

## UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the next hour be equally divided between Senators LOTT and DASCHLE and, at the end of that hour, that Senator LOTT be recognized to move to adjourn.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I can inquire of the Senator from South Dakota, is it his desire that we not have any further debate at this time?

Mr. DASCHLE. Mr. President, it is the desire on the part of many of our colleagues to speak longer than the time allotted in the unanimous consent request, and it is certainly the desire of our colleagues not to allow the Senator the opportunity to adjourn the Senate. For that reason, I am compelled to object.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we have very important committee work that needs to be done. As the Senate knows, the bulk of the work and the writing that goes on in the Senate does occur in committees at the hearings and markups. We have a very important markup now that we need to get done in the Armed Services Committee. The defense of our country is, obviously, something we want to pay very close attention to. We have less than a week in which the Armed Services Committee needs to complete its work.

I would prefer that we get an agreement that the Armed Services Committee, as is always—almost always—the case, be allowed to meet with these other committees. I understand the Senator has a problem, some objections from his conference. I also would prefer that we have an hour of debate equally divided so that Senators who have been patiently waiting for quite some time can be heard, including Senators here now, and Senator GRAMS of Minnesota who has been waiting to be heard.

I also had hoped that we could work together and get a time worked out whereby we could have extended debate tonight. It doesn't appear that we can work that out. So, I would be prepared to proceed at this time.

Does the Senator have any other comment he would like to make before I propound a unanimous-consent request?

Mr. DASCHLE. Mr. President, the distinguished majority leader mentions the defense markup. I also remind him, as he is very aware, there is money in this supplemental for our troops in Bosnia. Time is running out there, too. There is virtually no time left for us to get the supplemental assistance to the troops in Bosnia. It sends a terrible message to them not to address this legislation more successfully than we have.

I can't think of anything more important in that regard, not only to ad-

dress the disaster victims but to address the troops in Bosnia, to address all of those who are waiting for some sign that we understand how difficult their circumstances are, including people defending our country in faraway lands.

So, I am compelled to object, and I only hope that at some point in the not-too-distant future, we are going to be able to resolve this matter, because they can't wait any longer.

Mr. LOTT. Mr. President, I also had hoped that we would be able to work out an agreement where there wouldn't be objection to my motion to proceed to the Birth Defects Prevention Act—this is broadly supported legislation; I don't see how there could be objection to it—while we continue to work to find ways to move other legislation while committees are meeting.

I understand the pressure that Senators feel on both sides of the aisle on other issues, but I don't see why that should cause us to halt or prevent us from taking up a very noncontroversial, broadly bipartisan supported legislation like S. 419.

I am also hopeful that this week we could take up the adoption legislation that we have been holding in abeyance for a week. And the Senator from Ohio, Senator DEWINE, has done very good work on that and I believe is prepared to spend time on the floor when we call up that legislation. I hope it will be in the next coming days.

Let us be clear about what this legislation does, the birth defects legislation. No one in this body needs to be told that birth defects are the leading cause of infant mortality in this country. They are directly responsible for one 1 of every 5 infant deaths. Here is a chance to do something about that, not in a week, not in a month, but this afternoon with, I am sure, not very long debate but enough debate so that the issue can be properly addressed.

We have spent the last couple of hours or so talking about other issues other than this bill which we had hoped to call up and begin debating.

No one needs to be told that every year some 150,000 infants are born with a serious birth defect. Here is a chance to do something about that.

Here is a chance to foster the most effective—and, by the way, the most cost effective—ways to prevent birth defects.

We now know that folic acid vitamin supplements can prevent spina bifida. We know that programs to promote avoidance of alcohol, especially early in pregnancy, can dramatically reduce a whole range of birth defects.

We want to get that knowledge out to those who need it. Senator BOND's bill would do that through regional research programs to identify the causes of clusters of birth defects.

His bill, which, by the way, is cosponsored by more than a score of Senators on both sides of the aisle, makes the Centers for Disease Control the lead agency for surveillance of birth defects

and prevention activities to reduce their incidence.

His bill proposes grants to public and nonprofit groups to foster public awareness in ways to prevent birth defects. It would also set up a National Information Clearinghouse on Birth Defects.

This legislation, to which there has been objection, is really important and is endorsed by a wide range of groups: The American Academy of Pediatrics, the American Association of Mental Retardation, the American Hospital Association, the Association of Maternal and Child Health Programs, the American Public Health Association, the Council of State and Territorial Epidemiologists, the March of Dimes, the National Association of Children's Hospitals, the National Perinatal Association, the National Easter Seal Society, and the Spina Bifida Association.

On their behalf, I again renew my concern. There has been objection to this bill. On their behalf, I ask that we confer and see if we cannot find a way to bring up this legislation, if not today, tomorrow, while we work on other solutions to other problems.

It is not a partisan issue. It is not controversial. And all that Senator BOND has sought has received support across the political lines and he has urged that we take it up this week. It would be different if it were controversial or if this were a partisan issue. But it is not. It is one that I think we certainly need to get passed. And a lot of good work has gone into it. And I will continue to ask that it be brought up this week. And I will certainly confer with the leaders on the other side of the aisle as we try to find a way to bring to the consideration of the Senate legislation that would help with this very serious and very difficult problem of birth defects.

So now I ask—

Mr. DASCHLE addressed the Chair.

Mr. LOTT. I will be glad to yield for a comment or question from the Democratic leader.

Mr. DASCHLE. As I indicated earlier, Mr. President, I am a cosponsor of this legislation. So obviously I am very supportive of it. But it should be noted this legislation has not had a hearing, it has not been marked up in the committee.

The majority leader—and it is his right to do so—is discharging the committee to bring this bill to the floor. Now, that is an abnormal procedure. That is not something we do every day. Yet the distinguished majority leader has seen fit to bring this bill to the floor without an official markup, and then to amend it with an amendment that we only saw late yesterday. And so it is really not normal legislative procedure to consider a bill of this import, even though there may not be much controversy associated with it, to discharge it, to amend it with an amendment nobody has seen, and to move in this process.

So it is not only our concern for the disaster legislation but our concern for

process here that makes me skeptical about the approach the distinguished majority leader has chosen to employ in this regard. So I would hope we could work together, if we can once get this disaster bill passed, to take up the bill, but I really hope we can respect the normal order here and allow the committees to move and to consider bills and then report them out, put them on the calendar, and take them up off the calendar as we would in normal circumstances.

But I thank the majority leader for his willingness to allow me to comment on that particular bill.

I yield the floor.

Mr. LOTT. Mr. President, I would respond to that, if I could, that certainly it is again not controversial. There has been a lot of work done on it. There have been hearings on this bill. And I believe an almost identical provision, if not identical, was a part of the comprehensive health legislation that came up last year. That was a different Congress, but it is not as if it is a new idea. It has been around for awhile. And a number of Senators are very familiar with what it would do, including the Senator from South Dakota.

Mr. President, because he has been so diligent in his effort to wait to be heard, and recognizing that it does not appear we are going to be able to work out some agreement where he could make a statement, I, if I can, yield to the Senator from Minnesota for the purposes of a question so that he could at least address a question that frames his concerns in this area.

Mr. GRAMS. Thank you very much, Mr. Leader.

I just would like to take a few moments to address a couple concerns and questions. And as I think we are all very disappointed in the fact that yesterday President Clinton vetoed the emergency aid bill which would provide \$5.5 billion in disaster relief nationwide—and that comes with a major portion of those dollars directed toward rebuilding and repairing those communities that have been devastated by floods in my home State of Minnesota and, of course, the Dakotas—our legislation I think sent a very clear message that the people of Minnesota have not been forgotten by Congress at this time.

And I just really am concerned and disturbed by the fact that the President has used, as his primary excuse for vetoing the emergency flood relief bill, our inclusion of a measure that would go on to protect these very same victims this fall from what could become a manmade disaster if we do not come to some time agreement between the Congress and the President on funding legislation in the budget debates coming this fall. So for those reasons, I raised repeatedly on the floor that I believe that delivering this bill to the President is of utmost importance.

And I just ask the leader if all considerations have been made or taken

into account of trying to get this issue to the President again, to have him somehow—I would like to remind my colleagues who voted for this bill a week ago, that if they say these issues are so controversial, why did they then vote and approve this bill by 67 votes, as the majority leader said, last week and move this on to the President?

So when they say that we are unbending and not willing to compromise on the issue, that it is “our way or no way,” really that is what we are hearing from the other end of Pennsylvania Avenue, that if it is not the President’s way, it will be no way.

Mr. LOTT. Mr. President, I will respond to the question and comments framing that question by the Senator from Minnesota. I appreciate what he has had to say. And I appreciate his interest in getting this assistance provided. He has been constructive and helpful in that he has been suggesting a variety of ways we could try to come to an agreement on how to proceed here.

He is absolutely right that, as a matter of fact, what we passed last week was a compromise. There had been funds added, language added. And, as a matter of fact, the language dealing with the Government shutdown prevention was a compromise provision. Senator MCCAIN, one of the original sponsors, along with Senator HUTCHISON, offered an amendment and actually raised the level of funding whereby the Government would continue basically at the current year level until an agreement was reached on the next year’s appropriations bills.

So it was compromise language. I mean, it should not go without people’s notice that it got 67 votes here in the Senate. This matter can be resolved. It can be done quickly. It could have already been dealt with if the President just signed the bill.

The President is not without tools to work with the Congress. But he must understand—and I know the American people understand—that we, as representatives of the people, have a equal voice in this Government. We have a right to be heard. And we have a right to have very important issues that we are concerned about addressed.

So I again appreciate the Senator’s patience here and his suggestions. I know he is going to continue to work with leadership on both sides of the aisle and across the Capitol where he served in trying to find an appropriate solution to this problem.

Mr. GRAMS. I thank the majority leader.

Mr. LOTT. Mr. President, I would also like to inquire of the Senator from Texas. Senator HUTCHISON, had indicated that she had hoped to be able to speak. I wonder if she has a question she would like to propound at this time because I would be able to yield to her at this time, under the rules we find ourselves confronted with, only for a question. So I ask that she frame her comments in the form of a question.

Mrs. HUTCHISON. Thank you, Mr. President.

I was really wanting to question in the arena of a timetable for kinds of disaster relief.

It was indicated by one of the Senators from North Dakota that perhaps it was all or nothing, as if the entire supplemental appropriations bill was part of an emergency disaster. And I was just going to ask the distinguished majority leader if he was not thinking that perhaps there are certainly judgment calls that we can make.

I think the majority leader is saying that if we are going to make some very slimmed down bill to provide for emergency assistance—I think the distinguished majority leader would agree with me, there is also \$30 million for plane crash investigations; \$6 million to the FBI to reimburse New York State, but New York State has had ongoing expenses with regard to TWA flight 800; \$197 million for the National Park Service; \$103 million for Fish and Wildlife; \$67 million for the Forest Service; \$20 million for the Bureau of Indian affairs; \$585 million for the Army Corps of Engineers.

I am just wondering if the majority leader doesn’t think that perhaps these are supplemental appropriations that are not of an emergency nature and that maybe Congress would be able to make a judgment call if in fact we were talking about emergency relief. Because it seems to me that some of the Senators are saying that, “Look. We want everything, but your issues aren’t important. The issue of process, of not being able to shut down Government isn’t important.”

It may not be important to someone on the other side of the aisle, but it is very important to many people on our side of the aisle that we have a process by which we say to people, here is what you can expect. Veterans can expect to get their pension benefits on time, regardless of whether Congress and the President have not agreed on a particular appropriations bill, that Federal employees can expect to get their checks on time regardless of whether there is an agreement between the President and Congress.

So, you know, I think that there are a lot of issues. And I sincerely believe that it is important for us to set the process of how we are going to handle appropriations this year. Perhaps others do not think that is important. But to say, “You take all of our issues. Throw away all of yours. And that’s the only thing that will be acceptable,” seems to me to be a little unreasonable.

I just ask the majority leader if he would put all of these other supplemental appropriations in the same position as some part of the emergency bill that really is an emergency where funds really might not be available if there are funds like that?

Mr. LOTT. Mr. President, in responding to the question by the Senator from Texas, obviously I think that she

is suggesting a route that is appropriate. There is a difference between a supplemental appropriations in its normal sense and a supplemental appropriations that includes some emergency provisions. Clearly, they could be separated out and moved as the Senator from Texas has suggested.

I want to commend the Senator from Texas for her work as a member of the Appropriations Committee, a member that knows what is in the bill and what is not. And I think some Senators have not had an opportunity to look at all the things that have been added in terms of language and additional spending and programs which may be worthwhile but which are much more in the supplemental range, not in the emergency range, and also could be dealt with in the regular appropriations process.

We are in the period of time now in this year when we ought to be doing our regular appropriations bills. And the need for a supplemental for many of these provisions has been long since past.

Also, I just have to say, the idea of resolving this issue about the annual confusion at the end of the fiscal year, the threats of and in fact the shutdowns of programs or Agencies, Departments of the Government, that idea originated with the Senator from Texas and Senator McCAIN. They are the ones who said we need to resolve this now, not October 1 or October 15 or November 1 when we are going through these fiascoes.

The suggestion was that we solve this problem now. The language that was introduced, which was subsequently compromised, by the way, to raise the funding above what the Senator from Texas wanted, originated from her.

I challenge anybody in this institution or anywhere to suggest that the Senator from Texas is not concerned about the need for the disaster assistance or the funds for the Department of Defense. She knows that this issue is important, and she also knows it can be resolved. It can be resolved quickly and it can be resolved in terms of working out language that would serve the American people well in stopping these annual Government shutdown activities.

I commend her for the work she has done, the leadership she has provided, and for the fact she continues to say we can work through this with language which may be different from what she originally started with but with language that is acceptable, or that we go with emergency language only.

I yield to the Senator from Texas for a further question.

Mrs. HUTCHISON. I appreciate the distinguished majority leader yielding to me for a question because I do have a question. I think it is not a matter even of the supplemental appropriations, that they are not worthy, but I think timing is the issue.

I just sense that all of a sudden the ground is shaking. First they said,

“Just pass the clean emergency help to the victims.” That was the first thing that was said. Now, then, you said, well, OK, let's talk about what is an emergency, and I am seeing all of a sudden a different argument, a different argument that says, oh, wait a minute, what do you mean, that there might be some parts of this bill that would not be part of the emergency?

In fact, there are billions in this bill that are supplemental. They are good. We hope they will pass. But they are not an emergency.

So if you are going to say that it is not important to provide for the orderly transition of fiscal years right now in the first appropriations bill that has come on the floor this year—Mr. President, I think the distinguished majority leader will agree that we have not had another appropriations bill on the floor. If we are not going to set the process right now for how we are going to handle the transition of fiscal years in an orderly and responsible way, when would we do it? Would we do it 1 month before the end of the fiscal year so people would not be able to plan, so that we would not know for sure exactly what was going to happen, so that Federal employees would not know for sure that we would not have another Government shutdown, so that veterans would not know for sure that their pension checks would be on time?

I think to say that now all of a sudden it is not just emergency relief but also everything in the supplemental appropriation which is important to many people in this body—but so is the resolution about not shutting down Government important to a number of people in this body.

I think the distinguished majority leader in good faith said, well, would you like for us to consider a pared down emergency for anything that would not be covered already under the Federal Emergency Management Agency funds which we know have at least \$2 billion in the coffers right now that are going right now to the victims in North Dakota, South Dakota and Minnesota? The money is going in. There may be a few places where it is not going in, so the distinguished majority leader, as I understand it, is saying, OK, we should make a list of those where there really is an emergency, not supplemental but emergency, and would you consider working with us to pass that?

Now, all of a sudden, it seems that the argument is changing and we are saying, oh, no, we not only need the emergency appropriations that might not be covered if there are categories like that, but, in addition, we must also have all of the supplemental appropriations for the National Park Service, for the Fish and Wildlife Service, for the Forest Service, for the Bureau of Indian Affairs, for the Army Corps of Engineers, for the Postal Service fund, for the bulk cheese price survey, for the food stamp changes, for

grants to local education agencies. Now, I have no doubt these are important appropriations, but are they emergency? That is the question that I ask the distinguished majority leader.

Once he said, “I am willing to talk about a pared down real emergency,” all of a sudden it seems to me that now we are shifting to a different issue. We are shifting now to a whole different argument, and they are saying you have to take everything in the bill that the distinguished Senators from North Dakota want, take out everything that the distinguished Senators on this side of the aisle were hoping to get in the way of process to establish a process in the appropriations bill, the first one this year.

It is like saying we have all the cards. But that is not the way America is. We work together here. I think we have the ability to determine if there are emergencies that are not being met, and if that is the issue, then I think we would be able to solve it.

I just ask the majority leader if he believes that we have the ability to determine what is an emergency and what is a supplement.

Mr. LOTT. Mr. President, clearly, the Senator from Texas, Senator HUTCHISON, is right on this. She knows her business. She is on the Appropriations Committee.

I do not know what the exact figure is but probably of the \$8.6 billion in this supplemental, well over half of it could not remotely qualify as disaster. It is probably in the range of \$5 billion to \$6 billion of the \$8.6 that would not qualify as emergency disaster, either because it is not directly needed and/or because it could be handled through the regular appropriations bills. Clearly, a large portion of this bill would not qualify as emergency disaster. Again I do not know the exact amount. We have to hear further from the committee members, and I presume we will as the time goes forward.

Mr. DORGAN. I wonder if the Senator—

The PRESIDING OFFICER. Does the majority reader yield?

Mr. LOTT. I will yield if the Senator allows me to make a couple of points. I want to go back and reconfirm something I said a moment ago to make sure it is correct in the RECORD.

The bill that we are trying to get brought up, the birth defects bill, is not a new bill. It was one that has had a lot of work, and the substitute that we have now is going to be considered when we get permission to bring it up. There has been objection to bringing up the birth defects bill by the Democrats. It is almost identical to the language that was approved by the committee on Labor and Human Resources in 1995 and passed the full Senate in September 1996 as part of the Health Profession's Education Consolidation and Reauthorization Act, S. 555.

So the Senate is familiar with this. The Senate has worked on it. The Senate has voted on it. It is not a new

issue or one that we are trying to put out without it having been considered by committee or having been considered by the full Senate in the recent past.

I want the RECORD also to reflect that I have tried to get the Democrats to agree for the Armed Services Committee to meet, and other committees, on very important issues. They have objected to bringing up the birth defects bill. They have objected to the Armed Services Committee meeting, the Foreign Relations Committee meeting, the Science Committee from meeting. I even offered an opportunity for us to divide an hour of debate time equally on both sides and to get an agreement where we could have extended debate tonight, and I suggested even as late as midnight, 6 hours, 7 hours, whatever amount of time that might have been called for. But that was not accepted because they would not agree for the Armed Services Committee to meet and to do their markup work.

I want to say again, my Democratic colleagues have objected to bringing up the birth defects bill, they have objected to very important committees meeting with very important witnesses, and a markup of the Department of Defense. They have objected to dividing the time equally so all Senators can be heard in 10-minute segments of their own time, and they have even refused an offer that I have made for this debate to go on for an extended period of time, perhaps even as late as midnight tonight.

Now, before I make any further motion, did the Senator from North Dakota have a question he would like to ask? And I yield for the purpose of a question.

Mr. DORGAN. I do, and of course the majority leader has the power of scheduling in the U.S. Senate. The objection that we raised was an objection based on the understanding that the unanimous-consent request propounded by the majority leader was that he would remain in control at the end of the period of whether we had an opportunity to speak again and when we had an opportunity to speak again.

We have had, on two occasions now, a motion made to adjourn the Senate and a vote on that, and the majority leader has then adjourned the Senate twice last week and now apparently today, and some of us feel very strongly that we wish to continue to discuss and to push and prod to see if we cannot get a disaster bill passed without the extraneous or unrelated amendments attached to it that have caused a veto.

Now, the reason I rise to ask a question, as I listened intently to the question asked by the Senator from Texas—and she indicated to the majority leader that this was, really, the only appropriations vehicle or the first appropriations vehicle that was available for her to exercise an option to deal with the continuing resolution or Government shutdown amendment.

In fact, there is a House appropriations bill on the calendar, H.R. 581, that the Senator from Texas and others who wish to propose their amendment could offer to attach their amendment to. In addition to that, there are 13 additional appropriations bills that will follow that they can certainly attempt to attach their amendment to.

But the title of this piece of legislation is an appropriations bill making emergency supplemental appropriations for recovery from natural disaster and so on. I am assuming that those who decided to attach it to this piece of legislation did so because by its very title it is an emergency supplemental appropriations bill for recovery from natural disasters.

The Senator from Texas makes the point, as the Senator from Mississippi, there are some things in here that are not an emergency. That is a quarrel I suspect the Senator would have with the Appropriations Committee heads and others. There may well be some things in here that are not an emergency. I have no objection to taking those things and moving them aside and passing the disaster portions of this bill.

I say that it seems to me, at least viewing it, that those who have attached this amendment to this bill have done so believing that this bill is a must-pass piece of legislation because it is an emergency and, therefore, it is a way of moving their agenda along on this Government shutdown amendment. My point is there are 13 more bills. Do it on another bill. Do it on the House bill resting at the desk of the Senate, but do not do it in a way holding up disaster relief.

I am happy to propound the question. It is now 2½ weeks beyond the adjournment for the Memorial Day recess, which is the time when we should have passed this legislation, 2½ weeks beyond that, and the fact is we are now in a circumstance where it does not appear we are any closer to passing a piece of legislation that the President will be able to sign. Will the majority leader, at least from the Senate side, indicate to us that he feels that we can get this thing passed this week in a manner that allows it to be signed?

Mr. LOTT. I would be willing to work with him in that regard. I think we definitely can do it. I believe we will have some time here in a moment where maybe we can talk about that.

Here is the chairman of the Appropriations Committee. He is convening. I have seen him work miracles before, and I know he is prepared to do that again this time with the help from the Senators from North Dakota and the Senator from Texas.

Does the Senator from Oklahoma wish to ask a question with regard to the situation?

Mr. NICKLES. If I could just ask a question, because I understand our colleagues from North Dakota wish to speak on this issue. I know some col-

leagues on this side of the aisle would like to speak.

Correct me if I am wrong; did you not offer to allow debate on this and other issues, maybe debate as late at 12 o'clock tonight? That is almost an additional 8 hours.

Mr. LOTT. I knew it came as a shock to the Senator from Oklahoma, but he is right.

Mr. NICKLES. I did not want to stay for all of that, but I think the Senator from Mississippi, the majority leader, is being generous with time.

If our colleagues are going to object to the offer that the majority leader made, I do not think they are showing good faith, and that does not increase the likelihood of getting things done.

Now, correct me if I am wrong; I ask the majority leader this question, the majority leader asked permission for the committees to meet?

Mr. LOTT. Correct.

Mr. NICKLES. And stated his intentions to allow the Senate to be able to debate this and other issues on time equally divided; is that not correct?

Mr. LOTT. That is correct.

Mr. NICKLES. My comment would be to the majority leader that I think you are being very generous and I hope our colleagues will cooperate.

Mr. LOTT. Mr. President, I appreciate the questioning of the Senator from Oklahoma, and I say that the procedure which I am about to carry out here has been forced by the fact that we can't get consideration of the birth defect legislation, we can't get permission for key committees to meet, and we can't get a time agreement on how the debate will occur.

#### QUORUM CALL

Mr. LOTT. 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, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Bond	Grams	Nickles
Conrad	Hutchinson	Stevens
Coverdell	Hutchison	Thurmond
Dorgan	Inhofe	Wellstone
Gorton	Lott	

The PRESIDING OFFICER. A quorum is not present.

#### VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move that the Senate stand in adjournment, and 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. The question is on agreeing to the motion of the majority leader. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.