

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.

Mr. DOLE. Mr. President, let me thank my colleagues, particularly Senator DASCHLE, the Democratic leader. We did discuss it today at the White House. It is not a perfect solution as people will find when they get into it, because if the employee returns to work and there is an expenditure involved they may not be able to carry out their normal duties. But at least I think from the standpoint of self-esteem, whatever, the Federal employees can come back to work and if they are paid, that would be satisfactory to them and to others who object to Federal employees being furloughed and then being paid. When they come back, they will not have a problem because they will at least be reporting for work and they will be at work and they will be paid.

It seems to me that in fairness to the Federal employees, this is not—as I said earlier, they are sort of in the middle. They are sort of the pawns in this exercise. I hope the House will take this and consider it carefully. Maybe they can improve upon it. They will be back on Tuesday. And I thank my colleagues on both sides for clearing this legislation.

Mr. FORD addressed the Chair.

Mr. DOLE. I will be happy to yield.

I yield the floor.

Mr. FORD. One item we tried to add to the continuing resolution earlier today was a clean CR so that we would not have any question.

Mr. DOLE. Right.

Mr. FORD. And the distinguished majority leader said in the Chamber yesterday he did not approve of closing Government down. And I appreciate what he is trying to do here. I think this needs some work on it.

Mr. DOLE. Right.

Mr. FORD. I believe the majority leader agrees with that, because if the others are not being paid, how does that Federal employee perform the service that he is there voluntarily doing until such time as a continuing resolution is passed for them to be paid?

So I thank him for trying here, but a clean CR would have been much better than what we are trying to do. We are monkeying with the statutory provisions now, and I am not sure that we are doing everything that we ought to do. A clean CR would have accomplished the end result, and I think it is unfortunate that we are furloughing Federal employees by statute and then paying them for not working by continuing resolution at the rate of \$40 million a day.

I yield the floor.

Mr. WARNER. Mr. President, I say to my distinguished colleague, this is a clear effort by the distinguished majority leader and, indeed, with the consent of the distinguished minority leader to take this process a step further.

Mr. FORD. I understand that.

Mr. WARNER. Let us make it clear that this is a step forward, and it puts all Federal civil servants in one category and not two classes, so to speak.

Mr. FORD. I understand that, I say to my friend. And I say to him, a clean CR would have taken care of everything, and now we send what we think is compassionate in our clean CR to the House and they take out Medicaid and send it back to us and recess.

These sorts of things just do not ring well outside the beltway.

Mr. WARNER. Mr. President, the Senate included the Medicaid provision and the House seems to think that there are other sources of funding available. A signature pen on a lot of these bills would have obviated many of the problems. So I do not suggest at this time, this late at night we ought to reopen what has been thoroughly debated this week.

Mr. FORD. I understand.

Mr. WARNER. This is a substantive, concrete step forward by the distinguished majority leader, and I am privileged to have been the cosponsor of this legislation.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I do not argue with my friend from Virginia at all. I have had a call from my State as it relates to the Medicaid payment. They are very concerned about it. That is a quarterly payment. It ends this month. The January, February, and March quarter for Medicaid is vitally important to them. And then when we have the, I think, good judgment to include that in the continuing resolution and the House said there are other means of paying it, well, if there are other means of paying it, let us not fuss at the Secretary of the Treasury trying to keep the Government open and keep it afloat with money when he finds other ways to make ends meet around here.

So I just wanted to make the point, and I do not want to offend my friend from Virginia. I understand what the Senate is trying to do and I applaud Senator DOLE for saying he does not want to shut the Government down. So the blame now is where it ought to be. The blame now is where it ought to be, not on the Senate.

#### BUDGET NEGOTIATIONS

Mr. HEFLIN. Mr. President, these budget proposals now being negotiated will directly affect virtually every segment of the Government and every citizen of this country.

I am strongly in support of deficit reduction and favor the elimination of the national debt over a period of time. I have long supported a balanced budget amendment to the Constitution. I supported the 1993 reconciliation bill which has already led to significant reductions in our annual deficits. But as with any omnibus legislation of this type, there is a right and wrong way to pursue the same goal.

In our endeavor to achieve reductions in deficit spending, our priorities should be to reach an agreement on a 7-

year budget and eliminating the Federal deficit. I think this is the wrong time for tax cuts. Eliminating tax cuts from the equation at this time will enable us to reach an agreement on the budget, and overcome this political impasse. Consideration on the proposed tax cuts should be postponed for 2 years to determine if deficit targets are being met, and in order to allow intensive study and hearings to determine what taxes should be reduced and how much taxes can be cut without detouring off the road toward a balanced budget.

Furthermore, focusing our attention to balancing the budget and reducing the Federal deficit, while postponing consideration of tax cuts, will allow hundreds of thousands of Federal workers to return to work and return a sense of financial stability to our country.

I have several major concerns surrounding the proposals, but the most disturbing are the cuts in Medicare and Medicaid. The Republican plan would cut Medicare growth by \$270 billion over 7 years. It mandated a major restructuring of the program to supposedly give Medicare enrollees a wide range of options to join private health plans. However, I am concerned that instead of options, senior citizens would be faced with fewer alternatives, and forced into certain plans because they have no choice.

This direction would ultimately cause senior citizens to be charged more for health care while receiving less in Medicare. A great portion of the savings in Medicare would result by raising the part B premium. The premiums that our senior citizens pay would rise from the \$46.10 per month to nearly \$90.00 by the year 2002.

I have reservations and misgivings with regard to any Medicare reform that threatens the access to, and quality of, health care for senior citizens. I am fearful that the Republican plan would cut inpatient hospital service, home health care services, extended care services, hospice care, physicians services, outpatient hospital services, diagnostic tests, and other important services to our senior citizens.

In addition to a reduction in services, the following immediate burdens would be placed on our senior citizens: For fiscal year 1996, the monthly premium would rise to \$53.70. Participants in the part B program would be required to pay the first \$150.00 of expenses out-of-pocket rather than the current \$100 deductible. These combinations with the proposal to raise the eligibility age to 67 leads me to believe that seniors are being singled out to bear the brunt of budget cuts.

These extreme cuts to Medicare also threaten health care for millions of people of all ages living in rural America. Since rural hospitals rely on Medicare for a significant proportion of their revenue, they will be particularly hard hit. Some will be forced to close altogether. Hospitals in rural areas are