

would survive constitutional challenge and would be subject to the rational basis scrutiny because it does not impose an undue burden on the mother's right to choose to have an abortion. The legislation is constitutionally sound, serves a legitimate governmental interest, and should become law.

The House recently voted to override the President's veto of this important bill and we should join them when the Senate votes on Thursday. I urge my colleagues to override the President's misguided veto of the Partial-Birth Abortion Ban Act of 1995.

I wish to thank the able Senator from North Dakota for allowing me to speak at this time.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak in morning business for 8 minutes.

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

#### ISSUES IMPORTANT TO THE AMERICAN PEOPLE

Mr. DORGAN. Mr. President, earlier this morning, as is often the case, in the Senate we had a number of Senators come to the Senate floor with a message that essentially the folks who sit on the Democratic side of the aisle have not been very constructive in their legislative approach, and the Republican legislators have been carrying the issues that were important to the American people. They take on the President, and they take on the Democratic leader of the Senate. We have to come to the floor occasionally to respond to these, and I do so again today.

It is interesting. Today we were told that the Democratic leader of the Senate, Senator DASCHLE, was wrong in his assessment of the 104th Congress. They said he didn't know what he was talking about with respect to the 104th Congress. Why, this was a wonderful Congress. What a productive Congress it was.

I would like to talk a little about that because at the first part of this Congress I recall seeing someone stand on the other side of the floor and offer a message to the American people, saying we ought to be ashamed of the last 50 years; what an awful place this country has become—50 years downhill for America. Who caused it? The Democrats, of course, according to that speaker. I rose that day, and I said we must be living in different countries.

Let me stand up and say I am proud of the last half century in this country. I am proud of what we have done. In fact, some of the same people who tell us that this country has gone to hell in a handbasket, they would say, are suggesting that we build a fence to keep immigrants out.

Why would someone suggest we need to build a fence around this country to

keep people out if it is such an awful place? This country is a strong, resourceful, wonderful country that a lot of the people in the rest of the world want to come to because it is a beacon of hope and opportunity.

The fact is this Congress is a very unusual Congress. At the start of this Congress, Republicans were elected to control the House and the Senate. The American people made that choice, and I respect that choice. But they came to town, elected a new Speaker of the House of Representatives, and they had a victory lap like peacocks in full mating season. It was almost like a coronation at the start of this Congress. And full of themselves, they proposed a range of issues. They said, look, the first thing let's do, let's invite the polluters into the U.S. Capitol in something called project relief. We will tell those corporations in America who are disadvantaged by the clean air and the clean water laws: Come in. Help us to rewrite the clean air and clean water laws to make it a little easier for polluters. A couple hundred representatives of industries that pollute in America were told by the majority: We would like to make it easier for you.

Now, the background here is that in the last 20 years our country has doubled its use of energy. But in 20 years, while we doubled the use of energy, we also have cleaner air and cleaner water. Why would that be the case? Because the American people decided and Congress responded to say to those who are polluting: You must stop polluting, and if you do not, there will be severe penalties. Regulations requiring clean air and clean water have cleaned up America's airshed and cleaned America's waters—not perfect, but it is on the road to substantial improvement even though we have doubled our use of energy.

The majority party said, by the way, we will make available some office space for you. You all come in and tell us how we can back away from clean air and clean water regulations. A significant calculation, but that was just the tip of the iceberg. They seemed to think that their mandate was this country would want more pollution and less education and more defense but less health care; proposals that said let us provide a very significant tax break that will provide a \$30,000 tax refund if you happen to be making \$300,000 a year. Smile all the way to the bank. And in order to pay for that, we are going to tell little children in school: If you are a poor kid going to school, in the middle of the day you no longer have entitlement to a hot lunch. Or say to people who are disabled: We are going to make sure that you no longer have an entitlement to health care if you are disabled.

You think that was not the case. It was. One hundred proposals in the first 100 days, some of them so bizarre, so extreme, so far off the chart that I think the American people took a look at this and said: That is not what we

wanted. We want good Government. Not more Government, we want good Government. But we do not want people taking Government apart in circumstances where it is important to help the lives of the American people. We want better schools. We want police protection. We want a good Defense Department. We also want to care about the disabled. We want to care about poor kids in school who are hungry in the middle of the day.

That is what this has been about.

The manifestation of all of this was that some of us said we will not agree to cutting Medicare \$270 billion so that you can have a tax cut of \$245 billion, the majority of which will go to the upper income folks. We will not agree to that. We will not agree to saying to poor kids in school that you no longer can get a hot lunch. We will not agree to stripping the entitlement for health care for the disabled.

What happened as a result of that? As a result of that, we had a pique of anger, a fit of anger, and the Government was closed down twice. We will just close it down, they said. We do not care about Government anyway. Just close it down. And they closed it down.

The American people said: What kind of behavior is this? Do they need adult supervision? What kind of behavior is this in this Congress?

They quickly turned against the majority in this Congress.

It is interesting; the second half of this Congress has been markedly different. It is exactly as the Democratic leader portrayed it. The second half we have accomplished some things which largely represent the agenda of those of us who fought for constructive changes. We have said there are health care changes that we ought to make, and initially it was blocked and then embraced by the majority party, and we passed the health care reform bill. We said we ought to have an adjustment in the minimum wage; it has been 7 years. Initially, it was blocked and then embraced by the majority party, and we passed a bipartisan minimum wage bill.

There are a number of steps which have occurred that represent bipartisan achievements finally in the latter stages of this session. And now this session limps to a close. We have not yet enacted five of the appropriations bills so we will have those put into what is called a continuing resolution.

I think the record of this Congress is going to provide some of the most remarkable reading for historians a century from now. They will look at this and they will scratch their head and say: What on Earth happened in 1995 and 1996? They will see two different Congresses, one confrontational, belligerent, give no quarter, extreme, pushing and pushing and pushing for a philosophy which believes that America is helped if you somehow put something in at the top and let it all drip down and filter down and trickle down to the rest, fought tooth and nail by others

who believe that America's economic engine is represented by the folks on the foundation at the bottom who are working every day, working hard to try and make do for themselves and their families. We call that the percolate up belief in this economy. Hubert Humphrey used to say trickle down, percolate up. He said trickle down, now that is the theory where if you feed the horse some hay, later on the birds will have something to eat. Anyone who has been around horses knows what all that means. That is trickle down. Supply-side economics, some call it. Supply-side, that is when the other side gets all the supplies. That is pretty easy to understand.

My only point today is to say those who characterize this Congress as a Congress constructive only by the majority party over the objections of the minority misconstrue the record of this Congress. This Congress started in a set of circumstances that represented the most extreme proposals, including finally Government shutdowns because we would not go along, and then Congress changed and the second half of this Congress has been more productive because it has been bipartisan and because we have seen the embracing of some of the constructive things that we think, policies that we think will make life better in this country for the American people.

My point is this. This Congress does not work, cannot work, and will never work with one party trying to make it work. Congress will always work and work best if you find bipartisan consensus. The fact is, Senator Dole sat over there during his Senate career. I have said before and I will say again that Senator Dole is a wonderful American who has provided enormous service to this country, and I deeply admire him. He served here many, many years. While I might disagree with him on some policies, he, I think, was a remarkable Senator. I have said before and let me say again, I would not trade Senator Dole for all 73 freshmen House Republicans who came here bragging they had no experience, and quickly showed it. The fact is, there are people serving in this Congress, Republicans and Democrats, for whom I have the most enormous respect, who have the kind of experience which can provide solid, stable leadership for this country, who will help this country advance and grow, help our economy produce new opportunities, help maintain this country's leadership in the rest of the world. We can, it seems to me, and should, it seems to me, in the 105th Congress not talk about just what we do right and the other party does wrong. We should talk about what we can do together. And part of the demonstration of that is in what we have done toward the end of the 104th Congress.

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

#### WHITEWATER PARDONS

Mr. FAIRCLOTH. Mr. President, I rise to speak on what I consider a travesty that I believe to be imminent. Mr. President, yesterday a number of newspapers reported that President Clinton refused to rule out a pardon for his Whitewater business partners James and Susan McDougal and former Gov. Jim Guy Tucker. He would not rule it out, and, Mr. President, I believe that he has ruled it in.

The President said that such pardons would be handled in a routine fashion. I do not see how he can think about handling the McDougals and Governor Tucker in a routine fashion. That is absurd.

His statements should serve as a warning to voters of what to expect after the election. It is very possible that there will be pardons for all those involved in Whitewater, and the significance of this outrage should not be lost on the public. The President was sending a strong message to the McDougals and their friends. Susan McDougal is in jail for contempt of court because she refuses to answer legitimate questions before a duly constituted Federal grand jury that is attempting to investigate Whitewater. Her defiance is a challenge to the foundation of our judicial system, and, Mr. President, her attempt to politicize her criminal convictions, handed down by a jury of fellow Arkansans, is outrageous.

She clearly got the message yesterday, however, when she read the headlines. Essentially, the message was, "Hang in Susan. The cavalry is coming. Don't break down and cooperate. The pardon is on the way after the election."

The same message went to her former husband, Jim McDougal. He is facing 84 years in prison for his conviction last May, and he is supposedly cooperating with the Independent Counsel in an attempt to reduce his prison sentence. Nonetheless, the President comes forth and says, "Jim, I'm raising the bid. I am offering a better deal. Don't cooperate with the prosecutors and I will reduce your sentence to nothing because I will pardon you even before you start serving time."

How can the prosecutor attempt to compete with a complete pardon from the President? The message also went out to Jim Guy Tucker. Now, Mr. Tucker received a light sentence that included no jail time, but he potentially faces other charges that Mr. Starr could bring. In exchange for dropping those charges, Mr. Tucker could cooperate more fully than he has. But now he has gotten the President's message: Hold tight, sit still, the election will be over in November and win, lose, or draw, you will be pardoned.

Mr. President, I would remind people that 12 fellow Arkansans convicted the McDougals and Jim Guy Tucker. They were convicted of misusing taxpayers' money. Mrs. McDougal used a \$300,000 Government loan intended for dis-

advantaged people to increase her real estate holdings and to redecorate her home. Who is going to pay for the \$300,000 loss? The hard-working taxpayers in this country. The McDougals ran a savings and loan into the ground and into bankruptcy. That cost the American taxpayers \$68 million. Today, on the Senate floor, we will very likely consider legislation to address the problems of funding the savings and loan crisis. It is still with us. Banks and savings and loans that had nothing to do with creating the crisis are going to be taxed to pay billions of dollars more to help end this and solve the problem.

You can rest assured that there are job losses in this country, and many of them, because of the billions that the banking industry will have to pay back to further solve the savings and loan crisis. But I have not heard anybody complaining about the job losses. Yet, you see a nightly sympathetic portrayal of the position of Susan McDougal, who contributed to the losses significantly, and about the plight of her life now that she has been caught and convicted.

Mr. President, I hope the American people would not be fooled by President Clinton's action. I can only conclude, and I do not think anybody can conclude otherwise, that he intends a full pardon, which would amount to a full-blown coverup of Whitewater, between November and his exit from the Presidency, in January. He just needs to keep everyone tight-lipped until the November election and then he will eliminate Whitewater as an issue altogether.

Can you imagine what would have happened, how changed things would have been, if Richard Nixon had been so bold? What if he had simply pardoned all Watergate burglars immediately after his election? If he had, Watergate would not be in the vernacular of politics today and he never would have been forced into a resignation.

Mr. President, the American people need to be forewarned and alerted. If reelected, or not reelected, I believe that Bill Clinton has every intention of pardoning his friends in the Whitewater case. What does this say about his supposed innocence in the affair?

Many people would like to suggest that Whitewater is not a story, that it is old news, that it has no relevance for today. They are wrong. Today's headlines, "Whitewater Pardons Possible" speaks volumes about this administration and its integrity. This can be applied to a whole host of issues that have come before this administration, and it is a good glimpse into how Mr. Clinton would conduct the Presidency if he were to be elected for 4 more years.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding the Senator from Nevada