

Republicans do not agree with the President's veto of that Defense authorization bill, but they were not going to allow their differences with the President on that larger issue to adversely affect our troops.

Mr. President, I can only hope that the House Republican leadership will reverse course today. Their refusal to take up and to pass that military pay bill yesterday was inexcusable. I hope they will do our military personnel and all Americans a service by bringing it up and passing it today.

#### IMPLICATIONS FOR THE SECOND SESSION OF THIS CONGRESS

Mr. BINGAMAN. Mr. President, let me speak about one other issue that I am quite concerned about, and that is the implication of what is going on now for the work of this Congress in the second session and in future sessions. There has been a lot of talk about hostage-taking. There was a very good editorial that has been referred to in the Washington Post yesterday about how the current shutdown is an example of hostage-taking. Yet, the editorial stated, I thought, very eloquently:

Hostage-taking is an ugly business. It doesn't matter what the cause. Innocent people are seized and used as pawns; they become political trading stamps whose welfare is exchanged for things the hostage-taker could not win by normal means.

Obviously, the most dramatic example of hostage-taking in recent history in this country was the hostage-taking in Iran in November 1979. It could be debated whether the current Government shutdown rises to the level of a hostage-taking. Perhaps this is just a using of public servants, Federal employees, as pawns in a larger political game, and I will leave to others the debate about whether this is, in fact, a hostage-taking.

But, Mr. President, in my view, when each of us took our oath of office, and that oath included the duty to protect and defend the Constitution, implied in that was the responsibility to maintain a functioning Government. Now, that is not written into the Constitution, but I think it is clearly implied that those of us who seek public office will take on that responsibility.

We can argue about what the Government ought to do, we can argue about how large the Government ought to be, we can argue about how many employees ought to be hired by the Federal Government, but the basic responsibility to maintain a functioning Government is something about which I think is very difficult for us to argue.

The Republican leadership in the House has taken a different view. They are saying that as to the parts of the Government which today remain closed, they do not share that responsibility to maintain those parts of the Government functioning. They believe that is the President's problem, it is not their problem.

Those who wrote our Constitution established a system of government where power is shared, but also a system of government where responsibility is shared, and part of that responsibility that is shared is the responsibility to maintain a functioning Government.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BINGAMAN. I will be glad to yield to the Senator from Maryland for a question.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I say to the distinguished Senator from New Mexico, given our constitutional arrangements of separation of powers and checks and balances, if both branches do not act responsibly, how can we meet our responsibilities under the Constitution?

We have a situation here, as I perceive it, in which a coercive tactic is being employed which I understand has never been used previously in our Nation's history. That is, a certain group, in order to get its way on a substantive issue, is prepared to use as a tactic the closing down of the Government with all of the harm that inflicts, not only on the Federal employees but throughout the private sector.

This is a classic example of using any means to get to your end, even though the means that are being used here result in a breakdown of our constitutional system of democratic government. What is the Senator's perception with respect to that?

Mr. BINGAMAN. Mr. President, I appreciate the question very much, and I agree entirely with what the Senator from Maryland is saying. I believe it is a breakdown of our system. I believe the Founding Fathers who set up our system of government intended that all of us in Government, whether in the legislative branch or in the executive branch, would work together to try to maintain a functioning Government and to resolve disputes. That is not happening now.

I was particularly bothered by an article on December 2 in the Washington Post where it talked about the impasse that was existing, and it referred to the chairman of the Appropriations Committee in the House, Mr. LIVINGSTON. It said:

Livingston and other Republicans yesterday boasted that after weeks of standoff over spending issues, the momentum had shifted in the Republicans' direction when the President accepted the defense spending bill. "I think that once the defense bill was off the table, the administration lost the leverage it really had planned on using," Livingston said. He added that most of the remaining spending bills include programs that "are a greater concern to the President" than to many other Members of Congress.

To me, that does not bode well for the rest of our deliberations in the second session of the Congress. If the President needed to keep the Defense appropriations bill on the table in order to be able to bargain with the House, then the obvious message is

that he would keep it on the table in a new session. I cannot conceive of the President this fall, for example, when we send him appropriations bills, I cannot conceive of him signing a legislative appropriations bill before all of the executive branch appropriations bills have been completed. It would not make any sense, if this is the new context in which we operate.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. BINGAMAN. Yes, I will be glad to yield.

Mr. SARBANES. Representative BOEHLERT stated in mid-November, and I quote him: "You have a group in our conference who could not care less if the Government shuts down. They will be cheering."

I submit, shutting the Government down is a default in carrying out your responsibilities as an elected Member of the legislative branch. You have to separate out the matter of carrying forward the normal functions of Government, on which millions of people across the country depend, from disputes you may be having over particular issues.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

#### REGARDING THE RESOLUTION COMMENDING BRETT FAVRE

Mr. COCHRAN. Mr. President, yesterday the Senate passed, at my request, a resolution commending Brett Favre, from my State, who was named earlier this week as the most valuable player in the National Football League. Brett, as Senators know, is the quarterback of the Green Bay Packers.

When I introduced the resolution, I did so on my behalf and TRENT LOTT, as a cosponsor. I learned, after adopting the resolution, that the two distinguished Senators from Wisconsin wanted their names to be added as cosponsors of the resolution. I looked at the RECORD and it does reflect that later in the RECORD. I wanted to make a point of saying that I had not received that information at the time the resolution was submitted and passed by the Senate.

I was going to ask unanimous consent that the distinguished Senators HERB KOHL and RUSS FEINGOLD be added as cosponsors, but that is reflected in the RECORD. So I am pleased that they joined us in the resolution commending and congratulating Brett Favre for the great honor that he received.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

#### CONGRATULATING BRETT FAVRE

• Mr. KOHL. Mr. President, I rise today with my colleagues, Senators

RUSS FEINGOLD, THAD COCHRAN, and TRENT LOTT, to congratulate Green Bay Packers' quarterback, and Kiln, MS, native Brett Favre for winning the 1995 National Football League Most Valuable Player Award.

After leading the Green Bay Packers to their first National Football Conference [NFC] Central Division title since 1972, Brett Favre ran away with the National Football League Most Valuable Player voting, capturing 69 votes from a nationwide panel of 88 sports writers and broadcasters. Favre's numbers speak for themselves, as he threw an NFC record 38 touchdown passes for over 4,400 yards passing. This would be considered an amazing accomplishment for any quarterback; however, couple it with nagging injuries over a 17-week season, and you've described the iron-willed "Leader of the Pack," Brett Favre.

Brett Favre has emerged as a true star in the National Football League. His Most Valuable Player Award is the first for any Green Bay Packer since 1966, when then Packer quarterback and MVP Bart Starr led the Green and Gold to its first of two Super Bowl championships. The Packers and all their loyal fans hope history repeats itself this year.

On behalf of Wisconsinites and Green Bay Packers' fans everywhere, I congratulate you, Brett Favre, on your MVP season and a job well done.●

#### THE BUDGET IMPASSE

Mr. COCHRAN. Mr. President, it is becoming more obvious every day that the White House is not prepared to reach an agreement with the Congress to balance the budget. We have not seen any specific proposal from the administration to make any changes that would, in fact, lead to a balanced budget. They are unnecessarily shutting down Government services and programs and furloughing Government workers.

The Congress must now act to identify the activities that should be funded and pass legislation that puts people who are really needed back to work. There has been too much political grandstanding. It is time for that to end.

We should not give up our goal of getting spending under control and balancing the budget. That probably means electing a new President later this year who will cooperate with the Congress in this effort. In the meantime, I am prepared, and I know other Senators are prepared to work with the Republican majority and with like-minded Democrats to get the Government back in business with reductions in those programs that should be cut back, and to resolve this impasse.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I posed a question to the Senator from New Mexico and his time then expired.

I ask unanimous consent to yield to him at this moment to respond to that question.

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

The Senator from New Mexico is recognized.

#### THE SHUTDOWN

Mr. BINGAMAN. Mr. President, I appreciate the Senator from Maryland. I will be brief. I did want to conclude my answer to his question.

I think what we have is a very troublesome development in the way that the Congress and the President are interacting. It seems that the Congress is going to take the view that it only has a responsibility to enact a Defense bill, that other bills can go their own way—and, of course, its own appropriation, the legislative appropriation bill—and it is up to the President to try to get the others enacted. If that is the case, then you have essentially a hostage-taking or a standoff, which I think is very destructive of the system of Government as it was intended.

This hostage-taking can be a two-way street. Hostage-taking begets more hostage-taking. As I indicated before, the President would be ill-advised, in my opinion, if these are going to be the ground rules for the interaction with the Congress, to sign a legislative appropriations bill in this new session of Congress until all appropriations bills for the executive branch have been signed and put into law.

I am also greatly concerned that we are not going to be able to get good cooperation between the Legislature and the President on doing a Defense appropriation bill. If, as Congressman LIVINGSTON points out, once the President signs the Defense appropriations bill, the Congress is then absolved from the responsibility to work with the President on getting the other appropriations bills signed, that, to me, is a very troublesome situation, which I take as a great problem for all of us.

Mr. President, I appreciate the chance to respond, and I hope that a reasonable resolution of these problems can be found. I thank the Senator from Maryland for the time.

Mr. SARBANES. Mr. President, I briefly want to add to the comments of the Senator from New Mexico on this particular matter. To make our constitutional system work requires, I believe, a certain amount of restraint and good judgment on the part of all decisionmakers. It must be an essential premise of our system that one is not willing to subvert everything, in effect to bring the whole building crashing down, in order to get your way. I never understood democracy to work that way. There has to be a certain amount of accommodation. Obviously, the basic functions of Government should continue. Are we to reach a state of affairs where every time there is a sharp policy difference—and people can obviously hold sharply different opinions—

that for one side to gain its way, it brings the Government to a halt and inflicts all of this harm that is being felt across the country?

I ask unanimous consent that a Washington Post story giving examples of such harm be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. The headline is: "Day 19: Federal Siege Takes Public, Private Hostages."

It says:

The partial shutdown of the federal government dragged through its 19th straight day yesterday with one clear effect. It took even more hostages.

Health officials in Nebraska, facing a widespread flu outbreak, urged Federal officials to reopen the Centers for Disease Control and Prevention to help them assess and contain the problem. The federal Meals on Wheels Program, which delivers hot food daily to more than 600,000 needy senior citizens, is running out of money and may be partially closed by week's end. The Peace Corps, also desperately short of cash, began drawing up plans to recall some or all of its 7,200 members worldwide if the shutdown persists much longer.

In Mariposa County, CA, home to Yosemite National Park, which has been closed throughout one of its busiest times of the year, the number of private-sector layoffs climbed past 1,600. Most are hotel, restaurant and gas station workers who usually can depend on the revenue that they collect during the holiday season to carry them until the summer.

One-fourth of the adults in the county are now out of work, and officials there have declared an economic emergency.

This is no way to do business, obviously. There is no reason to it. It does not make common sense. There is a tremendous ripple effect throughout the private sector of people dependent on Federal contracts and Federal activities. Needlessly and harmfully the shutdown is resulting in laying off people in the private as well as the public sector.

The distinguished Senator from Virginia, in his comments earlier, made reference to one such occurrence about which he had received notice only this morning. Currently half a million Federal workers are coming to work and not getting a paycheck. Another quarter of a million have been furloughed and are not getting paychecks. Workers in the private sector now are not going to get paychecks. How is it anticipated that people will be able to handle this situation?

The Federal workers are told that once they go back, they will be paid. But who can bridge the intervening period? Unfortunately, there may be a lack of sensitivity in the Congress because, many Members have significant economic means and, therefore, the loss of a paycheck—which is not happening for them—does not really place a burden upon them. They can handle that situation. But most people are not so well situated. Whether they work for the Federal Government or whether they are in the private sector, they