

no shutdown at all. There would be nothing to shut down. We would have passed the legislation.

Now, they have a majority of Republicans in the House. They have a majority of Republicans in the Senate. They could very easily have passed and sent to the President for signature 13 appropriations bills. Thirteen appropriations bills could have been signed into law, and there would be no Government shutdown today.

Do not talk about this as being some kind of a case where our side and their side or the White House and the congressional leadership cannot meet agreement. If we, here in the Congress, had done the work we are paid to do, hired to do, elected to do—that is, pass our bills on time—everybody would be at work today. None of the stoppages would be occurring. There would be none of the inconvenience and the tourists here in the Capitol would be able to see something besides just us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Morning business has just expired.

Mrs. HUTCHISON. Madam President, I ask unanimous consent morning business be extended for 5 minutes for the purpose of introducing legislation.

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

Mrs. HUTCHISON. Madam President, I send a bill to the desk and ask it be appropriately referred.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair. (The remarks of Mrs. HUTCHISON and Mr. SIMPSON pertaining to the introduction of S. 1414 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1868, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

*Revolved.* That the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 115 to the bill (H.R. 1868) entitled "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes."

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, let me bring the Senate up to date on the status of the foreign operations appropriations bill. It has been sort of bouncing back and forth between the House and the Senate.

The conference report itself on foreign operations was passed by both Houses by very wide margins. It passed in the Senate 91 to 7. It passed in the House, 331 to 71.

This morning the House passed, once again, language offered by Congressman SMITH, 237 to 183, which remains in disagreement with the Senate. So what we have extant is an amendment in disagreement. The conference report will not be needed—will not be needed to be voted on again.

So what we have before us this afternoon, upon which there will be a motion to table shortly, is the Smith language.

The Senate defeated this language 53 to 44 on November 1, and, candidly, I expect the outcome of the vote we are about to have to be exactly the same. Let me repeat. The only item in disagreement is amendment 115. That is the only item upon which we are called to vote in a few moments.

The underlying conference report, which we have already approved, enjoys strong bipartisan support. We fund a number of key national priorities including the Camp David accords, aid to the NIS, including Armenia and Ukraine. Also in this bill is an extension of the Middle East Peace Facilitation Act.

So, again, let me say the conference report itself enjoys very strong, overwhelming bipartisan support. The only item we have before us today is what is known as the Chris Smith language, on abortion.

My colleague, Senator LEAHY may want to make a few comments and then I believe the chairman of the Appropriations Committee is going to make a motion to table.

I yield the floor.

Mr. LEAHY. Madam President, very briefly, I am old enough to remember going to the movies when they would have a cartoon. They would have sort of a single line to follow the bouncing ball. Most of the other Members here are not old enough to remember those cartoons. But in effect this bill has been like a bouncing ball going back and forth. The distinguished chairman can correct me if I am wrong, but I believe we had 193 items in disagreement in conference that lasted until after midnight. We resolved 192. Both bodies have voted on those. It is time now to realize that the last matter is at an impasse. Let us get the basic bill passed and sent on to the President for his signature and allow this part, at least, of our foreign policy to go forward.

So I support the distinguished chairman in this. I see the superchairman, the overall chairman, on the floor. So I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, very shortly I am going to move to table the underlying Senate amendment, amendment No. 115, which will take with it both the original amendment by Senator KASSEBAUM and the House amendment by Congressmen CALLAHAN and SMITH.

Madam President, I need not talk further about the crisis that we all face today and of the need to resolve the crisis. I am taking a small step to narrow the area of disagreement between the White House and the Congress.

But I want to make it very clear that I speak as a deeply committed, unadulterated pro-life person, and I have cast my votes on this Senate floor scores of times on that issue. I ran a political campaign in my State for reelection when that issue was of paramount importance, and Oregon is considered the most pro-choice State in the country.

So I want it clearly understood that, regardless of my personal viewpoint on this question, I have to look at the fact that we are legislating on an appropriations bill, and we do so regularly.

We have three appropriations bills struggling with this issue of abortion. Not one of these amendments belongs on an appropriations bill. It violates the rules of the Senate. It violates the orderly legislative process.

At the same time, this very issue and this form of the abortion question is already on the foreign relations reauthorization bill adopted by the House of Representatives, by the same authors, which will be here for consideration by the full Senate. That is where the issue should be debated. That is where the issue should be worked out, not on the foreign operations appropriation bill.

I realize that when you get into the position of trying to explain procedure to the public, you are lost. But, nevertheless, this is a fundamental procedural question that we have to consider seriously. Bear in mind we could have a vote on this—and I plan to ask for the yeas and nays—so that everyone will have an opportunity to express his or her viewpoint and to cast a vote. I hope that people vote on the procedural question rather than on the abortion question.

That is probably wishing against all odds, but I do feel that even as a pro-life person I will have to vote to table this amendment that was put on this appropriations bill. I have no desire to further encumber the appropriations process and to further exacerbate the contention that now exists between the White House and the Congress. We have to take some small steps to bridge and to resolve that conflict, and I think we ought to be about the business of resolving it rather than exacerbating the circumstances of conflict.

So we can pass this bill. If we will adopt this tabling motion, we can pass this bill that has been approved by this

Senate before with 90-some votes. It has gone through the conference with very little acrimony. So then we can get this bill down to the White House, and the President, as I understand, has signaled that he will sign this appropriations bill.

We are going to get the Transportation bill down to the White House today. The President has indicated he will sign it. We have cleared up the Treasury-Post Office problem in conference. The House will send that over to us. I hope we can get it down tonight or early tomorrow. The President will probably sign it. And then legislative. We can have 7 of the 13 appropriations bills completed and signed by the President in the next 48 hours.

That is going to make the job of reconciling the so-called balanced budget question—or sometimes referred to as the reconciliation, or the continuing resolution—and the debt ceiling; all these others that we must act upon. I think this will help facilitate those other tasks that we have.

So now I move to table the underlying Senate amendment, amendment No. 115, 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.

Mr. HELMS. Mr. President, when the Senate first considered the amendment in disagreement, regarding abortion funding with foreign aid money, advance notice was given only to those who opposed the House position. Today, no notice was given to anyone. It was I who urged a rollcall vote on the issue.

I urge Senators to support the House position. I heard it mentioned that the Senate already has defeated this language, but that is just not the case. The Senate has never voted directly on this provision and it won't today; previously, it voted on a Kassebaum provision which, in essence, gutted the House provision.

I have heard assertions that pro-life Members refuse to budge on various amendments or provisions. But, Senators should understand that the House position has already changed substantially from its original position in order to meet concerns of the Senate.

The original "Mexico City" language as passed by the House has been modified to cover only foreign private and voluntary organizations. This is an important distinction that Senators on the other side of the aisle ignore.

Furthermore, the provision relating to the U.N. Population Program [UNFPA] was modified by the House in several ways. First, more time was provided to UNFPA to terminate its operations in China, thus allowing it more flexibility. Second, the term "motivate" was redefined so as not to prohibit family planning counseling.

The House has tried to accommodate Senate concerns. It is pro-abortion Senators who refuse to compromise.

And I urge my colleagues to oppose the tabling motion and thereby support the House position.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that the vote begin at 10 minutes to 3.

Mr. LEAHY. Madam President, reserving the right to object, I will not object. So people understand, we are trying to coordinate the schedules of people on both sides of the aisle in doing that. I support the motion to table. I support the unanimous consent request of the Senator from Kentucky.

Mr. SARBANES. Reserving the right to object, can one assume that we will have morning business between now and 10 of 3?

Mr. MCCONNELL. I say to my friend from Maryland that we will be glad to divide the 10 minutes between now and 10 minutes to 3. He takes 5 and we take 5. Is that agreeable with the Senator from Maryland?

Mr. SARBANES. Certainly.

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

Mr. SARBANES. Who controls the time, Madam President?

Mr. LEAHY. If we have 5 minutes on this time and the Senator from Kentucky has 5 minutes on that time, I yield my 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I am prompted to rise because of the comments made by the chairman of the Appropriations Committee with respect to passing appropriations bills and sending them to the President.

It is very important to understand how we find ourselves in this outrageous impasse with the Federal Government closing down and with the ability of the United States to honor its debts cast in jeopardy. The fact of the matter is that, as of this morning, only 3 of the 13 appropriations bills have been signed into law. Only four have been sent to the President. He vetoed the legislative appropriations bill, and that has come back to us, and it will have to be resubmitted.

I hear all of these protestations from my colleagues from across the aisle. But the fact is they have not moved the appropriations process forward. Now they want to hold the President hostage and engage in legislative terrorism. That is exactly what is happening here, and 800,000 Federal employees are furloughed as a consequence of this terrorism. How are people who live from paycheck to paycheck going to meet their mortgage payments or tuition payments for their kids who are in school?

A budget reconciliation package has not even been passed in the Congress. It is not even out of the conference committee. So the President has not had a chance to act on the budget. He

has not had a chance to act on most of the appropriations bills—10 out of 13 as of last night. A couple will be sent to him shortly—hopefully this one that is now before us and a couple of others that we be considered shortly. So the fact is that the Congress has not done its work in sending the appropriations bills to the President for him either to sign or to return to the Congress with his veto.

What is underway is a tremendous coercive tactic to try to force the President to accede to the priorities that are being set by my Republican colleagues with respect to the budget, and that essential priority that is contained therein is deep cuts in Medicare in order to give tax breaks to wealthy people. That is essentially the driving force behind the budget proposal of my Republican colleagues. Of course, the President has indicated he will not agree to that, and now they are trying to use every tactic in the book in order to compel him to do so.

It is an outrage that they have closed down the Federal Government. Clearly, what should have been done is we should have had short-term extensions of the appropriations measures and an extension of the debt ceiling until the remainder of the appropriations bills and the reconciliation measure could be sent to the President. That was not done, and the Republicans are now trying to coerce the President into accepting a set of priorities with which he does not agree.

I oppose that set of priorities and continue to do so. But I must say that my colleagues on the other side of the aisle, you are playing with fire. Standard & Poor's this week issued a strongly worded warning to the Government saying the faith of investors has to some degree been diminished by the threat of imminent default on its debt. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1)

Mr. SARBANES. I am now quoting from the article: "The unusual statement by the Standard & Poor's Corporation, the rating agency, said that it was not reducing the United States' triple A credit rating, the highest grade—and one granted to only about a dozen countries. But it clearly left open that possibility."

And they went on later: "The President of Standard & Poor's \* \* \* said"—and this is a quote of his—"if this were any other country than the United States that we were talking about, we would have put them on credit watch."

That is the fire that is being played with here.

Later, on their own credit line release, Standard & Poor's questioned the Government's willingness to make timely debt service. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. SARBANES. Let me just quote:

Standard & Poor's triple A rating of the U.S. Government is predicated on the dual components of the Government's overwhelming capacity and unquestioned willingness to honor its debt obligations. The U.S. Government's financial capacity to meet its debt obligations remains a worldwide standard based on the size and strength of the U.S. economy. However, the current budget dispute between the President and Congress has raised issues regarding the Government's willingness to make timely debt service.

This is what is at risk regarding the game that is being played here. Most of the appropriations bills have not been sent to the President. Of the 13 appropriations bills, as of yesterday, only 4 had been sent to the President. He signed three of them. Now we are starting to send the remaining appropriations bills to the President. And I approve of that process. I hope we will get the bills down to the President.

Not only have the Republicans failed to pass the appropriations bills, but they have also failed to pass the reconciliation bill. The reconciliation measure is not even out of conference. The conference report has not yet passed the House and Senate. It is not even out of conference.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SARBANES. As one of the Federal employees who had been furloughed said in the morning paper, "It is stupid."

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SARBANES. He said it is stupid. It is stupid. It is stupid, and it ought to stop. Mr. President, he is right.

#### EXHIBIT 1

[From the New York Times, Nov. 11, 1995]

#### S. & P. STRONGLY WARNS GOVERNMENT OF THREAT OF DEFAULT (By David E. Sanger)

WASHINGTON, November 10.—One of the world's leading credit-rating agencies issued a strongly worded warning today to the United States Government, saying that the faith of investors "has, to some degree, been diminished" by the threats of imminent default on its debt.

The unusual statement by the Standard & Poor's Corporation, the rating agency, said that it was not reducing the United States' triple-A credit rating, the highest grade—and one granted to only about a dozen countries. But it clearly left open that possibility if the country failed to meet any of its payments on United States Treasury obligations because of the budget impasse.

In an interview this evening, the president of Standard & Poor's, Leo C. O'Neill, said that "if this were any other country than the U.S. that we were talking about, we would have put them on credit watch," the formal warning the firm issues when a government or company is at risk of having its credit rating lowered.

Mr. O'Neill said that a committee within his firm debated today's statement for nearly two days after it became clear that Congress and the White House were headed toward a showdown. While the warning, which was issued late in the afternoon, itself may rattle the markets early next week, Mr.

O'Neill said that he thought it was important that Government officials understand the implications of a default on the country's solid gold credit rating.

He said that he fully expected that the United States would make full payment on its debts. But the willingness of American officials to talk about the possibility of default has already done lasting harm to the United States' international image as a country willing to pay back what it borrows, he said.

"Even if the issue is resolved in the 11th hour and 59th minute, in some respects the damage has been done," Mr. O'Neill said.

The growing uncertainty in Washington over the budget and the prospect of shutting down the Government and defaulting on the national debt is already rippling through Wall Street. Bond prices fell and the broad stock market indexes slumped as the Democratic White House and the Republican Senate headed into the weekend playing an old fashioned game of chicken. And the price of gold, a traditional haven in times of uncertainty, surged \$3.10, to \$390.50.

The price of the 30-year bond fell as the yield, which moves in the opposite direction, rose to 6.33 percent. The Dow Jones industrial average managed to inch 6.14 points higher, to a record 4,870.37. But the S. & P. 500-stock index slipped 0.54 point, to 592.72, and the broader Nasdaq index fell almost 2 points.

For decades the United States has been the gold standard in the world of investing. Long considered the safest of all investments, Government debt is the yardstick by which the risk of lending funds to other nations or corporations is regularly measured. If Standard & Poor's lowered the nation's rating the result would almost certainly be an increase in interest rates, in order to attract investors to take a marginally higher risk of not being paid back on time. That, in turn, would affect a raft of other rates, including variable-rate mortgages held by millions of American homeowners. Those mortgages are usually based on the interest rate of Treasury obligations.

Politically, the rating agency's action today plays into the hands of President Clinton and Treasury Secretary Robert E. Rubin. Both have warned that Congress was threatening America's creditworthiness around the world by linking an increase in the national debt limit to a number of other Republican budget priorities. But many Republicans and some on Wall Street have dismissed that view, contending that investors see the current threats of default as a political sideshow that has little to do with the United States' ability to pay its debts.

It is still unlikely that the United States is heading for default and any imminent action is doubtful. Mr. Rubin has been extraordinarily cagey in recent days when asked how long the United States can continue to meet its obligations without increasing the \$4.9 trillion ceiling on Federal borrowing.

He has authority—which Congress is trying to strip away—to draw on Federal trust funds that keep their money in Treasury securities. That, in turn, would allow the United States to borrow more to meet its operating expenses and to repay investors. The first big hurdle comes on Wednesday, when the Government must pay \$25 billion in interest to bondholders; another \$44 billion is due the next day.

Standard & Poor's argued today that even without a default, America's reputation among investors was hurting. "Even assuming a debt ceiling agreement is enacted in time to forestall default," the firm said in its statement, "the global capital market's unquestioned faith in the United States Government's willingness to honor its financial

obligations has, to some degree, been diminished by the failure of the Government to act in a timely fashion. As a result, the reduced level of market certainty may require some time to overcome, well after the immediate fiscal dispute is resolved."

That wording almost exactly parallels warnings issued recently by Mr. Rubin, who has said the United States will pay for a default "for years and years to come."

Mr. O'Neill said that he had had no contact with Treasury officials concerning his firm's rating of American debt, or about today's statement. This is the first time Standard & Poor's has issued such a warning. In past debt limit battles, Mr. O'Neill said, "we didn't really believe there was a real threat of default; now, we are concerned that the debate isn't being resolved."

When Republicans and Democrats can bicker over who is at fault, only Standard & Poor's and its competitor, Moody's Investors Service Inc., have the power to issue ratings that are followed by investors around the world. They are viewed as politically neutral, interested only in the question of risk, not the wisdom of various budget-cutting policies.

Moody's issued a less dire warning on Wednesday. It said then that while the odds of a default were low, they were already higher than in 1989, when the United States last faced an impasse over the debt limit.

The effects on the United States Government of a lower rating are clear: some institutions in the world will only invest their funds in triple-A securities. But the effects would also be much larger. Many cities and towns issue debt that is linked to United States securities, and others offer those securities as collateral. Standard and Poor's also warned that "a disruption in U.S. Government debt payments also would have major implications for the liquidity of various financial institutions, money market funds and Government bond funds."

#### EXHIBIT 2

#### S&P HIGHLIGHTS BROAD IMPLIC OF US GVT DBT LIMIT DEBATE

NEW YORK.—Standard & Poor's CreditWire 11/10/95—Standard & Poor's, while maintaining its triple—"A" rating on the United States government, is increasingly concerned about the global financial market ramifications of the current U.S. budget impasse. Even a short-lived default on the U.S. government's direct debt obligations would profoundly impact a broad range of securities and financial market participants.

Even assuming a debt ceiling agreement is enacted in time to forestall default, the global capital market's unquestioned faith in the United States government's willingness to honor its financial obligations has, to some degree, been diminished by the failure of the government to act in a timely fashion. As a result, the reduced level of market certainty may require some time to overcome, well after the immediate fiscal dispute is resolved.

Standard & Poor's triple—"A" rating of the U.S. government is predicated on the dual components of the government's overwhelming capacity and unquestioned willingness to honor its debt obligations. The U.S. government's financial capacity to meet its debt obligations remains a worldwide standard based on the size and strength of the U.S. economy. However, the current budget dispute between the President and Congress has raised issues regarding the government's willingness to make timely debt service. Standard & Poor's continues to regard that fundamental willingness as consistent with the highest credit rating category, but in the midst of the current budget struggle, the threat of delayed U.S. debt

service payments has become a highly charged political tactic.

While the current debate in Washington has focused substantially on the government's ability to honor its debt obligations in the absence of an agreement to raise the existing ceiling about \$4.9 trillion, there are numerous, ancillary debt issues that would also be negatively affected by the failure to reach an agreement. Corollary credit ramifications of a U.S. government default would affect; corporate and municipal agency debt linked to U.S. securities, pre-refunded municipal bonds amounting to \$400 billion, collateralized by U.S. obligations. A disruption of U.S. government debt payments also would have major implications for the liquidity of various financial institutions, money-market funds, and government bonds funds.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President—

The PRESIDING OFFICER. The Chair informs the Senator that the Senator from Kentucky controls the time.

Mr. CRAIG. Will the Senator from Kentucky yield me 5 minutes?

Mr. MCCONNELL. I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. CRAIG. Madam President, I have listened in the last several minutes to my colleague from Maryland talk about tactics that have caused certain financial interests and indicators in this country to react.

There is a clear tactic that has been played out here for the last several weeks by the Secretary of the Treasury saying that if we did not do certain things, the Government will shut down. All the while he was saying that to the American community of financial interests and to this Congress, he knew and we knew that was nothing but a tactic. And yet he went on with the scare game that has been used and is currently being used.

I suggest, if there is a sense of irresponsibility, then the Secretary of the Treasury ought to know that suggesting something that is not real, and that is financial collapse of this Government if we did not pass *x* pieces of legislation when he knew he had the capacity to keep our Government running and to honor its debt structure for the next several months, is in fact the worst tactic of all.

Now the White House is suggesting that they will not deal with us to achieve a 7-year balanced budget under CBO figures. "Nonstart, won't go, can't go," says the President and his men, although the President has suggested in a variety of ways that he could accept a balanced budget in 5 years if we gave him a large tax increase. And he got the tax increase, and now it is 9 years and maybe 7 years, but he is not really sure because he does not really know.

Here is what we know. We know that we are headed down the course of producing a budget for this Government and this country that will balance in 7

years, and that in balancing it in 7 years we will use CBO figures because the President said in the Chamber of the U.S. House of Representatives that they are the ones you can trust, the CBO, so we will use those figures.

Beyond the rhetoric of a balanced budget and CBO, and concurrent resolutions and debt ceilings, what is the reality of what we are trying to do? What is the impact on America? What will the American family achieve or receive as a result of our efforts? I suggest to you that a temporary shutdown in the Government, while it may represent some pain, is a short-term problem to a long-term solution. And that long-term solution is achieving a balanced budget.

That is what we are after, and that is not what this President is after because he is not really sure about where he can get and how he can get there, but we are. We have worked to produce legislation that will achieve just that.

Madam President, a \$500 tax cut to 28 million American families raising 51 million children in this country and having the ability to provide a better lifestyle to assure a college education, that is what our balanced budget is all about. I think it is very clear what we are trying to achieve here—provide a more spendable income to create a better sense of being in this country.

Madam President, a 7-year balanced budget with the tax cuts that are proposed in this, they yield good things for America. Why not suggest that the gross national product should grow by an additional \$10.8 billion by the year 2002? A new study just out by an econometric modeling firm, one of the best in the country, indicates just that, if you have a tax cut along with spending reductions of the kind that we put together into the mix—and that is what we are trying to do—you have an additional \$32.1 billion in real disposable income.

What happens when you put real disposable income out there in the hands of the American consumer and the American family? They buy homes, they save for a college education, they buy a new car, they do all of the kinds of things that we ought to be suggesting to the American family they are entitled to do. This President says, "No. Let's stay with the past, let's stay with spending, let's stay with the big government that has proven itself incapable of dealing with the real needs of America."

That is what we are about here. That is the fundamental argument underway. And I understand what my colleague from Maryland is suggesting. Let me suggest that the long-term benefits of a balanced budget, the kind this President wants to destroy, means real income for America, and real opportunity.

The PRESIDING OFFICER. The Senator's time has expired.

The question now occurs on agreeing to the motion to table the underlying Senate amendment numbered 115. The

yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announced that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 575 Leg.]

YEAS—54

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Hatfield	Pell
Brown	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Kassebaum	Rockefeller
Campbell	Kennedy	Roth
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Simon
Conrad	Kohl	Simpson
Daschle	Lautenberg	Snowe
Dodd	Leahy	Specter
Dorgan	Levin	Stevens
Exon	Lieberman	Wellstone

NAYS—44

Abraham	Ford	Lott
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Breaux	Grams	Murkowski
Burns	Grassley	Nickles
Coats	Gregg	Pressler
Cochran	Hatch	Santorum
Coverdell	Hefflin	Shelby
Craig	Helms	Smith
D'Amato	Hutchison	Thomas
DeWine	Inhofe	Thompson
Dole	Johnston	Thurmond
Domenici	Kempthorne	Warner
Faircloth	Kyl	

NOT VOTING—1

Lugar

So the motion to lay on the table the amendment (No. 115) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

Mr. LEAHY. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senator is correct.

The Senate will be in order.

The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me describe where I believe we are on the foreign operations bill as of this motion to table.

According to the Senate Parliamentarian, based on precedence, beginning in 1898 and in subsequent votes as recently as 1984, either House has the option to recede on its amendment. Based on discussions with the Parliamentarian, it is my understanding that by tabling amendment No. 115, we have, in effect, receded our position on both the Kassebaum language and the Chris Smith language leaving no further amendments in disagreement.

This means no further action is required by the House on the foreign operations appropriations bill, unless it chooses to, and it can be enrolled by the House and sent to the President, again, if the House should choose to take that route.

I thank my colleagues, and I hope we have completed our action on this legislation.

Mr. LEAHY. Mr. President, I concur with the analysis of the Senator from Kentucky. I point out, as I did earlier, the Senator from Kentucky and I went into this conference with 193 items in disagreement; we settled 192, after a great deal of work, a lot of informal conferences, and a formal conference that went well after midnight. This was the only item, and this is the only way to take care of it, frankly.

The Senate has spoken loudly and clearly on this, and it is a good compromise between both bodies. Let us get off this subject. The issue can come up on authorizations bills, where it belongs, not on appropriations bills, and we can go on with the business of the Senate.

The only way we are going to get out of the real budget problem we have, when people are out of work and everything else, is to pass the appropriations bills. Here is another 1 of the 13 appropriations bills that could go to the President. If he signed it, that would be 3 of the 13 appropriations bills signed, with only 10 more to go, and we are out of this problem.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, let me say that, hopefully, within the next minute or two, we can call up another conference report—the Treasury, Postal Service appropriations bill. As I understand it, the Senate papers are on the way up.

The PRESIDING OFFICER. That is correct.

#### TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference on H.R. 2020 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to

the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 25, 1995.)

Mr. DOLE. 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. 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 thank the Chair for recognizing me.

Mr. President, in a few moments it is my understanding, according to the majority leader's request, that we are about to begin consideration of the conference report on the Treasury-Postal appropriations bill. That is my understanding. I think that will be coming to the Senate floor in just a very few moments.

Mr. President, I want to remind my colleagues respectfully, notwithstanding the fact that the Senate in a voice vote knocked out a provision which was in the bill that came over from the House of Representatives, this provision has now been put back in during the conference between the House and Senate, and the final conference report including this provision is going to be voted on in a few moments by the Senate.

Here is what this provision does: For the first time—for the first time—in the history of this great Republic, we are going to grant the authority for the Internal Revenue Service to privatize tax collections—for the first time.

There are no guidelines. There are no ethics rules. There are no laws or regulations that pertain to this at this point. But we are going to be saying that we are going to put \$13 million in for a pilot project to see how much law firms, lawyers, and private bill collectors can go out and collect from people who owe the Internal Revenue Service money.

This was tried a few years ago, as far back as the ancient Greeks. Actually, this led, I might say, to this practice being labeled as "tax farming." These tax farmers, Mr. President, became so very unpopular that ultimately they were beheaded. There is a lot written about this. There is a lot stated about this.

We are about to commit the act of not recognizing our history nor realizing what this could do in the future of tax collections in this country.

I have been advised, Mr. President, by those with great experience in parliamentary procedure—certainly greater than myself—that it will be impossible for this Senator or any other Senator to move that we recommit the conference report with instructions to the conferees. The reason is that there is no conference—the conference has disbanded. That is my understanding

at this point. I hope I am wrong about that, but I think I am correct.

Second, I then thought perhaps I would try something like a sense of the Senate or perhaps some other avenue of approach so that we could strike from this bill that particularly onerous provision that is going to send this country stepping toward tax farming and tax collections by the private sector against our own citizens.

Mr. President, I have been advised that there is nothing that I can do at this moment to strike that provision, with the exception of just trying to talk about it and wait for another provision in another piece of legislation subsequent to this at the appropriate time.

In a moment, I will continue this discussion. I will continue talking about why I think this is a very, very bad step, a dangerous step, a precedent-setting step, wading off into an area where we have no guidelines, no ethics protection, no protection for confidentiality to protect the taxpayers, something that I hope at the appropriate time we can strike from this particular piece of legislation.

I thank the Chair for recognizing me. I yield the floor.

Mr. MCCAIN. Mr. President I want to take 1 minute to thank both the managers of the bill, Senator SHELBY and Senator KERREY.

I often am critical of appropriations bills that come to the floor because of unnecessary and wasteful spending that is associated with it. I want to say that I have reviewed this bill, and with a very rare exception, this bill is clean of wasteful and unauthorized programs.

I think it is probably the best piece of legislation in the appropriation cycle that I have seen. I want to express my appreciation to both Senator KERREY and Senator SHELBY for resisting what seems to be irresistible on the part of some members of the Appropriations Committee, and that is loading it up with unauthorized projects and other special interest programs.

I want to again thank him for an outstanding piece of legislation. I yield the floor.

Mr. BUMPERS. Mr. President, I see Senator SHELBY is not here, and I assumed we were not ready to start in on this bill. I thought I might make a few remarks pending his arrival.

Mr. KERREY. I would like to begin. I know Senator SHELBY will be down here shortly.

How long will the Senator speak?

Mr. BUMPERS. You never know when I get wound up.

Mr. KERREY. I am aware of that. The Senator from Alabama is coming to the floor.

Mr. BUMPERS. Is there a time agreement on the bill?

Mr. KERREY. I believe they are going to try to set the time for the vote at 5 o'clock, and I doubt that Senator SHELBY and I are going to take a great deal of time in opening statements.