

ought to be fought out. But the employees in the Government ought not to be taken hostage as a coercive tactic in that debate, in that sharp difference over what the budget priorities ought to be. We have discussed those differences at length on the floor of the Senate, and I assume further discussions are going on, about the deep cuts in Medicare services, and in Medicaid services versus tax breaks for people at the top end of the economic scale. But we ought not to be holding hostage Federal employees to that debate.

This week, people will receive paychecks that pay them for only 1 week, up until the 16th of December, when the last continuing resolution expired. Instead of a 2-week paycheck, they are going to get a 1-week paycheck. They will not get the second week because that was beyond the time of the continuing resolution, although over 500,000 of these employees were brought in to work. Although these employees were brought in to work, over half a million of them—and another 260,000 who have been furloughed find themselves in the same situation—they will get the 1-week paycheck, not beyond that. Then, after this week, unless the Congress takes action, they are not going to get paid.

It is said that we are going to pass a provision which later, when we get a budget and an appropriation, will go back and pay these people. That is only decent and humane and just, it certainly should be done. But what are these workers to do in the meantime? There seems to be an assumption on the part of many Members of the Congress—maybe it reflects their own particular financial situation—an assumption that people somehow have money stashed away that they can simply draw down on. So when the paycheck does not come in, it does not make any difference in their standard of living.

That is not true for a great many people. Most people need a regular paycheck in order to make car payments, house payments, tuition payments—to meet their ordinary living expenses. This is particularly true of people at the lower and middle grades, but it applies throughout the Federal service.

What is being done to dedicated employees is an absolute outrage. It defies all reason and all common sense. There is no way, rationally, one can justify what is now happening and it clearly flouts common sense.

The Washington Post, in a very strong editorial—and I ask unanimous consent the editorial be printed in the RECORD.

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

(See exhibit 1.)

Mr. SARBANES. The Washington Post editorial said:

Federal employees have every right to feel as if they are the real pawns in this sorry mess. One day they are proud and productive members of the Federal Government, protecting the health and safety of the Nation;

the next, they are handed a slip of paper and sent home with no idea when they will be paid. That is no way to motivate a work force, let alone demonstrate respect for it.

Let us pass a clean continuing resolution. Let the people go back to work. Let the Government function. And then let the debate over the broader budget, the 7-year budget plan, continue without this coercive effort to use the Federal employees as a pawn in that debate.

EXHIBIT 1

[From the Washington Post, Dec. 17, 1995]

A SHUTDOWN'S OTHER COSTS

There is more to the stalemate of the government than the failure of the president and the GOP to agree on a seven-year balanced-budget plan. The furloughing of federal employees exacts a terrible cost from a valuable work force. Nothing can be more demoralizing to men and women who look out for the nation's veterans, hunt for the cures to deadly diseases, keep our air and water clean, send out the Social Security checks and otherwise serve the nation in ways most of us don't think about, than to be told that despite their fidelity and contribution, they are really "nonessential." That insult, being added to all the other guff federal workers catch in the halls of Congress, on talk shows and from television comics, comes as an undeserved kick in the teeth from their own government.

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The daily payroll cost for the furlough of employees is no small matter—even if employees are paid retroactively for their days out of work. But there are consequences of the cavalier treatment of the federal work force that will be felt long after the government is back in business.

A government that is in gridlock—worse yet, shuttered—does little to bolster a political system already losing the public's confidence. It downright debilitates its own work force. As a furloughed federal economist said during the last interruption, "Can you imagine a Fortune 500 company operating like this? If they had a dispute between their board of directors and their president, and they sent everybody home?" And in addition to the effect on morale, can such interruption be supposed to be a help to the work they do?

In an open letter to federal employees, President Clinton and Vice President Gore signaled their recognition of the shabby treatment afforded the federal work force: "you remain good people caught in what Churchill called the 'worst system of government devised by the wit of man, except for all the others,'" they wrote. Good people—and they are—should not be made to pay for the failures of their leaders. Getting federal employees out of the middle and back on the job is the way to respect them.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

TIME FOR AN AGREEMENT ON A BALANCED BUDGET

Mr. THOMAS. Mr. President, I rise also to talk about the dilemma that we are in. I agree with the Senator from

Vermont and the Senator from Maryland that we ought not to be where we are. I believe it is time that we come to an agreement on the balanced budget. If you really want to come to a solution, you could have come to a solution by now—all of us. If you want to find a solution, you can find a solution. You cannot just continue to talk and say we have had useful conversations and walk away, having made no decisions. That is not a way.

I have a little different view, however, of some of the reasons that we are here than the Senator from Maryland. The President could have signed the appropriations bills. He could have had those people back to work. He chose not to do that.

We started on November 14, I believe, with an agreement to find a balanced budget in 7 years, using CBO numbers. And that was not done. On the part of the administration, nor indeed the other side of the aisle, a process to do that was not forthcoming.

So, I think we should not be where we are. I have been here since Thursday, hoping the leadership would come forward and say, "Here is a way to put people back to work." I have been here each of those days to do that. We have had objections from the other side of the aisle not to do that. "We do not want to do that."

So that is where we are, and we ought to change that.

Let me talk a little bit about what we are really doing here, that is, trying to balance the budget. In 45 days we have not done that. The administration promised to bring that forward. There were four budgets, none of them balanced. Instead of that, there has generally been posturing at the polls, saying what an exaggerated effect would happen if we reduced the rate of growth in the budget. That is what we talked about, when everyone in this place knows you have to reduce the rate of growth in the budget. Not a soul in here would deny that has to be done.

Still, we cannot do it. Everyone rises up and says, "I want to balance the budget. We have to balance the budget." But can we go forward? We hear all of the reasons why we cannot do that. We have not done it for 30 years. We have not balanced the budget one time. Then I guess we wonder why it is that when you say "then we will talk about balancing the budget," we say, "That is what you said when we tried to get an amendment to balance the budget." We are going to gut Social Security, so we cannot do that. It did not have anything to do with Social Security.

So here we are. I agree entirely we ought not to be here. Not only Federal employees in my State, as in your State, many people, Yellowstone Park concessionaires, for example, are out of work because the President did not sign the Interior bill, among other things. So Yellowstone Park is closed.

What are we talking about? We are talking about some fundamental

changes. You know, not going around the edges and trying to do a little something. We are talking about a balanced budget, one that has to do with financial and fiscal responsibility, one that has to do with not continuing to put it on the debt so our kids have to pay it. Our credit card is maxed out. We know that. We cannot come to any kind of agreement. We are going to talk some more today, I guess, and talk some more tomorrow. We probably will not be able to come to an agreement.

There is lots of room to come to an agreement. The parameters are pretty large—a balanced budget in 7 years, CBO numbers. Aside from that, you can bargain in there. That is a pretty broad parameter. We could do that. We could do that.

Mr. President, we ought to do that. We ought to get folks back to work. This is a ridiculous arrangement. We have to make some decisions. The people who are doing the negotiating need to make some decisions. That is our job. We are trustees for the American people and our job is to do something. Our job is to make decisions. Our job is to move forward. Mr. President, we ought to do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

THE OBLIGATION TO KEEP GOVERNMENT FUNCTIONING

Mr. BINGAMAN. Mr. President, we are now in the 18th day of the longest Government shutdown in the history of the Nation. Serious negotiations continue on the budget, but still the Republican majority in Congress refuses to pass legislation to fund the normal function of Government; that is, a clean continuing resolution. This persistent refusal to provide funding for normal Government operations is irresponsible. It is irresponsible conduct by the Republican majority, particularly in the House, which must originate appropriations bills regardless of which side may be right or wrong on the policy issues in the budget negotiations.

Any time the negotiation occurs, each side begins by assessing its own as well as its opponent's strengths and weaknesses. Each side determines the actions that it can take to put pressure on the other to reach concessions.

In these negotiations over the budget, for the first time in our Nation's history the Republicans who are controlling Congress have determined that they have the right to shut down the Government and they can use that right as a bargaining chip in their negotiations with the President. They do not see the obligation to keep Government functioning as a shared obligation. They do not see it. They do not see it as an obligation of both the executive and the legislative branches as previous Congresses have. Instead, they are quite willing to assign that responsibility exclusively to the President

while, for their own part, keeping the Government closed as a bargaining ploy. This is a profound change in the way Congress views its responsibilities. It is simply wrong to see this as more business as usual, more of the traditional bickering that characterizes Washington politics.

In November, we had the longest shutdown in the 207-year history of the Republic, and it was 6 days long. Now we are at 18 days and counting in the second shutdown of this Congress.

When our Founders embarked on the task of bringing to life the constitutional system, they devised in Philadelphia in 1787, it was the legislative branch of the Government which they called on to commence proceedings under the Constitution.

The Congress met in New York in 1789, organized itself, provided for the counting of Presidential electoral votes and the inauguration of the President. The Congress then passed legislation to establish the great departments of the executive branch, to provide for the organization of the judicial branch, and to furnish appropriations to enable all the branches of our new national Government to perform their constitutional functions.

It would be, frankly, unimaginable to our Founders that our branch, the first branch of Government whose duty it was to bring to life the Framers' plan, would ever think that it was within its purview to disable that plan by refusing to perform the Congress' primary constitutional responsibilities.

It would be unimaginable for the new Congress to have decided not to complete the work of setting up the Government that the Constitutional Convention contemplated. In fact, it would have precipitated a major constitutional crisis for a radical majority in the first Congress to decide not to set up a particular department or not to fund a particular department just to get the bargaining leverage with a new President. Such a step then might have doomed the future of our new constitutional Republic.

My Republican colleagues argue that it is not they who are acting irresponsibly in causing Government to remain closed. After all, they passed appropriations bills and the President has chosen to veto those bills. They are right; the President has exercised his veto. He has done so as provided in the Constitution. He has returned those bills to the Congress, also as provided in the Constitution. But when the President uses the veto, the Framers of the Constitution contemplated that Congress would either muster the two-thirds majority in each House needed to override the veto or make the changes necessary in the bill to satisfy the President's objections. When time has been required to resolve differences between the President and Congress on spending bills, all previous Congresses, 103 of them, have enacted continuing resolutions to maintain the normal functioning of Government.

When this Congress and this Republican majority came, that all changed. For the first time in our Nation's history, the majority in Congress is refusing to perform its primary constitutional responsibility to maintain a functioning Government. It is abusing its power under the Constitution. This refusal, this abrogation of responsibility, this abuse of power is being explained away as a natural consequence of policy differences between the President and the Congress. But there have been many times in our history when policy differences between Congress and the President were great and were strongly held. Never before has Congress approached the negotiations of those differences with the view that responsibility for maintaining a workable Government rests exclusively with the President and the ability to keep the Government closed is a bargaining chip that Congress brings to the negotiations.

If this Republican view is accepted with respect to a partial Government shutdown, why should it not also apply with respect to increasing the debt limit and extending the full faith and credit of the United States? If it is OK to shut down the functioning of Government to force the President to accept the Congress' negotiating position, why would it not be just as acceptable for the Congress to refuse to increase the debt limit for the same purpose? Why would it not be just as acceptable for the Republicans in Congress to say it is the President's responsibility alone to ensure the full faith and credit of the United States and he has to do it by agreeing to whatever we in Congress demand?

This view by the Republican leadership of Congress is as radical as it is wrong. The Founders of our Nation provided for a government in which responsibility as well as power was to be shared. If the Congress will not hold itself responsible for maintaining a workable government, then the people who elect the Congress will surely do so.

Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are in morning business until 12:30, is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business and have the time for morning business extended.

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