

We discussed some very difficult issues. The hard decisions have not been made yet, but I guess without being too specific, it is fair to say, at least right now, the attitude of everyone is very positive, and I hope that we can do what the American people want us to do, and that is come to some agreement which will balance the budget over the next 7 years, using Congressional Budget Office numbers.

If we can do that—it may be painstaking, it may interrupt holiday schedules for some, but it will be worth it in the long run. So I certainly want to thank all of my colleagues and members of our staff who have been working this past week and will be working next week in an effort to bring about a balanced budget over the next 7 years.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to House Joint Resolution 136, a continuing resolution just received from the House; that the joint resolution be read a third time and passed; and that the motion to reconsider be laid upon the table.

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

So the joint resolution (H. J. Res. 136) was read the third time and passed.

PERMITTING FEDERAL EMPLOYEES TO RETURN TO WORK

Mr. DOLE. Mr. President, while we are waiting, I will just say we have been trying to find some way that would permit Federal employees around the country to come back to work without enacting another continuing resolution. It is costing \$40 million a day because we are going to pay the Federal employees. It is no fault of their own they are not working. It seems to me—at least I am getting a lot of calls from taxpayers around the country saying, “Why are you paying people for not working?”

My view is they ought to be able to go back to work, but under the law, they cannot even volunteer to go back to work, because if they volunteer, their supervisor might be in violation of some criminal statute. There is a purpose for all this, because if you do not have any money in the agency, it is pretty hard to say we are going to pay salaries.

But in this case, in fact we agreed to say, it is safe to say, this afternoon—it should have been in that joint communiqué—the principals agreed those who are furloughed will be paid because it is no fault of their own.

As the Washington Post said in an editorial, they are the victims, they are the pawns in this struggle for a balanced budget, and if you are in the Agriculture Department, we passed that appropriations bill, as the Presiding Officer knows because he is chairman of

that Appropriations subcommittee, and they are working and they are getting paid. But if you work for the Interior Department, you are not getting paid because we have not passed a CR—we passed the Interior bill. Unfortunately, the President could have put people back to work, but he vetoed it.

So we have been trying to find some way out of the impasse because there are Federal workers—in fact, I heard this morning on the radio representatives of the Federal employees union saying that it is giving the Federal employees a bad image; that many believe they are out there shopping in the shopping malls knowing they are all going to get paid, and they are just getting more time off.

So I discussed in general the concept with Senator DASCHLE while we were at the White House and have been working with Senator WARNER throughout the day. We believe we have found a way that would permit Federal employees to come back to work and they would be paid on the assurance given by not only the principals in today's meeting, but a letter signed by myself and the Speaker of the House last Thursday directed to Senator WARNER and to Congresswoman MORELLA, Congressman TOM DAVIS and Congressman FRANK WOLF.

Let me read it:

Section 1342 of title 31, U.S. Code, is amended, (1) by inserting after the first sentence “for the period December 15, 1995, through February 1, 1996, all officers and employees of the United States Government or the District of Columbia Government shall be deemed to be performing services relating to emergencies involved in the safety of human life or the protection of property and, (2) by striking out the last sentence.

Hopefully by then we will have completed our balanced budget and everybody will be back to work in a normal fashion.

I am going to try to clear this on the Democratic side and send it to the House. I have had a brief discussion with the Speaker, and I am not certain if he has had a chance to analyze this. But this does two things, we are told.

First of all, it permits Federal employees to go back to work without getting somebody in trouble, and, second, it assures they are going to be paid.

So I hope we can clear this before the evening ends. I am not certain the House could take it up today, but they will be back on Wednesday.

I know there is a lot of stress and unrest among Federal employees who are not working, but they will be paid, which means there is a lot of stress and unrest with the general taxpayers who wonder why they are not working if they are going to be paid. So this would permit Federal employees to do what I guess nearly everyone wants to do in the first place.

I wish to thank my colleague from Virginia, Senator WARNER, who has just come to the floor, for his assistance. We are trying to clear this at this point with the Democratic leader. If we

cannot do that, at least I will have the bill printed in the RECORD and perhaps we can bring it up again next Wednesday when we are back in session.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. I will be happy to yield.

Mr. WARNER. Mr. President, I just wish to thank the distinguished majority leader. Throughout this current series of problems and, indeed, in the last series, I was able to work with him expressing at all opportunity the need for the Federal employees to be treated with fairness and equity and compassion, and that means going back to work.

I just want to thank the leader for what he has done, and I am delighted to be a cosponsor of this particular piece of legislation, which, Mr. President, will enable them to be treated just like all other civil service employees, and I think that is the bare minimum we owe to these fine people who are public servants in every true sense.

Mr. DOLE. I think there is another matter we need to deal with very quickly because there are, I understand, 470,000, almost 500,000 employees who are working who are going to have difficulty being paid. So we need to address that very quickly, and we are working on that.

So as I was saying, as the Senator from Virginia indicated this morning, it is costing \$40 million a day. These employees want to work and they cannot work. They cannot volunteer. Somebody is going to be in trouble if they do that. So we have discussed this with the Parliamentarian and legislative counsel, and this brief language would permit them to go back to work and also assure them they would be paid. Those are the two purposes of the resolution.

Mr. WARNER. Mr. President, again, I thank the distinguished leader, and I hope it is accepted.

Mr. DOLE. Mr. President, there is a considerable amount of what we call wrap-up around here. While that is being prepared, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

E. BARRETT PRETTYMAN FEDERAL COURTHOUSE

Mr. WARNER. Mr. President, I am introducing a bill today to name the Federal courthouse—U.S. District Courts and Circuit Court of Appeals for the District of Columbia Circuit—in the Nation's Capital in honor of the late Chief Judge E. Barrett Prettyman.

Following my graduation from the University of Virginia Law School in

1953, I was privileged to serve as his law clerk. He was then a member of the circuit court, and later became Chief Judge of the Circuit Court of Appeals for the District of Columbia.

As one of the Nation's most distinguished jurists, I believe that this building complex should be named for Judge Prettyman in honor of his more than 35 years of service in judicial affairs.

Further, Mr. President, I wish to add that the Environment and Public Works Committee, on which I serve, has recently approved the authorization for design of a D.C. courthouse "annex" to be appended to the existing structure. The urgent need for an "annex" was brought to my attention by the Honorable Oliver Gasch, U.S. District Judge, speaking on behalf of the jurists, local bar, and others in this judicial district. This "annex" is critically needed because of the ever-increasing number of cases here in the Nation's Capital and the ever-growing importance of the Circuit Court of Appeals.

The existing buildings, together with the "annex," will be named for the distinguished former Chief Judge, E. Barrett Prettyman.

He was born in Lexington, VA, home of my alma mater, Washington & Lee University, and he was a resident of six Virginia cities over the course of his lifetime making him both a Virginian and a Washingtonian. He also had connections with the State of Maryland. So he is truly a greater metropolitan area citizen.

After graduating from Randolph-Macon College in Ashland, Virginia, he earned a law degree from Georgetown University.

Mr. President, the recognition of the many accomplishments and contributions of Judge Prettyman to his chosen profession—that is, the law and to his community—are known by many here in the Nation's capital, and all across America.

He served as the Chief Judge of the United States Circuit Court, from 1953 to 1960, and is perhaps best known as the first Chief Judge of the court to take his case for judicial reform to Congress and to the American people.

As the son of the Chaplain of the United States Senate during the Wilson administration, Judge Prettyman had a knowledge of the Congress of the United States. Testifying before Congress on numerous occasions, Judge Prettyman asked the Judiciary Committee to provide funds to authorize two additional judges to relieve the backlog of cases before the Juvenile Court which was then served by only one judge. By allowing for two additional judges to serve the court, Judge Prettyman believed justice would be better served. And, as we know, justice delayed is justice denied.

Called the swing man by observers of the nine-member circuit court of appeals, Judge Prettyman made his mark as much for his decisions as his leadership.

In the centrist role he wielded exceptional influence over the opinions of this court. In what perhaps was his best-known opinion, Judge Prettyman wrote that the State Department has a right to bar entry for U.S. citizens into certain areas, such as Red China. The 1959 ruling by the court in which William Worthy, Jr., a journalist attempted to obtain a passport to visit Red China, he wrote that "While travel was a right"—Judge Prettyman wrote—"it can be restrained like any other right in foreign affairs, especially in the international posture of today's world of jets, radio, and atomic power. A blustering inquisitor vowing his own freedom to go and do as he pleases can throw the whole international neighborhood into turmoil."

This decision was ultimately upheld by the Supreme Court of the United States.

His 26 years on the Federal bench demonstrated him to be fair, firm, and thorough. And I might add, Mr. President, he had a great sense of humor.

Always seeking insight from his colleagues, he was well suited to serve as the chairman of the judicial conference composed of all of the Federal judges in the area. In 1960, he noted to as the chairman of this conference that "more than to any other person or group, the people have a right to look for suggestion as to what needs improvement and how."

While seeking advice and counsel from his colleagues on new and better ways to serve the judiciary, Judge Prettyman was also highly visible in areas which he felt needed improvement.

He was a strong advocate for providing free legal aid to the indigent, as well as the desirability in appointing an African-American to serve as a juvenile court judge.

I might also add, Mr. President, that I worked with Judge Prettyman to set up a special institute at Georgetown University, which institute was to serve those lawyers who desired to be better trained and better qualified in the representation of indigent defendants. That was a landmark accomplishment by this distinguished jurist.

Judge Prettyman served as an appointee under both the Kennedy and Johnson administrations. Under President Kennedy, Judge Prettyman served as chairman of the panel appointed to inquire into the U-2 incident and aided President Johnson as chairman of a committee studying the feasibility of phasing out veterans administration hospitals.

He was indeed an exceptionally able and scholarly judge.

I can think of no better qualified or more lasting tribute to such a fine, honorable public servant than to name the U.S. courthouse in the Nation's Capital the "E. Barrett Prettyman Federal Courthouse."

Mr. President, I also wish to thank his son, a lifetime friend and former law partner of mine, E. Barrett

Prettyman, Jr., now a senior partner of Hogan & Hartson. He is an extraordinary man in his own right with great accomplishments, having served three Supreme Court Justices in the course of his career as a law clerk, and known throughout the United States as one of the foremost advocates before the Supreme Court of the United States. I thank him, and members of Judge Prettyman's family for their acquiescence and assistance with this proposed legislative naming.

Mr. President, I thank the Chair. This is a particularly moving moment for me to pay tribute to this great American. And I am hopeful that eventually the Congress will accept this. The pending legislation for the augmentation of the Federal district court is before the House of Representatives, and I anticipate its approval in the very near future. And I also wish to acknowledge the support of Congresswoman ELEANOR HOLMES NORTON with whom I discussed this matter before preparing this speech.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL EMPLOYEES WORK AND PAYMENT

Mr. DOLE. I send a bill to the desk with respect to Federal employees on behalf of myself, Senator WARNER, and Senator STEVENS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1508) to assure that all Federal employees work and are paid.

The bill (S. 1508) was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 1508

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

SEC. . ALL FEDERAL EMPLOYEES DEEMED TO BE ESSENTIAL EMPLOYEES.

(a) IN GENERAL.—Section 1342 of title 31, United States Code, is amended for the period December 15, 1995 through February 1, 1996—

(1) by inserting after the first sentence "All officers and employees of the United States Government or the District of Columbia government shall be deemed to be performing services relating to emergencies involving the safety of human life or the protection of property."; and

(2) by striking out the last sentence.

Mr. DOLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.