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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, April 28, 1997, at 2 p.m.

## Senate

FRIDAY, APRIL 25, 1997

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, whose peace cannot be kept unless it is shared, we seek to receive Your peace and communicate peace to others throughout this day.

We confess anything that may be disturbing our peace with You as we begin this day. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or destructive innuendoes that we may have spoken. Forgive any way that we may have brought acrimony to our relationships instead of helping to bring peace into any misunderstandings among or between the people around us. You have shown us that being a reconciler is essential for a continued, sustained experience of Your peace. Most of all, we know that lasting peace is a result of Your indwelling spirit, Your presence in our minds and hearts.

Show us how to be communicators of the peace that passes all understanding, bringing healing reconciliation, deeper understanding, and open communication. In the name of the Prince of Peace. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. ENZI. I thank the Chair.

### SCHEDULE

Mr. ENZI. On behalf of the majority leader, I will announce the schedule for today's session.

This morning, the Senate will be in a period of morning business until the hour of 11:30 a.m. to accommodate a number of Senators who have requested time to speak. By a previous consent agreement, at 11:30 a.m., the Senate will begin consideration of S. 562, the reverse mortgage bill. It is the understanding of the leadership that no Senator will request a rollcall vote on passage. Therefore, Senators should not expect a rollcall vote to occur during today's session of the Senate.

Following disposition of S. 562, it is the intention of the majority leader to ask the Senate to begin consideration of S. 543, the volunteer protection bill. If there is an objection to proceeding to that bill, it may be necessary for the majority leader to move to proceed to S. 543 and file a cloture motion on the motion to proceed. That cloture vote would occur on Tuesday of next week, and therefore there would be no rollcall votes during Monday's session of the Senate. Consequently, Senators can expect the next rollcall vote to occur on Tuesday, April 29, at 2:15 p.m. As always, Senators will be notified as soon as any agreement is reached and the rollcall vote is scheduled.

I thank my colleagues for their attention.

Mr. ASHCROFT addressed the Chair.

### MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senate is now in a time for morning business.

The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Chair.

### GOVERNMENT SHUTDOWN PREVENTION ACT

Mr. ASHCROFT. I rise to make brief remarks about an important topic. The topic is the way in which we control our deployment of the resources of the American people. That is just another way of saying it is about spending.

Over and over again, we come to the end of the fiscal year for the Federal Government and we are threatened with the absence of a spending plan. In the absence of a spending plan, we experience what are called Government shutdowns. It is at a time like that, when we have the potential for shutdown because we do not have any spending plan, that people begin to load up the budget with things they want. They know that the threat of a shutdown makes it more likely that things which could not pass muster on their own, which would not really be justified in the cold, hard light of reason and in the inspection and examination of normal debate, would be included.

This is one of the reasons the deficit has become so high; under the pressure of the deadline and potential of a Government shutdown people are able to get spending plans enacted which simply divert resources, waste resources,

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



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and spend more resources than we have. It exacerbates the deficit; it hurts the potential of this country; it shows the absence of discipline which is indicative of the irresponsibility of the Congress.

We should not allow that to happen. We should not put ourselves in a situation where we come to the end of the fiscal year and the President can say, if you do not put \$10 billion or \$11 billion or \$14 billion more in the budget, I will veto the spending plan altogether, and we will end up with a shutdown and the American people will be held hostage until you agree to the plan for more spending.

When people are held hostage the debate does not focus on the merits of spending issues, it focuses on the pain of the people who are held hostage without Government services. We desperately need to develop a way in which to handle our budget and appropriations process that does not allow the people to be held hostage by the President at the end of the year. The President should not be able to say, I will veto anything you send unless it has great expansions of programs to which you would not otherwise agree.

It is with that in mind that I rise today to support what will be debated in this Senate, and I hope will be enacted shortly, and that is a continuing resolution. A continuing resolution is the way for us to have a spending plan which will be in place if we do not reach one in the ordinary budget and appropriations process. And it is a way of saying we will continue spending at some ratio of the previous levels, even in the absence of a budget for next year until we come to an agreement.

The real virtue of this is simply that it will allow us to debate issues about spending in the next budget even at the close of a budget year without the potential of the American people being held hostage to a shutdown.

I think that is a wise thing to do. That way we will look at each issue on its merits instead of looking at the pain that might be inflicted upon the country if the President vetoes a budget, shutting down the country and saying unless you do what I say, I am going to keep it shut down and see to it that these people have more injury and more pain.

We have been through that. We had the longest shutdown in history because of disagreements between the Congress and the President.

Now, there is a proclivity to say, well, it was the Congress' fault. Well, the Congress did pass a budget, but the President vetoed that budget. We do not want to be in that position again. So we need to put in place a continuing resolution, to do it now in the dispassionate cool of spring and not at the time at the end of the year when the President can say, well, if you do not do it my way, it is my way or the highway. You just send everything home. The people would be held hostage, and we would not really debate the issue on its merits.

It is with that in mind I support the effort that is being made by the Senator from Texas [Mrs. HUTCHISON] to provide a basis for a continuing resolution. I think it is the kind of responsible Government that helps us represent the people well and keeps us from inappropriately, improperly spending the resources of taxpayers based upon demands that are made at a time when urgency causes people to make decisions that merit would not justify.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent I be allowed to speak for 15 minutes in morning business.

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

Mrs. HUTCHISON. Thank, you Mr. President.

Mr. President, I want to talk today about something that I think will be coming up next week, and that is the supplemental appropriations bill. This will be the first appropriations bill that has come to the floor this year. So I think it is wise for us to set the policy for how we are going to handle appropriations for the full year.

All of us remember 1995 and the time that Government shut down, putting Government employees in a situation of not being quite sure if they would get paid, not being able to work even if they wanted to. We had people who had planned for family vacations who were not able to get into the Washington Monument or the Smithsonian or many of our national parks. As we begin to set the policy for how Congress is going to handle appropriations this year, I think it is most important we set the ground rules to have a functioning Government at a reasonable level so there will not be any fears of a Government shutdown; So that agencies can plan in case some of the appropriations bills are not passed by September 30.

Now, many people know that we have 13 different appropriations bills. Each appropriations bill goes forward for its particular agency or group of agencies. Many times we face the end of the fiscal year when six appropriations bills are passed and signed by the President and maybe seven are not yet finished because there are still negotiations between the President and Congress. There is no question that there are different priorities between the President and Congress in many areas. The defense bill, for instance, is one that usually is the last to pass because there will be a difference on how we prioritize our defense expenditures. It could also happen in the case of other agencies and other appropriations bills.

I think that it is just time that we set the policy. Senator JOHN MCCAIN and I have introduced a bill called the Government Shutdown Prevention Act. We are going to offer this bill to the upcoming supplemental appropriations

bill because we think this is the appropriate time and the appropriate place to say this is how we will handle it this year.

This is good government. It is responsible government. We have some very important supplemental appropriations. We are going to, hopefully, be helping the flood victims of North Dakota and other disaster victims that have met with tragedies during the first part of this year. We are going to be making sure that our troops in Bosnia have the funding that they need, without taking so much from our defense budget that our other young men and women are not able to be trained.

So these are important supplemental appropriations. I think it is most important that we also take care of the business of governing, and that we say, right now, there is not going to be a Government shutdown. There is not going to be a disruption in services. We will fund Government at 98 percent of the 1997 spending levels. That 2 percent leaves Congress the ability to do what it is going to do in the negotiations that might occur after September 30 and not spend money that has not actually been appropriated. I think that is most important if we are going to have all the options that Congress should have regardless of whether it has reached an agreement with the President.

Now, all of us hope that we will have an agreement. But we believe it is not in anyone's interest to be up against a September 30 deadline when all of a sudden you have the hammer over people and lives being disrupted all over America. So you do things that are not based on the merits of the argument between spending in one area or spending in another. You do things because you have this artificial hammer hanging over your head, saying people's lives are going to be disrupted. They are not going to be able to get passports, they will not be able to take their vacations. They will not be able to assure that veterans benefits will be paid. Federal employees will not know for sure that they will get paid, although in my wildest imagination I cannot imagine any Congress not paying our Government employees. That is what we are trying to do with the Government Shutdown Prevention Act.

I think it is important we start talking about it now because this will be part of the debate next week. I would like to see this amendment put on in a bipartisan way, unanimously. I would like to see that everyone agrees that this is a reasonable approach.

We have talked to many people about it in Congress, on both sides of the rotunda, trying to come up with the right percentage. Many people wanted to go lower than 98 percent of previous year's funding. Many people were concerned about not having enough of an incentive to continue to negotiate. But I felt that 75 percent was not reasonable. I think we want to make sure that the

Government that is going to keep running can run on a reasonable basis. If anyone doesn't think 98 percent is reasonable, welcome to the real world. Is there a family in America that hasn't had to make do with 2 percent less to spend? Is there a small business in America that hasn't made a 2-percent cut in their budget?

So if a Government employee tells me that the agency can't run at the 98-percent level, I would say that they are not qualified to manage their agency. We can save money to make sure that we are planning for the future. And that is another reason why I think we ought to pass this legislation right now. I think we should let our Government agencies know that if there is a disagreement in October, plan now to know that you are going to be able to operate at a 98-percent level. So, you can plan ahead, and if you need to make provisions, you can do it now. I think that is another good reason for us to do it early, rather than waiting until some other appropriations bill comes up to the floor, which might be in June or July. That is not as much planning time. So we are talking about good government. We are talking about responsible governing and trying to handle the issues for which we are responsible as a U.S. Congress in a responsible way.

Now, I think this is something that the Democrats would probably welcome because they have said, on the occasions where the potential for a Government shutdown has come, that they think this is not a responsible way to run a railroad. They have said that in many heated debates. I hope that they will come along and work with us—and I think they will, frankly. I think there are some Democrats who want to support this. Nobody has focused on it a whole lot because we have had the chemical weapons treaty for this week. But as people start to focus on it next week, I hope they will look at this and support it.

So what we are talking about is a safety net, a funding mechanism for fiscal year 1998 that would trigger on October 1, 1997, if any of the 13 appropriations bills have not been agreed to by the President and Congress. This is good government. This is responsible government, and I hope that we can do it in a bipartisan way.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I want to take the floor this morning to make a few comments in favor of the Government Shutdown Prevention Act, which we hope will be a part of the supplemental appropriations next year, which will be offered next week by Senator MCCAIN and Senator HUTCHISON and which, it seems to me, embodies the elements of good government.

We had a pretty contentious discussion in the last Congress about how

best to get a balanced budget. It led to a conclusion that no one was happy with. It involved several temporary shutdowns of the Federal Government. We think it is important that that be avoided for the future. Everybody now understands that was not a good result, and the amendment which will be offered by Senator MCCAIN and Senator HUTCHISON would prevent that.

It would simply provide 98 percent of the fiscal 1997 appropriations bill level and will be subject to all of the terms and conditions of the prior year's bill, with a specific prohibition on initiating any new projects or activities. To put it another way, if we are unable to reach an agreement, it provides for a reasonable funding level to avoid the Government shutdown.

It seems to me this is something we ought to pass on a bipartisan basis unanimously. Obviously, the American people are not interested in seeing the Government shut down again. They are also interested in seeing us reach bipartisan agreement to balance the budget, which we all hope will happen. But the McCain-Hutchison bill will eliminate the threat of a Government shutdown and leverage the President to garner additional funding for his priorities. It is a good-government proposal. It makes it clear that those on my side who thought the Government shutdown might be good leverage in the past decided that it isn't and that it should not be pursued.

It keeps the pressure on all of us to go forward to enact the appropriations bills, because that is what we would ultimately hope would happen in the course of this year as well. I think, Mr. President, this is clearly something that ought to be coupled with the supplemental appropriations which, presumably, we will be dealing with next week.

So I would like to add my strong support to the efforts of Senator MCCAIN and Senator HUTCHISON and commend them for their work on this important issue and suggest that the Senate, hopefully, will pass this unanimously at the appropriate time.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I would like to speak on several matters that are at least somewhat related.

#### CHILDREN OF ST. ANN

Mr. WELLSTONE. First of all, Mr. President, I would like to welcome, so that this would be part of the CONGRESSIONAL RECORD, the really beautiful children of St. Ann Episcopal Church in the South Bronx who came here yesterday for a visit. These are wonderful children. They were written about in Jonathan Kozol's book "Amazing Grace: The Lives of Children in the Conscience of a Nation." I wish to let

those children know that it was really wonderful to have them here in the Nation's Capitol and I am sure that someday some of them will serve in the Senate.

#### SUPPLEMENTAL APPROPRIATIONS

Mr. WELLSTONE. On a second topic that is clearly related to this topic, Mr. President, I had an opportunity to talk to Senator BUMPERS and Senator COCHRAN, who are going to be very key in the appropriations bill, who are working on this supplemental appropriations bill, and I would like to thank them for their effort to really restore adequate funding for the Women, Infants, and Children Program. I think Senator COCHRAN and Senator BUMPERS are very committed to doing it. Both the Washington Post and New York Times had editorials yesterday.

The problem is what we get coming over from the House as opposed to an additional \$76 million that the White House now realizes it needs to make sure that 180,000 women and infant children are not falling between the cracks with inadequate care. This has to do with avoiding low birthweight, childhood anemia, this has to do, frankly, with the whole issue of infant mortality. I cannot think of anything more cruel than for us not to fully fund this program. It works. There has not been one study by anybody, anywhere that has made the case that we must not invest in nutrition for our children.

I am really hopeful that when we mark this bill up next week on the Senate side we will get it right and we will not turn our gaze away from the conditions of children. Too many children are malnourished. Too many women who are expecting children are malnourished.

#### CONFIRMATION OF ALEXIS HERMAN

Mr. WELLSTONE. The third point, Mr. President—and I just have four to make in a short period of time—I come to the floor today to also urge my colleagues to move forward with final confirmation of Alexis Herman as Secretary of Labor. Really, I think it is time to let her go free.

Mr. President, you and I are both on the Senate Labor and Human Resources Committee. By unanimous vote, we passed her out of the committee. She is eminently qualified. We have a lot of work to do. We have a controversial TEAM Act that is going to be before us. We have the bill which we spent a lot of time on, the comp-time, flextime bill that has passed out of committee and that is going to come before us. I have been the ranking member on the Subcommittee on Employment and Training. I think Senator DEWINE is doing an excellent job. We are very serious about moving forward with this job training, work force development bill, but we do not have a Secretary of Labor.