

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I am going to ask about three unanimous consent requests. I will state them first and then if there are any objections, they can be heard.

MESSAGE FROM THE HOUSE ON H.R. 1643

I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 1643, extending certain programs for the remainder of the fiscal year, and deems all Federal employees essential and pays those employees; that the Senate immediately concur in the House amendments, the motion to reconsider be laid upon the table, all without any intervening action or debate.

The message from the House is as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1643) entitled "An Act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria", with the following amendments:

In lieu of the matter inserted by said amendment, insert:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All nutrition services for the elderly under the account heading "Aging services programs" under the Administration on Aging in the Department of Health and Human Services;

All grants to States for child welfare services, authorized by title IV, part B, subpart 1, of the Social Security Act, under the account heading "Children and families services programs" under the Administration for Children and Families in the Department of Health and Human Services;

All Federal Parent Locator Service activities, as authorized by section 453 of the Social Security Act, under the account heading "Children and families services programs" under the Administration for Children and Families in the Department of Health and Human Services;

All State unemployment insurance administration activities under the account heading "State unemployment insurance and employment service operations" under the Employment and Training Administration in the Department of Labor;

All general welfare assistance payments and foster care payments, as authorized by law, funded under the account heading "Operation of Indian programs" under the Bureau of Indian Affairs in the Department of the Interior;

All projects and activities funded under the account heading "Family support payments to

States" under the Administration For Children and Families in the Department of Health and Human Services;

All projects and activities funded under the account heading "Payments to States for foster care and adoption assistance" under the Administration For Children and Families in the Department of Health and Human Services;

All administrative activities necessary to carry out the projects and activities in the preceding two paragraphs;

All projects and activities funded under the account headings "Dual benefits payments account", "Limitation on administration" and "Limitation on railroad unemployment insurance administration fund" under the Railroad Retirement Board;

All projects and activities necessary to accommodate visitors and to provide for visitor services in the National Park System, the National Wildlife Refuges, the National Forests, the facilities operated by the Smithsonian Institution, the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the United States Holocaust Memorial; and

All projects and activities necessary to process visas and passports and to provide for American citizen services, notwithstanding section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, except for the projects and activities under the headings "Family support payments to States" and "Payments to States for foster care and adoption assistance", for which date shall be March 15, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

SEC. 111. Notwithstanding any other provision of this Act, except section 106, funds appropriated under section 101 for the payment of vested dual benefits under the Railroad Retirement Act shall be made available so as to fully fund the payments made on January 1, 1996, and the payments to be made within the period covered by this Act including those payments to be made on the first day of each month within the period covered by this Act. In addition to the funds appropriated under section 101 of this Act, \$12,800,000 is appropriated to restore full funding for payments made for the period prior to January 1, 1996.

SEC. 112. Notwithstanding any other provision of this Act, except section 106, the authorities provided under subsection (a) of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall remain in effect during the period of this Act, notwithstanding paragraph (3) of said subsection.

TITLE II

VETERANS AFFAIRS

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 201. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS' BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.—(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures

and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

(b) **FUNDING.**—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) **CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.**—In any case in which the Secretary uses the authority of subsection (a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) **EXISTING BENEFITS SPECIFIED.**—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SEC. 202. Section 201 shall cease to be effective on September 30, 1996.

SEC. 203. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on January 4, 1996.

TITLE III

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 301. Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1995 for paying salaries of Federal employees excepted from the provisions of the Antideficiency Act (31 U.S.C. 1341 et seq.) who are continuing projects and activities conducted in fiscal year 1995 who work during periods when there is otherwise no funding authority for their salaries.

SEC. 302. Appropriations made by section 301 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 303. No appropriation or funds made available or authority granted pursuant to section 301 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 304. No provision which is included in the appropriations Act enumerated in section 301 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 305. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 306. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or

activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) January 26, 1996, whichever first occurs.

SEC. 307. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 308. No provision in the appropriations Act for the fiscal year 1996 referred to in section 301 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 306(c) of this Act.

SEC. 309. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 310. **ALL FEDERAL EMPLOYEES DEEMED TO BE EXCEPTED EMPLOYEES.**—(a) **IN GENERAL.**—Section 1342 of title 31, United States Code, is amended for the period December 15, 1995 through January 26, 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.

SEC. 311. **EXCEPTED EMPLOYEES UNDER NORMAL LEAVE POLICY.**—Federal employees considered excepted from furlough during any period in which there is a lapse in appropriations with respect to the agency activity in which the employee is engaged shall not be considered to be furloughed when on leave and shall be subject to the same leave regulations as if no lapse in appropriations had occurred.

SEC. 312. **ELIGIBILITY FOR UNEMPLOYMENT COMPENSATION.**—Notwithstanding any other provisions of law, beginning on January 2, 1996, any Federal employee who is excepted from furlough and is not being paid due to a lapse in appropriations shall be deemed to be totally separated from Federal service and eligible for unemployment compensation benefits under subchapter I of chapter 85 of title 5 of the United States Code with no waiting period for such eligibility to accrue.

SEC. 313. For the purposes of this title, Federal employees returning to work under the provisions of section 310 shall be deemed to have returned to work at the first regularly scheduled opportunity after December 15, 1995.

SEC. 314. Appropriations made pursuant to section 301 are made notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), section 53 of the Arms Control and Disarmament Act, and section 10 of Public Law 91-672.

TITLE IV

The following sums are hereby appropriated, out of the general fund and enterprise funds of the District of Columbia for the District of Columbia for the fiscal year 1996, and for other purposes, namely:

SEC. 401. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided in this title of this Act) which were

conducted in the fiscal year 1995 and for which appropriations, funds, or other authority would be available in the following appropriations Act:

The District of Columbia Appropriations Act, 1996:

Provided, That whenever the amount which would be made available or the authority which would be granted in this Act is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995: Provided, That where an item is not included in either version or where an item is included in only one version of the Act as passed by both Houses as of the date of enactment of this Act, the pertinent project or activity shall not be continued except as provided for in section 411 or 412 under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1995 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 402. Appropriations made by section 401 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 403. No appropriation or funds made available or authority granted pursuant to section 401 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 404. No provision which is included in the appropriations Act enumerated in section 401 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this title of this Act.

SEC. 405. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this title of this Act.

SEC. 406. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 407. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 408. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 409. No provision in the appropriations Act for the fiscal year 1996 referred to in section 401 of this title of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 406(c) of this Act.

SEC. 410. Appropriations and funds made available by or authority granted pursuant to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 411. Notwithstanding any other provision of this title of this Act, except section 406, whenever the Act listed in section 401 as passed by both the House and Senate as of the date of enactment of this Act does not include funding for an ongoing project or activity for which there is a budget request, or whenever the rate for operations for an ongoing project or activity provided by section 401 for which there is a budget request would result in the project or activity being significantly reduced, the pertinent project or activity may be continued under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 by increasing the rate for operations provided by section 401 to a rate for operations not to exceed one that provides the minimal level that would enable existing activities to continue. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366. For the purposes of this title of this Act the minimal level means a rate for operations that is reduced from the current rate by 25 percent.

SEC. 412. Notwithstanding any other provision of this title of this Act, except section 406, whenever the rate for operations for any continuing project or activity provided by section 401 or section 411 for which there is a budget request would result in a furlough of Government employees, that rate for operations may be increased to the minimum level that would enable the furlough to be avoided. No new contracts or grants shall be awarded in excess of an amount that bears the same ratio to the rate for operations provided by this section as the number of days covered by this Act bears to 366.

SEC. 413. Notwithstanding any other provision of this title of this Act, except sections 406, 411, and 412, for those programs that had high initial rates of operation or complete distribution of funding at the beginning of the fiscal year in fiscal year 1995 because of distributions of funding to States, foreign countries, grantees, or others, similar distributions of funds for fiscal year 1996 shall not be made and no grants shall be awarded for such programs funded by this title of this Act that would impinge on final funding prerogatives.

SEC. 414. This title of this Act shall be implemented so that only the most limited funding action of that permitted in this title of this Act shall be taken in order to provide for continuation of projects and activities.

SEC. 415. The provisions of section 132 of the District of Columbia Appropriations Act, 1988, Public Law 100-202, shall not apply for this title of this Act.

SEC. 416. Notwithstanding any other provision of this title of this Act, except section 406, none of the funds appropriated under this title of this Act shall be used to implement or enforce any system or registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall

any funds made available pursuant to any provision of this title of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

TITLE V CLARIFICATION OF CERTAIN REIMBURSEMENTS

SEC. 501. CLARIFICATION OF REIMBURSEMENT TO STATES FOR FEDERALLY FUNDED EMPLOYEES.—(a) If a State used State funds to continue carrying out a Federal program or furloughed State employees whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

(2) the State shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon due under section 6503(d) of title 31, United States Code; and

(3) the State may use funds available to the State under such Federal program to reimburse such State, together with interest thereon due under section 6503(d) of title 31, United States Code.

(b) For purposes of this subsection, the term "State" shall have the meaning as such term is defined under the applicable Federal program under subsection (a).

(c) The authority under this section applies with respect to any period in fiscal year 1996 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in subsection (a) with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.

HOUSE CONCURRENT RESOLUTION 131

Mr. DOLE. I ask unanimous consent that the Senate now turn to House Concurrent Resolution 131, directing the House to enroll and send to the President House Joint Resolution 134, after he has submitted a certified balanced budget using CBO numbers; that the concurrent resolution be immediately agreed to and the motion to reconsider be laid upon the table, all without any intervening action or debate.

HOUSE JOINT RESOLUTION 134

And I further ask unanimous consent that once the Senate receives the message from the House on House Joint Resolution 134, the House-initiated continuing resolution, conditioned on the President submitting a balanced budget, the Senate be deemed to have concurred in the House amendment and the motion to reconsider be laid upon the table, all without any intervening action or debate.

H.R. 1358

And finally, I ask unanimous consent that if the Senate receives the message from the House on H.R. 1358, containing additional programs not identified in H.R. 1643, the Senate be deemed to have concurred in the House amendment, and the motion to reconsider be laid on the table, all without any inter-

vening action or debate, on the condition that the House amendment is identical to the text I now send to the desk. And I ask unanimous consent that it be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

TITLE I

At the end of the amendment add the following:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1996, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995 for continuing the following projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this Act) which were conducted in the fiscal year 1995:

All allowances paid under section 5(b) of the Peace Corps Act, 22 U.S.C. section 2504, notwithstanding section 10 of Public Law 91-672, at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-295) on the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (H.R. 1868), as passed by the House of Representatives on October 31, 1995;

All activities, including administrative expenses, necessary to process single-family mortgage loans and refinancing for low-income and moderate-income families funded under the Federal Housing Administration's "FHA-mutual mortgage insurance program account" and "FHA-general and special risk program account" in the Department of Housing and Urban Development at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-384) on the Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (H.R. 2099), as passed by the House of Representatives on December 7, 1995;

All projects and activities directly related to the security of United States diplomatic posts and facilities abroad, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

Activities funded under the account heading "Emergency food and shelter program" in the Federal Emergency Management Agency: *Provided*, That, notwithstanding any other provision of this Act, the amount made available by this Act shall not exceed \$46,000,000: *Provided further*, That not to exceed three and one-half percentum of the amount made available shall be for administrative costs;

All retirement pay and medical benefits for Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and

for medical care of dependents and retired personnel under the Dependent's Medical Care Act (10 U.S.C. ch. 55) and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)); at a rate for operations, notwithstanding any other provision of this Act, provided for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed the House of Representatives on August 4, 1995;

All projects and activities of the Federal Bureau of Investigation, Drug Enforcement Administration, Interagency Crime and Drug Enforcement, Federal Prison System, U.S. Attorneys, U.S. Marshals Service, Federal Prisoner Detention, Fees and Expenses of Witnesses, Immigration and Naturalization Service, and the Executive Office for Immigration Review, necessary for the investigation and prosecution of criminal and civil offenses; national security; the apprehension, detention and removal of illegal and criminal aliens; the incarceration, detention, and movement of federal prisoners and detainees; and the protection of the Federal judiciary at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities of the Judiciary to the extent and in the manner and at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to provide for the expenses of State surveys and certifications under the account heading "Program Management" under the Health Care Financing Administration in the Department of Health and Human Services;

Trade adjustment assistance benefits and North American Free Trade Act benefits funded under the account heading "Federal Unemployment Benefits and Allowances" under the Employment and Training Administration in the Department of Labor;

Payments to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds under the account heading "Payments to Health Care Trust Funds" under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities necessary to provide for the expenses of Medicare contractors under title XVIII of the Social Security Act under the account heading "Program Management" under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities funded under the account heading "Grants to States for Medicaid" under the Health Care Financing Administration in the Department of Health and Human Services;

All projects and activities of the National Institutes of Health in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (H.R. 2127), as passed the House of Representatives on August 4, 1995;

All projects and activities necessary to carry out the Section 7(a) General Business

Loan Guaranty program and the Section 504 Certified Development Company program, as authorized by law, under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities funded under the account heading "Surety Bond Guarantees Revolving Fund" under the Small Business Administration at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-378) on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (H.R. 2076), as passed by the House of Representatives on December 6, 1995;

All projects and activities necessary to accommodate visitors and to provide for visitors services on the public lands managed by the Bureau of Land Management at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities funded under the account heading "Disease Control, Research, and Training" under the Centers for Disease Control and Prevention in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, not to exceed an annual rate for new obligational authority of \$2,114,693,000;

All Self-Determination and Self-Governance projects and activities of tribes or tribal organizations (as that term is defined in Public Law 93-638) that are authorized by Public Law 93-638 under the account heading "Operation of Indian Programs" under the Bureau of Indian Affairs in the Department of the Interior or under the account heading "Indian Health Services" under the Indian Health Service in the Department of Health and Human Services at a rate for operations, notwithstanding any other provision of this Act, provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report 104-402) on the Department of the Interior and Related Agencies Appropriations Act, 1996 (H.R. 1977), as passed by the House of Representatives on December 13, 1995;

All projects and activities necessary to provide for the expenses of the Kendall Demonstration Elementary School and the Model Secondary School for the Deaf under the account heading "Gallaudet University" in the Department of Education;

Payments for benefits and interest on advances, together with expenses of operation and administration, under the account heading "Black Lung Disability Trust Fund" under the Employment Standards Administration in the Department of Labor; and

Payments for benefits, together with expenses of operation and administration, under the account heading "Special Benefits for Disabled Coal Miners" in the Social Security Administration: *Provided*, That whenever the amount which would be made available or the authority which would be granted under an Act which included funding for fiscal year 1996 for the projects and activities listed in this section is greater than that

which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under the Act which included funding for fiscal year 1996 for the projects and activities listed in this section as passed by the House as of the date of enactment of this Act, is different from that which would be available or granted under such Act as passed by the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

(c) Whenever an Act which included funding for fiscal year 1996 for the projects and activities listed in this section has been passed by only the House or only the Senate as of the date of enactment of this Act, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1995.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1995.

SEC. 104. No provision which is included in the appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1995 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this Act.

SEC. 105. Appropriations made and authority granted pursuant to this title of this Act shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this title of this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this title of this Act shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this title of this Act, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) September 30, 1996, whichever first occurs.

SEC. 107. Expenditures made pursuant to this title of this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 1996 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this Act.

SEC. 109. Appropriations and funds made available by or authority granted pursuant

to this title of this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. For the purposes of this title of this Act, the time covered by this title of this Act shall be considered to have begun on December 16, 1995.

TITLE II

SEC. 201. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

(a) EXTENSION.—Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking "December 31, 1995" and inserting "June 30, 1996".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of December 31, 1995, and with the consent of Prescott, Arizona, the contract referred to in such section 112(b) is revived.

SEC. 202. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

(a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVIII of Public Law 102-575) is amended by striking "December 31, 1995" and inserting "December 31, 1996".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as of December 31, 1995.

(2) LAPSED PROVISIONS OF LAW AND CONTRACTS.—The provisions of subsections (c) and (d) of section 3704, subsections (a) and (b) of section 3705, section 3706, subsections (a)(2), (c), (d), and (f) of section 3707, subsections (b) and (c) of section 3708, and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of such Act, together with each contract entered into pursuant to any such section or subsection (with the consent of the non-Federal parties thereto), shall be effective on and after the date of enactment of this Act, subject to the December 31, 1966, deadline specified in such section 3711(b)(1), as amended by subsection (a) of this section.

The PRESIDING OFFICER. Is there objection to the request by the majority leader?

SENATE CONCURRENT RESOLUTION 38

Mr. DASCHLE. Reserving the right to object, I have a fourth resolution I ask to be considered as part of this series, en bloc. I will simply read the resolution.

The President and the Congress shall enact legislation in the 2nd session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office, and the President and the Congress agree that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Further, the balanced budget shall adopt tax policies to help working families and stimulate future economic growth.

The balanced budget agreement shall be estimated by the Congressional Budget Office based on its most recent current economic and technical assumptions, following a thorough consultation and review with the Office of Management and Budget, and other government and private experts.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Let me indicate we hotlined this on this side. As far as I know nobody has indicated any objection. I wanted to be sure we did that because after the action we took last week I know the Senator from Texas, Senator GRAMM, said he would have objected had he been here. I understand the Senator from Oklahoma, Senator INHOFE, and the Senator from Georgia, Senator COVERDELL, made the same indication. I am not certain about the Senator from Mississippi, Senator LOTT.

But everybody has been notified. If they want to make any objection now, wherever you are, now is the time to be heard.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the majority leader?

Mr. FORD. Mr. President, reserving the right to object, I need some explanation because of the resolution. Am I correct in my understanding that the so-called clean CR that has the proviso that says that when the President sends or submits a balanced budget in 7 years with CBO figures and is certified by the Speaker, then the clean CR would be released, that that legislation stays here and does not go to the White House until such time as the President submits that budget?

Mr. DOLE. The Senator is correct.

Mr. FORD. So therefore that piece of your unanimous-consent agreement will not go to the President, but it will stay here?

Mr. DOLE. Yes.

Mr. FORD. I thank the leader. I will not object.

• Mr. BOND. Mr. President, I rise in strong support of this latest version of a continuing resolution, and I commend the Majority Leader for his diligence in trying to bring an end to the budget impasse.

It's long past time to send government workers back to work, and ensure they receive full pay on time. We can wait no longer for the President to make good on his promise to submit a 7-year balanced budget. It's clear he never intended to honor this commitment. But we simply cannot hold our Nation's elderly, who depend on Meals on Wheels; our veterans, who depend on their monthly benefit check; those who need passports to travel; children, who depend on federal assistance; or federal workers, to name a few, hostage to the President's refusal to carry through on his commitment.

As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, my patience with this administration has completely expired. The White House has shown no willingness to negotiate in good faith to resolve their concerns with the VA-HUD bill. While I have expressed my willingness time and again to negotiate a compromise, the White House does not seem to understand the art of compromise.

Last month, OMB prepared a list totaling \$1.9 billion which at the time

represented the administration's list of what they wanted in additional spending for the VA-HUD bill. Earlier this week, I saw a new list which OMB had prepared, which had grown to almost \$2.5 billion. Mr. President, this doesn't represent a good faith attempt to resolve the current budget crisis! The size of the list is going in the wrong direction!!

Let me highlight just a few items on the administration's so-called "wish list" for the VA-HUD Subcommittee which would make the bill "acceptable" to the President.

The list contains several pork barrel projects, including \$62 million for the first phases of two brand new VA hospitals—at a time when the veteran population is declining, VA's existing 173 hospitals are underutilized, and GAO says these facilities are not needed.

The list includes \$50 million for a new \$280 million EPA laboratory, a project we just cannot afford at this time.

The list includes \$1 million for the obsolete Office of Consumer Affairs, when we have 2 other consumer agencies which can take over OCA's activities at far less expense. While the President has said he's for streamlining and eliminating duplication, when the time comes to actually do it, he refuses.

For EPA's environmental technology initiative, the White House says we must put in another \$62 million—despite the fact that this program has been a complete waste of taxpayer dollars and there is nothing to show for the millions we've already spent over the past 2 years.

For Boston Harbor, the White House says we need another \$75 million, in addition to the \$25 million included in the VA-HUD bill and on top of the \$530 million already appropriated over the past several years for this pork barrel project. I say to the President, enough is enough! It's time to get real and begin good faith negotiations.

While my frustration with this administration is mounting even as I speak, I do not believe it's right to allow the American people, who depend on services provided by their Federal government, to be the victims of the President's intransigence.

Therefore, I support passage of this continuing resolution, returning workers to their jobs, and providing full year spending authority for such critical activities as veterans benefits, Meals on Wheels, child welfare programs, passport and visa services, and locally financed operations of the District of Columbia.

As chairman of the VA-HUD subcommittee, I'm particularly pleased that this continuing resolution will enable the Department of Veterans Affairs to provide payments to needy and disabled veterans in a timely manner. It will enable VA to pay its hospital workers—who have been working without pay for the past 3 weeks—and pay those who supply medicine, food, and

other critical supplies to its hospitals. This is extremely important and I strongly support the inclusion of this provision in the continuing resolution.

Let me make clear that while I support this measure, it is in no way a solution to the budget stalemate. There are many, many activities which will not be carried out even if this legislation is enacted. For example, while VA can begin processing new claims again, VA will not be able to make payments to new beneficiaries. EPA Superfund cleanup contractors will not get paid. FEMA's emergency food and shelter program will not receive funds—meaning that hundreds of people who find themselves in need of temporary housing assistance will not get help. And States will not receive grants to run their environmental protection programs or for the construction of wastewater treatment plants.

Mr. President, this measure also will not address a major problem with contractor provided services, particularly those provided by small businesses which typically have limited financial resources with which to weather-out delays in payments. This is a very large problem because over the last decade the Federal Government has emphasized contracting out of activities which could be more efficiently carried out by the private sector. Many activities which formerly were conducted by Federal employees have been converted over to the private sector. The employees of these contractors have been furloughed just like the Federal Government counterparts, but under the terms of this bill, they won't be returning to work. And, even when they do return to work, it won't be with the assurances of reimbursement that Federal employees are being given for their lost pay.

As Chairman of the Small Business Committee, I am particularly concerned over the adverse impact this budget impasse is having on cash poor small business contractors. These businesses cannot draw readily upon pre-existing lines of credit or cash reserves that large corporations usually have available. So even where the Federal Government has determined that a function carried out by a contractor is critical or related to health and safety, the Government's inability to make timely payments jeopardizes the very existence of these small businesses.

While the VA-HUD bill Congress passed in December would have funded every one of these activities, the President decided the bill was not good enough and he vetoed it. He vetoed it because we could not breach the budget constraints and appropriate another \$2 billion. If he had signed it, he could have sought supplemental funds in negotiations with the Congress and all of the hardships his veto caused could have been avoided.

But we are left with no choice but to enact this stop-gap measure. I urge the President and his advisors and all those involved in negotiations on the

budget, to work in good faith to come to an agreement as soon as possible.

In conclusion, I again commend the Majority Leader for his hard work on this matter, and I urge its expeditious adoption.●

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the majority leader as amended by the minority leader?

Hearing none, without objection, it is so ordered.

So the motion to concur in the amendment of the House to H.R. 1643 was agreed to.

So the concurrent resolution (S. Con. Res. 131) was agreed to.

So the concurrent resolution (S. Con. Res. 38) was agreed to, as follows:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring). That the President and the Congress shall enact legislation in the 2nd session of the 104th Congress to achieve a balanced budget not later than fiscal year 2002 as estimated by the Congressional Budget Office, and the President and the Congress agree that the balanced budget must protect future generations, ensure Medicare solvency, reform welfare, and provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Further, the balanced budget shall adopt tax policies to help working families and stimulate future economic growth.

The balanced budget agreement shall be estimated by the Congressional Budget Office based on its most recent current economic and technical assumptions, following a thorough consultation and review with the Office of Management and Budget, and other government and private experts.

Mr. DOLE. That takes care of the Senator's request?

Mr. DASCHLE. Yes.

Mr. DOLE. I think the Senator from Alaska wants to comment, too. I think the Senator from Oregon, Senator HATFIELD, the chairman of the Appropriations Committee, has some concern about this process. In fact, I think the Senator from Alaska talked to the Senator from Oregon. But let us proceed. We need to work on some of these things.

Has anybody determined, once they look through the list—NIH will be approved for an entire year, in fact, a number for an entire year, some March 15. That takes those provisions out of other bills that may be pending or may have been vetoed. I think it does present some difficulty for the appropriators, particularly those who might be conferees when they try to salvage the rest of those proposals and get them passed. I will be happy to yield to the Senator from Alaska for further comments. I know he talked to Senator HATFIELD.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Chair.

It is my understanding that this bill is now for the full year for all of the subjects mentioned.

Mr. DOLE. In the second, yes.

Mr. STEVENS. The difficulty is—I have not spoken directly with the Senator from Oregon, but he has sent to me his concerns as chairman of the Appropriations Committee that what this does is it pulls out of some bills, as the leader said, provisions that may disturb really the synergy of the whole bills when we come back and try to get them finally adopted and sent to the President.

So he does really express great reservation to the procedure that is being used. So he wants me to indicate that the Appropriations Committee on this side will not pursue this procedure again.

Mr. DOLE. I do not disagree, obviously, with the Senator from Alaska or the Senator from Oregon. I think in the event we should reach an agreement with the President on a balanced budget we can take care of all the appropriations bills that are still around here, but otherwise it is going to present a real problem. But I would just say the House insisted that they be for 1 year or they not be included at all. So you had to make a judgment because some of these are very sensitive programs, very important programs.

So we yielded to the wishes of the House appropriators in this case. But I understand the Senator's concern.

Mr. STEVENS. Mr. President, just one comment further. It is my understanding that the figure is the House figure on those disputed items which are in conference with the Senate. That is the Senator from Oregon's real objection to this procedure.

Mr. DOLE. Some are the House figures and some are the conference figures. But the Labor-HHS, since that has not been completed that is the House figure in Labor-HHS.

Mr. STEVENS. Right.

Mr. DOLE. Let me thank all my colleagues. The House is still debating what we have completed. But we are going to—in case there should be any amendment, the Democratic leader and I agreed we would be here tomorrow so we could concur on any additional amendment, if we agree on it, concur in that amendment, because we want to be certain on Monday the money is available for whatever may be in that text that I sent up.

I do not think there will be any amendments adopted on the House side, but if so that will be taken care of tomorrow. And we will condition coming in tomorrow on whether or not there are any amendments added. If there are no amendments added, we will not be in session tomorrow, we will not be in session Sunday, we will come in about 2 or 3 o'clock on Monday, probably about 3 o'clock Monday.

I want to thank all my colleagues for their cooperation. In my view, we have a resolution now of a very thorny problem and one that unfairly punished a lot of good people, Federal employees in particular who were being paid for not working, not because they do not want to work—they were willing to

work—but they could not go to work. And this will see that they are paid.

In addition, we have provided money for a number of programs, as pointed out in the two sort of targeted appropriations bills that we passed this evening. Of course, the President now, if he decides to lay down a balanced budget, scored by CBO, over a 7-year period, then everything is going to be open until January 26.

I think by that time we will either have reached the budget agreement or not. That gives us 3 weeks in which to do that. And I hope that if we cannot come to some agreement that we are not going to go through this process again with a Government shutdown or partial shutdown. I know that the Speaker is working on some language that in the event this should happen again that I think every Federal worker would be deemed essential so they would still be coming to work, and some other provisions they are working on on the House side so there would not be a repeat of the 21- or 22-day shutdown, following the earlier 7-day Government shutdown or partial shutdown.

So I want to thank the Democratic leader. And I want to thank my colleague from Virginia who has been on the floor all week long, and others who have an interest in this matter, as we all do. I think now that we have completed action we can tell everyone to go back to work.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I share the satisfaction expressed by the majority leader about the opportunity now to send Federal workers back to work with pay, apparently now giving them also the authority and funding to do at least some of the things that they are being paid for. But I share the reservations expressed by the Senator from Alaska and the Senator from Oregon. This is not the way to run a Government.

The majority leader had it right on January 2. On January 2 this body passed a clean continuing resolution that did all that we should do. Now we are picking and choosing. Now we are picking winners and losers. Now we are still leaving unfunded a lot of very important programs including Head Start, JOBS, cops on the beat, virtually all the programs at the Commerce Department, NASA operations, the social services block grants, Violence Against Women grants, entire divisions of the Department of Justice—including the criminal, civil rights, and environmental divisions, among others—all Environmental Protection Agency contractor operations, low-income housing vouchers, and vocational rehabilitation. Many more agencies and activities, very important functions of Government, are still left without any funding, still left without any standing as we enter this new session of Congress in this new calendar

year. American taxpayers have paid for these services, yet they will not be receiving them.

So no one should be misled. We have not solved everything here. We have solved only part of the problem. As I have said all day, we have come to the agreement that something is better than nothing. And nothing is what we would have had if nothing passed tonight. And so I am somewhat encouraged that we made some progress in all of this, although I wish we had done again tonight what we did on January 2—pass a clean continuing resolution to reopen the entire government and restore some normalcy to our governmental processes.

As for the 7-year budget issue, the reason we added the fourth measure to this en bloc unanimous consent request agreement is that the commitment to a 7-year balanced budget, Mr. President, was only half of the agreement Democrats and Republicans both made last November.

The other half of the agreement was that we were going to protect priorities. We all agreed we would negotiate toward a balanced budget if we could agree to one within a 7-year period of time, scored by CBO once finalized—after there was consultation with the Office of Management and Budget. But what we also agreed to was that we would protect those priorities that Democrats and some Republicans have indicated are very important if we are going to achieve a balanced budget: all the priorities I read earlier.

Those priorities include Medicare and making sure that people have every confidence that in the Medicare Program they are going to be protected. They include Medicaid and education and the environment. They include agriculture and veterans affairs—priorities that we feel every bit as strongly about as we feel the need to balance the budget in 7 years. We are unwilling to use those pools of resources to pay for tax cuts for those who do not need them.

So we felt the need to recommit ourselves and our colleagues to those priorities that we all agreed to last November.

Mr. President, I know others want to speak. Let me just close by reading a letter that I got from Amanda Munroe a couple of days ago. Amanda Munroe is a sixth grader from Sturgis, SD. She wrote a letter that is as poignant and as straight to the point as anything I have read. It is probably appropriate tonight that it be read and shared with my colleagues:

I am 12 years old and in the 6th grade at Sturgis Williams Middle School. My mom and dad both work at Fort Meade Veterans Medical Center. Many kids at Sturgis Williams Middle School have parents that work at Fort Meade.

In school I learned that the Government is of the people, for the people, and by the people. I thought the Government was supposed to make choices that help the Nation. The furlough does not only hurt Federal workers, it hurts the children also. I thought the children were the future.

I think that the Democrats and the Republicans should each give a little and pass the budget. It would make the future of Federal workers and their children much brighter.

Thanks for being the grinch that stole our Christmas.

There are a lot of children and others out there who did not have a very rosy Christmas as a result of an extraordinary experience they have had to endure. Let us hope it is now over. Let us hope at long last Federal workers can go back to work, pay their bills, run the Government and do the things that we have asked them to do. We will all be better for it. I yield the floor.

Mr. WARNER. Mr. President, I first want to express my great respect and appreciation for the majority leader of the U.S. Senate. In the 200-plus years that this institution has been serving the public of this great Nation, I doubt if there has been a chapter with parallel and complexity and such seriousness as the one we witnessed here of recent days.

The leadership exhibited by Senator DOLE throughout has earned him an indelible place in the history of this institution and in that category so named as a profile in courage for what he has done.

I join with Senator DOLE in his expression of appreciation to the minority leader and his leadership, together with the minority whip and his leadership. I have had the privilege here of being on the floor throughout the week with the distinguished Senator from Kentucky, and while we may have had differences of views, we have tried our very best to maintain a bipartisan approach to the solution, and I think that was achieved.

I also want to pay special recognition to Members of Congress from the greater Metropolitan Washington area: Congressman DAVIS, Congressman GILCHREST, Congressman WOLF, Congresswoman MORELLA. We have been meeting regularly, together with Congressman BATEMAN, who represents another section of the State of Virginia, to try and provide the leadership of the Senate and the House with our best judgment as to how this matter may be resolved.

I also wish to thank the Presiding Officer, the senior Senator from Alaska, a known expert on the complexity of appropriation measures. We counseled together throughout the evening on various aspects of the legislative messages coming from the House, and, indeed, I think through his wisdom, one or two problems were corrected at the last minute. I wish to commend him for the service he has rendered the Senate in that capacity this evening. Time is short and there was a need to move forward on this.

I know there are other Senators anxious to speak. I shall yield the floor. Again, my expression of appreciation to all the colleagues who worked together as a team, together with a very competent staff of this institution to make this possible and to put back to

work these individuals who were caught in the crossfire, in a very unfair manner, caught in a crossfire—not only those who are Government employees, but indeed the ripple effect throughout our State and other parts of the United States which involved either directly or indirectly many members of the private sector.

I hope we have learned by this experience, Mr. President, we have learned a lesson such as it will not be repeated again in the future. I yield the floor.

Mr. HEFLIN. Mr. President, I join in the remarks of Senator WARNER relative to the majority leader and minority leader and the minority whip, Senator FORD, and the person who has been serving somewhat of a similar capacity, Senator WARNER, on the floor, as well as other leaders, including the chairman of the Budget Committee in the Senate.

I think the Senate, basically, has endeavored to act very reasonably in approaching this issue pertaining to the shutdown of the Government, getting the Federal employees back on the job. I think Senator DOLE's speech on "enough is enough" was a remarkable speech and a remarkably courageous statement.

I think in the Senate we have shown that we can get together, be reasonable, work out these matters. We have differences as to what a balanced budget over 7 years should be comprised of, and a lot of differences. Nevertheless, there is a spirit here of cooperation in endeavoring to try to work together, to try to solve the problems that confront the Nation at this particular time.

I was really concerned about the bills that were coming over from the House relative to it, because in effect they were authorizing the employees to go back to work but in effect restricting what they could do by the use of funds. I sort of referred it to one of my friends as, you are sending them back to work, but you are putting them in a thumb-twiddling situation where they just have to sit around and twiddle their thumbs and they cannot do anything because of the restrictions. That still applies to a large number of the agencies and departments that are not covered. I am delighted that there is this second targeted appropriations continuing resolution and it takes care of a number of very important agencies and departments in Government.

During the day when we first started out, this was omitted, and I began to talk to a great number of people pertaining to a number that I felt were essential, that they ought to be continued, such as the National Institutes of Health. I talked to the Director of the National Institutes of Health during the day. Of course, there were real problems there that they would have on continuation of research, vital research, and the grants. He told me they had something like over a 3-month period, around 4,000 applications that they had to process.

There is also a very unusual program where people with rare diseases come

within the ambit of the National Institutes of Health and are able to be treated, and they are given special treatment and special drugs. It has saved the lives of numerous individuals, and this would have had to be shut down.

The Center for Communicable Diseases and the Centers for Disease Control were in a situation where Senator NUNN made a very telling speech and very informative speech about yesterday. To me, it was essential that we continue to operate at full force and with full effectiveness the Centers for Disease Control. Monitoring flu, you never know exactly what is going to happen. There are diseases that occur and epidemics that could take place. This is extremely important.

To me, another very essential aspect was the conduct of the courts of the land. Our judiciary needed to be protected. I did some investigations and under the proposals that would have occurred until this last second targeted appropriations bill has now been approved by this body and will be brought up before the House later—and, of course, if they pass it, it will be deemed to have been adopted by the Senate under our resolution. There are an average of 4,500 individuals charged with Federal felonies each month. If the criminal trials are not held, public safety will be jeopardized, because under the Speedy Trial Act, criminal trials must be held within 70 days from the date the defendant is indicted or arrested, or charges are dismissed and the defendants will be released back into the community.

As evidenced by the bombing at Oklahoma City, and in recent instances in Chicago involving the murder of a court security officer, an attempted mail bombing, the safety of judges and judicial employees is also at great risk.

The lack of Federal funds to pay the contractors who operate the screening equipment and assist the U.S. marshals in providing security in Federal courthouses would result in undetected guns, explosives, and other weapons getting into courtrooms. Judges, especially those in high-risk areas, will not jeopardize the safety of court personnel, jurors, witnesses, and the public by holding trial in the absence of proper security. This could result in the possible dismissal of cases and release of defendants back into the community.

And then jury trials: No funds would have been available to pay jurors in civil and criminal trials. As a result, courts will be faced with the choice of either delaying important trials or compelling citizens to serve under the threat of imprisonment or fine without any promise of timely pay. Trials would be canceled or delayed because 60 percent of the court reporting and half of all of the court interpreting is performed by outside contractors. Court-appointed private attorneys, who represent almost half of all criminal defendants, would not be paid, jeopardizing the holding of criminal trials for

their clients. This would lead to possible dismissal of cases and release of defendants back into the community.

Public safety throughout the country would be seriously impaired due to a lack of Federal funds to pay for drug testing, drug and mental health treatment, halfway house placement, home confinement monitoring, community supervision by judicial employees of 114,000 convicted criminals, the majority of whom have served sentences of incarceration, and those charged with Federal crimes and so on. I could go on. Even in the bankruptcy court there are matters that would have to be looked at, and this would cause problems relative to this.

I am delighted to see that the Department of Justice crime programs—the FBI, DEA, prisons, U.S. marshals, U.S. attorneys, U.S. Marshal Service, organized crime, and drug enforcement—are taken care of in regards to that. But there are other areas in the Department of Justice that are not taken care of.

So, I think we still have to look at this, in this situation of where people go back to work, but then, in effect, they are so restricted they cannot carry out their duties, raises the question of how rational and how wise such a measure is. Nevertheless, it is better than what we have had.

Again, I thank the leadership of the Senate for their work relative to this and in the reasonable approach they have used. Hopefully, some of that reasonable approach has rubbed off on the House of Representatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I believe late on a Friday evening, with very few of the public listening or watching, the Congress of the United States is about to accomplish an extraordinary feat. We have passed, or are about to pass automatically, a series of resolutions which will solve the immediate crisis before us, a crisis in the day-to-day administration of many of the agencies of our Federal Government. It is that crisis, of course, which has occupied the minds and hearts and the time of many Members of Congress, of almost all of our Federal employees, and of much of the administration over the course of the last several weeks. And it is an accomplishment in itself, given the controversial nature of the issues before us.

From the perspective, from the point of view of the long-range interests of the people of the United States, however, that accomplishment pales by comparison with the near commitment we now have to a proposed balanced budget from the President of the United States, a goal we have sought unanimously on this side of the aisle, a goal sought by many on the other side of the aisle, for an extended period of time, for at least all of calendar year 1995. It is a goal which was, of course, not attained by the original budget the

President of the United States submitted to Congress, by the revisions last summer, or by any of the further revisions which have taken place during the course of this debate during the fall and winter of 1995 and in 1996.

Now, however, the full restoration of the administration of various departments of the United States depends upon the submission by the President of the United States of just such a balanced budget. These proposals do not require any particular content in that balanced budget, but they do require, and I believe will obtain, a set of proposals from the President which can be compared at that point by Members of Congress, by the news media, and by the people of the United States, with the various proposals the Republicans have made, including the Balanced Budget Act of 1995 recently vetoed by the President of the United States.

Just why it has taken this extended period of time, why the President has so resisted meeting us on common ground, a common ground from which we all hope a valuable compromise can be reached, is difficult to understand. Clearly Members of the Democratic Party can meet the challenge of proposing a balanced budget using honest figures which presumably meets each of the priorities on which they place so much weight with respect to health care, the environment, education, and the like. Conservative Democrats in the House produced such a budget many weeks ago. The leadership of the Democratic Party here in the Senate made such a proposal before the Christmas recess.

Now, much of the debate has revolved around the insistence of Republicans on a balanced budget using figures provided by the Congressional Budget Office. The overwhelming attention of the White House and of many of its supporters has been toward a list, included in the last balanced budget requirement, respecting adequate funding for Medicare, Medicaid, education, the national defense, and a number of other activities of the Federal Government.

But there is a very real distinction between those two parts of that November resolution. The determination of whether or not a proposed budget, whatever its specific content, is in fact balanced under the projections of the Congressional Budget Office is a pure question of fact. Either it is or it is not.

The Congressional Budget Office, basing its judgment on certain assumptions, makes a series of mathematical calculations and tells us whether, in its view, in the year 2002, the budget will be balanced. The answer is yes or no. There is, given the nature of the requirement, no valid difference of opinion as to whether or not a particular budget is balanced. The Balanced Budget Act of 1995 included such a balance. Later proposals by the Senator from New Mexico, the chairman of the Budget Committee, are balanced in that fashion.

The so-called bipartisan proposal set forth by Senators CHAFEE and BREAUX and a number of others reaches such a balance. The Democratic leadership proposal reaches that balance, as does conservative Democrats' budget in the House of Representatives. Whether or not a particular budget adequately funds Medicare, Medicaid, education, the national defense, or does the right thing with respect to taxes, with respect to working Americans, however, is a question of opinion. It is the view of this Senator and the view of the Senator from New Mexico that each of those goals was and is appropriately met by the Balanced Budget Act of 1995.

Members on the other side of the aisle and the President do not agree. Presumably, they feel that each of those goals is met by the Democratic leadership budget proposal. They feel, evidently, that it deals appropriately with the tax burden on middle-class working Americans, even though that proposal increases taxes overall in order to reach balance. I disagree with that proposition as they disagree with my views on various spending programs. But these are matters of opinion; these are matters which obviously are subject to compromise.

What we have gained at this point is the implicit agreement that the President of the United States, now for the first time, will join the conservative colleagues in his party in the House, his leadership in the Senate, and make his proposal, presumably with specific policy judgments with respect to each of these spending items—to the national defense, to our tax structure—that will meet the objective requirements of the Congressional Budget Office.

Only when we have these figures is there any real chance that we will succeed in reaching a middle ground that will objectively lead to a balanced budget by the year 2002 and subjectively, presumably in the minds of those Members of Congress who vote for it in both parties and the President who signs it, meet these other policy objectives as well.

So, Mr. President, I am not here to apologize and say that this is the best job we could do. I find it at least slightly amusing that we are accepting lock, stock, and barrel what the House of Representatives has proposed with respect to the specific language in these various resolutions. But, on the other hand, I think it is safe to say that we probably would not have reached this conclusion this quickly had it not been for the actions earlier this week and late last week by the distinguished majority leader in saying that we had to get out of the dilemma in which we found ourselves.

It does seem to me, however, that given the nature of the immediate crisis we face, as well as our overall goals of balancing the budget, that we have not done a slap-dash job, we have not done a second, or third-best job. We

have done the job right. We will have solved the immediate crisis, and we will have made a gigantic step toward that magnificent goal of balancing our budget; of ending the practice of spending money today on things that we want and sending the bills to our children and grandchildren; of giving them higher incomes, as now is almost a common opinion of economists throughout the United States, by lowering the burden of debt which they will be required to carry; by making their futures brighter and making their futures brighter our own as well.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT—MESSAGE FROM THE HOUSE

The PRESIDING OFFICER. If the Senator from New Mexico will forbear for a moment, the Chair wishes to announce that under the order of September 6, 1995, the Senate, having received a message from the House on S. 1124, therefore disagrees with the House amendment, agrees to a conference with the House, and the Chair appoints the following conferees which the clerk will state.

The Presiding Officer (Mr. WARNER) appointed Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. LOTT, Mr. NUNN, Mr. EXON, and Mr. LEVIN conferees on the part of the Senate.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

A CLEAN CONTINUING RESOLUTION AND BALANCED BUDGET ACT

Mr. DOMENICI. Mr. President, we are here tonight to talk about two important issues—one is the short-term outlook for the operation of the Federal Government, and the other is the long-term economic future of the Nation.

The Senate is now considering a continuing appropriations resolution [CR] that will reopen the Federal Government and put our Federal employees back to work with pay. This CR will operate the Federal Government for 3 weeks through January 26 and give the congressional leadership and the President the opportunity to again try to agree on a balanced budget plan.

This CR has a reasonable requirement that the President should now present a budget plan that reaches balance over 7 years using CBO estimates. The President committed to this goal when he signed the continuing resolution last November (H.J. Res. 122 Public Law 104-56), but he has yet to submit a balanced budget by CBO scoring.

CHRONOLOGY FOR BBA

Mr. President, the President submitted his fiscal year 1996 budget to Congress on February 6. At the same time, the new Republican Congress was undertaking the long overdue task of balancing the Federal budget.