

would not want to have a report submitted to the Congress about the impact of his provision, or, for that matter, why he would not want assurances from the Secretary of Defense, that his provision would not detrimentally impact on the ability of the U.S. Armed Forces to defend themselves.

Mr. President, in his remarks on the Senate floor on the deployment of United States Armed Forces to Bosnia, the Senator from Vermont raised concerns about the great number of landmines that are in and around Bosnia. I might point out that this conference report contains \$20 million for humanitarian demining activities, and \$20 million that would provide for advanced detection systems to find mines, so they do not pose such a great threat to our Armed Forces, and the forces of our allies, as well as innocent women and children. These provisions would be lost if the conference report is not adopted.

Mr. President, I hope common sense will prevail in this matter and that the Senate will approve this conference report.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the conference report to the Defense authorization bill.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I know the chairman is on the floor and prepared to enter into debate or discussion, whatever. There may be Members opposed to the conference report. If they would like to speak, we would like to have them come to the floor and do that. As I understand, we are not able to get a consent agreement on when the vote will come. We hope it will be tomorrow morning.

I know today is a holiday, so there will be no votes today, and I know that tends to increase the absentee rolls.

In any event, I am going to recess subject to the call of the Chair, and we will stay in touch with the chairman of the committee. If there are those who desire to speak on this matter, they can certainly be able to come back into session very quickly.

Before I do that, I will say the President has now vetoed this morning the Interior appropriations bill and the VA-HUD appropriations bill. What he said to the 133,000 Federal workers who are covered by the Interior appropriations bill is, "You can't come to work."

What he said to the 293,000 Federal employees that are covered by the VA-

HUD bill is that "You can't come to work." And later today, I understand he will say to 194,000 Federal workers who are covered by Justice, State, Commerce, that, "You can't come to work."

With the stroke of a pen, all of these Federal employees could have been back to work today. They could have been back to work yesterday or the day before and we would not have had a shutdown for that many, because he has had the bills on his desk.

I always said until the Congress sent him the bills, we had to share the blame. But he has had these bills and he has vetoed them with some of the usual rhetoric coming from the White House these days, surrounded by little children saying we were about to endanger the lives of millions of children with the toxic waste dumps and all the exaggerated rhetoric they can think of in the White House. The result is that people, Federal employees, right before the holidays, are not going to be able to go back to their work because of President Clinton's veto. That is all it is. He had the bills. He could have signed the bills and the people would have been working and assured nothing would happen until the end of the fiscal year next October.

So I am disappointed that President Clinton is again playing politics instead of looking at the policy. It seems to me that he is making matters more and more difficult. He refuses to talk seriously about a 7-year balanced budget which most Americans would like to accomplish, and now he is vetoing appropriations bills which would put Federal workers back on the job because he said the cuts are too deep.

Again, it is the same old deception: Scare the American people, scare the children, scare the senior citizens, scare the veterans, tell everybody the sky is falling in, do not talk about the balanced budget, do not talk about the fact we would lower interest rates 2 percent. It means you would pay less for a student loan, a car loan, farm loan, machinery loan, whatever.

These are the advantages of a balanced budget over 7 years. That is why Republicans are insisting, because we believe most Americans, regardless of party, want us to balance the budget. In fact, most do not understand why it is going to take 7 years. They would rather do it in 3, 4, 1, or 2 or 5 or 6. But we have agreed on 7 years. The President has agreed on 7 years.

But ever since he agreed on that some 27 days ago, he has been backing away from it, confusing the American people with different numbers and different scenarios. I really believe unless we can accomplish something serious by Friday, it is probably not going to happen this year.

I am not in a position to announce the schedule for the balance of the year, but the balance of the year is about here.

New Year's Eve is not far off. I assume we will be here because we have

a number of items we would like to take up. We do want to get to the budget agreement yet this year. I do not believe it will ever happen unless the President—who is the President—exerts the leadership and calls the majority leader of the Senate and the Speaker of the House of Representatives and asks us to come to the White House and sit down, without staff, without press, and say, OK, let us work this out, let us agree to some parameters, the three of us, and let us have other people come in and put the details together. If he would do that, I think we can probably make some progress.

We have waited now for several days. The President certainly could find a telephone when he had a problem with Bosnia. He knew how to reach a lot of us. I wish he could use the same determination when it comes to balancing the budget.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:20 p.m., recessed subject to the call of the Chair.

The Senate reassembled at 3:08 p.m., when called to order by the Presiding Officer [Mr. KEMPTHORNE].

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996—CONFERENCE REPORT

The Senate continued with consideration of the conference report.

"NO" VOTE ON DEFENSE AUTHORIZATION

Mr. LEVIN. Mr. President, I will reluctantly be voting against the Defense authorization bill—reluctant, because I know of the hard work which many Members, particularly the majority side, put in on this bill, the fact that this is the first Defense bill under the leadership and the guidance of our chairman, Senator STROM THURMOND.

I will vote against the bill for reasons which I will set forth this afternoon. A few months ago when I voted against the Senate version of the bill, I said that the bill was out of step with our real security requirements. The conference report is even worse in that regard, and it is worse in a number of ways which I will illuminate in the next few minutes.

It is not a good-government bill. It is not a responsible bill. It is not arrived at in the bipartisan fashion that has long characterized legislation in this area. The Senate should reject it, and if it goes to the President he should veto it. As a matter of fact, I have been informed that he will veto it.

The conference report is out of step with the priorities of the Joint Chiefs of Staff, the Secretary of Defense, the President, and I believe the Nation. It is as fiscally irresponsible as the Senate bill was, and the conference made

it worse, authorizing more weapons not requested by the Pentagon and adding provisions that I believe are bad-government provisions.

The Senate version of this bill, at least, did not contain funding for more B-2 bombers; it did not contain funding for F-16's and F-15 fighters because the Pentagon did not request them, does not need them, and cannot afford them, but the conference report funds these three items alone for a total of more than \$1 billion. There is no plan to pay for the bow wave that these programs would create in future years, and there is no money to pay for them. That does not even count the over \$2 billion added for just two ships not requested by the Defense Department, nor does it include numerous other examples of excessive and unrequested spending.

One area I will highlight a little later is ballistic missile defense. This was the most contentious effort in the conference and one which I believe has the most profound security consequences for our Nation. I am sorry that this conference report contains an outcome that is unwarranted, unwise, and unacceptable. It would require, if adopted and if it became law, the United States to deploy a national defense system—I emphasize the word “deploy”—by the year 2003, without consideration of the threat, without consideration of what the military effectiveness of such a system would be after it is developed, without consideration of what it might cost after its development, without consideration of what its impact might be on United States-Russian relations at the time of a deployment decision.

This conference report requires us, now, to commit ourselves to deploy an ABM system. Now, that decision is going to jeopardize our relationship with Russia. It is going to jeopardize the nuclear weapons reductions which are required in the START II Treaty.

First, however, let me spend a few minutes on the B-2 bomber. The original Senate position, which was based on a strong bipartisan vote, was to provide no additional funds for more B-2 bombers. There were no additional funds for the B-2's, and the appropriations bills in the Senate had no additional authorization for the B-2's.

Does that mean there was overwhelming House support for adding B-2 bombers? Not really. The House barely had a majority in separate votes for more money for the B-2's, but there it is in the conference report—more money for B-2 bombers.

The \$500 million in the conference report for additional B-2 money is just the downpayment on a program which will eventually cost more than \$30 billion. That money will have to come out of other programs that are of a higher priority to our Defense Department. Both Secretary Perry and General Shalikashvili have been very clear on that point.

The ill-advised conference item on the B-2's is in spite of the fact that the Pentagon issued two separate and com-

prehensive reports, both of which demonstrated that we do not need more than 20 B-2's, and our limited funds would be more wisely spent on precision-guided munitions for our planned fleet of bombers and our tactical aircraft.

The industrial base study made it clear that even if we stop producing B-2's now, we would be able to produce them again in the future if it were deemed necessary at some future time, but that is deemed unlikely. There is no need to keep a production line warm. We can reinstate production in the future, we were told by the study, should the need arise. We put a downpayment of \$500 million on a \$30 billion program that the Pentagon has not asked for, does not need, and cannot afford.

In the area of ships and submarines, the conference report actions in those areas are also objectionable. For reasons that are unknown to any Democrats, as far as I know, on the Armed Services Committee, the majority decided to create a special congressional panel just to consider submarine issues. That strikes me as being unwise and almost bizarre.

The Armed Services Committee already considers all areas of the defense budget, weapon systems, including submarines, in its normal oversight process. There is no need to establish a new congressional panel to look at submarines. If we can work on a bipartisan and cooperative manner, we will get the job done in the Armed Services Committee. We have done it in the past, and there is no reason we cannot do it on submarines. We do not need a new panel to take a look just at submarines the way the conference report provides.

The conference report earmarks the shipbuilding and ship maintenance work in a totally unacceptable way. We are throwing out standards of competition, cost effectiveness, and good government when we do this kind of earmarking. We will be wasting taxpayers' money because we dispense with standard safeguards for fiscal responsibility and procurement. There is no excuse for us to do that other than it is politically easier to do that, to divide it up here, but in terms of the competition which gets us the better price, what we have done is bypassed the usual procurement rules and earmarked money in this area.

The conference report also represents a setback when it earmarked the National Guard and Reserve equipment procurement money. This year, in marked contrast to previous years, the conference report specified exactly what equipment the Guard and the Reserve shall buy. This was the opposite of what the committee originally voted to do, but it reversed itself during the committee deliberations.

Our committee led a good-government initiative over the last several years to move away from the earmarking of Guard and Reserve equip-

ment by using generic categories of equipment that would ensure that the Pentagon and the Guard could buy the items that best fit their priorities and requirements rather than having to accept the equipment shown, often on the basis of home State interest of the Members of Congress.

Last year, our Armed Services Committee was totally generic when it came to buying equipment for the Reserve and the Guard. This year, we marked the equipment. Now, in the past this was an area of tension between the authorization committee, which was trying to stay generic, and the Appropriations Committee, which was specifying its preferences. This year the roles were reversed. The Appropriations Committee did the right thing this year, used generic categories, while the authorizer, our committee, reverted to earmarking equipment.

I hope the Armed Services Committee will reconsider this approach and be persuaded to return to the good-government approach, which is the generic approach, which will avoid the temptation which we all face of earmarking these purchases in ways that benefit our own home state Guard and Reserve or our home State industrial base.

Now, it was a curious issue in our committee deliberations because a bipartisan majority of the committee Members originally favored going the generic route, and we voted to do so. But on a party-line vote, the majority decided to choose specific equipment items, and that was done despite the fact that the National Guard bureau made it clear that it prefers the generic approach so it can meet its most pressing needs.

I met with General Baca, chief of the National Guard Bureau, to make sure that I was clear on this point, and he reinforced the point that their preference is to have these authorizations and appropriations made on a generic basis.

I offered an amendment on the floor that we stay with the generic approach of the last few years, and I think that before the vote came up, we were very close to a bipartisan agreement that we do this on a generic basis. But, at the last minute, that approach was not adopted. I hope the Armed Services Committee does return to the generic approach, despite the temptations of doing earmarking which, again, I think all of us—or most of us—can understand.

Now, on ballistic missile defense, I want to focus on these provisions just a little longer because they are so significant to our security and because the provisions in the conference report are such a departure from what the Senate has already adopted by a wide margin. The ballistic missile defense provisions alone warrant a veto, and the President has said that he will veto this bill, in part because of the ballistic missile defense provisions. The conference report before us contains the

following provisions that are unacceptable. These are some of the unacceptable provisions.

First, "It is the policy of the United States * * * to deploy a National Missile Defense System."

Second, the conference report mandates that the national missile defense system "shall achieve an initial operational capability by the end of 2003."

Those are the words in the conference report. So it would commit us to deploy a system and to do so by the year 2003, and both of those commitments are significantly different from what we decided to do in the Senate and what we did in the Senate on a very strong, bipartisan vote. In the Senate bill, which was the result of literally weeks of effort, discussions and negotiations, what we said we would do would be to develop, so that later on we could determine whether or not to deploy, a national missile defense system. We did not set the date for the initial operating capability, the IOC. What we said is that Congress would, prior to any decision to deploy, participate in the decision as to whether or not we would deploy that system.

In the making the decision, we could take many things into consideration which we now do not know. What would be the cost of such a system? How militarily effective would it be? What would the threat be at that time? What would the impact be on United States-Russian relations, including the impact on the ABM Treaty? And what would the prospects be at the deployment decision point after this were developed for that purpose—what would the impact be on the antiballistic missile agreement?

All those things, critical security issues involving relationships with the other country that has a larger number of nuclear weapons, including the military effectiveness, including what the cost would be, including what the threat would be, all of those critical items of information not now available would be available at the time a decision were made later whether or not to deploy the missile defense system.

In order to put ourselves in a position where we could make that decision on an intelligent basis, we would develop a national missile defense system. What this conference report does is it makes it the policy of the United States to deploy and to deploy by a particular year, regardless of what the threat might be at the time when we are in a position to deploy, regardless of how much it costs us at that point, regardless what the impact is on United States-Russian relations, regardless of whether or not it destroys the START II agreement under which thousands of nuclear warheads are being dismantled.

This conference report, in that regard, it seems to me, not only jeopardizes our security but violates some basic common sense.

The Foreign Relations Committee just reported out by a unanimous vote

a strong resolution on ratification of the START II agreement. That START II agreement, which we are going to be voting on in the Senate in the next few days, can achieve the reduction of thousands of nuclear warheads that otherwise do provide a horrific threat to the United States. It is clearly in our security interests to secure those reductions in nuclear weapons which for decades threatened our security. It is clearly in our interest to eliminate some of the most dangerous nuclear systems from the cold war era.

About 4,000 Russian nuclear warheads would be eliminated so they will never become a threat to us again. Then, we will not have to rely on a ballistic missile defense system to shoot down that number of Russian warheads in flight, but, rather, those warheads would be eliminated, removed from their weapons systems, dismantled, and the nuclear material disposed of. They will never be part of an arsenal which can threaten us. That is a security guarantee that no ballistic missile defense system could ever achieve at any cost.

So, eliminating nuclear weapons, thousands of nuclear warheads under arms control treaties like START II is cost effective, it is certain, it guarantees an enhancement to our security, unlike the effort to build a defensive shield against those missiles, particularly if the commitment to build such a defense would violate a treaty that is essential for the passage of the START II Treaty in Russia.

We have been told directly by Russian parliamentarians, we have been told by the Russian Government, that if we jeopardize the ABM Treaty, if we threaten to deploy a system in violation of an agreement which has provided security to both sides and which they feel is significant to them, that it is unlikely they will ratify the START II agreement in their legislative body, their Duma.

We have been told that. We read about it, but we also have been told personally by Russian parliamentarians that if we jeopardize the ABM Treaty, we cannot expect them to ratify the START II agreement which will reduce the number of nuclear weapons if they are going to have to face defenses, if they ever were in a position where they were attacked and felt they had to use these weapons. That is what the ABM Treaty is all about. Whether you like the ABM Treaty or you do not like the ABM Treaty, or whether we should modify it through negotiations or not modify it through negotiations in order to permit the deployment of a defensive system, what seems very likely—and I will say factual, or almost certainly factual—is that that Russian Duma is not going to reduce the number of their weapons and not ratify START II if we commit ourselves to deploy a defensive system.

We have been trying to get the START II Treaty voted on in this body prior to the time the Senate adjourns for the year. Many of us have actively

sought to get the START II Treaty on the floor of this Senate for a vote this week. I think we are going to succeed. The majority leader has made a commitment that we will vote on the ratification of START II. I believe that commitment is that he will bring that agreement, that treaty to the floor this week, prior to adjournment, if my memory serves me correctly.

This was after a long delay where the treaty languished in the Foreign Relations Committee for a number of unrelated reasons. This is a Christmas gift to this Nation, if we can ratify START II.

We could reduce by thousands the weapons in the inventory of each side if we could just get START II ratified here and if we can get it ratified there. I am confident that the Senate is going to give its advice and consent to ratify the START II Treaty because it is so clearly in our national interest to do so. But if we ratify here and the Russians do not ratify it because at the same time we are ratifying START II, we are threatening the ABM Treaty's existence through this conference report language which says we will deploy—and it is the policy of the United States to deploy—a system which violates the treaty which they believe is essential in order for them to reduce the number of weapons in their inventory, we are doing two inconsistent things in the same week: We would be ratifying START II here but jeopardizing the ratification of START II over in Russia.

As Senator NUNN has pointed out, the provisions on the National Missile Defense that are in this conference report were beyond the scope of any legislation that was passed by the House or the Senate. Both the House and the Senate in their defense authorization bill passed language which contains ballistic missile defense provisions, but they are not the provisions in the conference report.

The Senate bill had provisions that were carefully crafted after a great deal of hard work by a bipartisan group of negotiators. Again, the Senate bill said that we would develop a system—we would develop a system with emphasis on the word "develop"—for deployment and that Congress would have a chance to review the program prior to a decision to deploy it—emphasis on the words "prior to" and "decision to deploy."

In that review by Congress, we would look at cost, operational effectiveness, the threat on the implications of the ABM Treaty and on United States-Russian relations. Our Senate bill also said that the program should be conducted in conformance with the ABM Treaty. That package was accepted by the Senate by a vote of 85 to 13. Only one Republican voted against it. The majority leader voted for it. The chairman of the Armed Services Committee voted for it. Every Republican but one, the senior Senator from New Hampshire, voted for that conference report. We

got a product that was supported by a large majority of this body and by the President.

I was one of the four negotiators. We reviewed every word in that negotiated product very, very carefully. It took, as I mentioned, weeks—offers, counter offers, debate, and exchanges of documents. We finally came up with a compromise. Eighty-five Senators voted for it.

What happened in conference is that, first, the majority leader wrote a letter saying that he supported language which would require us to deploy. That certainly was, I think, almost unprecedented—that the majority leader who picked the negotiators, or, at least, if he did not pick each negotiator, was the one that urged we go down that road to negotiations, and then voted for the negotiated product, but then after the negotiated product was adopted by the Senate wrote a letter to the conferees saying, do not support the product of the U.S. Senate and instead require the deployment of a missile system.

I was very disappointed, and not just about the authority view on the conferees in deciding that they were going to commit themselves to deploy, but I was frankly disappointed in our majority leader in writing that letter to the chairman of the Armed Services Committee stating that the conference must result in a commitment to deploy the ballistic missile defense system and to mandate a deployment of a multisite BMD system by the year 2003.

Many times during these negotiations and discussions in conference, Senator NUNN urged that the best basis for reaching an agreement with the House would be to start with a Senate-passed bipartisan compromise, but those suggestions were not accepted.

That is how we ended up where we are with this bill. It contains some provisions that are totally unacceptable to, I think, almost all of the Democrats and I believe also to some Republicans about the ballistic missile defense requiring deployment of a system of unknown cost, unknown impact on United States-Russian relations, unknown military effectiveness, and requiring deployment of that kind of a system by the year 2003 against the threat which our intelligence community does not even believe will materialize at least in this decade.

Mr. President, I ask at this time that the full statement of administration policy dated December 15 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC.

Statement of Administration Policy.

(This statement has been coordinated by OMB with the concerned agencies.) December 15, 1995 (Senate)

H.R. 1530—National Defense Authorization Act for Fiscal Year 1996 Conference Report.

Senators Thurmond (R) SC and Nunn (D) GA.

If the Conference Report on H.R. 1530 were presented to the President in its current form, the President would veto the bill.

The Conference Report on H.R. 1530, filed on December 15, 1995, would restrict the Administration's ability to carry out our national security objectives and implement key Administration programs. Certain provisions also raise serious constitutional issues by restricting the President's powers as Commander-in-Chief and foreign policy powers.

The bill would require deployment by 2003 of a costly missile defense system to defend the U.S. from a long-range missile threat which the Intelligence Community does not believe will ever materialize in the coming decade. By forcing an unwarranted and unnecessary National Missile Defense (NMD) deployment decision now, the bill would needlessly incur tens of billions of dollars in missile defense costs and force the Department of Defense (DOD) prematurely to lock into a specific technological option. In addition, by directing that the NMD be "operationally effective" in defending all 50 states (including Hawaii and Alaska), the bill would likely require a multiple-site NMD architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued Russian implementation of the START I Treaty and Russian ratification of START II, two treaties which together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

The bill also imposes restrictions on the President's ability to conduct contingency operations that are essential to the national interest. The restrictions on funding to commence a contingency operations and the requirement to submit a supplemental request within a certain time period to continue an operation are unwarranted restrictions on the authority of the President. Moreover, by requiring a Presidential certification to assign U.S. Armed Forces under United Nations (UN) operational or tactical control, the bill infringes on the President's constitutional authority.

In addition, the Administration has serious concerns about the following: onerous certification requirements for the use of Nunn-Lugar Cooperative Threat Reduction funds, as well as subcaps on specified activities and elimination of funding for the Defense Enterprise Fund; restrictions on the Technology Reinvestment Program; restrictions on retirement of U.S. strategic delivery systems; restrictions on DOD's ability to executive disaster relief, demining, and military-to-military contract programs; directed procurement of specific ships at specific shipyards without a valid industrial base rationale; provisions requiring the discharge of military personnel who are HIV-positive; restrictions on the ability of the Secretary of Defense to manage DOD effectively, including the abolition of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Director of Operational Test and Evaluation; and finally the Administration continues to object to the restrictions on the ability of female service members or dependents from obtaining privately funded abortions in U.S. military hospitals abroad.

While the bill is unacceptable to the Administration, there are elements of the authorization bill which are beneficial to the Department, including important changes in acquisition law, new authorities to improve military housing, and essential pay raises for

military personnel. The Administration calls on the Congress to correct the unacceptable flaws in H.R. 1530 so that these beneficial provisions may be enacted. The President especially calls on the Congress to provide for pay raises and cost of living adjustments for military personnel prior to departure for the Christmas recess.

Mr. LEVIN. Mr. President, a portion of that statement of administration policy says the following in opposition to the conference report:

The bill would require deployment by 2003 of a costly missile defense system to defend the U.S. from a long-range missile threat which the Intelligence Community does not believe will ever materialize in the coming decade. By forcing an unwarranted and unnecessary National Missile Defense deployment decision now, the bill would needlessly incur tens of billions of dollars in missile defense costs and force the Department of Defense prematurely to lock into a specific technological option. In addition, by directing that the National Missile Defense be "operationally effective" in defending all 50 States, the bill would likely require a multisite National Missile Defense architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued Russian implementation of the START I Treaty and Russian ratification of START II, two treaties which together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

CONCLUSION

Mr. President, on no set of issues is bipartisan cooperation more important than in the area of national security. We need not all agree on every issue, but we must strive to work together in a bipartisan spirit. We have a broad spectrum of views on the House and Senate Armed Services Committees, but we have a long history of working together, across party lines to try to put together the best bill we can. Regrettably, the conference this year fell short of that objective both in process and in spirit. Too many of these contentious issues were left to only majority staff of the two committees to hash out, and months passed without resolution. By that time, the defense, military construction, and energy and water appropriations bills had been passed and enacted. I urge the leadership of both the House and Senate committees to reexamine what transpired and accelerate the learning process so that next year, and I stand ready to work with them to try to restore the tradition of cooperation on the Defense authorization bill.

Mr. President, I yield the floor.

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. BUMPERS. 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. BUMPERS. Mr. President, I ask unanimous consent that I be permitted

to speak for 15 minutes as if in morning business.

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

THE BUDGET PROCESS

Mr. BUMPERS. Mr. President, I am not on the Finance Committee. I am not on the Budget Committee. Through Democratic caucuses and studying the budget documents, I have been trying to follow this budget process. I have been an avid student of what is going on.

I have been in the U.S. Senate 21 years. I am absolutely incredulous. I cannot believe what Congress is doing with charge, countercharge. Members of Congress are worrying about who is winning in the polls and who is losing in the polls. But I must say I am amazed that the Republicans absolutely refuse to provide a continuing resolution while we try to work this out. I cannot understand this steady objection to keeping the Government going while we fight about how we are going to balance the budget. How do you explain to the people back home that you are trying to balance the budget when you send 250,000 employees home and say, "Not to worry, you are going to be paid anyway"? Can you believe that we told 250,000 Federal employees this morning not to show up for work and "you will be paid anyway"?

The only reason the people on my staff are going to be paid now, which they were not in the first Government shutdown, is because we passed and the President signed the legislative branch appropriations bill.

Mr. President, we are also seeing what is almost tantamount to a constitutional amendment without voting on it. The Constitution says, essentially, that a bill passed by the Congress shall be presented to the President and if the President approves it, he shall sign it. And if he disapproves, he will not sign it or he will veto it. For 205 years in this country, the President has signed or vetoed bills that were sent to him by the Congress, and the Congress either overrode the veto or they did not. If they did not have the votes to override the veto, then Congress went back to the drawing board trying to meet the President's objections in order to get a bill to him that he would sign.

That has been the procedure under the Constitution for over 200 years, and now we have a totally new procedure. And that procedure is that if the President vetoes a bill and there is a majority of one party in the Congress that takes exception to that veto, but not a big enough majority to override the President's veto, Congress shuts the Government down. Teach that President a lesson. How dare he veto a bill when the opposing party is in control of the Congress. President Clinton has correctly characterized this as a gun to his head.

Republicans are not trying to override the veto. Nobody has brought the reconciliation bill back here for revision after the President vetoed it. We shut the Government down—twice. Twice within 2 months we bring the Government to a halt in such a needless, irresponsible way. The budget does not have to be approved tonight. It does not have to be approved between now and January 15, although it almost certainly would be approved by January 15.

There are a lot of people across the land who are saying "a pox on both your houses." Lord knows, I understand that. As I read this morning's account of this woman in Vermont who has a part-time job making \$85 a month and trying to stay off welfare because she deplores it, but who, in the past, has received a little Federal help under what we call LIHEAP, low-income energy assistance program. This woman said she wore four sweaters to try to stay warm so she could keep the heat as low as possible, but I think she said she is going to run out of fuel next week and she does not have one farthing to buy new fuel. The fuel supplier—and I certainly understand his position—says, "We cannot afford to extend credit to these people. We are not rich. We are just out there selling fuel trying to make a living."

Would you believe that 10,000 people in the city of Chicago alone have been refused and shut off from any additional gas because they cannot pay their bills? That is 10,000 homes in the city of Chicago alone. Last year there was \$1.3 billion in this program, Mr. President. The people of the Northern States are running out of money and fuel.

Why? So we can preserve a \$245 billion tax cut for the wealthiest people in America. It makes Marie Antoinette look positively compassionate.

There is the great novel James Baldwin wrote entitled "Go Tell It On The Mountain," a young black man growing up in the South during the Depression, and he talks about a big dinner on the ground. He said these preachers would get up after their stomachs were full and talk about how many people they had saved, and the central character in this book was saying they talked about saved souls in the way you would talk about ears of corn being lopped off the stalk. And he took a vow, because he wanted to be a minister, that he would never take the gift of God so lightly.

Do you know what happened in the book? As time went on, the central character became a preacher, very good at his trade, and the first thing you know he, too, was talking about saving souls like so many ears of corn being lopped off the stalk.

There are two morals in that. One is that we all have a tendency to take ourselves too seriously and get to believing that somehow or other we have all the solutions. But the other moral is that people who are cold are like lost souls. They are real human beings.

In this case, they are real human beings who are suffering. Why are they suffering? Because of us. All so we can have a \$245 billion tax cut. That includes a capital gains tax cut, which would be good for me and just about every other Senator in this body, each of whom makes in excess of \$133,000 a year. We will get a tax cut. People making less than \$30,000 a year will see their taxes go up.

The interesting thing is we are always standing on the floor of the Senate pontificating about what the American people want, especially when we think the American people want what we want. I heard people time and time again saying that people want a tax cut. The truth of the matter is, they do not. Look at this chart. This shows 10 polls asking whether Americans prefer tax cuts or deficit reduction: USA Today/CNN/Gallup in December 1994; New York Times/CBS in January 1995; Wall Street Journal/NBC in January 1995; Washington Post/ABC in February 1995; Times/Mirror, February 1995; Wall Street Journal/NBC, March 1995; Los Angeles Times, March 1995; USA Today/CNN/Gallup, April 1995; the New York Times/CBS, April 1995; New York Times/CBS, October 1995.

In every single one of them, a majority of people said, "Do not cut taxes until you balance the budget." Congress is supposed to at least be mildly responsive to what the American people believe.

Mr. President, let me add something interesting about this last New York Times/CBS poll taken in October 1995. I hope all my Republican friends are listening. The national polls showed that overall, 60 percent of those surveyed did not want a tax cut until after the budget was balanced, 35 percent did. But among Republicans surveyed, the figure was 68 to 30. Well over 2 to 1 of Republicans said do not cut taxes until you balance the budget.

So how did this huge tax cut proposal come to be? Well, the Budget Committee asked CBO to make a study and say, if we get a balanced budget by the year 2002, how much will we save in interest costs and other dividends from a balanced budget?

CBO said, "\$170 billion." So how did we decide to use that fiscal dividend? Use it to soften Medicare cuts? No. Medicaid, our health care system for the poorest of the poor, one-half of which are children? No. Education? No. Environment? No. Earned income tax credit? No. The Budget and Finance Committees said, "Oh, \$170 billion dividend for balancing the budget. Let's give that and another \$75 billion to the richest people in America in the form of tax cuts."

If you have not seen Kevin Phillips' recent article, I recommend it to everybody. He is no bleeding heart liberal. He points out what happened in 1981. If we followed the Reagan prescription of cutting taxes, we were told, we would generate so much economic activity we would balance the