient incomes might be forced to sell their homes and spend their golden years elsewhere. Since the program's inception, over 14,000 loans have been closed or are pending. The median age of program participants is 76 years old. Borrowers are generally low-income and dependent on Social Security benefits.

The Home Equity Conversion Mortgage Insurance Demonstration Program was authorized by the Housing and Community Development Act of 1987. The Federal Housing Administration's authority to insure reverse mortgages lapsed on October 1 of this year. The legislation which I am introducing today would reauthorize this successful program and allow it to continue for an additional 5 years, until September 30, 2000. In addition, it would broaden the definition to include one- to four-family homes in which the owner resides and expand insurance authority to cover 50,000 reverse mortgages.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1409

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Equity Conversion Mortgage Act of 1995''.

SEC. 2. EXTENSION OF FHA MORTGAGE INSURANCE PROGRAM FOR HOME EQUITY CONVERSION MORTGAGES.

(a) EXTENSION OF PROGRAM.—The first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

(b) LIMITATION ON NUMBER OF MORTGAGES.—The second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking ''25,000'' and inserting ''50,000''.

(c) ELIGIBLE MORTGAGES.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z–20(d)(3)) is amended to read as follows:

''(3) be secured by a dwelling that is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units;''.●

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1220

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1220, a bill to provide that Members of Congress shall not be paid during Federal Government shutdowns.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1247

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1247, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account by any individual who is covered under a catastrophic coverage health plan.

S. 1289

At the request of Mr. KYL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1289, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

S. 1342

At the request of Mr. AKAKA, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1342, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make loans to refinance loans made to veterans under the Native American Veterans Direct Loan Program.

S. 1346

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1346, a bill to require the periodic review of Federal regulations.

S. 1396

At the request of Mr. PRESSLER, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1396, a bill to amend title 49, United States Code, to provide for the regulation of surface transportation.

NOTICE OF JOINT HEARING

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AND HOUSE COMMITTEE ON RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the time of the hearing scheduled before the Senate Committee on Energy and Natural Resources, the House Committee on Resources and the Senate Committee on Indian Affairs has been changed.

The hearing will take place Thursday, November 16, 1995, at 10:30 a.m., instead of 11 a.m., in room 1324 of the Longworth House Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the Alaska Natives Commission's report to Congress, transmitted in May 1994, on the status of Alaska's Natives.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510 . For further information, please call Brian Malnak at (202) 224–8119 or Judy Brown at (202) 224–7556.

ADDITIONAL STATEMENTS

NEW ON-LINE CASINOS MAY THWART U.S. LAWS

● Mr. LUGAR. Mr. President, I ask that the following article be printed in the RECORD.

The article follows:

[From the Wall Street Journal May 10, 1995]

NEW ON-LINE CASINOS MAY THWART U.S. LAWS

(By William M. Bulkeley)

Two companies are setting up on-line betting emporiums in Caribbean countries to skirt U.S. laws that bar interstate gambling from home.

The cyberspace casinos, which will be available on the internet, won't have Paul Anka, scantily clad showgirls or cigar smoke. But they will offer a chance to win or lose money from the comfort of the bettor's own keyboard, using credit cards or money predeposited with the house.

The Justice Department says cyberspace casinos are illegal. But the companies' offshore venues may protect them. And authorities will have a tough time detecting who's actually betting because many other people will be playing the same games for free.

Internet gambling could be immensely popular, ''If regulatory obstacles were put aside, gambling would be huge on the Internet,'' says Adam Schoenfeld, an analyst with Jupiter Communications, a New York market researcher. Jason Ader, an analyst with Smith Barney, says legalized on-line betting could be a $10 billion-a-year industry.

Antigambling activists fear that addicted gamblers and children using credit cards will bankrupt themselves from their PCs. Rachel Volberg, president of Gemini Research. Roaring Spring, Pa., who studies problem gambling, says the young, affluent males who populate the Internet are people ''we know from research are probably most likely to develop difficulties related to gambling.''

Nonetheless, Warren B. Eugene, a 34-year-old Canadian, says he will open the Internet Online Offshore Electronic Casino this month using computers in the tax haven of the Turks and Caicos islands, Mr. Eugene, who says his business experience is in video games, already has a page on the Internet's World Wide Web where bettors can play blackjack with play money. ''This can be a trillion-dollar world-wide business,'' he says.

Mr. Eugene predicts there will someday be a virtual Strip with dozens of different casinos offering different games, different odds and varying amenities such as direct deposit of winnings in offshore accounts and the acceptance of virtual checks. He's offering to sell the casino software he has developed to other would-be gambling tycoons for $250,000 and a 15% cut of the profits.

Meanwhile, Kerry Rogers, a 38-year-old Las Vegas computer expert, is working on WagerNet, a sports betting service that plans to locate its computers in Belize. WagerNet is awaiting enabling legislation there, but Mr. Rogers is optimistic. ''This is a way for a country to make revenues off of gambling,'' he says. Imagine the millions of dollars bet world-wide on the WorldCup'' in soccer.

WagerNet is designed as a kind of gambler's Nasdaq, matching people who bet on sporting events rather than setting a line and taking bets. A bettor, who must deposit $1,000, will put a proposition on the computer, and other bettors can take the bet if they want. WagerNet will charge a 2.5% transaction fee (far less than the 10% vigorish that Mr. Rogers says current sports books get), and it may bar U.S. gamblers if the legal risk is too great.

The planned betting parlors face huge obstacles in gaining consumer confidence. After all, if a bettor wins big, the cyberspace casino may disappear. And bettors will have little assurance that unregulated electronic roulette wheels aren't rigged.

U.S. laws prohibit people in the gambling business from transmitting by wire any wager information ''in interstate or foreign commerce. ''Violations are punishable by two years in prison and possible forfeiture of assets under organized crime statutes. Some states, such as California, have laws prohibiting individuals from placing bets by wire.

Mr. Eugene says that as Canadian citizen whose business is in a foreign country, he isn't subject to U.S. laws, even if his biggest market turns out to be U.S. gamblers. After he starts the real casino, he promises to keep taking play-money bets so that U.S. wiretappers won't be able to tell which players are actually gambling.

I. Nelson Rose, a gambling law expert and law professor at Whittier School of Law in Los Angeles, says he gets several calls a week from people investigating the legal status of on-line gambling. He says Mr. Eugene's theory may be right: ''If you are a foreign national sitting in a foreign country, there's a question whether the U.S. law would apply to you.'' He adds that ''there may be a way to do it on an Indian reservation'' as well.

Mr. Eugene styles himself as the Bugsy Siegel of cyberspace, harking back to the mobster who helped build Las Vegas into a gambling mecca. And his Electronic Casino is like the early Las Vegas casinos—a big flashy sign fronting a tiny drab facility. The casino's main screen, known as a home page in Internet parlance, is an enticing graphic display of a pirate chest full of booty. For now, only the blackjack game is operating.

Mr. Eugene says he is negotiating with an accounting firm to certify the legitimacy of his games and his bankroll. He says he has a $1.5 million line of credit with a bank in St. Maarten, a Dutch island in the Caribbean, but he declines to name the bank. Mr. Eugene adds that casino authorities in St. Maarten ''have the right to review our books. It's a new area. They said 'until you violate it. we like you. We trust you.' ''

If nothing else, Mr. Eugene's Internet Casino plan shows how easily small operators can establish themselves in cyberspace. After he issued a news release in March, he received publicity from newspapers and TV stations in the U.S., England and Canada. ''I became a multinational overnight,'' he says. Already, he adds, some 2,000 people have preregistered their interest in gambling at the Internet Casino.

Mr. Eugene says players will be able to wire funds to individual offshore bank accounts that the casino will establish or send cash through such companies as First Virtual Holdings Inc., of Arlington, Va., one of several companies trying to set up a secure payment system for the Internet.

First Virtual lets people establish credit-card accounts and use personal code numbers to perform transactions that are confirmed by messages back and forth to the owner's computer. One advantage of First Virtual is that it permits very small transactions, so Internet Casino will be able to operate even nickel slot machines. ''Internet gambling is a very important, very interesting experiment,'' says Thomas Feegel, vice president, marketing, at First Virtual.●

ON THE GOVERNMENT SHUTDOWN

● Ms. MIKULSKI. Mr. President, I rise today to express my deep concerns about the brinkmanship that has brought us to a government shutdown.

I think it is absolutely crucial that we keep our faith with Federal employees. Using them as pawns in a political game by sending them home without pay is the ultimate breach of the Government's faith with these hard working people. This is the crowning achievement in the Republicans' relentless string of attacks on Federal employees. The motto of these attacks has been promises made, promises broken.

Well, Mr. President, my motto is that promises made should be promises kept. That is why Senator SARBANES and I have introduced legislation to protect Federal employee pay and benefits during a government shutdown. Our legislation will ensure that Federal employees in Maryland and across the Nation will be able to make their mortgage payments, put food on the table, and provide for their families.

A shutdown of the Federal Government, no matter how short, would disrupt the lives of thousands of Federal employees and their families. In my state of Maryland alone, there are more than 280,000 Federal employees. Sending them home would cost Maryland millions of dollars per day.

And let us take a close look at who we are talking about sending home. We are talking about some of the most dedicated and hardest working people in out Nation. Federal employees have devoted their careers and lives to public service, and they help make America a better and safer place. They are the people that keep our Social Security system up and running; do the essential research on disease at the National Institutes of Health; and help ensure public health and safety. They are the people that keep Maryland and America on time with public transportation.

Whenever the subject of deficit reduction comes up, the first people to take a hit are Federal employees. Over the last several years they have been the target of unending attacks. Downsizing, RIF's, diet COLA's, and the threat of furloughs have damaged morale at nearly every Federal agency.

At the same time, employees have been asked to do more with less. I am proud to say that they have accepted this challenge with extraordinary dedication. It is easy to see the results. Just look at the excellent work that is being done at any Federal agency in Maryland. The crucial advancements in science at Goddard Space Flight Center and the incredible research on disease at the National Institutes of Health are two examples.

I do not want to go back to these dedicated Federal employees and tell them ''While you people at Goddard do the research that will bring us into the 21st century, and while you people at NIH launch your assault on deadly diseases, we are going to launch our own assault on your jobs, your pensions and your benefits.''

These assaults must stop. We cannot continue to denigrate and downgrade Federal employees and at the same time expect government to work better. We cannot shut down the Government and then expect the same high level of dedication from Federal employees that we have now.

Our Federal employees have a contract with their Government. I urge my colleagues to work to ensure that this contract is honored and Federal jobs and benefits are not put in jeopardy.●

HONORING THE BLACK REVOLUTIONARY WAR PATRIOTS

● Ms. MOSELEY-BRAUN. Mr. President, Saturday was Veterans Day, a day we set aside to honor those brave men and women who have risked their lives for our freedom. I want to call your attention to a group of soldiers who are often forgotten in Veterans Day tributes; namely the 5,000 African-Americans who fought in the Revolutionary War. I also want to make you aware of the efforts underway to finally honor these men with a monument on The Mall. Lastly, I want to speak of a family in my State who is working to make this memorial a reality.

Most Americans remain unaware of the black patriots who gave their lives for the freedom they themselves could not fully enjoy. About 20 percent of the soldiers who drove the British from American soil were African-Americans. Few schoolchildren know that the first victim of the Revolutionary War was an African-American, Crispus Attucks, killed in the Boston Massacre in 1770. Peter Salem, James Armisted, Salem Poor, and Prince Whipple, are just a few of the other black men who served, fought and died in our Nation's war for freedom and independence. Valor and fortitude in battle are especially awe-inspiring when one takes into account the hostility and oppression that African-Americans faced from the nation for which they fought. These men have received little recognition of their sacrifice for their country. Indeed, their contributions have been, ''very carefully kept out of sight by orators and toast-drinkers,'' according to poet John Greenleaf Whittier.

We now have an opportunity to honor and salute the men and women whose actions contributed to the birth of our Nation, a nation whose Constitution now embodies the very ideals of freedom these patriots risked their lives for. Only in the 150 years since their deaths has this Nation begun to secure and enforce the truths we holds to be self evident: life, liberty; and the pursuit of happiness, for all Americans. The Nation owes a tremendous debt of gratitude to them for their courage to stand with little or no hope of realizing the fruit of their accomplishments.

In 1986 and again in 1988, Congress passed legislation authorizing construction of a monument to these men. The site selected is on The Mall, just north of the Reflecting Pool. Since no taxpayer funds are being used for this monument, Senator CHAFEE and I introduced the S. 953, the black Revolutionary War patriots commemorative coin bill. The bill proposes the minting of 500,000 commemorative coins, which should raise approximately $5 million for use in financing the monument.

All proceeds over and above the cost of minting the coin will go toward constructions of the monument. This bill is revenue-neutral; it will cost the Federal Government absolutely nothing. The funds are needed to support a monument that will both honor and educate. It will symbolize the struggle of all individuals who have not previously been recognized.

Mr. President, I would now like to speak briefly about some constituents of mine, the Bailey family of Waukegan, IL. Marina Bailey and her three daughters learned about the proposed monument 4 yeas ago, and they have turned a bedroom of their house into an office for their fundraising efforts. They launched a public awareness campaign in support of the memorial and to make the history of the black Revolutionary War patriots more widely known. Jamila Bailey spoke to neighboring schools from the time she was 16 years old. They have constructed and mailed information packets to schools starting in Illinois, then all over the country, asking students to send funds to the Patriots foundation. The Bailey family has been responsible for thousands of dollars raised for this memorial. Marina Bailey said that her dedication to this project is to promote awareness and celebration of our diversity and the contributions we have all made to our Nation. ''We are a quilt,'' she said, ''We are not a sheet. All of us together make up the beauty and diversity of the American people.''

Like the Bailey family, I want this memorial to become a reality. The best way to ensure that is through swift passage of the Black Revolutionary War Patriots Commemorative Coin Act. As citizens who benefit daily from the sacrifices made by those previously unrecognized soldiers, I call upon my colleagues for their cosponsorship and help in expediting the passage of S. 953. The passage of this bill will ensure swift construction of this memorial, so that America may finally bestow honor

on these traditionally overlooked veterans. ●

ADMINISTRATION STUDIES ON WELFARE LEGISLATION

● Mr. MOYNIHAN. Mr. President, on Thursday, November 9, 1995, the Office of Management and Budget released a study requested on October 24 by the Senator from New York and 11 other members of the conference committee on the welfare legislation. The OMB study concludes that the Senate welfare bill would push 1.2 million children into poverty, while the House bill would force 2.1 million children into poverty.

Also on November 9, the Department of Health and Human Services released a separate report containing data on the number of children who would be cut off from welfare benefits as a result of the time limits in both bills. Under the 5-year time limit required by the House welfare bill, 4.3 million children would become ineligible for Federal benefits by the time of full implementation. The Senate bill would cut off 3.3 million children.

Mr. President, I ask that excerpts from both studies be printed in the CONGRESSIONAL RECORD.

The excerpts follow:

TABLE 1.—PRELIMINARY ESTIMATE OF THE NUMBER OF CHILDREN DENIED AFDC DUE TO THE 60 MONTH TIME LIMIT: UNDER THE HOUSE AND SENATE WELFARE BILLS

	Projected number of children on AFDC in 2005 under current law	Number of children denied AFDC under the House bill because the family received AFDC for more than 60 months	Percentage of children denied AFDC because the family received AFDC for more than 60 months	Number of children denied AFDC under the senate bill because the family received AFDC for more than 60 months	Percentage of children denied AFDC because the family received AFDC for more than 60 months
State:					
Alabama	122,000	32,697	28	25,013	21
Alaska	30,000	9,072	32	7,902	26
Arizona	170,000	50,154	31	39,433	23
Arkansas	63,000	17,075	29	14,476	23
California	2,241,000	948,677	45	749,922	33
Colorado	101,000	30,570	32	23,259	23
Connecticut	136,000	46,386	36	32,815	24
Delaware	28,000	8,422	32	6,408	23
District of Columbia	56,000	26,086	49	19,556	35
Florida	605,000	150,149	26	111,926	19
Georgia	348,000	135,319	41	98,377	28
Hawaii	48,000	15,187	33	10,979	23
Idaho	17,000	3,997	25	3,427	20
Illinois	598,000	227,477	40	170,122	28
Indiana	177,000	59,905	36	44,914	25
Iowa	82,000	25,084	32	18,727	23
Kansas	73,000	24,005	35	19,162	26
Kentucky	187,000	52,970	30	38,398	21
Louisiana	235,000	85,702	38	66,900	28
Maine	55,000	21,934	42	16,090	29
Maryland	185,000	72,393	41	54,817	30
Massachusetts	256,000	95,402	39	71,770	28
Michigan	553,000	275,880	52	213,522	39
Minnesota	155,000	55,886	38	41,332	27
Mississippi	153,000	46,807	32	33,399	22
Missouri	218,000	79,099	38	60,813	28
Montana	28,000	7,208	27	5,677	20
Nebraska	39,000	12,461	34	9,029	23
Nevada	30,000	9,378	33	6,889	23
New Hampshire	24,000	7,664	34	5,841	24
New Jersey	302,000	121,217	42	91,373	30
New Mexico	72,000	18,521	27	14,279	20
New York	917,000	339,748	39	261,306	28
North Carolina	281,000	102,353	38	79,410	28
North Dakota	15,000	4,743	33	3,019	20
Ohio	597,000	164,001	29	130,185	22
Oklahoma	111,000	40,752	39	30,866	28
Oregon	97,000	31,974	35	24,385	25
Pennsylvania	517,000	238,855	49	189,759	37
Rhode Island	52,000	19,286	39	16,224	31
South Carolina	135,000	33,390	26	25,488	19
South Dakota	18,000	6,736	39	5,060	28
Tennessee	246,000	73,059	31	53,450	22
Texas	670,000	181,695	29	137,641	21
Utah	45,000	11,616	27	8,838	20
Vermont	22,000	7,565	36	5,561	25
Virginia	166,000	51,987	33	38,050	23
Washington	237,000	82,401	37	62,774	26
West Virginia	93,000	32,898	37	23,230	25
Wisconsin	205,000	54,127	28	40,460	20
Wyoming	14,000	4,266	32	3,115	22
Territories	173,000	44,677	27	33,806	20
Total	12,000,000	4,300,000	38	3,300,000	28

Notes: 1. HHS/ASPE analysis. States may not sum to national total due to rounding. 2. The analysis shows the impact at full implementation. 3. The analysis assumes states fully utilize the hardship exemption from the time limit: 10% in the House and 20% in the Senate.

Source: Department of Health and Human Services.

POTENTIAL POVERTY AND DISTRIBUTIONAL EFFECTS OF WELFARE REFORM BILLS AND BALANCED BUDGET PLANS

(Presented by the Office of Management and Budget, Prepared with the Department of Health and Human Services, the Department of the Treasury, and Other Agencies, November 9, 1995)

TABLE 1.—THE IMPACT OF CONGRESSIONAL PROPOSALS ON POVERTY—USING A COMPREHENSIVE POST-TAX, POST-TRANSFER DEFINITION OF INCOME

[Simulates effects of full implementation in 1993 dollars]

	Effect of 1993 changes		House budget plan		Senate budget plan		Senate Democratic welfare plan [1] (S. 1117)
	Prior law	Current law	Entire plan	Welfare bill	Entire plan	Welfare bill	
Children under 18:							
Number in poverty (millions)	10.8	10.0	12.3	12.1	11.6	11.2	10.1 to 10.5
Change from current law	.....	.....	2.3	2.1	1.7	1.2	0.1 to 0.5

TABLE 1.—THE IMPACT OF CONGRESSIONAL PROPOSALS ON POVERTY—USING A COMPREHENSIVE POST-TAX, POST-TRANSFER DEFINITION OF INCOME—Continued

[Simulates effects of full implementation in 1993 dollars]

	Effect of 1993 changes		House budget plan		Senate budget plan		Senate Democratic welfare plan [1] (S. 1117)
	Prior law	Current law	Entire plan	Welfare bill	Entire plan	Welfare bill	
Poverty rate (percent)	15.5	14.4	17.6	17.4	16.8	16.2	
Change from current law	.....	.....	3.3	3.0	2.4	1.8	
Families with children:							
Number in poverty (millions)	18.3	17.0	20.9	20.6	19.9	19.2	17.2 to 18.0
Change from current law	.....	.....	3.9	3.7	2.9	2.2	0.2 to 1.0
Poverty rate (percent)	12.6	11.7	14.4	14.3	13.8	13.3	
Change from current law	.....	.....	2.7	2.5	2.0	1.5	
Poverty gap (billions)	17.6	16.2	24.8	24.3	21.5	20.6	
Change from current law	.....	.....	8.6	8.1	5.3	4.4	
All persons:							
Number in poverty (millions)	29.5	28.1	32.6	32.1	31.6	30.7	28.3 to 29.3
Change from current law	.....	.....	4.5	4.0	3.5	2.6	0.2 to 1.2
Poverty rate (percent)	11.3	10.8	12.6	12.4	12.2	11.8	
Change from current law	.....	.....	1.7	1.6	1.3	1.0	
Poverty gap (billions)	48.6	46.8	57.4	56.2	54.0	52.3	
Change from current law	.....	.....	10.6	9.3	7.2	5.5	

[1] These estimates of the Senate Democratic bill are preliminary. The Senate Democratic welfare reform bill is being modeled, but results are not ready yet. The poverty effects are much smaller than that of the bills that were passed because it ensures States have adequate funding for work programs and child care, ensures that children can receive vouchers for housing and other needs after their parents reach the time limit for receiving cash assistance, ensures States have adequate funding for benefits regardless of the economy; and has much smaller cuts in SSI and food programs.

Notes.—The Census Bureau publishes a family of poverty statistics using alternative definitions of income. The definition of income displayed here includes the effect of taxes (including EITC). Food Stamps, housing programs, and school meal programs. Changes in government-provided health coverage are not included, not are there any adjustments for medical costs. Numbers may not add due to rounding.

Source.—HHS's microsimulation model, based on data from the March 1994 Current Population Survey.

TABLE 2.—THE IMPACT OF CONGRESSIONAL PROPOSALS ON POVERTY—UNDER THE PRE-TAX MONEY INCOME DEFINITION USED FOR OFFICIAL POVERTY STATISTICS

[Simulates effects of full implementation in 1993 dollars]

	Effect of 1993 changes		House budget plan		Senate budget plan		Senate Democratic welfare plan [1] (S 1117)
	Prior law	Current law	Entire plan	Welfare bill	Entire plan	Welfare bill	
Children under 18:							
Number in poverty (millions)	15.5	15.5	16.0	16.0	15.8	15.8	15.3 to 15.7
Change from current law	.....	.....	0.5	0.5	0.3	0.3	−0.2 to 0.2
Poverty rate (percent)	22.3	22.3	23.1	23.1	22.8	22.8	
Change from current law	.....	.....	0.7	0.7	0.5	0.4	
Families with children:							
Number in poverty (millions)	26.5	26.5	27.5	27.5	27.2	27.2	26.1 to 26.9
Change from current law	.....	.....	1.0	1.0	0.7	0.6	−0.4 to 0.4
Poverty rate (percent)	18.3	18.3	19.0	19.0	18.8	18.8	
Change from current law	.....	.....	0.7	0.7	0.5	0.4	
Poverty gap (billions)	41.6	41.6	50.6	50.6	47.0	46.9	
Change from current law	.....	.....	9.0	9.0	5.4	5.3	
All persons:							
Number in poverty (millions)	38.8	38.8	39.9	39.9	39.6	39.6	38.4 to 39.4
Change from current law	.....	.....	1.1	1.1	0.9	0.8	−0.4 to 0.6
Poverty rate (percent)	14.9	14.9	15.4	15.4	15.3	15.2	
Change from current law	.....	.....	0.4	04.	0.3	0.3	
Poverty gap (billions)	76.3	76.3	85.9	85.9	82.9	82.5	
Change from current law	.....	.....	9.6	9.6	6.6	6.2	

[1] These estimates of the Senate Democratic bill are preliminary. The Senate Democratic welfare reform bill is being modeled, but results are not ready yet. The poverty effects are much smaller than that of the bills that were passed because it ensures States have adequate funding for work programs and child care; ensures that children can receive vouchers for housing and other needs after their parents reach the time limit for receiving cash assistance; ensures States have adequate funding for benefits regardless of the economy; and has much smaller cuts in SSI and food programs.

Notes.—The definition used for official poverty statistics counts all cash income, but excludes the effect of taxes (and EITC). Food Stamps, housing programs, and other near-cash government assistance programs. Numbers may not add due to rounding.

Sources.—HHS's microsimulation model, based on data from the March 1994 Current Population Survey.●

ORDER OF PROCEDURE

Mr. WARNER. Now, Mr. President, I ask unanimous consent the Senate now stand in recess subject to the call of the Chair.

Mr. REID. I object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I now move the Senate stand in recess until the hour of 10 o'clock.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. I would ask the yeas and nays be vitiated.

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

Mr. DOLE. And the pending motion be withdrawn.

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

RECESS

Mr. DOLE. Mr. President, let me indicate that at 10 o'clock the Democratic leader, Republican leader in the Senate, and our counterparts in the House, the Speaker and I assume the majority leader and the minority leader, will go to the White House to meet with the President to see if there is something we can do yet this evening to work out a continuing resolution.

If we are going to do that, we ought to be doing it in good faith and not be engaged in a brawl up here on the Senate floor. I therefore would hope that we could recess until the hour of 11 p.m., if that is satisfactory with the distinguished Democratic leader.

Mr. DASCHLE. If the majority leader will yield, that is satisfactory. I think we need to come back and share with our colleagues whatever it is that may have occurred at the meeting, and so I think at least the two leaders will be coming back. But at that time we can make a decision about further action.

Mr. DOLE. So I ask unanimous consent we stand in recess until 11 p.m.

There being no objection, the Senate, at 9:10 p.m., recessed until 11 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JEFFORDS).

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 103–322, announces the appointment of Gilbert L. Gallegos, of New Mexico, to the National Commission to Support Law Enforcement.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the leaders of the U.S. Senate, the majority leader and Democratic leader, are still at the White House with the President. Let us hope that is a good sign. And, therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, we have contacted the White House. I am to report that the meeting is still in progress with the President. Accordingly, the Senate will remain in session and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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 TUESDAY, NOVEMBER 14, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon, Tuesday, November 14; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with and the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and then there be a period for the transaction of morning business until the hour of 12:30 p.m. with Senators permitted to speak for up to 5 minutes each.

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

Mr. DOLE. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

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

Mr. DOLE. Mr. President, while awaiting the arrival of the Democratic leader, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DISCUSSIONS AT THE WHITE HOUSE

Mr. DASCHLE. Mr. President, we just completed our discussions down at the White House. And I think it was a very frank exchange. I must say that I had hoped we might be able to make more progress and come to some resolution to allow the Government to function in order tomorrow, but that is not going to be possible. We agreed to meet again tomorrow to continue our discussions and negotiations.

I think it was a very candid exchange. We now have a better understanding where both sides are on many of these issues. But we are a long way from any resolution. I think the President made it very clear that Medicare was not something that we can agree to, under any circumstances, with regard to the continuing resolution. And I think the discussions had a good deal to do with the way with which we might achieve a balanced budget, the timeframe within which that budget could be achieved, hopefully some understanding about how we might begin serious negotiations in achieving a balanced budget by a date certain.

So, I look forward to the negotiations tomorrow. I look forward to working with the majority leader to try to resolve the schedule for the balance of the week as we continue our work downtown. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I think the Democratic leader, Senator DASCHLE, accurately reflected the meeting. It was a frank discussion. I, too, regret we could not come to some agreement tonight so we could rush through a 1-day or a 2-day CR, but I think it would not have been possible.

The first meeting tomorrow will be with the chairmen and ranking members of the Budget Committees in the House and the Senate, with the Chief of Staff, Leon Panetta, and I think also Alice Rivlin, the Budget Director—I am not certain—Senator EXON and Senator DOMENICI on this side. And that will be followed, hopefully, by a meeting with the principals who were there this evening—myself and Senator DASCHLE on this side.

Obviously, we have had these problems before with CR's and debt ceilings, and we have had the Government shut down for short periods in the past. I hope this will be a very short period. I am not an advocate of shutting down the Government. I just hope that by tomorrow afternoon or tomorrow evening, we will be able to say that we have reached some agreement and that we can pass a continuing resolution and maybe a debt ceiling. I am not certain we can do both tomorrow.

I think it is fair to say we talked not only about the continuing resolution, we talked about the debt ceiling, we talked about reconciliation, some discussion of how we proceed, whether you go through a veto process first with reconciliation, whether you start negotiations now on the budget package.

I think the President's concern primarily, and our concern, is keeping the Government going while we are negotiating some of these very important issues. Balanced budget is very important—very important—on this side of the aisle. I am sure it is important on the other side of the aisle. It is particularly important to many Members on the House side where it is very difficult—some of us have served in the House—to pass a debt ceiling and pass a continuing resolution, and there are some things added to it. I do not care if we have a Republican or Democrat in the White House and Republicans control the Congress or Democrats, continuing resolutions and debt ceilings have always been vehicles for extraneous amendments. That is how the famous Boland amendment was adopted on a continuing resolution or debt extension. We have had all 13 appropriations bills put on continuing resolutions. So it is not unprecedented.

But notwithstanding, I still hope we can come together very quickly tomorrow, if possible, and be able to tell everybody in Government this will be a 1-day affair. It may not happen. But at least I think we made some progress this evening, and I thank Senator DASCHLE and the others who attended the meeting.

ADJOURNMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:12 a.m., adjourned until Tuesday, November 14, 1995, at 12 noon.

EXTENSIONS OF REMARKS

WE OWE OUR VETERANS A LIFETIME OF GRATITUDE AND RESPECT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today in honor of our Nation's veterans.

Once again, we celebrate Veterans' Day. Once again, we have a day off from work. Once again, we may attend ceremonies to honor our veterans. Once again, we will remember briefly the contributions made by so many so that our Nation can remain strong, proud, and free.

The year goes by so fast—and so before we know it, once again, it is Veterans' Day.

This year, let it not slip past us. Let us take this opportunity to honor our veterans by passing along to our children and grandchildren some of our experiences, thoughts, and appreciation for our veterans.

Do our children and grandchildren even know what a veteran is? Do they understand why we honor our veterans? Our kids may play war games, but do they comprehend the incredible sacrifices made by our veterans and their families?

Do they know the stories of their own family members who served, and perhaps were wounded or killed, in the two World Wars, in Korea, Vietnam, the Persian Gulf, and many other conflicts?

Because this year is the 50th anniversary of the end of World War II, many of the commemorations will honor veterans of that war. Last weekend, churches and synagogues across the Nation held a National Day of Prayer remembering World War II veterans and their families. If your house of worship participated, be sure to talk to your children about the meaning of this ceremony.

Schools are being urged to participate in National World War II Educational Day, scheduled for November 8. Teachers will be preparing displays and talks centering around the history of World War II and its lessons for today's world. Perhaps a World War II veteran will be visiting your children's school. Ask your children to tell you about the activities at their school. Talk about them over the dinner table.

We can also take our children and grandchildren to one of the many Veterans' Day ceremonies being held throughout the country. This year, ceremonies include the site dedication of the World War II Memorial in Washington, DC. Do your children know that this memorial will soon be built? Do they know that last July a Korean War Veterans Memorial was dedicated in Washington, DC? Perhaps your family could plan a trip to Washington to view this new and powerful memorial—which stands proudly adjacent to the Lincoln Memorial and the Vietnam Veterans Memorial—and honors the men and women who served so courageously in Korea.

Many cities across the country will be ringing the Bells of Peace and Freedom 50 times at 11 a.m. on Saturday, November 11. Let us tell our children that the ringing of the bells signifies 50 years without a world war and our hope that World War II will be the final worldwide conflict.

Veterans Day provides us with a unique opportunity to remember and acknowledge that the freedom we enjoy today is due to the sacrifices made by the American soldiers, sailors, airmen, and marines who were willing to fight and die for freedom. We owe our veterans a lifetime of gratitude and respect.

Veterans Day provides us with an opportunity to ensure our democratic way of life by passing along the valuable lessons our veterans have learned to future generations.

It will be time well spent.

LEGISLATION TO HELP KEEP THE TRAINS ON TRACK

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. CARDIN. Mr. Speaker, today I am introducing legislation that would convert the budget resolution from a concurrent resolution of the Congress into a joint resolution that would require the President's signature and have the force of law.

For the past several months, news reports have been full of discussion about the possibility of a fiscal train wreck. Tomorrow, due to the failure of Congress to pass appropriations bills and a reconciliation bill, 800,000 Federal employees will be sent home and Federal agencies will shut down. Millions of Americans will be without the services of those agencies and will again have to contemplate the absurd process that brought us to this situation.

At the root of the crisis is disagreement between the Congress and the President over big-ticket items in the budget. The congressional leadership is attempting to gain leverage over the President in the budget debate by attaching extraneous, irrelevant, and controversial provisions to such must-pass legislation as the continuing resolution and the debt-ceiling bill. The resulting disruption of Federal services would be a major inconvenience for millions of Americans, and a financial catastrophe for thousands of American families which depend on Federal paychecks.

The legislation I am introducing today is designed to prevent future threats of train wrecks by bringing the President into the congressional budget process at an earlier point. Currently, the President is required to submit a budget at the start of the calendar year. Congress then spends the next few months working on its own budget resolution. The congressional budget resolution is a concurrent resolution of the Congress, which does not have the force of law.

This year, Congress spent the first 100 days of this session working on the Contract With America legislation. As a result, the work on the budget resolution was delayed. Instead of complying with the April 15 deadline established in the Budget Act, the House did not complete its work on the budget until May 18, and the final budget was not approved until June 29, 2½ months late.

The delay in passing a budget put Congress way behind schedule on the appropriations bills. In addition to putting Congress behind schedule, the budget resolution, passed without Presidential involvement or approval, also put Congress and the President on a collision course on policy. By calling for $270 billion in Medicare cuts, and $245 billion in tax breaks, mostly directed to the wealthiest Americans, the budget also created the likelihood of the crisis we face now.

Now, 6 weeks after the start of the new fiscal year, we have still not passed reconciliation legislation, only 3 of the 13 regular appropriations bills have been sent to the President, and the President and the congressional leadership remain sharply at odds over these major issues.

The shame is that this situation could have been prevented. Had the Congress been required to pass a budget resolution that must be signed into law by the President, these issues would have been resolved months ago. Instead of having a legislative showdown that threatens the delivery of Federal services to millions of Americans and the paychecks of thousands of American families, we should have resolved the issues during the spring and summer.

The budget resolution can never be more than a blueprint for Federal spending. The thousands of individual programmatic decisions on spending must be handled in the appropriations process. By making the budget resolution a joint resolution, and giving the President the power to sign it or veto it, we would force the tough decisions between the two branches of Government to be resolved before we reach crisis stage. The result would produce a Government that functioned more efficiently.

In addition to requiring the President to sign the budget resolution, the bill I introduce today would also address the issue of increasing the debt ceiling. In addition to the crisis of shutting down Federal agencies, we also face a potentially far more serious crisis regarding the creditworthiness of the Federal Government.

It is an outrage that the congressional Republican leadership is willing to risk the full faith and credit of the Federal Government in order to achieve its political objectives. Yet that is the situation we face today. Never in the history of our country has the Federal Government defaulted on its financial obligations.

This legislation would automatically increase the debt ceiling with adoption of the budget resolution. Once a budget has been approved, and signed by the President, the amount of debt that will be incurred has been established. It makes no sense to require a separate vote to raise the debt ceiling. Passage of the budget sets the deficit or surplus, and the

amount, if any, by which the debt ceiling will need to be increased. It is utterly irresponsible, once Congress has authorized a deficit, to refuse to raise the debt ceiling.

The irony of our current circumstances is that the Republican majority in both Houses of Congress has already voted to raise the debt ceiling to $5.5 trillion, to cover the deficits over the next 2 years. My legislation would give the force of law to Congress' budget policy decisions.

Nobody benefits when the Congress and the President are at loggerheads and the Nation's fiscal credibility hangs in the balance. The American people are sick and tired of the gridlock in Washington. Some in Washington, anticipating the shutdown of Government, have adopted the slogan, ''Don't Blink.'' What they mean is they have their eyes closed right to the damage this train wreck will inflict. The American people are not interested in a Government in which elected officials close their eyes to their responsibilities.

This crisis is of our own making. We can take steps to prevent it from recurring in the future. The legislation I have introduced today will require the President and the Congress to work together much earlier in the budget process, and will help us keep the trains on track.

DEMETRIS KASTANAS HONORED FOR SERVICE TO GREEK-AMERICAN COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to a man whose work has touched the lives of millions.

On November 10, 1995, several leading Greek-American institutions will honor Demetris Kastanas for his extraordinary contributions to the Greek-American community over the past 20 years.

Demetris is a media entrepreneur whose television programs and magazine have brought Greek communities in both America and Europe closer together. He has also used this resources and expertise to raise money to help people in need.

Demetris is the president and chief executive officer of National Greek TV of U.S.A., Inc., and Athens Productions, Ltd. He is also the publisher of ESEIS magazine. Both organizations are based on Astoria, NY, with branch offices in Athens and Chicago.

Since 1975, Demetris has been the chief executive producer of the ''National Greek TV Show,'' a weekly ethnic variety program on UHF channels in the Midwest and Northeastern United States produced by Athens Productions, Ltd. It is the longest running Greek program outside the United States.

Since 1987, Demetris has served as chief executive producer of the Greek Channel, a daily cable channel broadcasting Greek programming on the Time Warner cable system. It is produced by National Greek TV of U.S.A., Inc. The Greek Channel broadcasts 19 hours a day, 7 days a week.

In 1988, Demetris began publishing ESEIS, a Greek-American biweekly magazine that is distributed internationally.

For the past 20 years, through his television programs and his magazine, Demetris has been providing the Greek-American community with news, sports, music, documentaries, cultural, informational, educational and entertainment programs. He has put the power of the media to good use in helping Greek compatriots who have come to the United States seeking medical treatment. He has publicized their cases on television and in his magazine, helping to raise money for their medical expenses.

Demetris has conducted four telethons to raise money for the needs of the Federation of Hellenic Societies of Greater New York. He has also conducted one telethon for the Greek Children's Cancer Fund at Memorial Sloan Kettering, with the second telethon scheduled for December 17, 1995.

So I join with the Pan-Macedonian Association, the Pan-Peloponnesian Association, the Federation of Sterea Hellas, the Cyprus Federation, the Pan-Pontian Federation, and the Pan-Dodecanese Association in honoring this extraordinary man for his contributions to the Greek-American community over the past 20 years.

Mr. Speaker, bringing people together has been Demetris' life's work. And on November 10, the Greek-American community will come together to celebrate his extraordinary service.

And now, to make this year even better, he has taken on his business partner, Norma Papamihaliou, as his wife.

REFLECTIONS ON VETERANS DAY

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. TEJEDA. Mr. Speaker, since 1954, our Nation has set aside November 11, formerly Armistic Day, as a special day of tribute and thanksgiving to those who served bravely in our Armed Forces to protect our freedoms. Veterans Day is a day of both sadness and joy: Sadness because we take a moment to honor those who sacrificed everything to keep us free, and joy as we gather to enjoy those sacred freedoms.

This Veterans Day is especially significant because we will continue to commemorate the 50th anniversary of the end of World War II, the greatest struggle for freedom in the history of the world. During that struggle, 17 million American men and women answered the call to serve without hesitation. Of those courageous men and women, more than 290,000 made the ultimate sacrifice and gave their lives for this Nation. Another 670,000 were wounded, and more than 105,000 suffered as prisoners of war. In Washington, DC, a ceremony will be held on the Mall to break ground for the long-overdue memorial to the heroes of this war, who fought around the globe to preserve liberty for future generations.

Nowhere are veterans more important than in Military Town U.S.A. Following the numerous events surrounding this Veterans Day, San Antonio, TX will pay tribute to one of its heroes in that great war to preserve world peace. On November 20, 1943, San Antonio native S. Sgt. William J. Bordelon gave his life for his country and earned its highest military decoration during the U.S. invasion of the South Pacific island of Tarawa. This forgotten local hero is the first San Antonio native to win the Medal of Honor. On November 20, declared by the mayor of San Antonio as William J. Bordelon Day, S. Sgt. Bordelon will be reinterred at Ft. Sam Houston National Cemetery following lying in state at the Alamo.

Veterans Day is also a day of education. If we are to preserve the memory of those who fought so valiantly to preserve this Nation and all that it stands for, we must ensure that our children know the history of our veterans' sacrifices and understand the importance of their contributions. Today, more than one-half of the people living in America were born after World War II. If the people of this Nation want to continue to fully experience the joys of life, liberty, and peace, we must ensure that future generations understand just how much we owe to the men and women who made it possible: the American veterans, who were willing to sacrifice everything they had to keep this Nation free.

HONORING THE DICKSTEINS AND THE BILMES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. GILMAN. Mr. Speaker, I am pleased to advise our colleagues that my home synagogue, Temple Sinai in Middletown, NY, will be honoring two outstanding couples as Distinguished Members of the Year at a banquet to be held on Saturday night, November 18.

Sharon and Allen Dickstein met when both were counselors at a Jewish federation summer camp. After marriage and settling in Middletown nearly a quarter a century ago, they became active members of our Temple. Allen has served on the board of trustees of the Temple continuously since 1973. He was president for the year 1977–78, served on the executive board, and held the positions of USY Director and chairman of the ritual committee. Allen serves our Temple as Gabbai, the lay leader of services. Allen was a founding member of Jewish Family Service and still serves on that group's board of directors.

Sharon is currently on the executive board and board of trustees as second vice-president. She sits on the board of education as executive board liaison, and is a member of the Sisterhood of Temple Sinai. Sharon is a member of Hadassah, and is a founding member of the Hebrew Day School of Orange County.

Together, Allen and Sharon have embodied the spirit of service to community as well as of family values. Allan works as a social worker and has been especially active in establishing shelters for the homeless and teaching classes for expectant parents. Sharon has been an educator for a quarter century, and has served as principal of Bicentennial Elementary School in Port Jervis for the past 6 years. They are the parents of Debra, Joshua, Aaron and Michael.

Frances Eve and Murray Bilmes met on a blind date in March 1954 and married 6 months later. Soon after their marriage, they formed a law partnership which still thrives today. Residents of our region since 1957, they have been members of Temple Sinai since 1960.

Frances served on the board of trustees for over 25 years and was president of Sisterhood. Frances was president of Hadassah for 6 years, and served on the board of Jewish Family Services. Professionally, she was the founder of the Tri-County Women's Bar Association. She was also president of the Pine Bush PTA.

Murray, Bilmes, a Navy veteran of World War II, also served on the board of trustees, but is especially known for over 30 years of service on the board of education, part of which time he served as chairman. Murray was a part of the three member committee which drafted the original constitution of the Middletown Hebrew Association, now known as Temple Sinai.

Frances and Murray are the parents of five children: David, Jonathan, Orah, Joshua, and Noah. Regrettably, the Bilmes are leaving us, for a well earned retirement in Florida. They will long be missed.

Mr. Chairman, I am pleased to salute these four outstanding people. They have been an inspiration to their community, and I am honored to join in paying tribute to them.

CELEBRATING THE LIFE OF MILTON F. FITCH

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. CLAYTON. Mr. Speaker, on Wednesday, November 8, 1995, at 1 p.m., the family and many friends of Milton F. Fitch celebrated his life. After 75 years on this Earth, God's finger gently touched him, and he now sleeps.

The business of the House of Representatives kept me from joining the Fitch family and Milton's friends on that day, but I shall forever be influenced by the power of his life and the rich legacy that he leaves.

Milton F. Fitch spent his lifetime on a journey for justice. Born on June 25, 1920, in New Haven, CT, he passed quietly at his home in Wilson, NC, on November 2, 1995. While his passing was quiet, his deeds will resonate and reverberate for years and years to come.

A veteran of World War II, he served, with honor and distinction, in the U.S. Army, earning several medals and three battle stars under the leadership of Gen. George Patton in the 3rd Army. It saddened him greatly that upon his return to the United States, nothing had changed. He and other African-Americans still labored under the burden of second-class citizenship.

When he felt the sting of discrimination from the U.S. Postal Service, he sued the Government and earned the position of the first African-American letter carrier in Wilson since reconstruction. After 24 years with the Postal Service, he joined the Southern Christian Leadership Conference under Dr. Martin Luther King, Jr., as the North Carolina State coordinator. As such, he worked in demonstrations throughout the South, including the North Carolina school boycott of 1968–69. Many of the demonstrations in which he was involved and lawsuits in which he participated resulted in advances and gains for African-Americans throughout North Carolina and the United States.

He devoted much of his energy to fighting for the franchise for African-Americans. His efforts in a lawsuit against Wilson County over voting patterns, which went to the U.S. Supreme Court in the case of Haskins versus County of Wilson, resulted in success, and the proud election of his wife, Cora, as a county commissioner. His daughter, Christine, was later elected to the Wilson County Board of Education from the same district.

Of course, I shall be forever grateful for his service as my campaign manager in 1968, during which I launched my first, yet unsuccessful, effort to become a member of the Congress of the United States. That effort spawned other efforts, and those efforts, history now records, resulted in my election as the first African-American woman ever to represent North Carolina in Congress.

Milton's membership in the Masonic family was one of his most favored associations. After joining in 1951, he rose through the ranks and, on October 7, 1995, he was elected Most Worshipful Grand Master at the 125th Annual Grand Communication. This was the fulfillment of a 50-year dream.

Always at his side, Milton's wife of 47 years, the former Cora Jordan Whitted, had pre-deceased him. This husband, father, grandfather, community leader and activist, pathfinder and agent of change, always found time to give of himself to his family, to his State and to his Nation. He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time we had with him.

May God comfort and help his family and friends and help them to hold on to treasured yesterdays; and reach out with courage and hope to tomorrow, knowing that their beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Rest, Brother Milton, you have labored long. God's finger has touched you, and you now sleep.

HONORING THE ARLINGTON-FAIRFAX ELKS LODGE NO. 2188 AND HERMAN C. ANDERSON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the Arlington-Fairfax Elks Lodge No. 2188, as well as Herman C. Anderson.

The Arlington-Fairfax Elks Lodge is celebrating its 35th anniversary this week. Throughout the years, the Arlington-Fairfax Elks Lodge has flourished in its role to promote Americanism, a belief in God, and respect for the American flag. For 35 years, this lodge has served its community and Nation with reverence and devotion. Some examples of the many charitable works done by the lodge include helping our veterans in VA hospitals, fighting the war on drugs by helping to keep drugs out of the schools, and making it possible for thousands of children to attend the summer camp run by the Elks. As a direct result of the Arlington-Fairfax Elks Lodge's many contributions, northern Virginia is a better place to live.

Herman C. Anderson has served the Benevolent and Protective Order of Elks for over 50 years. As third exalted ruler, charter member, and past president of the Arlington-Fairfax Elks Lodge No. 2188, Mr. Anderson has been a model citizen and proven himself to be an inspiration. ''Andy'' Anderson first joined Lodge No. 38, in Norfolk, VA, in 1944, where he served with distinction and honor in a variety of posts. In 1970, he became president of the Virginia Elks Association. In 1984, he became special deputy grand exalted ruler, a post he still holds today. In 1993, he became grand esteemed leading knight serving the remainder of Doral E. Irvin's appointed year. His commitment to community service and the promotion of American values is truly commendable.

Mr. Speaker, I know my colleagues join me in congratulating the Arlington-Fairfax Elks Lodge on its 35th anniversary and Herman C. Anderson for his 50 years of service to the Benevolent and Protective Order of Elks.

RECOGNIZING THE PULP AND PAPERWORKERS RESOURCE COUNCIL

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. SMITH of Washington. Mr. Speaker, I want to take this opportunity to recognize the efforts of the Pulp and Paperworkers Resource Council [PPRC] to educate my colleagues in Congress about the importance of their industry.

PPRC is a grassroots organization representing more than 300,000 of the Nation's pulp, paper, solid wood products, and other natural resource-based industries. The pulp and paper industry is an integral part of the economy of my district. Thousands of my constituents work in mills for companies like Longview Fibre, James River, Boise Cascade, and Weyerhauser. The workers in these mills are worried about their economic future. They have seen many of their friends lose their jobs in the wood products industry because of the shortage of timber. In fact, five pulp mills in the region have closed since 1989, displacing 1,367 workers.

I share PPRC's view that we must amend the Endangered Species Act to ensure people are included in the environmental equation. PPRC is also interested in balanced regulations dealing with the cluster rule and enhancing forest health through salvage operations. I look forward to working with PPRC and my colleagues in Congress and the administration to implement commonsense policies that preserve the environment, but that also take into account the economic stability of the work force and surrounding community.

TRIBUTE TO FATHER JOSEPH NIEZGODA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today to congratulate Father Joseph Niezgoda, pastor of St. Stanislaus Church in East Chicago, IN. On Sunday, November 12, 1995, the parish of St. Stanislaus held a testimonial dinner to honor Father Joe for 25 years of faithful dedication to their mission.

On August 16, 1971, Father Joe graciously accepted the appointment of pastor of St. Stanislaus Church. This church is celebrating its 95th year of existence and proudly boasts a membership of several thousand parishioners.

According to the parishioners, Father Joe's agreement with God and the bishop to take the responsibility of leading St. Stanislaus was a courageous step because his home parish was $700,000 in debt after rebuilding a school building, which was destroyed by fire. However, in Father Joe's 25 years of service to St. Stanislaus, he has worked exceptionally hard to pay off this enormous debt.

Mr. Speaker, I ask you and my other distinguished colleagues to applaud Father Joe for his extraordinary dedication to his calling. Indiana's First Congressional District is extremely blessed to have such a fine pastor in its presence.

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the so-called Habeas Corpus Reform provisions of H.R. 2586, the Short-term Debt Limit Extension Act of 1995. Let me state from the beginning that I have consistently, throughout my career, believed in and fought for the protection of all Americans rights under habeas corpus. As Chief Justice Salmon P. Chase described it in ex parte Yerger U.S. (1868), habeas corpus is ''The most important human right in the Constitution'' and ''The best and only sufficient defense of personal freedom.''

Therefore, I cannot support this measure before us today because the very belief upon which our judicial system was created—the protection of an individual's fundamental constitutional rights balanced with society's right to be free from harm—is at risk if these oppressive provisions are included in this necessary debt limit extension. I cannot and will not support the anti-human rights and anti-Constitution provisions the Republican majority is attempting to attach to H.R. 2586.

It is my belief that our judicial system's major focus should be to protect its citizens' fundamental constitutional rights. As a Nation, we cannot afford to compromise the cherished habeas corpus protections guaranteed each of us in the U.S. Constitution. Rooted in the Magna Carta (1215), the writ of habeas corpus is as Justice Brennan pointed out in Fay versus Noia (1963),

> Inextricably intertwined with the growth of fundamental rights of personal liberty * * * its root principle is that in a civilized society, Government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release.

Mr. Speaker, the arbitrary 1-year limitation on the filing of general Federal habeas corpus appeals after all State remedies have been exhausted entirely fails to address the true cause of any delay in the capital punishment system. The lack of competent counsel at the trial level and on direct appeal constitutes the primary basis for the delay of many appeals. Provision of competent counsel at the trial and appellate stages of capital litigation would eliminate the need for many of the habeas appeals currently in our court system. Despite the fact that this is the case, the habeas corpus provisions of this bill do not make any effort whatsoever to provide counsel for State post-conviction proceedings.

It is no secret that I am opposed to the death penalty. This legislation fails to include any provisions to end the repugnant practice of the disproportionate application of the death penalty on minorities. In fact, this bill specifically makes it easier to impose the death penalty by limiting citizens rights to challenge the legality of their convictions. While I agree that strong measures must be taken to curb the crime epidemic, I do not believe that any actions should be taken to the detriment of an individual's basic rights and constitutional liberties.

When closely examined, the sentencing history of the death penalty has generally been arbitrary, inconsistent and racially biased. It is my belief that the Federal death penalty is overly harsh, particularly because it fails to address the economic and social basis of crime in our most troubled communities. The fact is that there has always been a racial double-standard in the imposition of capital punishment in the United States. Even after the black codes of the 1860's were abolished, blacks were more severely punished than whites for the same offenses in our penal system. By the time the U.S. Supreme Court deemed the existing process for imposing the ultimate penalty unconstitutional in 1972, more than half of the persons condemned or executed were African-American—even though they were never more than 15 percent of the population. The advances in statistical analysis of the last 20 years have allowed numerous experts to test the raw data with disturbingly consistent results.

Mr. Speaker, in 1990, after 29 studies from various jurisdictions were reviewed, the General Accounting Office confirmed that there is a consistent pattern of disparity in the imposition of the death penalty in the United States and that race is often a crucial factor that determines the outcome. Since the resumption of executions in 1977, of the 236 persons who have been executed, 200 persons, or an alarming 85 percent, were executed for the murder of white victims. In fact, statistics show that blacks convicted of killing whites are 63 times more likely to be executed than whites who kill blacks.

In 1991, the United States Justice Department's Bureau of Justice Statistics reported that African-Americans accounted for 40 percent of prisoners serving death penalty sentences. These statistics reflect how the African-American community is disproportionately affected by the death penalty. Furthermore, in a Nation where the number one leading cause of death for young African-American males is homicide, further disproportionate application of the death penalty will not resolve the epidemic of violence of our Nation.

Mr. Speaker, it is my belief that we cannot afford to compromise our fundamental rights in exchange for excessive discriminatory tactics. We all have an obligation to uphold the Constitution and protect the rights of all Americans to be free from unjustified imprisonment. I urge my colleagues to uphold our fundamental rights, protect the American people, and vote down this unconscionable invasion upon one of our most important guarantees.

A BILL TO AMEND THE INDIAN SELF-DETERMINATION ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. FALEOMAVAEGA. Mr. Speaker, today I am introducing a simple bill that would amend titles III and IV of the Indian Self-Determination and Education Assistance Act. Just last Congress and under the aegis of my colleague, BILL RICHARDSON, we amended this act in response to the 6-year refusal of the Departments of the Interior and Health and Human Services to promulgate rules to carry out this act. Through the Indian Self-Determination Act Amendments of 1994, we streamlined the contracting and compacting process, curbed the department's rulemaking authority, and required the departments to negotiate new regulations with the Indian tribes.

We also enacted a new title IV to the act, known as the Tribal Self-Governance Act of 1994, which made permanent a demonstration project, the Tribal Self-Governance Demonstration Project Act currently contained in title III of the act. Title IV as enacted, the permanent Self-Governance program applies to functions within the Department of the Interior. Title III, which still remains a demonstration project, now applies to functions within the Department of Health and Human Services.

The amendments to title I and title IV of the act proceeded on different tracks in the 103d Congress. It was not until late in the Congress that both were incorporated into a single bill.

Since the passage of the 1994 amendments, tribes and tribal organizations, the Indian Health Service, and the Department of the Interior have all worked on implementation of titles I, III, and IV of the act. Unfortunately, the departments' interpretation and implementation of the act has not been in accordance with congressional intent.

Specifically, the agencies have taken the position that the provisions of title I, governing Self-Determination Act or ''638'' contracts, that are advantageous to tribes may not be included in Self-Governance compacts and annual funding agreements negotiated under titles III and IV. In addition, the position of the two departments, HHS and Interior, has not always been consistent, so that in certain instances, one department has permitted inclusion of a Self-Governance clause reflective of a title I provision while the other has not.

The result has been an inconsistent treatment of Self-Governance issues by the two departments, and the denial to Self-Governance tribes of the substantial advantages afforded to the tribes under title I of the Indian Self-Determination Act. This is particularly puzzling, since it has always been the intent of Congress that the Self-Governance initiative should be at least as broad and favorable to the tribes as the original title I contracting mechanism.

My bill, which has been requested by the tribes and specifically incorporates 31 provisions of title I of the Indian Self-Determination Act into titles III and IV, is designed to remedy this situation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458cc) is amended by adding at the end the following:

''(l) INCORPORATION OF TITLE I PROVISIONS.—For the purposes of the following sections of title I of this Act, the term 'contract' also includes agreements authorized by this title and title III: 5(f)(1), 7(b), 7(c), 8, 102(d), 103, 104, 105(a)(3), 105(f), 105(k), 105(n) (at the election of, and subject to any phase-in period established by, any compact tribe, or any consortium of tribes that is a party to an annual funding agreement, in Alaska), 106(a), 106(b), 106(d), 106(e), 106(f), 106(j), 106(k), 106(m), 106(n), 110 and 111; and subsections (b)(5), (b)(6)(B)(iii), (b)(7)(A), (b)(8)(D) through (G), (b)(9) and (b)(10) of section 1 of the model agreement set forth in section 108(c).''.

TRIBUTE TO ANDRES C. GONZALEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. ORTIZ. Mr. Speaker, today I rise to commend and pay tribute to a lifelong resident of Kingsville, TX, Andres C. Gonzalez—a man who has given of himself to his community, his State, and his country over the course of his life.

Andres Gonzalez is a patriot who answered his country's call to duty at an early age. He served with distinction, receiving the Bronze Star at the age of 18, while in the European theater in Italy during WWII. After outstanding and honorable service in WWII, Andy returned to his native Kingsville to serve his community in a host of ways and to serve his State in the Texas Army National Guard.

Andy served in the National Guard for 31 years and was the highest ranking Hispanic when he was honorably discharged. He had attained the rank of Command Sergeant Major in the Guard, and received many commendations of recognition for his outstanding service.

Andy won a host of awards including: the Texas Faithful Reserve Medal, the Army Reserve Components Achievement Award, the Past Commander American Legion Post 99, and several commendations for marksmanship.

In his life outside the service of his country, he owned Andy's Upholstery Shop, ranched, and farmed. Andy gave back to his community by serving as the vice-chairman of the Kingsville Housing Authority, a member of the local P.T.A., the Kingsville Economic Development Council, the Texas A&M-Kingsville Alumni Association, and the United Steelworkers of America.

In Kingsville, he already has a street named after him, ''Andres Gonzalez Circle.'' I ask that my colleagues join me today in commending the life's work of this patriotic Texan whose dedication to home and country has made both a better place to live.

MOTION TO GO TO CONFERENCE ON H.R. 956, COMMON SENSE PRODUCT LIABILITY AND LEGAL REFORM ACT OF 1995

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Ms. PELOSI. Mr. Speaker, I rise today to oppose the legislation before us and to support the motion to instruct offered by the gentleman from Michigan, Mr. CONYERS. H.R. 956 is an undisguised attack on the safety of the American people that will result in more unsafe products, more injuries, and less compensation for those who are injured by corporate misconduct and negligence.

The motion offered by Representative CONYERS would instruct the conferees not to agree to any provision that would limit total damages for injuries to women, children, or elderly individuals to an amount less than that recoverable by other plaintiffs with substantially similar injuries.

Mr. Speaker, during the debate earlier this year on H.R. 956, it was demonstrated that our current State-based products liability system works well. It allows our citizens to seek redress when they have been injured by corporate negligence and it provides ample incentives to correct defective products when they cause harm.

My colleagues, this bill favors powerful corporations at the expense of women, the elderly, and all working Americans by limiting damages for noneconomic losses which represent a larger proportion of damages for these groups.

I urge a ''no'' vote on the ill-advised reforms contained in H.R. 956 and a ''yes'' vote on the Conyers motion to instruct conferees.

EXPLORING RACE RELATIONS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. STOKES. Mr. Speaker, just recently, on October 26, 1995, the Executive Leadership Council and Foundation held its seventh annual recognition dinner. The leadership council is an association of African-American executives at Fortune 500 companies. I was pleased to join council president, Ann M. Fudge, and other members for this important celebration. Over the years, the leadership council has played a key role in fostering the enhancement of African-Americans in senior level positions throughout corporate America.

One of the highlights of the seventh annual recognition dinner was the evening's keynote address which was delivered by Vernon E. Jordan, Jr. In addition to serving as honorary cochair for the dinner, Jordan is a senior partner at Akin, Gump, Strauss, Hauer, and Feld. He enjoys a close association with members of the leadership council and others who are committed to diversity in the workplace.

Mr. Speaker, in his remarks on race relations, Vernon Jordan explored the meaning of the Million Man March and the new leadership classes which now exist within the black community. Jordan also spoke of America's racial divide and cautioned that such a divide threatens our progress as a nation. He stated in his speech, ''As long as black and white Americans continue to see each other as stereotypes and not as people with the same dreams, ambitions, and values, this Nation will be frozen with suspicion and hate.'' He urged the audience to work toward the beloved community, black and white together.

Mr. Speaker, Vernon Jordan's speech before the Executive Leadership Council and Foundation was insightful and very timely. I am submitting for the RECORD the complete text of his remarks. I hope that my colleagues and others throughout the Nation will take a moment to consider his commentary on this important issue.

7TH ANNUAL EXECUTIVE LEADERSHIP COUNCIL RECOGNITION DINNER

(By Vernon E. Jordan, Jr.)

These are, as the old Chinese curse has it, ''interesting times.'' First came the attacks on affirmative action. Then, the O.J. Simpson verdict. Most recently, the Million Man March.

Suddenly race relations—which had been invisible—have moved to center stage.

Suddenly, the idea of a color blind America in which race no longer matters much has been exposed as a fantasy.

Suddenly, settled notions about the role of race in our lives and in our society have been thrust into a sea of doubt and contradictory feelings.

This evening, I'd like to do a little thinking out loud about this confused and confusing situation with the members of the Executive Leadership Council.

Like many others, I'm trying to make some sense of the tremendous events of the past several weeks, and I have to tell you I'm not getting far.

But I am not alone—just about everything I've heard or read about those events tells me that no one else has, either.

That may be because events are at odds with the conventional thinking about race by blacks and whites on all points of the political spectrum.

All Americans must now confront the Kerner commission's warning that we are becoming ''two societies, one black, one white—separate and unequal.''

And all Americans must be shaken by the strength of intolerance and extremism, and by the threat of retreat into racial isolation.

So long as black and white Americans continue to see each other as sterotypes and not as people with the same dreams, ambitions, and values, this Nation will be frozen in suspicion and hate.

Unless people of good will can move swiftly to bridge the racial divide, the short term emotional charge many black Americans felt in recent weeks may turn into increased suffering over the long term.

For example, the net result of the Simpson trial could be revised criminal laws that compromise the rights of the accused and put more of our young people behind bars.

And the net result of the march could be that both whites and blacks succumb to the siren song of separatism, and get trapped in the false assumption that the problems of the black community are self-inflicted and only solvable through black spiritual renewal.

Self-renewal is critical to black progress. But so is a concerted, bi-racial attack on the social and economic causes of black disadvantage and alienation.

The truth is that we can't solve America's racial problems separately. For at the root of those problems is separation itself. The

solution lies not in withdrawal but in reaching out.

But that view is in danger of becoming irrelevant in the wake of a successful march expressly limited to Black men.

So we need to look at why it happened, and why it was so successful. I do not fully understand it. But I do know that the march reflects something deep and profound that is going on in America today.

An analogue to the march is the growth of the predominantly white promise keepers movement, which fills stadiums with masses of men affirming their faith and responsibilities.

There seems to be a yearning for spiritual renewal in America that crosses the racial divide and finds expression movements like the million man march, the promise keepers, and others.

Are these male-oriented movements reaction to the new role of women in our economic life and the change in family structures?

Do they derive from economic insecurity driven by vast technological changes that have shattered old certainties and economic relationships?

When people are caught in the throes of sweeping economic changes beyond their control, and when income inequality shakes their self-image, they often turn to spiritual pursuits and traditional values.

And where will such movements go from here? Will a withdrawal to spiritual concerns mean abandonment of such public concerns as economic justice and social integration?

One might understand the march's stress on atonement in that light. What is atonement? Does it presume that it is wrong to pursue the American dream of a little white house with green shutters and a white picket fence. A car in the garage. A TV in the den, beer in the cooler, tuition for the children. Two weeks at the beach and a debt-free estate?

That question is relevant because most of the marchers were middle class—they were younger, better educated, and more affluent than most Black people.

Did the march have a political component? The polls found that four out of five marchers were registered to vote. Will they retain their commitment to the political process and intensify it by getting others to register and vote?

Finally, I have to ask whether the march was just another one of those ''feel-good'' events, where people let off steam and marching substitutes for concrete action to change the root causes of their dilemma.

Words are no substitute for action. But the march was a form of action—people traveled to the Capital, disrupted their daily lives, pledged to act differently, and behaved with great dignity.

And yet, the march remains shrouded in ambiguity.

If I am right in thinking that it reflects something going on in America that transcends race, then we need to figure out what it is and how to use it positively for Black people and the Nation.

That's a job for the institutions in our community equipped with the researchers and know-how to do it—the joint center, Howard University, and other repositories of Black intellectual prowess. They can help us understand this new, elusive spirit of our times, and help us decide upon a course of action.

But as we do, we must also understand the roles and functions of the division of labor in our community, especially as they have changed since the 1960's.

For there are now five distinct new leadership classes that have arisen alongside the traditional ones of Du Bois' ''Talented Tenth,'' such as the Black church, the press, the colleges, and the civil rights groups.

These new leadership groups include:

One, Black elected officials, many of whose constituents are White, Hispanic, and Asian.

Two, managers of predominantly white institutions, ranging from school superintendents and police chiefs, to foundation heads, college presidents and cabinet officers.

Three, indigenous community leadership, whose local organizations represent welfare families, public housing tenants and other community-based entities, and whose backgrounds are similar to those of their constituents.

Four, black entrepreneurs who produce goods and services for markets that extend beyond the black community.

Five, blacks in corporate America, as exemplified by the Executive Leadership Council.

These new leadership groups all share the experience of negotiating the deep and sometimes treacherous waters of majority institutions. Thus, they are well situated to bring a wider perspective to the issue.

That perspective is necessary if we are to make progress without being ensnared in futile arguments about self-defeating separatism and blind nationalism.

The new leadership groups can help inoculate us against demagoguery and extremism. They can bring powerful assets such as resources, skills and knowledge of the world beyond the confines of dysfunctional communities. Hopefully they can help answer the question asked in such pain and wonder in the heart of the ghetto—''Is there no balm in Gilead? Is there no physician there?''

As we assess the march, we should recall the words written many years ago by the great black historian. Carter G. Woodson:

''The race needs workers, not leaders,'' Woodson wrote. ''If we can finally succeed in translating the idea of leadership into that of service, we may find it possible to lift the negro to a higher level.

Perhaps that is the true meaning of the march—the yearning of so many black men to be of service to the community.

But what about those who were not invited to the march—black women, white people, Hispanics, Asians—all of whom must participate in America's renewal and in bridging the gap between the races.

They must not be ignored, for the gap cannot be closed without them—because the only sane course of action lies within the context of an open, pluralistic, integrated society.

In ''The Invisible Man,'' Ralph Ellison wrote: ''Our fate is to become one, and yet many. This is not prophecy, but description.''

We are a long way from that goal, and the path to it is an arduous one. There will be diversions along the route from both white racists and black separatists.

But it is the only route that leads to the attainable goal—and to a goal worth attaining.

From time to time, it will be tempting to withdraw from the struggle, to seek solace in the warmth and comfort of one's own community. But in the long run we cannot do the segregationists' work for them by excluding ourselves from our fair portion of the society we helped build. Nor can we allow white institutions such as corporate America to abandon the struggle. We must work toward ''the beloved community,'' black and white together.

Those are some of the thoughts that come to mind as I've pondered the strange, changing state of race relations today.

I hope you—the Executive Leadership Council—will partake in the action and the passion of our turbulent times, dedicated to service and to building an open, pluralistic, integrated society.

TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 9, 1995

Mr. STOKES. Mr. Speaker, I rise in opposition to H.R. 2586, referred to as ''The Short-term Debt Limit Extension bill.'' The Republican bill before us today provides a temporary increase of $67 billion—raising the debt limit from $4.9 to $4.967 trillion. However, to force the President's hand in budget negotiations, the Republicans' bill lowers the debt limit to $4.8 trillion on December 13. The Government has never defaulted on its principal and interest payments, so why now.

The Republicans have decided that they will only increase the debt limit if the President agrees to their reconciliation and appropriation budget measures that would devastate the well-being of children, seniors, and families.

Mr. Speaker, the President has said that he will veto such measures. The President's veto is the only hope that the children of this country have against the Republicans taking away their school lunches or their immunizations. It is the only hope that seniors have against having their health care premiums double, or their heating assistance taken away. And, it is the only hope that families have against having to use their mortgage payment to pay for nursing home care of their elderly parents, or to pay for their childrens' college tuition.

Mr. Speaker, what H.R. 2586 really is—is the Republicans' primary assault weapon in their attack on children, seniors, and families. Can the Republicans' tax cut for the wealthy justify the need to hold the country—the children, seniors, and families hostage.

It's time for the Republicans to be up front with the American people. Just tell the American people that you will not increase the debt limit unless the President agrees to gutting Medicare, destroying Medicaid, denying college students financial aid, and reducing nutrition programs for children.

There is no good faith in H.R. 2586. It includes provisions that cannot stand the scrutiny of hearings and real legislative debate from balancing the budget on the backs of the most vulnerable, to repealing habeas corpus, to dismantling the Department of Commerce.

Mr. Speaker, I urge my colleagues to stand up for the rights of the American people, push for a clean debt limit measure. Vote ''no'' on H.R. 2586.

DEBT CEILING

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, last week on this floor I wanted the Congress to enact a clean debt ceiling extension; we failed to do it. We did not act responsibly.

Once again, we have a chance to enact legislation. Instead, we are voting on a motion

that is unnecessary and totally irresponsible. We are trying to avert the normal legislative process.

We should not delay action on this issue. It is our responsibility to take action and we must do it now. This motion is nothing more than Congress ducking its responsibility and losing its credibility.

We have to face the debt issue head on and not hide. This motion would place the burden solely on the shoulders of the administration. This motion would make Secretary Rubin take desperate action to keep us from facing a default.

Our credit rating has been placed on a credit rating watch for the first time ever and we can not sit idly for 30 days. Last week, on the floor we heard over and over that trust funds especially Social Security would be at risk. Well this motion does the opposite. It would require Treasury to use the trust funds.

Let's stop this now and act responsibly. Americans are sick and tired of this game of chicken. It is time for us to take the high road and send the President a clean debt ceiling extension.

Unfortunately due to a delay in my flight, I missed the vote on this motion. If I was present, I would have voted ''no.''

TRIBUTE TO THE AFRICAN HERITAGE CULTURAL ARTS CENTER

g extension.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 1995

Mrs. MEEK of Florida. Mr. Speaker, it is with great pleasure that I join with the people throughout our community in recognizing the 20th anniversary of the African Heritage Cultural Arts Center in Miami.

The African Heritage Cultural Arts Center, formerly the Model City Cultural Arts Center, opened its doors in 1975 in the heart of the inner-city community. The center was conceived and developed through the efforts, ideals and commitments of a citizens task force on which it was my honor to serve as a member of the board of directors.

The African Heritage Cultural Arts Center has a comprehensive, developmental multiart program which includes an array of classes in dance, drama, instrumental music, voice music, and visual arts. The facility has many elements of a full cultural center. It houses a dance studio, a music room, arts and crafts studio and much more. The center is a catalyst for youth in the arts, and offers such outstanding programs as the after school Arts Academy and the Saturday Creative Arts Workshop.

The Cultural Center has seen many of its students go on to various levels of prominence. The center's programs provide an important service to our community and have proven to be very beneficial. They offer an outlet for young people to learn and enjoy the arts through developmental, multiarts programs. The classes have boosted the morale of our young people and have provided a positive influence in our community.

Mr. Speaker, the African Heritage Cultural Arts Center has dedicated the past 20 years to developing the minds and skills of our young people. I wholeheartedly commend this wonderful organization for its steadfast service to our community. I know my colleagues join me in honoring the African Heritage Cultural Arts Center on the occasion of this tremendous milestone in its history.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. STOKES. Mr. Speaker, I rise in opposition to House Joint Resolution 115, the second continuing resolution for fiscal year 1996. This measure is definitely not just a continuing resolution bill. Once you clear the smoke and mirrors you find that over 60 percent of the bill is devoted to provisions designed to generate funds for the Republicans' tax giveaway to the rich, and to silence the voice of those who speak out against injustices against the most vulnerable in our society.

House Joint Resolution 115 increases the cost of health care for seniors by requiring Medicare beneficiaries to pay higher premiums. In fact, the Medicare premiums contained in the Republicans' continuing resolution measure are even higher than those contained in their reconciliation bill. Under current law, in 1996, seniors' Medicare premiums are $42.50 compared to $55.10 under House Joint Resolution 115. This is a 30-percent increase in 1996 alone.

Mr. Speaker, the average income of Medicare beneficiaries is less than $18,000 per year, this compares to an average income of between $8,000 and $9,000 for the 11 million widows and never-married women on Medicare. There is no way that these seniors can afford a 30-percent increase in their health care premiums. Seniors must not be forced to choose between medicine and food, or between a doctor's visit and heat. It is just wrong to force seniors to suffer such hardships in order to pay for a tax cut for the rich. This is an insult to their dignity, and strips them of their self-respect.

Again, House Joint Resolution 115 is not just a continuing resolution. Contained within the Republicans' bill is a 22-page very controversial authorization bill for the Istook prohibition measure. The legislation is specifically designed to restrict the political advocacy rights of the American people. Keep in mind that no hearings have been held on this extreme, unprecedented, and unconstitutional measure. House Joint Resolution 115's restrictive political advocacy provisions threaten the ability of organizations to carry out their mission including the Red Cross, American Civil Liberties Union, National Minority Aids Council, National Caucus and Center for the Black Aged, Coalition for the Homeless, religious organizations—yes, the list goes on—and yes, it even includes the Girl Scouts.

Mr. Speaker, perhaps the Republicans believe an extensive political advocacy gag law is just what it takes to force the American people to stomach the pain, and suffering that will result from their life threatening cuts in healthy start, meals for the elderly, energy assistance, education for the disadvantaged, employment training, safe and drug free schools, the list goes on and on.

While the gag provisions are a blatant insult to the rights of the American people, it will take more than a legislative silencer to quiet the cry of children, the elderly, and families that would result from the Republicans' budget cuts in critical quality-of-life services.

Mr. Speaker, the Republicans' assault on the rights of the American people, and their targeted assault on seniors must be stopped. I strongly urge my colleagues to vote ''no'' to all measures and provisions that attempt to gag the American people. Vote ''no'' increasing the cost of health care for seniors. Vote ''no'' on House Joint Resolution 115.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 15

9:30 a.m.
Select on Intelligence
To hold hearings to assess the damage to United States intelligence activities resulting from the Adler Ames case.
SD–G50

10:00 a.m.
Judiciary
To hold joint hearings with the House Committee on the Judiciary's Subcommittee on the Courts and Intellectual Property on S. 1284, to amend title 17 to adapt the copyright law to the digital, networked environment of the National Information Infrastructure, and H.R. 2441, to amend title 17, United States Code, to adapt the copy-right law to the digital, networked environment of the national information infrastructure.
2237 Rayburn Building

Judiciary
Immigration Subcommittee
Business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.
SD–226

Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.
SH–216

NOVEMBER 16

9:30 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine the situation in Angola.
SD–419

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.
SH–216

10:30 a.m.
Energy and Natural Resources
To hold joint hearings with the Committee on Indian Affairs with the House Committee on Resources to review the Alaska Natives Commission's report to Congress transmitted in May 1994 on the status of Alaska's natives.
1324 Longworth Building

Indian Affairs
To hold joint hearings with the Committee on Energy and Natural Resources with the House Committee on Resources to review the Alaska Natives Commission's report to Congress transmitted in May 1994 on the status of Alaska's natives.
1324 Longworth Building

2:00 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to mark up S. 1394, to reform the legal immigration of immigrants and nonimmigrants to the United States.
SD–226

2:30 p.m.
Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold hearings on S. 1224, to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process.
SD–342

NOVEMBER 17

9:00 a.m.
Judiciary
To hold hearings on H.R. 1833, Partial-birth Abortion Ban Act.
SR–325

10:00 a.m.
Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster.
SH–216

Commission on Security and Cooperation in Europe
To hold a briefing on the biennial Implementation Review Meeting on Human Dimension Issues held last month in Warsaw, Poland.
SD–562

NOVEMBER 30

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

DECEMBER 5

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 984, to protect the fundamental right of a parent to direct the upbringing of a child.
SD–226

DECEMBER 6

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601).
SR–485

CANCELLATIONS

NOVEMBER 15

9:30 a.m.
Governmental Affairs
To hold hearings to examine Federal Government financial management.
SD–342

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.
SD–226

Monday, November 13, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S16943–S17008

Measures Introduced: One bill was introduced: S. 1409 **Page S17003**

Further Continuing Appropriations, 1996: Senate concurred in the amendment of the House to Senate Amendment No. 3 to H.J. Res. 115, making further continuing appropriations for the fiscal year 1996, clearing the measure for the President. **Page S16977**

Reconciliation—Conferees: Senate insisted on its amendment to H.R. 2491, to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and agreed to the request of the House for a conference thereon. **Pages S16943–44**

During consideration of the House message today, Senate also took the following action:

By 95 yeas to 1 nays (Vote No. 570), Senate agreed to a motion to instruct the managers on the part of the Senate to insist upon maintaining the Federal nursing home reform provisions of law and provide for Federal quality standards and mechanisms for enforcement of such standards.

Pages S16944–47, S16949–53, S16989

By 51 yeas to 46 nays (Vote No. 571), Senate tabled a motion to instruct the managers on the part of the Senate not to agree to any reductions in Medicare beyond $89 billion, and to reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality.

Pages S16953–59, S16989–90

By a unanimous vote of 97 yeas (Vote No. 572), Senate agreed to a motion to instruct the managers on the part of the Senate not to include the $12 billion in Social Security cuts. **Pages S16959–67, S16990**

Senate agreed to a motion to instruct the managers on the part of the Senate to restrict limits on Medicare billing and maintain standards of fraud and abuse. (By 48 yeas to 49 nays (Vote No. 573), Senate earlier failed to table the motion.)

Pages S16981–91

Subsequently, the Chair appointed the following conferees:

From the Committee on the Budget (all titles), Senators Domenici, Grassley, and Exon;

From the Committee on Agriculture, Nutrition, and Forestry for consideration of title I, Senators Lugar and Dole, Helms (section 1113 and subtitle D of title I), Cochran (title I, except sections 1106, 1108, 1113, and subtitle D), and Craig (sections 1106 and 1108 of title I), Leahy, and Pryor;

From the Committee on Armed Services for consideration of title II, Senators Thurmond, McCain, and Bingaman;

From the Committee on Banking, Housing, and Urban Affairs for consideration of title III, Senators D'Amato, Gramm, and Sarbanes;

From the Committee on Commerce, Science, and Transportation for consideration of title IV, Senators Pressler, Stevens, McCain, Hollings, and Inouye;

From the Committee on Energy and Natural Resources for consideration of title V, Senators Murkowski, Hatfield, Nickles, Craig, Johnston, Bumpers, and Ford;

From the Committee on Environment and Public Works for consideration of title VI, Senators Chafee, Warner, Smith, Baucus, and Reid;

From the Committee on Finance for consideration of title VII and title XII, Senators Roth, Dole, and Moynihan;

From the Committee on Governmental Affairs for consideration of title VII (and the title of the House bill relating solely to abolishing the Department of Commerce), Senators Stevens, Cohen, Thompson, Glenn, and Pryor;

From the Committee on the Judiciary for consideration of title IX, Senators Hatch, Grassley, and Biden;

From the Committee on Labor and Human Resources for consideration of title X, Senators Kassebaum, Jeffords, Coats, Frist, Kennedy, and Pell and Simon (for ERISA and other matters); and

From the Committee on Veterans Affairs for consideration of title XI, Senators Simpson, Murkowski, and Rockefeller. **Page S16991**

Cuban Liberty and Democratic Solidarity Act: Senate began consideration of the message from the House on H.R. 927, to seek international sanctions

against the Castro government in Cuba, and to plan for support of a transition government leading to a democratically elected government in Cuba.

Pages S16974–77, S16979, S16993, S16995

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting a report of proposed legislation to increase the public debt limit; to the Committee on Finance. (PM–95). **Page S17002**

Appointments:

National Commission to Support Law Enforcement: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 103–322, announced the appointment of Gilbert L. Gallegos, of New Mexico, to the National Commission to Support Law Enforcement. **Page S17008**

Messages From the President: **Page S17002**

Messages From the House: **Pages S17002–03**

Executive Reports of Committees: **Page S17003**

Statements on Introduced Bills: **Page S17003**

Additional Cosponsors: **Pages S17003–04**

Notices of Hearings: **Page S17004**

Additional Statements: **Pages S17004–07**

Record Votes: Four record votes were taken today. (Total—573) **Pages S16989, S16990, S16991**

Adjournment: Senate convened at 10 a.m., and adjourned on Tuesday, November 14, 1995, at 12:12 a.m., to reconvene at 12 noon the same day. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S17008.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 6 public bills, H.R. 2621–2626 were introduced. **Page H12190**

Reports Filed: Reports were filed as follows:

H.R. 2361, to amend the commencement dates of certain temporary Federal Judgeships (H. Rept. 104–334); and

H. Res. 265, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 104–335). **Page H12190**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Goodling to act as Speaker pro tempore for today.

Page H12129

Recess: House recessed at 1:26 p.m. and reconvened at 2:00 p.m. **Page H12135**

Suspensions: House voted to suspend the rules and pass the following measures:

FEC electronic filing: H.R. 2527, amended, to amend the Federal Election Campaign Act of 1971 to improve the electoral process by permitting electronic filing and preservation of Federal Election Commission reports; **Pages H12139–42**

Defense Production Act Amendments: H.R. 2204, amended, to extend and reauthorize the Defense Production Act of 1950; **Pages H12142–44**

Prohibit Angeles National Forest land transfer: H.R. 924, to prohibit the Secretary of Agriculture from transferring any national forest system lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill;

Pages H12144–45

Extend deadline for Arkansas hydroelectric project: H.R. 657, to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas (agreed to by a yea-and-nay vote of 404 yeas, Roll No. 789); **Pages H12145–46, H12155–56**

Extend deadline for New York hydroelectric project: H.R. 680, to extend the time for construction of certain FERC licensed hydro projects;

Page H12146

Extend deadline for Ohio hydroelectric project: H.R. 1011, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio; **Pages H12146–47**

Extend deadline for Washington hydroelectric project: H.R. 1014, amended, to authorize extension of time limitation for a FERC-issued hydroelectric license; **Pages H12147–48**

Extend deadline for West Virginia hydroelectric project: H.R. 1051, to provide for the extension of certain hydroelectric projects located in the State of West Virginia; **Page H12148**

Extend deadline for Oregon hydroelectric project: H.R. 1290, amended, to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon; **Pages H12148–49**

Extend deadline for Northern West Virginia hydroelectric project: H.R. 1335, to provide for the extension of a hydroelectric project located in the State of West Virginia; and **Page H12149**

Extend deadline for New Jersey hydroelectric project: H.R. 1366, to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project. **Pages H12149–50**

Recess: House recessed at 3:39 p.m. and reconvened at 5:04 p.m. **Page H12150**

Presidential Veto Message—Debt Ceiling Limit: Read a message from the President wherein he announces his veto of H.R. 2856, to provide for a temporary increase in the public debt limit; and explains his reason therefor—ordered printed (H. Doc 104–132). **Pages H12150–55**

Subsequently, by a yea-and-nay vote of 223 yeas to 184 nays, Roll No. 788, the House agreed to the Archer motion that further consideration of the veto message and the bill, be postponed until December 12. **Pages H12151–55**

Presidential Message—Debt Limit Ceiling: Read a message from the President wherein he transmits legislation providing for a temporary increase in the debt limit ceiling—referred to the Committee on Ways and Means and ordered printed (H. Doc. 104–133). **Page H12156**

Budget Reconciliation: The Speaker appointed the following Members as additional conferees in the conference on H.R. 2491, to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996:

From the Committee on Commerce for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Representatives Bryant of Texas and Towns. **Page H12157**

Recess: House recessed at 11:25 p.m. and reconvened at 11:47 p.m. **Page H12188**

Referral: One Senate-passed measure was referred to the appropriate House committee. **Page H12189**

Senate Message: Message received from the Senate today appears on page H12150.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H12190–94.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings on the House today and appear on pages H12155 and H12155–56.

Adjournment: Met at 12:30 p.m. and adjourned at 11:48 p.m.

Committee Meetings

WAIVING TWO-THIRDS VOTE FOR SAME-DAY CONSIDERATION

Committee on Rules: Granted, by a voice vote, a rule waiving clause 4(b) of rule XI (requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules) against the same-day consideration of resolutions from the Committee on Rules on or before the legislative day of November 23, 1995, for the consideration or disposition of any measure making further continuing appropriations. The rule clarifies that in no case shall this resolution apply to a resolution providing for consideration or disposition of a reconciliation bill within the meaning of section 310 of the Budget Act.

BILLS VETOED

H.R. 2586, to provide for a temporary increase in the public debt limit. (Vetoed November 13, 1995)

COMMITTEE MEETINGS FOR TUESDAY, NOVEMBER 14, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, to hold hearings on the nomination of Arthur L. Money, of California, to be Assistant Secretary of the Air Force for Acquisition, Department of Defense, 10 a.m., SR–222.

Committee on Energy and Natural Resources, to hold oversight hearings to review the decision-making process of the Department of the Interior in preparing and releasing the United States Geological Survey's 1995 estimate for the 1002 areas of the Arctic National Wildlife Refuge, 9:30 a.m., SD–366.

Committee on the Judiciary, to hold hearings to examine the operation of the Office of the Solicitor General, 10 a.m., SD–226.

Committee on Labor and Human Resources, to hold hearings on S. 1360, to ensure personal privacy with respect to medical records and health care-related information, 9:30 a.m., SD–430.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to resume hearings to examine certain issues relative to the White Water Development Corporation, focusing on the handling of certain documents following the death of Deputy White House Counsel Vincent Foster, 10 a.m., SH–216.

NOTICE

For a listing of Senate committee meetings scheduled ahead, see page E2172 in today's Record.

House

Committee on Banking and Financial Services, Subcommittee on Domestic and International Monetary Policy, to mark up the Commemorative Coin Authorization and Reform Act of 1995, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Telecommunications and Finance, hearing on H.R. 2131, Capital Markets Deregulation and Liberalization Act of 1995, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information and Technology, hearing on the Department of Defense's Financial Management Problems, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on Newly Independent States of the Former Soviet Union: United States Policy and Assistance, 10:30 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing on Sri Lanka in Turmoil: Implications of Intensified Conflict, 2 p.m., 2172 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, hearing on Vietnamese Government knowledge and accountability of United States POW/MIAs in Indochina, 10 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 2528, to require the Secretary of the Interior to renew to the heirs of permittees permits for historic cabins located in the Mineral King Addition of the Sequoia National Park; and H.R. 1666, to amend the Act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore to permit certain persons to continue to use and occupy certain areas within the lakeshore, 10 a.m., 1334 Longworth.

Subcommittee on Native American and Insular Affairs, hearing and markup of the following: S. 1341, to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona; S. 325, to make certain technical corrections in laws relating to Native Americans; a measure to amend the Trust Fund Reform Act of 1994 so as to place the Office of Trust Fund Management under the administrative control of the Special Trustee; and H.R. 377, Burt Lake Band of Ottawa and Chippewa Indians Act; and to hold a hearing on H.R. 2591, Indian Federal Recognition Administrative Procedures Act of 1995, 1 p.m., 1324 Longworth.

Committee on Rules, to mark up the following: H. Res. 250, to amend the Rules of the House of Representatives to provide for gift reform; and H. Res. 254, making technical corrections in the Rules of the House of Representatives, 2 p.m., and to consider the Conference Report to accompany H.R. 4, Personal Responsibility Act of 1995, 4 p.m., H–313 Capitol.

Committee on Standards of Official Conduct, executive, to consider pending business, 4 p.m., HT–2M Capitol.

Next Meeting of the SENATE

12 Noon, Tuesday, November 14

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will recess until 2:15 p.m. for respective party conferences, following which Senate could consider any cleared legislative or executive business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, November 14

House Chamber

Program for Tuesday: House will consider the following 2 bills on the call of the Corrections Calendar:

1. H.R. 2366, Repealing an Unnecessary Medical Device Reporting Requirement; and

2. S. 790, Federal Reports Elimination and Sunset Act for 1995;

Consideration of H.R. 2539, ICC Elimination Act of 1995 (open rule, 1 hour of general debate);

Possible motion to instruct conferees on H.R. 2126, Department of Defense Appropriations for fiscal year 1996; and

Possible further consideration of Continuing Resolution.

Extensions of Remarks, as inserted in this issue

HOUSE

Cardin, Benjamin L., Md., E2165
Clayton, Eva M., N.C., E2167
Davis, Thomas M., Va., E2167
Faleomavaega, Eni F.H., Am. Samoa, E2168
Filner, Bob, Calif., E2165
Gilman, Benjamin A., N.Y., E2166
Maloney, Carolyn B., N.Y., E2166
Meek, Carrie P., Fla., E2171
Neal, Richard E., Mass., E2170
Ortiz, Solomon P., Tex., E2169
Pelosi, Nancy, Calif., E2169
Smith, Linda, Wash., E2167
Stokes, Louis, Ohio, E2168, E2169, E2170, E2171
Tejeda, Frank, Tex., E2166
Visclosky, Peter J., Ind., E2167

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