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No. 214

House of Representatives

The House is in recess subject to the call of the Chair.

Senate

TUESDAY, JANUARY 2, 1996

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. I ask unanimous consent, and this has been cleared by the Democratic leader, the Senate proceed to executive session to consider the following nominations on the day's Executive Calendar: Calendar Nos. 267, 378, and 410.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I would indicate that those calendar numbers referred to Judges A. Wallace Tashima of California, Sidney R. Thomas of Montana, and John Thomas Marten of Kansas.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

A. Wallace Tashima, of California, to be United States Circuit Judge for the Ninth Circuit.

Sidney R. Thomas, of Montana, to be United States Circuit Judge for the Ninth Circuit.

John Thomas Marten, of Kansas, to be United States District Judge for the District of Kansas vice Patrick F. Kelly.

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 2, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint Hon. JOHN WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

SCHEDULE

Mr. DOLE. Today there will be a period for morning business until the hour of 12:30 p.m. and hopefully after that we can turn to the so-called back-to-work bill, S. 1508. There may be some modification to that. I will be in touch with the Democratic leader before we do that. It is also my hope we can reach some agreement on expedited procedures. In the event we should reach an agreement on all sides—the President and members of the Senate leadership, and members of the House leadership want a balanced budget.

Any other thing we can do by unanimous consent, we can do today, but otherwise I think we have indicated to Members they would be given plenty of time to return if there are any rollcall votes. We understand we have to delay those.

The Senate met at 12 noon, and was called to order by the Honorable JOHN WARNER, a Senator from the State of Virginia.

PRAYER

The guest Chaplain, Father Paul Lavin, pastor of St. Joseph's on Capitol Hill, Washington, DC, offered the following prayer:

In Sirach we hear:

*To the poor man extend your hand,
that your blessing may be complete;
Be generous to all the living,
and withhold not your kindness from the dead.*

*Avoid not those who weep,
but mourn with those who mourn;
Neglect not to visit the sick—
for those things you will be loved.—
Sirach 7:32-35.*

Let us pray:

We praise You Lord for the light of creation; we praise You for the light You give us in Your law, in the prophets, and wisdom of the Scriptures.

Lord send Your blessing on these servants of Yours, Senate and their staff. Help them work together in this time of need, help them be faithful to the light You have given them, and let them faithfully serve You and their neighbor.

Glory and praise to You for ever and ever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30, with Senators permitted to speak therein for up to 5 minutes each.

THE GOVERNMENT SHUTDOWN

Mr. LEAHY. Mr. President, I have been here on the floor several times during the past few days over the New Year's weekend, as have the distinguished Republican leader and the distinguished Democratic leader, the distinguished Senator from North Dakota [Mr. DORGAN], and others who have been working the effort of trying to get this budget back together.

It is ironic that we are here and we hear statements coming from some, primarily in the other body from back in their home States and home districts, that show to me at least the disconnect with reality. I hope some of these Members when they return to Washington will have a fresh perspective on the human toll this foolish Government shutdown has taken. This foolish Government shutdown has taken a human toll. In fact, it is ironic that the House and Senate cannot seem to come together and get the work done necessary to get us out of this, but we are getting paid at the same time there are hundreds of thousands of Federal employees who want to work and they are not being paid. There are others deemed essential who go to work and will not be paid.

These people have mortgages. These people have rent, heat, food, child care, everything else, to pay. They are not getting their paychecks. They are real human beings, whether they are in Vermont or any other State.

My New Year's wish is that the House may replace its severe case of intransigence with some true leadership to get us out of this, because this kind of Government close-down foolishness is not necessary.

The balanced budget talks are going on right now with the President, with the distinguished leadership on both sides. That has nothing to do with whether Congress completes its work. We have 13 appropriations bills that are supposed to be passed by the end of the fiscal year. The reason much of Government is closed down is because a number of those bills have not been passed. I might suggest a bill that the House could accept, if they are unwilling to pay Federal employees, they ought to pass the bill that the Senate has already passed which says that Members of Congress will not be paid until this is done. They will not do

that. In fact, we had one Member of the House who said that he has to be paid because he is in the Constitution. I looked through the Constitution. I did not find his name, and I would love to see which copy he is referring to.

The fact is that we have people, Federal workers, who are being punished unnecessarily. I would like to have some of these members who do not want us to go back to work to talk to Angelia and Jeffrey Brace of Milton, VT. They cannot go to work at the Immigration and Naturalization Service office in South Burlington, VT, and they and their 3½-year-old daughter are not going to get a paycheck. There are headlines like this in the Vermont press, "Budget Squeeze Hits Home." It is happening in every one of our States.

I know the distinguished Republican leader and the distinguished Democratic leader, if it was left to them and with the President, we could get this done. We have passed legislation here to put us back to work. If it was left to the leadership here in the Senate on both sides of the aisle this could be done. Just because some—in this case, a small group of freshmen who I admit each have 12 months of experience with the Government—have made a decision that we will become a laughingstock to the rest of the world because our Government is shut down, because they are not getting every bit of their way.

Mr. President, I have a letter to the editor in my hometown newspaper from Mr. George D. Sack, president of the Vermont chapter of the National Treasury Employees Union, that says if the chief executive officer of IBM and the board of directors had a dispute over policy, it is doubtful they would close their plants until they reach a decision. Yet that is exactly what happened when Congress and the administration closed the Government.

This is not the way to do things. This is costing taxpayers hundreds of millions of dollars in wasted productivity, wasted time. Some will go on and say, "Do you miss the Government?" Ask that of somebody trying to get a visa, or ask that of somebody who has a mortgage application before the Veterans Administration. Ask any number of people, and it will go into the millions of people being inconvenienced. Ask the people who are in private business who are being hurt because the Government is closed down.

The fact of the matter, Mr. President, we could put the Government back to work in the next hour and we would still have negotiations on the budget, negotiations that would bring about a balanced budget in 7 years. We are not going to have a Clinton budget or Gingrich budget or Dole budget or Leahy budget, but we could have a budget where we all work together, protect the environment, protect education, protect people that need medical care, still balance the budget. That is what we ought to do.

This kind of posturing, when it hurts people who cannot pay the mortgage,

the heat, their children's doctors' bills, that is cruel.

It is especially cruel when the taxpayers have paid for airplane tickets for those same House Members to go home for Christmas vacation; the taxpayers have paid them a couple of thousand dollars a week to sit at home doing nothing. They ought to be back here getting us back to work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. There are 5 minutes allocated to each Senator for morning business.

A CLEAN CONTINUING RESOLUTION

Mr. SARBANES. Mr. President, I rise to make once again a very strong plea for a clean continuing resolution in order to allow the Federal employees to go back to work and for the Government to function while the negotiations continue over a 7-year budget plan.

The shutdown of the Government ought not to be used as a coercive tactic in order to reach a particular solution with respect to the 7-year budget plan. Unfortunately, that is what has happened.

The employees are being used as pawns in this game, in this tragic game. And what is happening now is that you have over 500,000 employees who have been going into their offices and working, but who are not being paid for the period since December 16. You have another 260,000 employees who have been furloughed. So you have a total of almost 800,000 employees not being paid for doing their jobs.

Of course, their inability to do their jobs affects citizens all across the country. There is an impact upon the private sector and upon millions of citizens. The NIH, which should be processing its grants to the private researchers, is not able to do so because people are on furlough. A number of States are slowing down the operation of their safety and health programs and their unemployment insurance programs because of the partial close-down in the Federal Government. You have a number of agencies that are not providing very needed services—the passport office, for example. A lot of people get passports for business reasons. Others have planned trips for long periods of time. All of a sudden, none of them can carry through on their plans often at great expense and inconvenience.

The impact of this partial closedown on the Federal Government is disrupting the lives of millions of people, not only the Federal employees, but ordinary citizens who depend upon the Federal employees to provide them with important services.

There are strong differences about the basic 7-year plan. Those differences