

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

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

IMPLICATIONS FOR THE SECOND SESSION OF THIS CONGRESS

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Maryland.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

REGARDING THE RESOLUTION COMMENDING BRETT FAVRE

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

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

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

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

CONGRATULATING BRETT FAVRE

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