

relief from the floor and perhaps getting more of the amendments prepared so we can know what we are doing.

The PRESIDING OFFICER. That will be the order.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts, amendment No. 2996.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 527 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Campbell	Hatfield	Shelby
Chafee	Helms	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—47

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Johnston	Reid
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	

So the motion to lay on the table the amendment (No. 2996) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

RECESS

Mr. DOLE. Mr. President, so that we can give staff on each side time to sort of bring the amendments together in some order on each side so we will know precisely where we are—it makes it very difficult if we are not quite certain, and if we have not seen the amendment—I think we can save time by taking a brief recess now to give them that opportunity.

So I ask unanimous consent that we stand in recess until the hour of 1:20 p.m. and that when we come back we resume voting immediately after reconvening with 7½-minute votes, the same as we have now.

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

Thereupon, the Senate, at 12:33 p.m., recessed until the hour of 1:20 p.m.;

whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAMS].

BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will just use a minute of my leader's time.

I am now advised that there are at least 40 amendments on the other side that will be offered, after we were at least hopeful yesterday and we agreed to have up-and-down amendments on tier 1. We will probably end up with maybe 25 tier 3 amendments. We have already disposed of a number. So it seems we are going to exceed almost up to 50 amendments in that category.

If you just took the votes themselves, you allowed 10 minutes, that is 400 minutes. That is 7 hours. I am not going to stick around here very long tonight, but I am very happy to come back early tomorrow morning. We will go along and see how many of these—we have 13 over here, so that is another couple hours. So if that is what we want to do, we will have plenty of time this weekend to do it. We are going to do it this weekend, but we are not going to stay up half the night to accommodate somebody who has to be somewhere tomorrow.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Senator KENNEDY has an amendment that we would like to bring up at this time, so I yield him the 30 seconds to explain his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the reconciliation bill raises the Medicare age of eligibility to 67.

The PRESIDING OFFICER. Will the Senator please send the amendment to the desk.

POINT OF ORDER

Mr. KENNEDY. I raise a point of order that section 7171, raising the age of Medicare eligibility, violates section 313(b)(1)(a) of the Congressional Budget Act.

It has been submitted to the Budget Committee, so I make that point of order at this time.

The PRESIDING OFFICER. The point of order is sustained.

The Senator from Massachusetts.

Mr. KENNEDY. If I could have order, Mr. President.

The PRESIDING OFFICER. Will the Senate please come to order so we can hear the amendment offered by the Senator from Massachusetts.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the reconciliation bill raises the Medicare age of eligibility to 67 beginning in the year 2003.

While the reconciliation provision is described as conforming to the Social

Security change enacted in 1983, it has significant differences. Individuals affected by the Social Security change had a minimum of 20 years to adjust their retirement plans, while individuals affected by this change have only 7 years. Social Security change continued to allow individuals to receive benefits at 62.

The PRESIDING OFFICER. The Senator from Massachusetts must send his amendment to the desk.

Mr. KENNEDY. I ask that the Budget Committee, where I submitted it—if I could have their attention, please.

As I understand, the point of order was sustained, so I wonder why I need to send something—

The PRESIDING OFFICER. The Senator has a time limit of 30 seconds on the amendment. And if the amendment is not at the desk, the Senator does not have any time.

Mr. KENNEDY. I made the point of order. It was sustained.

I ask, in place of sending the amendment, that I be entitled to the same amount of time to speak on the point of order.

The PRESIDING OFFICER. The Senator has used his 30 seconds.

Mr. DOMENICI. Mr. President, the Senator has prevailed.

Mr. KENNEDY addressed the Chair.

Mr. DOMENICI. He has prevailed.

Mr. KENNEDY. I just say, if we are going to be taken off our feet when the parliamentary situation is not clear, we will be staying around for a long time.

I am asking for fairness, for the 30 seconds we were entitled to, that I was told I am entitled to by the Budget Committee.

The PRESIDING OFFICER. The Senator has used his 30 seconds.

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senator have an additional 30 seconds.

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

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 seconds.

Mr. KENNEDY. Mr. President, the Social Security change continued to allow individuals to receive benefits at age 62; the age of early retirement, and age 65, the normal retirement age, although at reduced levels.

Under this proposal, no Medicare benefits at all will be provided until the individual is 67. The provision breaks faith with American workers who paid into the Medicare system in the expectation they will be provided health security at the age of 65 and will leave millions of senior citizens without health insurance coverage.

Mr. DOMENICI. Mr. President, I hope—

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I hope for purposes of management that Senators on our side would leave it up to one of us, either the leader or I, in terms of asking

that people be recognized or granted time. I understand the Senator, but I hope in the future the Senator will leave that up to us. He has prevailed. We had no intention of stopping him. So I think this matter is over. We yield back any time we might have had on the point of order. It has already been granted.

The next amendment, I understand, is on our side by Senator COCHRAN.

AMENDMENT NO. 3004

(Purpose: To require the Secretary of Agriculture to establish a special marketing order to equalize returns on all milk used to produce Class IV final products, to consent to the Northeast Interstate Dairy Compact, and to require the Secretary to carry out an agricultural competitiveness initiative)

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. JEFFORDS, proposes an amendment numbered 3004.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. COCHRAN. Mr. President, this amendment helps farmers and markets adjust to the changes in Federal dairy policy in this bill. It does so by creating an export class for dairy products and establishing a farmer-financed mechanism to boost exports. It saves money and provides for research to make our products more competitive.

It will also grant the consent of Congress to the Northeast Interstate Dairy Compact, which is supported by all the Governors and legislatures in New England.

I urge Senators to support the amendment.

The PRESIDING OFFICER. The Senator's 30 seconds has expired.

Mr. JEFFORDS. Mr. President, I join my colleagues Senator COCHRAN, Senator LEAHY, Senator GORTON, Senator COHEN, and Senator SNOWE in supporting the creation of an export class for dairy products, and granting the consent of Congress to the Northeast Interstate Dairy Compact. This amendment is vital to the future of the New England dairy industry and the national dairy industry as a whole.

Mr. President, the Senate reconciliation bill cuts the cost of the dairy program by 49 percent over the next 7 years. This comes on top of a reduction of 69 percent in the last decade. While the dairy industry is willing to accept some cuts, and I realize the need to cut, the industry has already pulled its load. As it stands, this bill does not ad-

dress the critical need to increase sales of butter and nonfat dry milk in the world market.

As the support price for butter and nonfat dry milk are eliminated, their prices will fall and cause a glut of those products. This surplus will either be cleared on the world market at a very reduced price, or be converted into cheese. In either case, this will cause a substantial drag on the return to dairy farmers and manufacturers of these products. This amendment will expand U.S. dairy markets by providing a way for all producers to share the cost of moving those products to the export market. It is GATT-legal, plus will reduce U.S. reliance on export subsidies.

The Congressional Budget Office estimates that the conversion from powder to cheese will increase Commodity Credit Corporation purchases by \$230 million. This amendment will help farmers and taxpayers—by ensuring dairy products will be exported instead of being purchased by the Government.

This amendment will also grant consent to the Northeast Interstate Dairy Compact, an agreement among the six New England States to create a commission that will have the authority to oversee the pricing for fluid milk produced in the New England region. The compact will not affect milk prices outside the compact region. In fact, it will act as a useful pilot project for other regions, and is strongly supported by many groups and individuals across the country.

Mr. President, the New England States have joined together to do what many States do already on their own. If America had grown from west to east I would not be standing here because New England would likely be one large State and would not have to ask for consent of Congress.

All six States' Governors—Republican, Democrat, and independent and their legislatures strongly support this amendment. On vote after vote this year we have acted to give more responsibility back to the States. Here is an opportunity for the Senate to do just that—in precisely the manner the Founders laid out in the Constitution.

Mr. President, the National Milk Producers Federation strongly supports this amendment as well as Mid-America, AMPI, Darigold, Milk Marketing Inc., and many other farmer cooperatives and dairy farmers from throughout the country. Supporting it is an opportunity to vote for State's rights, and to vote for dairy farmers and to vote for our taxpayers. I urge my colleagues to support our amendment.

Mr. GORTON. Mr. President, I join my colleagues, Senator JEFFORDS, Senator COHEN, Senator SNOWE, and Senator LEAHY, as a cosponsor of this amendment.

Mr. President, the Senate Agriculture Committee has eliminated dairy price support purchases for butter and nonfat dry milk, and retains

such purchases for cheese. The dairy farmers in my State support this provision, but only if a farmer funded class IV export program is established. The Agriculture Committee failed to address export sales of butter and nonfat dry milk to the world market. Our amendment addresses this issue and according to CBO will save an additional \$233 million in the next 7 years. These savings are in addition to \$1 billion, the Government will save during the same 7 years by the elimination of dairy support for butter and nonfat dry milk.

This farmer funded class IV export program has the support of many, including; Darigold—80 percent of all Washington State producers, National Milk Producers Federation, Mid-America Dairymen, Milk Marketing Inc., AMPI, American Farm Bureau, Kansas Dairymen Association, Utah Dairymen Association, NE Council of Farmer Cooperatives, Michigan Milk Producers Association, Florida Dairy Farmers Association, Dairylee Cooperatives, United Dairymen Association, Western Dairymen Cooperatives, and a legion of other farmer cooperatives and dairy farmers across the country.

In closing, Mr. President, I urge my colleagues to vote in favor of this amendment.

Ms. SNOWE. Mr. President, I am pleased to be a cosponsor of the amendment offered by the gentleman from Vermont, and I rise in strong support of the amendment.

Family dairy farms are facing hard times across the country, and this amendment is designed to assist these farmers while protecting the interests of the taxpayers and consumers.

The Jeffords amendment does two things. First, it creates a class IV pool for nonfat dry milk and butter. This pool will help to offset the financial impact on farmers of the reconciliation bill's repeal of the price support program for these two products. The new pool would be GATT-legal, allowing a greater volume of U.S. butter and nonfat dry milk to be exported than would be the case if we do not create the new pool. In short, the class IV pool will help farmers maintain their incomes without increasing Federal expenditures.

Mr. President, the second provision of the amendment provides the consent of the Congress to the Northeast Interstate Dairy Compact. Like the class IV proposal, the compact is designed to help family dairy farmers survive in a very difficult market environment. But unlike the class IV proposal, the compact does not involve the Federal Government. It represents a regional, State-based solution to a regional problem, and the Federal Government need only give its assent and then step out of the way.

Today, New England is practically bleeding dairy farms. In Maine, for instance, we have lost more than 200 farms since 1988, and this number would have been far higher if Maine

had not instituted a dairy vendor's fee to help stabilize farm income. Unfortunately, that vendor's fee has been invalidated by a Federal court, and farmers are exceedingly vulnerable once again.

The decline in New England's dairy farms can be attributed to low and volatile dairy prices under the Federal marketing order program that do not reflect the costs of production in the region. Because New England farmers sell much of their milk in the fluid milk market, they face substantially higher costs to get their milk to the plant, and they do not have access to subsidized electricity like farmers in some other parts of the country. Consequently, New England's dairy farmers receive some of the lowest mailbox prices of any dairy farmers in the country.

In response to this farm crisis, the six New England States negotiated an interstate compact in 1993 that allows them to add, if they choose, an additional increment to the Federal marketing order price in the New England region. These increments would have to be approved by a commission created under the compact which consists of representatives from each of the New England States, and which includes both producer and consumer interests.

Mr. President, this compact is a regional solution to a regional problem in the most literal sense. With very few exceptions, it affects only the consumers, farmers, and dairy processors of New England. The compact applies only to fluid, or class I, milk, and 97 percent of the fluid milk consumed in New England is processed by New England-based processors.

Approximately 75 percent of the milk processed by these processors comes from New England farmers. The remainder comes from New York, whose farmers would receive the same prices for their milk under the compact as farmers in New England.

Although the compact only affects the participating States, the cosponsors of the amendment have included explicit assurances to remove any doubt. These assurances further clarify that the compact only applies to class I fluid milk, that no new States can join the compact without the formal approval of both Houses of Congress, that out-of-region farmers who sell milk in the compact region will get the same price as New England farmers, and that the compact commission will take active measures to prevent increases in production.

Mr. President, the Jeffords amendment is profarmer, protaxpayer, and pro-States' rights. It will help to ensure that good farmers have a reasonable chance to stay in business, but at less cost to the Federal Government. I urge my colleagues to support the amendment.

Mr. FEINGOLD. Mr. President, I rise in strong opposition to the amendment offered by Senator COCHRAN to grant

the consent of Congress to the Northeast Interstate Dairy Compact and to create a class IV pricing system for milk used to make butter or powder.

Both of these provisions would take dairy policy in the opposite direction in which congressional reformers are attempting to take all agricultural policy—this amendment provides more market intervention, more regulation, and more inequity.

It is unfortunate that the major changes that this amendment makes and the enormous precedent that it sets will not be fully debated by this Chamber. I am certain that few Members of this Chamber will have an opportunity to actually learn and understand just what it is they are voting on. I am also certain that this amendment will be approved.

This amendment balkanizes the U.S. dairy industry by insulating the Northeast dairy industry from the market conditions that all other farmers in this country must face.

This amendment will provide congressional consent to an interstate compact, the like of which has never been approved by the Congress. It is, Mr. President, unprecedented.

This compact will allow a Commission in the Northeast to set fluid milk prices artificially high for the six States in the compact. It allows dairy farmers in six States in the Northeast to enjoy higher prices for their milk, erects barriers to keep out lower cost milk from outside the compact walls, and will result in lower prices for producers in the rest of the United States.

The compact would allow for an increase in the fluid milk differential up to \$17.40 per hundred pounds of milk, or in terms of gallons—\$1.50 per gallon. This is well over \$3 greater than the price producers in the New England order enjoy currently for fluid milk.

However, the compact we are being asked to approve also allows that price to be increased with inflation, as measured by the CPI, since 1990. By the year 2,000 the cap could be well over to \$20 if inflation increases by 3 percent per year.

With those kinds of price increases, we can expect producers in Vermont and elsewhere to increase their milk production in response to those higher prices. And, Mr. President, as far too many dairy farmers know, production increases in one region of the country drive down milk prices for producers throughout the Nation.

One might ask why producers in the Northeast should be allowed to have their milk prices adjusted for inflation each year, when that privilege is given to no other commodity in any other region. One might ask why we should allow one region of the country to increase consumer costs when virtually every other effort in this Congress has attempted to eliminate the burden on consumers from overly regulatory agricultural policies.

We must ask, why should the Congress grant its approval to the Northeast Interstate Dairy Compact?

The answer is that Congress should not provide its consent for an interstate price fixing compact.

The supporters of this amendment have tried to present this as a very simple idea—that of a simple interstate compact designed to help the struggling producers of that region in isolation from national markets and having no effects on non-compact producers.

But, Mr. President, producers in the upper Midwest have learned through painful lessons that regional changes in milk prices have national effects and national implications.

The Northeast Dairy Compact is not a simple proposal. It is not an innocuous interstate compact isolated to the participating States and it will have national implications.

Mr. President, it is time to remove the artificial fluid milk price differentials that discriminate against certain regions to the benefit of others, distort markets, and cost consumers millions of dollars in food costs annually—It is not time to enhance them.

I would urge my colleagues to think seriously about whether or not this body wishes to endorse price-fixing compacts of any nature.

The precedent that congressional approval of the Northeast Interstate Dairy Compact would set is very serious indeed—we will be allowing a small group of States to fix prices for a product produced and marketed nationally.

The second half of this amendment establishes a class IV pricing system which benefits a few producers on the other coast of the United States—the west coast powder-producing States, to the detriment of producers elsewhere. This class IV pricing system is not necessary for the U.S. dairy industry to expand exports. I have 30,000 dairy farmers in Wisconsin that want to expand exports and are planning to do so, but Wisconsin dairy producers oppose class IV pricing.

Why? Because it forces them to pay a tax to support producers on the west coast. In fact, producers throughout the country will likely pay a minimum of 15 cents per hundredweight to help producers on the west coast continue to overproduce milk powder which will no longer be supported by the Federal Government which is no longer demanded by the domestic market. I would urge my colleagues to look with a skeptical eye on projections that this amendment will greatly enhance producer revenues to compensate for powder tax that all producers will pay. If such projections were realistic, the thousands of milk producers in the upper Midwest—the heart of this Nation's dairy country—would be embracing this proposal, not opposing it.

Mr. President, this amendment provides help to producers in eight States—the six Northeastern States that will benefit from the Compact, and two west coast States that will benefit from the class IV system. All other producers in between are the big losers.

I urge my colleagues to oppose this amendment. It creates more regulation, more market distortions, and discriminates against all but a few producers in the country. Mr. President, this is bad policy.

Mr. KOHL. Mr. President, it is difficult for me to oppose my friends from the Northeast in their efforts to help the dairy farmers of that region. But it is on behalf of the dairy farmers of my State that I feel that I must. Not only because I believe his compact will have a negative effect on the dairy farmers of regions outside the northeast, but also because I believe it to be an inappropriate method of addressing the problems of the dairy industry, which are national in nature.

This measure is a regional compact. It is an effort by six Northeastern States to require artificially increased milk prices for the farmers in those States exclusively. It is at its heart anticompetitive, and I believe that it is market distorting.

The sponsors of this measure claim that the Northeast is an island unto itself, and that this compact will not affect any other region. I believe that that statement ignores the complexities of dairy markets, which are national in nature.

To predict the exact effects of the compact on other regions is nearly impossible. But to assume that there will be none is to turn a blind eye to the history of agricultural policy.

My region of the country, the upper Midwest, has learned this lesson all too well. We, in this region, have seen our dairy industry become the victim of unforeseen market distortions caused by the milk marketing order system. This system, which was instituted in the 1930's requires that higher minimum prices be paid to producers the farther they are from Wisconsin. Since the upper Midwest was the traditional hub of dairy production, the purpose of this regional discrimination was to help dairy industries outside the upper Midwest develop, so that every region could have a locally produced supply of fluid milk.

But that goal has been largely accomplished, and the policy that was intended to give other regions an artificial "leg up" over the upper Midwest, is now contributing to the decline of dairy farming in the upper Midwest.

But make no mistake about it. This debate is not only about the upper Midwest. And it is not only about dairy policy. This debate is about the future direction of all agricultural policies.

I and many of my colleagues from farm States have been willing to promote farm programs that we believe will provide a safety net to farm prices, to help provide some security for the family farmers of this Nation.

But the Northeast Dairy Compact goes beyond anything ever done in a farm bill. And it goes far beyond any other regional compact presented to the Congress for approval.

It is the product of one region's frustration with national policies, and an

effort by that region to remove themselves from that national system and establish a regional dairy policy.

So why is this compact before the Senate? The answer is that the Northeast needs Congress' approval in order to interfere with interstate commerce.

The commerce clause of the U.S. Constitution makes it clear that States cannot infringe on interstate commerce. Court case after court case has turned down efforts by individual States to do so. Most recently, in the 1994 West Lynn Creamery, Inc versus Healy decision, the Supreme Court turned down a Massachusetts milk pricing policy that would have artificially increased the price of milk sold in Massachusetts in order to bolster the dairy farmers of that State alone. The Supreme Court turned down that effort as being a clear violation of the commerce clause of the Constitution. At that time, even the State of Vermont argued in opposition to the Massachusetts effort, claiming that it was "economic protectionism that burdens interstate commerce by interfering with competition."

But now all six Northeastern States have banded together to do something very similar to what Massachusetts tried to do on its own, and that it to artificially increase milk prices in that region for the benefit of the farmers in that region, and to protect their higher milk price by placing a protectionist tariff on all milk coming into the region for outside.

Clearly this too would be considered a violation of the commerce clause if subject to the scrutiny of the courts.

However understanding the threat that this constitutionality question poses to their efforts, the Northeast have been very clever in getting around that question by packaging the pricing scheme as a compact.

The Constitution allows States to enter into a compact with other States, as long as those compacts are approved by Congress. This authority has been used many times, without controversy, by States that seek to address multistate environmental or transportation concerns. But it has never been used to allow States to engage in price-fixing activities. And it has never been used as a way to circumvent the commerce clause of the Constitution.

Make no mistake about it. This compact is unprecedented in the history of the Nation.

While the context of this compact may be milk pricing, its ramifications are far more significant. Congressional approval of this compact is an invitation for all sorts of economic balkanization.

Our forefathers had the foresight to see the dangers of allowing States and regions to erect economic barriers against other States in the Union. They asked the question "What are we, as a nation, if we do not have a unified economic market?"

Last year, when the Northeast Dairy Compact was considered in the Senate

Judiciary Committee, many of my colleagues raised constitutional concerns with the compact.

Senator HATCH commented on this matter. He stated:

I am afraid that this is the kind of precedent-setting compact that will lead other States to seek the same type of protection, to the economic detriment of all their bordering States. More importantly, I would expect that other industries will line up seeking compacts as a means of protecting their particular States' interests, and we just can't go down that route.

On the same matter, Senator THURMOND stated:

I believe that Congressional approval of this compact would set a bad precedent. Approval would encourage other regions of our country to form compacts to assist regional producers in a variety of industries at the expense of those outside the region. A breakdown of our nation into regional cartels and economic infighting would be very harmful and should be opposed.

At that same mark up in the Judiciary Committee last year, Senator GRASSLEY stated:

Historically, these compacts have dealt with border issues, environmental cooperation, and other subjects limited to the member States not having an impact on the rest of the country. . . . Without Congressional approval, I believe that the compact would be unconstitutional. Clearly, if one of the States in the compact enacted State legislation along these lines, the Commerce Clause would be violated. Protection of in-state industry against out-of-State industry is prohibited. I think that we should be very hesitant to allow a group of States to do what a single State could not do under our Constitution.

And lastly, my good friend from Illinois, Senator SIMON added:

I tend to agree with Senator GRASSLEY that this [Compact] is probably constitutional. . . . But what it constitutional is not necessarily wise.

Mr. President, the Senate Agriculture Committee has already started the debate on the reauthorization of national farm programs through the 1995 farm bill. It is my sincere hope that as we begin that debate, we can craft dairy policy changes that are beneficial to all the dairy farmers of this country, not just those of one region.

I too want to help the farmers of this Nation. But I firmly believe that the Northeast Dairy Compact is the wrong approach.

Another provision of this amendment authorizes a class IV price for milk. The rationale for this provision is that since the Senate Agriculture Committee eliminated the price support for milk powder and butter, the prices for those products will fall to world prices. However, the problem is that the class IV price would merely create a tax on all dairy farmers nationwide, to be transferred to the farmers in those few States that have excess milk production, and put that excess milk into butter and powder. In short, this imposes a butter/powder tax on the dairy farmers of all States, to be transferred to the dairy farmers of those States producing those products.

I urge my colleagues to join me in strong opposition to this compact and the class IV pricing provisions.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I raise a point of order against the amendment offered by the Senator as not being germane.

Mr. STEVENS. Will the Senator use his microphone. We cannot hear him.

Mr. EXON. Mr. President, I raise a point of order against the amendment offered by the Senator on the basis it is not germane.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 65, nays 34, as follows:

[Rollcall Vote No. 528 Leg.]

YEAS—65

Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Gorton	McConnell
Biden	Graham	Mikulski
Bond	Gramm	Moynihan
Boxer	Gregg	Murkowski
Breaux	Heflin	Murray
Bryan	Helms	Nunn
Bumpers	Hollings	Pell
Burns	Hutchison	Pryor
Byrd	Inhofe	Reid
Campbell	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Shelby
Coverdell	Kempthorne	Smith
Craig	Kennedy	Snowe
D'Amato	Kerry	Stevens
Daschle	Leahy	Thomas
Dodd	Lieberman	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	

NAYS—34

Abraham	Frist	Moseley-Braun
Bennett	Glenn	Nickles
Bingaman	Grams	Pressler
Bradley	Grassley	Roth
Brown	Harkin	Santorum
Coats	Hatch	Simon
Conrad	Hatfield	Simpson
DeWine	Kerrey	Specter
Dole	Kohl	Thompson
Dorgan	Kyl	Wellstone
Exon	Lautenberg	
Feingold	Levin	

The PRESIDING OFFICER. On this vote, the yeas are 65, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the amendment.

The amendment (No. 3004) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, it is our turn to offer an amendment. I yield to the Senator from New Jersey 30 seconds for the purpose of explaining and introducing his motion.

MOTION TO COMMIT

Mr. LAUTENBERG. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] moves to commit S. 1357 to the Committee on Finance with instructions to report the bill back to the Senate within 3 days and insert provisions to limit any individual income tax break provided in the bill to those with incomes under \$1 million, and to apply any resulting savings to reduce proposed cuts in Medicare and Medicaid.

Mr. LAUTENBERG. Mr. President, this is a fairly simple motion. It is to recommit, to cut the tax breaks for those who make over a million dollars a year, and to have the savings that occur apply to reduce the cuts that are contemplated in Medicare and Medicaid. I hope that we can finally reach a point at which we say across the board here that at some point we are not going to give tax breaks to those with the enormous incomes. We are talking about a million dollars a year on this.

The PRESIDING OFFICER. The time of the Senator has expired.

AMENDMENT NO. 3005 TO THE LAUTENBERG motion to commit

(Purpose: To provide a \$5,000 tax credit for the adoption of a child)

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3005 to the Lautenberg motion to commit.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the instructions offered by Mr. LAUTENBERG, insert the following with instructions to report the following amendment:

At the end of the bill, add the following title:

TITLE XIII—CREDIT FOR ADOPTION EXPENSES

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to non-refundable personal credits), as amended by section 12001, is amended by inserting after section 23 the following new section:

“SEC. 24. ADOPTION EXPENSES.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

“(b) LIMITATIONS.—

“(1) DOLLAR LIMITATION.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed \$5,000.

“(2) INCOME LIMITATION.—The amount allowable as a credit under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

“(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term ‘qualified adoption expenses’ has the meaning given such term by section 24(d).”

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by section 12001, is amended by inserting after the item relating to section 23 the following new item:

“Sec. 24. Adoption expenses.”

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 137 and inserting the following:

“Sec. 137. Adoption assistance programs.

“Sec. 138. Cross reference to other Acts.”

(d) EFFECTIVE DATE.—The amendment shall be effective after January 2, 1995.

AMENDMENT NO. 3006 TO AMENDMENT NO. 3005

(Purpose: To provide a \$5,000 tax credit for the adoption of a child)

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3006 to amendment No. 3005.

Mr. CRAIG. Mr. President, this is a very important, yet understandable amendment. It changes the adoption tax credit of \$5,000, and we are offering this in this reconciliation package to an effective date of January, and I believe the second-degree moves it to February 1995.

Mr. KENNEDY. Parliamentary inquiry; could we have a reading of the second-degree amendment? Was it waived?

The PRESIDING OFFICER (Mr. GORTON). The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. CRAIG. I ask unanimous consent reading of the amendment be dispensed with.

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. EXON. Mr. President, I believe under the agreement we have 30 seconds to respond to this amendment. For that purpose—

The PRESIDING OFFICER. The clerk will continue to read the amendment.

The assistant legislative clerk read as follows:

At the end of the bill, add the following title:

TITLE XIII: CREDIT FOR ADOPTION EXPENSES

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to non-refundable personal credits), as amended by

section 12001, is amended by inserting after section 23 the following new section.

“SEC. 24. ADOPTION EXPENSES.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year the amount of the qualified adoption expenses paid or incurred by the taxpayer during such taxable year.

“(b) LIMITATIONS.—

“(1) DOLLAR LIMITATION.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed \$5,000.

“(2) INCOME LIMITATION.—The amount allowable as a credit under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

“(d) QUALIFIED ADOPTION EXPENSES.—For purposes of this section, the term ‘qualified adoption expenses’ has the meaning given such term by section 24(d).”

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1, as amended by section 12001, is amended by inserting after the item relating to section 23 the following new item:

“Sec. 24. Adoption expenses.”

(2) The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 137 and inserting the following:

“Sec. 137. Adoption assistance programs.
“Sec. 138. Cross reference to other Acts.”

(d) EFFECTIVE DATE.—The amendment shall be effective after February 1, 1995.

Mr. EXON. Mr. President I yield the 30 seconds of our time to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, what is happening here is quite clear: Instead of just letting us vote on whether or not the other side is willing to accept some level at which we are saying we will not give tax breaks to those individuals, instead we are going to try to keep the cuts in Medicare and Medicaid from being as high as they are.

Why, I do not understand, why can we not simply have a vote on it? I think by not permitting a vote they are absolutely voting on the Republican side. They are saying that we are not even going to cut off our friends who make \$1 million a year or more.

I hope we can get to a vote on my amendment, Mr. President.

Mr. DOMENICI. Mr. President, the fact is that the tax bill before the U.S. Senate, 90 percent of the tax cut goes to Americans earning \$100,000 or less. That is the fact.

This is a political amendment. We have a right to offer second degree and when we find amendments like this we will do that.

The PRESIDING OFFICER. All time is expired on the second-degree amendment.

AMENDMENT NO. 3007 TO AMENDMENT NO. 3005

Mr. LAUTENBERG. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 3007 to amendment No. 3005.

Strike all after instructions and insert the following: “to report the bill back to the Senate within 3 days and insert provisions to limit any individual income tax break provided in the bill to those with incomes under \$1 million, and to apply any resulting savings to reduce proposed cuts in Medicare and Medicaid.”

Mr. DOMENICI. Mr. President, we have not seen the amendment.

Mr. LAUTENBERG. Mr. President, if the manager would permit me, it is exactly the same as the amendment that I sent up originally, and I am asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Can we substitute for this amendment?

The PRESIDING OFFICER. No further amendments are in order.

Mr. DOMENICI. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 529 Leg.]

YEAS—55

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Nunn
Burns	Hatch	Pressler
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lieberman	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	
Frist	Mack	

NAYS—44

Akaka	Feingold	Levin
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	

So the motion to lay on the table the amendment (No. 3007) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3005

The PRESIDING OFFICER. The question occurs on amendment No. 3005.

The majority leader.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Could you get a little order?

Mr. LAUTENBERG. Can we have order in the Senate please, Mr. President?

Mr. DOLE. Mr. President, is it appropriate to withdraw the amendment at this time?

The PRESIDING OFFICER. The Senate is not in order. Members cannot hear.

Mr. DOLE. We withdraw the amendment.

The amendment (No. 3005) was withdrawn.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I am trying to find out what they desire to do at this point.

Mr. LAUTENBERG. Mr. President, if I am given the floor for a moment—

Mr. DOMENICI. I yield part of my time.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to withdraw my motion to commit.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

The motion was withdrawn.

Mr. DOMENICI. I think Senator NICKLES is ready for an amendment on our side.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3008

(Purpose: To provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. NICKLES), for himself, Mr. DOLE, Mr. ROTH, Ms. SNOWE, and Mr. CHAFEE, proposes an amendment numbered 3008.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1332, beginning with line 5, strike all through page 1336, line 17.

Mr. NICKLES. Mr. President, this amendment I send to the desk on behalf of myself, Senator DOLE, Senator ROTH, Senator SNOWE, and Senator CHAFEE is an amendment that would eliminate section 7573, which would require States to collect an annual amount equal to a \$25 application fee and 6.6 percent of collections for non-AFDC families, if they use child support enforcement services.

I think this provision should not have been in the bill. I mentioned that

during the Finance Committee hearings. I have worked with the majority leader, and, also, Senator ROTH says this section should be stricken. That is what this amendment would do.

The Governors strongly support this amendment. They do not think that they should be mandated to have the child support enforcement check fees in this bill. I agree.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, here we are. I am fearful. I am making inquiry. Are we violating the agreement that we should have a copy of this amendment? I thought we had agreed earlier they had been filed.

Mr. NICKLES. Mr. President, the question was asked, Is this a 10-percent tax? My colleague from New Jersey raised this as well. Originally, this was a 10-percent tax. I think the committee made adjustments and made it 6.6 percent. I happen to agree with him that even at 6.6 percent, the tax is too high.

Also, Mr. President, I ask unanimous consent Senator CHAFEE be added as a cosponsor.

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

Mr. NICKLES. We are eliminating the 6.6-percent tax.

Mr. DOMENICI. We do not need a vote.

Mr. EXON. It would appear to me, with the 30 seconds that I have on this side of the aisle, that as of now this Senator has not been advised that there is any opposition to this matter on this side.

Evidently, we have found this was given to us in a different order.

Does anyone wish to oppose?

Mr. BRADLEY. As I understand it, the amendment offered by Senator NICKLES is the exact content of the amendment that I was going to offer. So I have no opposition.

Mr. EXON. Hearing no objection on this side, I yield back the remainder of my time and suggest possibly this could be voice voted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 3008) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, the next amendment that we have agreed to consider would be by the Senator from New York. I yield the required time allotted to us to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Might we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. The Chair asks that conversations be taken off the floor.

Does the Senator from New York have an amendment at the desk?

AMENDMENT NO. 3009

(Purpose: To strike the reduction of indirect medical education payments to teaching hospitals)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 3009.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 541, strike line 10, and all that follows through page 542, line 8.

Mr. MOYNIHAN. Mr. President, this amendment would strike the 40-percent reduction in indirect medical education payments in the reconciliation bill and restore \$9.9 billion to teaching hospitals in the years 1996 to 2002. This reconciliation bill seriously threatens the future of medical research, physician training and care for the indigent. Teaching hospitals are a national treasure. To abandon them now would be a tragedy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment adds \$9.9 billion to the deficit. In the Finance Committee bill, \$1.7 billion is added back to this. I think we ought to table this amendment and move on to the next one.

Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 530 Leg.]

YEAS—51

Abraham	Craig	Hatch
Ashcroft	D'Amato	Hatfield
Bennett	DeWine	Helms
Bond	Dole	Hutchison
Brown	Domenici	Inhofe
Burns	Faircloth	Jeffords
Campbell	Feingold	Kassebaum
Chafee	Frist	Kempthorne
Coats	Gramm	Kyl
Cochran	Grams	Lott
Cohen	Grassley	Lugar
Coverdell	Gregg	Mack

McCain
McConnell
Murkowski
Nickles
Pressler

Roth
Shelby
Simpson
Smith
Snowe

Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka	Ford
Baucus	Glenn
Biden	Gorton
Bingaman	Graham
Boxer	Harkin
Bradley	Heflin
Breaux	Hollings
Bryan	Inouye
Bumpers	Johnston
Byrd	Kennedy
Conrad	Kerrey
Daschle	Kerry
Dodd	Kohl
Dorgan	Lautenberg
Exon	Leahy
Feinstein	Levin

Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Simon
Specter
Wellstone

So, the motion to lay on the table the amendment (No. 3009) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

AMENDMENTS NOS. 3010 THROUGH 3014, EN BLOC

Mr. DOMENICI. Mr. President, I am going to send to the desk, with the full concurrence of the ranking member and no objection that I am aware of, six amendments en bloc. Let me just list them: a Dole-Kohl-Grassley amendment with reference to truckers that has been agreed to on both sides; the Hutchison amendment that we had a little while ago that was withdrawn—it has been cleared on both sides—a Senator D'AMATO sense of the Senate.

Mr. BYRD. That amendment has not been cleared on both sides. I have just been talking with Mrs. HUTCHISON.

Mr. DOMENICI. We withdraw it. I say to Senator HUTCHISON, that has not been cleared on their side.

Senator D'AMATO has an amendment cleared on both sides, a sense of the Senate; Senator GRASSLEY has one with reference to an advisory task force; Senator BOXER has one on no pay—what do you call it, I say to the Senator?

Mrs. BOXER. No pay. We already passed it.

Mr. DOMENICI. We already passed it. Senator GRAHAM, an amendment to ensure Medicare beneficiaries have urgent Medicare treatment. We have no objection to it.

I send all five to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. DOMENICI. I ask they be reported en bloc and accepted en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENIC] proposes amendments numbered 3010 through 3014, en bloc.

The amendments, en bloc, are as follows:

AMENDMENT NO. 3010

(Purpose: To increase the deductibility of business meal expenses for individuals subject to Federal limitations on hours of service and to provide offsetting revenues)

At the end of chapter 8 of subtitle I of title XII, insert the following new section:

SEC. . INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Section 274(n) (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed by an individual during, or incident to, any period of duty which is subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting ‘80 percent’ for ‘50 percent.’”

(b) REPEAL OF SPECIAL TRANSITION RULE TO FINANCIAL INSTITUTION EXCEPTION TO INTEREST ALLOCATION RULES.—Paragraph (5) of section 1215(c) of the Tax Reform Act of 1986 (Public Law 99-514, 100 Stat. 2548) is hereby repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

Mr. KOHL. Mr. President, the amendment that I am offering with Senator DOLE will restore the business meal deduction to 80 percent for truckers, long-haul bus drivers, and others subject to Department of Transportation hours of service regulations. My amendment would cost \$673 million over 7 years and would be offset by repealing the special transition rule to financial institution exception to interest allocation rules.

I urge my colleagues to support the amendment and I yield the floor.

Mr. INOUE. Mr. President, I understand Senator KOHL is expected to offer an amendment that would restore the business meals deduction from 50 to 80 percent for workers using Department of Transportation [DOT] hours-of-service regulations. The amendment specifically targets only the segment of middle-income Americans who, due to the nature of their employment, must eat away from home. Such individuals include truckers, busdrivers, and some railworkers. The deduction for business meals and entertainment expenses was reduced from 80 to 50 percent under the Omnibus Budget Reconciliation Act of 1993 and went into effect on January 1, 1994.

I support Senator KOHL's efforts to restore the business meals deduction to 80 percent for workers on DOT service hours. However, I strongly believe that the amendment should go further than the transportation segment of the population. I, along with Senator HATCH and others, have introduced S. 216, which would restore the business meals deduction to 80 percent of all industries.

The restoration of this deduction is essential to the livelihood of the food service, travel and tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of this reduction. All are major industries employing millions of people, many of whom are already feeling the effects of the reduction.

Contrary to what many might believe, most individuals who purchase business meals are small business persons: 70 percent have incomes below \$50,000, 39 percent have incomes below \$35,000, and 25 percent are self-employed. Moreover, 78 percent of business lunches and 50 percent of business dinners are purchased in low to moderately priced restaurants. The average amount spent on a business meal, per person, is about \$9.39 for lunch and \$19.58 for dinner. The business meal deduction is hardly the exclusive realm of the fat cats.

Again, I commend Senator KOHL for his efforts to restore the business meals deduction to 80 percent for workers on DOT service hours. I urge my colleagues to also support my bill, S. 216, which would restore the business meals deduction to 80 percent for all industries.

AMENDMENT NO. 3011

(Purpose: Expressing the sense of the Senate regarding the tax treatment of conversions of thrift charters to bank charters)

At the end of chapter 8 of subtitle I of title XII, insert:

SEC. . SENSE OF THE SENATE REGARDING TAX TREATMENT OF CONVERSIONS OF THRIFT CHARTERS TO BANK CHARTERS.

In order to facilitate sound national banking policy and assist in the conversion of thrift charters to bank charters, it is the sense of the Senate that section 593 of the Internal Revenue Code of 1986 (relating to reserves for losses on loans) should be repealed and appropriate relief should be granted for the pre-1988 portion of any bad debt reserves of a thrift charter.

Mr. D'AMATO. MR. President, this sense-of-the-Senate resolution would express the will of the Senate that Congress should eliminate a significant disincentive in the current law which prevents thrift institutions from changing their charters. It also prevents thrifts from diversifying into other lending opportunities. Given developments in financial institutions and the debate in Congress over the future of the thrift industry, it is desirable for Congress to seriously examine this aspect of the tax law that applies only to thrifts.

AMENDMENT NO. 3012

On pages 764 and 765, section 2106, Medicaid Task Force, under subsection (c) ‘‘Advisory Group for the Task Force’’ and new number (14) to read:

“(14) AMERICAN OSTEOPATHIC ASSOCIATION. Redesignate old (14) to be (15); redesignate old (15) to be (16); redesignate old (16) to be (17); redesignate old (17) to be (18).”

AMENDMENT NO. 3013

(Purpose: To provide that Members of Congress and the President shall not be paid during Federal Government shutdowns)

At the appropriate place in the bill, insert the following new section:

SEC. . PAY OF MEMBERS OF CONGRESS AND THE PRESIDENT DURING GOVERNMENT SHUTDOWNS.

(a) IN GENERAL.—Members of Congress and the President shall not receive basic pay for any period in which—

(1) there is more than a 24-hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code has been reached.

(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited in accordance with subsection (a) may be paid retroactively.

Mrs. BOXER. Mr. President, this amendment is identical to one offered to the D.C. appropriations bill that passed the Senate unanimously and was cosponsored by both the majority and minority leaders, among others.

Because this issue is so important and because the D.C. bill appears to have stalled in the House, I believe it is important for the Senate to revisit this proposal.

Under my amendment, if there is a lapse in appropriations for any Federal department or agency or if the Government is unable to operate because of a default caused by a failure to raise the Federal debt ceiling, the pay for Members of Congress and the President will be docked.

I believe this legislation is important for two key reasons:

First, it will help avert the predicted Government shutdown by helping Members of Congress understand the fear and uncertainty now being felt by the millions of Americans who rely on Government services.

Second, it codifies a principle that all other workers in America live by: If you do not do your job, you should not get paid. One of Congress' most important functions is to pass the Nation's budget. If we fail in that critically important task, it simply makes sense that our pay should be docked.

Mr. President, this amendment makes common sense, and I thank the managers for accepting it.

AMENDMENT NO. 3014

(Purpose: to ensure medicare beneficiaries have emergency or urgent care provided and paid for by medicare choice plans by establishing a definition of an emergency medical condition that is based upon the prudent layperson standard)

Beginning on page 476, strike line 20 and all that follows through page 477, line 3 and insert the following: such individuals have contracted for) available and accessible to each such individual, within the medicare service area of the plan, with reasonable promptness, and in a manner which assures continuity,

On page 481, between lines 15 and 16, insert the following:

“(h) TIMELY AUTHORIZATION FOR PROMPTLY NEEDED CARE IDENTIFIED AS A RESULT OF REQUIRED SCREENING EVALUATION.—

“(1) ACCESS TO PROCESS.—A medicare choice plan sponsor shall provide access 24 hours a day, 7 days a week to such persons as may be authorized to make any prior authorizations required by the plan sponsor for coverage of items and services (other than emergency services) that a treating physician or other emergency department personnel identify, pursuant to a screening evaluation required under section 1867(a), as being needed promptly by an individual enrolled with the organization under this part.

“(2) DEEMED APPROVAL.—A medicare choice plan sponsor is deemed to have approved a request for such promptly needed items and services if the physician or other emergency department personnel involved—

“(A) has made a reasonable effort to contact such a person for authorization to provide an appropriate referral for such items and services or to provide the items and services to the individual and access to the person has not been provided (as required in paragraph (1)), or

“(B) has requested such authorization for the person and the person has not denied the authorization within 30 minutes after the time the request is made.

“(3) EFFECT OF APPROVAL.—Approval of a request for a prior authorization determination (including a deemed approval under paragraph (2)) shall be treated as approval of a request for any items and services that are required to treat the medical condition identified pursuant to the required screening evaluation.

“(4) DEFINITION OF EMERGENCY SERVICES.—In this subsection, the term ‘emergency services’ means—

“(A) health care items and services furnished in the emergency department of a hospital (including a trauma center), and

“(B) ancillary services routinely available to such department,

to the extent they are required to evaluate and treat an emergency medical condition (as defined in paragraph (5)) until the condition is stabilized.

“(5) EMERGENCY MEDICAL CONDITION.—In paragraph (4), the term ‘emergency medical condition’ means a medical condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including severe pain, that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

“(A) placing the person’s health in serious jeopardy,

“(B) serious impairment to bodily functions, or

“(C) serious dysfunction of any bodily organ or part.

Mr. EXON. Mr. President, I yield back all time assigned to us.

Mr. DOMENICI. I yield back any time I have.

The PRESIDING OFFICER. The question is on agreeing to the amendments numbered 3010 through 3014, en bloc.

The amendments (Nos. 3010 through 3014, en bloc) were agreed to.

Mr. EXON. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, could I yield myself 1 minute for a discussion with the Senators?

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

Mr. DOMENICI. Mr. President, I think we sort of set a pattern here. If the Senators could look at the remaining amendments—I say this to both sides; we will do it on ours—if the Senators could look at theirs, maybe they could package them with reference to subject matter. If the Senators package them with reference to subject matter, then we might get five amendments all of which deal with the subject. We think we know how they are going to turn out, but that is not terribly relevant. We could offer them en bloc.

Mr. BYRD. Mr. President, I hope that we will be careful that we do not try to streamline this silly process further. Now we are really flying deaf, dumb, and blind. So I hope we will look at these so-called packages with four or five amendments. I want to see them.

I am not going to set myself up as a traffic cop, but this process is just entirely out of control. We do not know what we are voting on now. Now we are just voting on amendments. They do not know what is in this bill.

The PRESIDING OFFICER. The Senator’s 1 minute has expired.

Mr. DOMENICI. Mr. President, I want to thank Senator BYRD for his concern. We discussed this concern on the whole process, and, hopefully, this is the last time we will have it under this process. We should change it. But I have to get a bill through under this process. We will be as careful as we can. If we need to, we will certainly consult with a broad array of Senators before we proceed.

Is another amendment ready?

Mr. EXON. Mr. President, whose turn is it?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I recognize the Senator from Connecticut for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my friend from Nebraska.

LIEBERMAN MOTION TO COMMIT

Mr. LIEBERMAN. Mr. President, I have a motion at the desk which I offer on behalf of myself, and Senators DASCHLE, HARKIN, GRAHAM, ROCKEFELLER, BREAUX, and KENNEDY, who are members of a Medicare working group.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], moves to commit the bill to the Committee on Finance with instructions to report the bill back to the Senate within 3 days, not to include any day the Senate is not in session, with the following amendment, and to make sufficient reductions in the tax cuts to maintain deficit neutrality.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, the purpose of this amendment is to restore the solvency of the Medicare part A trust fund for the next 10 years and then to go on, be-

yond dealing with that immediate, obvious deficit looming, to reform the Medicare Program and provide real choices to Medicare beneficiaries by increasing the range of health plan options available, providing better information so that beneficiaries can act as informed consumers, and to require planning and action for the changes that will come with the retirement, later in the first decade of the next century, of the baby-boom generation.

This is a constructive Medicare alternative.

Mr. President, what we have here is a missed opportunity. Democrats and Republicans agree generally that there are some problems with the Medicare Program that we must address:

Problem No. 1. Our Republican colleagues argue that the Medicare Program must be saved from impending bankruptcy in the part A trust fund. Democrats agree that we must act to restore the solvency of the part A trust fund. The Health Care Financing Administration’s Actuary tells us that it will take \$89 billion in spending reductions to assure solvency through the next 10 years—through 2006. Democrats have put forward a strong proposal that would do this in a fair manner. It has been scored by CBO and achieves solvency for at least the next 10 years.

Problem No. 2. The rate of increase in the cost of the Medicare Program is unsustainable at 10 percent each and every year. We all agree that this problem must be dealt with. Democrats and Republicans have both put forward proposals that begin to bring competitive market forces into the Medicare Program. I would argue that the Democratic proposal is much stronger in this regard. We would strongly move the Medicare Program toward competitive bidding among the private health plans participating in Medicare. We would also tie rates of increase in payments to private health plans to the private sector market place, rather than to arbitrary budget targets. Ultimately, I am convinced that competition among an expanded range of private health plans serving Medicare patients will be the key to reducing long term rates of growth in the Medicare Program.

We recognize that the Medicare Program is 30 years old and is showing signs of its age. We have proposed changes that would bring the program into the rapidly changing health care system of the 1990’s and the next century.

Problem No. 3. The most difficult problem looming on the horizon, Mr. President, is the coming retirement of the baby boom generation—a relatively huge number of Americans will begin to turn 65 starting around the year 2010. There are 76 million individuals in the baby boom generation. They outnumber by 50 percent the generation that preceded them into retirement. Over the next 5 years, only about 10 percent of Medicare cost increases will be attributable to more beneficiaries. Once the baby boomers retire, however,

the combination of, one, a declining base of workers and, two, longer life-spans will double the combined costs of Medicare and Medicaid even if medical inflation, above CPI is eliminated altogether.

If Medicare is not prepared for the implications of this demographic shift, it may not be able to weather the storm. Democrats and Republicans have both put forward Medicare reform plans that would set up a high level, bipartisan commission to make the tough recommendations that are needed to prepare for this historical shift.

The differences between the parties, nevertheless, remain stark. The bill that is on the Senate floor today would cut \$280 billion out of the Medicare Program over the next 7 years. The problem, Mr. President, is that this figure is based solely on a series of budget targets that lead to a balanced budget and reductions in taxes of \$254 billion over the next 7 years.

The reconciliation bill before us is too long on squeezing beneficiaries and too short on genuine reform. It treats Medicare as a cash cow to be milked to keep promises of deficit and tax reduction made in the campaigns of 1994.

The figure of \$280 billion in Medicare cuts is not good for the Medicare Program and the population it serves—those who depend on it today and those who will depend on it in future generations.

In the end, Mr. President, I am convinced that we can find a solution to all of these problems. What we have on the Senate floor today, however, is not the solution. It maintains all of the problems of the existing Medicare Program and underfunds them. It is a package of cuts, not reforms.

Mr. President, I ask unanimous consent to have a Democratic Medicare plan printed in the RECORD.

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

A DEMOCRATIC MEDICARE PLAN FOR THE 21ST CENTURY

Since Democrats created Medicare thirty years ago over GOP opposition, protecting this program has been a top Democratic priority. Today, as Republicans propose the largest cuts in Medicare's history—cuts made in the name of "saving" Medicare—Democrats once again are coming to Medicare's defense.

Our proposal: To ensure that Medicare remains solvent and strong by implementing reforms that strengthen and improve the program.

Our position: That the GOP Medicare plan cuts Medicare three times more than is necessary to restore Trust Fund solvency—and raids Medicare to pay for their scheme of tax breaks for the wealthiest.

Rejecting the Republican plan is not enough. Democrats will offer a proposal which:

Preserves seniors' right to keep their own doctor while giving them more choices of private health plans that provide high-quality and comprehensive benefits;

Improves Medicare's traditional fee-for-service program by making it more efficient and responsive to beneficiary needs, without imposing unnecessary and unfair increases in out-of-pocket Medicare expenses;

Tackles Medicare waste, fraud and abuse through programs applauded by law enforcement officials; and

Guarantees solvency of the Medicare Trust Fund through the year 2006 and prepares for the long-run challenge of the baby boom generation that will begin to retire in 2010.

The GOP claims we must cut \$270 billion in order to save Medicare. That's just not true. According to the Health Care Financing Administration's Chief Actuary—who produced the estimates relied upon by the Medicare trustees—only \$89 billion in cost reductions are needed to extend the life of the trust fund through the fourth quarter of the calendar year 2006.

In this proposal, we show that we can preserve and protect Medicare without slashing needed services for the elderly or increasing their out-of-pocket costs. Our plan places no new burdens on seniors—and our hospital cuts are half the Republicans'.

SUMMARY OF DEMOCRATIC PROPOSAL TO ENSURE SOLVENCY

I. Providing real choices

Medicare beneficiaries currently may choose from only two options—the traditional fee-for-service program and health maintenance organizations. Since 19 states have no Medicare HMOs, seniors in many states have no choice at all. This plan would ensure beneficiaries have access to a wide variety of health plans. Specific reforms include the following:

Expand private health plan choices: Medicare's current options would be expanded to allow the participation of preferred provider organizations, point-of-service plans, and provider sponsored networks. Plans would offer a basic benefit package equal to the fee-for-service plan with additional preventive services and lower cost-sharing.

Preserve a vital and affordable fee-for-service option: The GOP's \$270 billion in cuts will spell disaster for hospitals and other health care providers all across the country, particularly in rural and underserved areas. The Democratic plan protects and improves fee-for-service Medicare—so seniors will continue to have a real choice. It keeps premiums affordable, saving seniors hundreds of dollars a year.

Reform payments to private health plans: Medicare would pay HMOs and other health plans a rate which would increase at the cost of other private health plans, unlike the GOP plan which arbitrarily caps payments at 4.3% and the current outmoded system which ties payments to fee-for-service costs. The Democratic plan would also require Medicare to test and recommend options to Congress on ways to pay private health plans through a market-based competitive bidding process.

Provide information on health plan options: Medicare would provide to all beneficiaries information comparing plans available in their region. The comparative plan information would be in a standardized format, in language that is easily understood. Such information would be provided to beneficiaries before they become eligible for Medicare and yearly after that during an open enrollment period.

Strengthen Consumer Quality Protections: Medicare would enhance health plan quality standards to prevent improper marketing and inappropriate incentives for utilization reviewers and to ensure access to the full range of Medicare covered services, including emergency and urgent care.

II. Strengthening traditional (fee-for-service) Medicare

Currently, 90% of Medicare beneficiaries are in Medicare's traditional fee-for-service program. The vast majority of seniors are

likely to continue to enroll in this part of the program, even with the new options available to them. Given these trends, it makes sense to strengthen and improve Medicare's fee for service sector.

Under this proposal, a series of reforms would transform the fee-for-service program from a bill-paying insurance program into a responsive health plan that uses a variety of techniques to improve quality and service, restrain costs, and hold providers accountable for improving the health of their patients. To achieve this goal, Congress would provide authority to Medicare to adopt the same types of successful purchasing and quality techniques pioneered by private sector payers. Specific reforms include the following:

Establish quality performance standards: Require Medicare to establish explicit performance standards to allow enrollees to assess the program's performance on the basis of cost, quality, outcomes, and service. "Report cards" disseminated to beneficiaries would allow patients to compare providers against professional benchmarks.

Streamline rule-making process for purchasing: Develop options for simplifying the rule-making process and increasing Medicare's flexibility in negotiating contracts for specific services and categories of services.

Allow selective contracting with specialized programs: Allow Medicare to contract with specialized programs that manage chronic diseases like diabetes and congestive heart failure, complex acute care needs and the needs of disabled beneficiaries. Such specialized programs may include the use of alternatives to inpatient or institutional care or the use of specialized networks of caregivers. Private sector efforts along these lines have resulted in higher quality care, reductions in the need for institutional care and lower costs.

Provide authority to designate and contract with centers of excellence: Allow Medicare to use centers of excellence for additional complex and expensive services like surgery and cancer care. Medicare currently contracts with such centers for heart and liver transplant operations.

III. Attacking waste, fraud, and abuse

The General Accounting Office and others have estimated that up to 10 percent of health care expenditures and billions of dollars in Medicare payments are lost every year to fraud, waste, and abuse. These losses must be the first target of any responsible plan to reduce Medicare expenditures. This plan would take the most aggressive and comprehensive steps ever proposed to stamp out Medicare waste, fraud and abuse.

Specific measures include the following: Expand abuse-fighting activities: Much abuse goes undetected and unpunished because there are not enough inspectors, auditors and prosecutors to do the job. Estimates indicate that every dollar invested in anti-fraud activities by the HHS Inspector General and Medicare contractors results in up to ten dollars in savings to Medicare. The Democratic Medicare plan more than doubles the current investment in fighting fraud and abuse. The plan also requires greater coordination of Federal, State and local law enforcement efforts to combat health care fraud.

Strengthen penalties for committing fraud: The Democratic plan would impose stiff penalties on those convicted of health care fraud, illegally distributing controlled substances, providing kickbacks, charging Medicare excessive fees, submitting false claims, or engaging in other abusive activities. This plan also strengthens available criminal remedies.

End wasteful Medicare spending for certain items and services: For example, Medicare

pays \$2.32 for gauze pads that the Veterans Administration purchases for four cents. The Democratic Medicare plan would make Medicare a more prudent buyer of certain types of durable medical equipment, medical supplies, and other services while assuring continued access to these important services.

Improve collection of inappropriate Medicare payments: The Democratic Medicare plan would strengthen the Medicare Secondary Payor Program, requiring Medicare to more aggressively to collect payments due from private insurers. It would also extend Medicare secondary payor provisions for ESRD beneficiaries.

Employ more sophisticated, private sector computer technology: Require Medicare contractors to employ code manipulation detection software such as that widely used in the private sector.

Increase incentives to expose Medicare fraud and abuse: Establish rewards for reports by consumers that lead to criminal convictions for health care fraud and encourage the voluntary disclosure of fraud and abuse by health care providers.

Simplify administration and reduce paperwork: Require a uniform application process for health care providers seeking to participate in Medicare.

IV. Ensuring Medicare's solvency

Only \$89 billion in savings—not the \$270 billion proposed by the GOP—are needed to keep the Medicare Trust Fund solvent through at least the next decade. The Chief Actuary of the Health Care Financing Administration (HCFA), whose estimates form the basis of the Medicare Trustees' recommendations, has certified that an \$89 billion reduction in the rate of growth of Part A expenditures over the period 1996-2002 would extend the life of the Medicare Hospital Insurance Trust Fund through at least the fourth quarter of calendar year 2006.

This proposal would call for a series of measures to reduce Medicare spending by \$89 billion over the next seven years. Savings would be achieved through the above-mentioned reforms to Medicare's fee-for-service program and Medicare's private health plan options, while slowing the rate of growth of payments to providers. Special provisions are included to assist rural hospitals. No new costs would be imposed on beneficiaries.

This plan provides more reasonable reductions in all categories:

SENATE MEDICARE PLANS

(In billions of dollars)

	Democrats	Republicans
Seniors and the disabled	0	68
Hospitals	42	86
Skilled nursing facilities	6	10
Home health	9	18
Physicians	11	23
HMO's	23	50

While preserving Medicare's solvency until 2006, the plan would help Medicare prepare for the challenges it will face when the baby boom generation begins to retire in 2010. A commission would be created, charged with conducting strategic planning for the Medicare program to ensure that recipients in the 21st century have available to them the high quality and secure coverage that current beneficiaries enjoy.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is the amendment. It is very difficult to understand what is in it. But let me make a point. This pending amendment is not germane to the Budget Reconciliation Act. I raise a point of order against the pending amendment.

Mr. EXON addressed the Chair. The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, subject to section 904 of the Congressional Budget Act of 1974, I move to waive the section for the purpose of considering this amendment.

I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act for the purpose of considering the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that [Mr. LAUTENBERG] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 531 Leg.]

YEAS—47

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihhan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Specter
Exon	Leahy	Wellstone
Feingold	Levin	

NAYS—52

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kassebaum	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Dole	Lott	Warner
Domenech	Lugar	
Faircloth	Mack	

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to waive the Budget Act is rejected. The point of order is sustained and the amendment falls.

Mr. DOLE. Let me indicate we are 6 minutes over on that vote. We could almost have had a second vote. I think there is a feeling we ought to try and finish this as quickly as we can. We are going to try to stick to the 7½ minutes. I want everybody to have a fair warning. We will try to do that.

Obviously, there is always some flexibility, but we would appreciate everyone's cooperation.

AMENDMENT NO. 3015

Mr. DOMENICI. Mr. President, I understand now that if I send the Hutchison amendment to the desk, which had previously been withdrawn—Senator BYRD objected, and he now has no objection. I send it to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from New Mexico [Mr. DOMENICI], for Mrs. HUTCHISON, for herself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. STEVENS, Mr. LEVIN, Mr. COVERDELL, Ms. SNOWE, Mr. KERREY, Mr. THURMOND, and Mr. THOMAS, proposes an amendment numbered 3015.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(a) The Senate makes the following findings:

(1) Human rights violations and atrocities continue unabated in the former Yugoslavia.

(2) The Assistant Secretary of State for Human Rights recently reported that starting in mid-September and intensifying between October 6 and October 12, 1995 many thousands of Bosnian Muslims and Croats in Northwest Bosnia were systematically forced from their homes by paramilitary units, local police and in some instances, Bosnian Serb Army officials and soldiers.

(3) Despite the October 12, 1995 cease-fire which went into effect by agreement of the warring parties in the former Yugoslavia, Bosnian Serbs continue to conduct a brutal campaign to expel non-Serb civilians who remain in Northwest Bosnia, and are subjecting non-Serbs to untold horror—murder, rape, robbery and other violence.

(4) Horrible examples of "ethnic cleansing" persist in Northwest Bosnia. Some six thousand refugees recently reached Zenica and reported that nearly two thousand family members from this group are still unaccounted for.

(5) The U.N. spokesman in Zagreb reported that many refugees have been given only a few minutes to leave their homes and that "girls as young as 17 are reported to have been taken into wooded areas and raped." Elderly, sick and very young refugees have been driven to remote areas and forced to walk long distances on unsafe roads and cross rivers without bridges.

(6) The War Crime Tribunal for the former Yugoslavia has collected volumes of evidence of atrocities, including the establishment of death camps, mass executions and systematic campaigns of rape and terror. This War Crimes Tribunal has already issued 43 indictments on the basis of this evidence.

(7) The Assistant Secretary of State for Human Rights has described the eye witness accounts as "prima facie evidence of war crimes which, if confirmed, could very well lead to further indictments by the War Crimes Tribunal."

(8) The U.N. High Commissioner for Refugees estimates that more than 22,000 Muslims and Croats have been forced from their homes since mid-September in Bosnian Serb controlled areas.

(9) In opening the Dodd Center Symposium on the topic of "50 Years After Nuremberg" on October 16, 1995, President Clinton cited the "excellent progress" of the War Crimes Tribunal for the former Yugoslavia and said, "Those accused of war crimes, crimes against humanity and genocide must be brought to justice. They must be tried and, if

found guilty, they must be held accountable.”

(10) President Clinton also observed on October 16, 1995, “Some people are concerned that pursuing peace in Bosnia and prosecuting war criminals are incompatible goals. But I believe they are wrong. There must be peace for justice to prevail, but there must be justice when peace prevails.”

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate condemns the systematic human rights abuses against the people of Bosnia and Herzegovina.

(2) with peace talks scheduled to begin in the United States on October 11, 1995, these new reports of Serbian atrocities are of grave concern to all Americans.

(3) the Bosnian Serb leadership should immediately halt these atrocities, fully account for the missing, and allow those who have been separated to return to their families.

(4) the International Red Cross, United Nations agencies and human rights organizations should be granted full and complete access to all locations throughout Bosnia and Herzegovina.

(5) the Bosnian Serb leadership should fully cooperate to facilitate the complete investigation of the above allegations so that those responsible may be held accountable under international treaties, conventions, obligations and law.

(6) the United States should continue to support the work of the War Crime Tribunal for the former Yugoslavia.

(8) ethnic cleansing by any faction, group, leader, or government is unjustified, immoral and illegal and all perpetrators of war crimes, crimes against humanity, genocide and other human rights violations in former Yugoslavia must be held accountable.

Mr. EXON. I yield back our time and support the amendment.

Mr. DOMENICI. We yield back our time

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 3015) was agreed to.

Mr. EXON. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3016

(Purpose: To amend the Internal Revenue Code of 1986 to allow qualified retiring farmers to rollover the gain from the sale of farm assets into an individual retirement account, provide an offset by improving the application of the capital gains tax to sales of stock in domestic corporations by 10 percent foreign shareholders, and for other purposes)

Mr. DOMENICI. Mr. President, in agreement with the other side, I am sending an amendment to the desk on behalf of Senator KOHL on farmer IRA's. It has been approved by both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. KOHL proposes an amendment numbered 3016.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. DOMENICI. We yield back any time.

Mr. EXON. Mr. President, let me thank Senator KOHL, who has worked on this for a long, long time. It is a very good amendment. He has worked with the majority leader on this. We are enthusiastic about this on our side.

Mr. DOMENICI. Senator BYRD would like to have the amendment explained.

Mr. KOHL. This amendment will allow family farmers—not farmers who are not farming the land, family farmers—who farm the land for generations, when they sell their farm to roll over up to \$500,000 of the proceeds into an IRA account. It only applies to hard-working family farmers.

We offset it by requiring those individuals from foreign lands or corporations, foreign lands who own U.S. stocks who are not now subject to tax, when they sell that stock, they will in the future be required to pay a U.S. tax on the sale of that U.S. corporation stock that they own.

I think the offset is an outstanding offset and I think the purpose of the IRA is to reward hard-working family farmers. I think it is a really good amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3016) was agreed to.

Mr. EXON. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3017

(Purpose: To require the President to include a generational accounting in the President's budget)

Mr. DOMENICI. Mr. President, I send a Simpson amendment to the desk in his behalf.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SIMPSON proposes an amendment numbered 3017.

Mr. SIMPSON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. . GENERATIONAL ACCOUNTING IN PRESIDENT'S BUDGET.

Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following:

“(32) an analysis of the generational accounting consequences of the budget including the projected Federal deficit, at current spending levels, in the fiscal year that is 20 years after the fiscal year for which the budget is submitted and the revenue levels

(including the increase required in current levels) required to eliminate the projected Federal deficit.”

Mr. SIMPSON. Mr. President, I rise today to offer an amendment that all Senators should be able to agree on. It would require that the President's annual budget continue to include a chapter on generational accounting.

“Generational accounting” is a way to consider the fiscal treatment of different generations. Specifically, it indicates what the members of each generation can expect to pay on average, now and in the future, in taxes, as a result of current budget expenditures and revenues.

President Bush included a chapter on generational accounting in his 1993 fiscal year budget and President Clinton included a chapter on generational accounting in his 1995 fiscal year budget—but he failed to include any mention of generational accounting in this year's budget.

Thirty of the 32 of us on the bipartisan commission on entitlements and tax reform concluded that if we do nothing about the impending entitlements crisis, by 2012 every penny of our Federal revenues will be necessary to pay for entitlements and interest on our national debt. In 2040, our children and grandchildren will be forced to pay 40 percent of the national payroll tax base in taxes.

It is crucial that we begin to take a longer term view of the future and consider how the impact of our decisions today will affect our children and grandchildren. If you truly are concerned about the burden of taxes on those we love, then you will support this amendment.

For 2 days now, I have listened to my colleagues wail about the poor, the young, the disenfranchised while they ignore the biggest crisis—the impending bankruptcy of the Social Security Program. It is like crying about slipping on a banana peel on the deck of the *Titanic*.

Our temporary fix for the Medicare Program is nothing more than delaying the inevitable. My colleagues are cheering that Medicare will not go broke in 2002, but rather in 2008. Now that is something to be proud of. Yet, we only have ourselves to blame.

In the past, the Social Security Advisory Council provided guidance on Social Security and Medicare issues. However, we got rid of the Advisory Council and instead created an Advisory Board—except that they no longer provide guidance on Medicare issues. How ironic. The program that is going to the dogs first, is the program we decided we do not want any guidance on.

So we have done it to ourselves. But we can stop this game-playing if we are forced to consider what we are doing to future generations—and this is why generational accounting is so important.

Mr. President, this amendment would simply require the annual budget of the President include a chapter on generational accounting.

The President of the United States, President Clinton, did a nice job on that in the first budget message. It was left completely out of the second one.

I think it is vitally important we tell the American people 20 and 30 years down the line who is paying the bills. I hope we can get back what President Clinton put in his first budget. This requires that so that we know what is out there 20 or 30 years from now—generational accounting, who is paying the bills, who really cares about the children of the country and also deals with that issue in an upfront way.

Mr. EXON. We yield back our time and accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3017) was agreed to.

Mr. EXON. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3018

(Purpose: To provide States with the flexibility to continue to provide medical assistance under the Medicaid program to certain disabled individuals with incomes over 250 percent of poverty)

Mr. EXON. Mr. President, we have agreed on an amendment that has been worked on for a long time by Senator WELLSTONE.

I yield 30 seconds to him for the purpose of introducing the amendment which both sides have agreed to accept.

Mr. WELLSTONE. Mr. President, this is a Wellstone-Chafee amendment. I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. CHAFEE proposes an amendment numbered 3018.

Mr. WELLSTONE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of section 2171(b) of the Social Security Act, as added by section 7191(a), insert:

“The Secretary may waive this section at the request of the State for any category of individuals who, as of the date of enactment of this title, would have qualified for coverage under section 1915(c) and 1902(e)(3).”

Mr. WELLSTONE. Mr. President, this amendment that I send to the desk with Senator CHAFEE would just provide States with the flexibility to continue to provide medical assistance under the Medicaid Program to disabled individuals, especially children that are staying home, in order to make sure that they can continue to stay at home.

It is very important in the disability communities, and I am very pleased to have the support from both sides of the aisle.

Mr. DOMENICI. Mr. President, I think we ought to accept this amendment. This says States have the right to continue the same kind of service they are giving now for disabled people.

It eliminates any concern that they might now have and mandates nothing. I think we should accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3018) was agreed to.

Mr. EXON. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. I advise the Senate and the chairman of the committee that the next four amendments all have to do with medical matters. We think we have those bundled into one amendment that can be offered.

If required, though, I would like unanimous consent that we have tentatively agreed to; roughly, that if we have situations like this—in this case there are four introducers—if the introducers would like 30 seconds each, we would grant them that to encourage further melding of these amendments that are similar into one amendment and therefore expedite the process.

Mr. DOMENICI. Does the minority leader agree with that? I had talked to him. It sounded a little different when he was proposing it.

Mr. DASCHLE. Mr. President, I have no objection to that approach. I think all Senators need to have the opportunity to express themselves, whether it is a block of time or one person does it or individual blocks of time.

I know the distinguished Senator from West Virginia is very concerned that everybody have a complete appreciation of what it is that these amendments include. In this case, all of the amendments deal with Medicaid. They are interrelated and in some cases the original amendments were overlapping. So it is our view it expedites not only the process but the issue, in order to allow us to bring them up together.

So I think all concerns are served in this particular amendment. I hope we can support it.

Mr. DOMENICI. Let me just address this for a moment. Senator BYRD, as I understand it, if they would have sent their amendments up singly, they would have had 30 seconds. That is the agreement. They are going to send up four together—three—and they will have 30 seconds on each of those and we will have 30 seconds to respond on each of those, which I think does nothing more than save us the time of three votes. The rest of the rights are all intact, as we have agreed to them here in the Senate.

Mr. EXON. I was explaining that rather than four, we set aside the Dodd matter, which will be considered separately. The Feingold, Moseley-Braun, and Rockefeller amendments are em-

bodied under the agreement that we have worked out.

Pending final working out of some details, I suggest, since Senator DODD, whom I earlier thought was included in this, is not and since he is next on my list, at this time I yield 30 seconds to Senator DODD for an explanation and the introduction of his motion that both sides have received some time ago.

DODD MOTION TO COMMIT

Mr. DODD. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Connecticut [Mr. DODD] proposes a motion to commit.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

Mr. President, I move to commit the bill S. 1357 to the Committee on Finance with instructions to report the bill back to the Senate within 3 days (not to include any day the Senate is not in session) making changes in legislation within that Committee's jurisdiction to reduce revenue reductions for upper income taxpayers by \$51,000,000,000 in order to—

- (1) restore current law Medicaid eligibility for children and pregnant women;
- (2) include coverage of prenatal care and delivery services for pregnant women and Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) for children;
- (3) strike the 20 percent cut from title XX of the Social Security Act;
- (4) strike the cap on foster care administrative expenses;

Mr. DODD. This does three things. It restores Medicaid coverage for pregnant women and children, both eligibility and benefits; it restores the cut in title 20, which States are widely using for child care assistance; and, third, it restores the cut in foster care funds that States use to investigate reports of child abuse and to recruit foster parents. Again, these are three issues I think most people here believe are critically important. This would restore those parts of the bill.

CHILDREN: CARING HAS A COST

Mrs. MURRAY. Mr. President, I want to speak today about the children of this Nation, about my hope they will not give up hope, and my wish they will look forward to a brighter future. I want to tell the children of this country and of my state—despite what is going on in this current budget fight—there are adults who care about them.

I do not want to say the adults in the majority party don't care about our children. This budget plan does make me wonder, however, whether some Members of this austere body remember what it is like to raise children:

It makes me wonder whether some Members have ever really had to deal with the modest problems and costs every working family has to deal with: the costs of child care, the costs of medical care, the costs of school lunch.

I would simply remind those Members: caring does have a cost, and the cost is in no way reflected in this budget.

Children in this country feel like they have less to look forward to than ever before. Many adults on this floor have decried the state of our children's present and future, and many of us have felt the eyes of these kids upon us as we have cast a vote or made a speech.

So, here is what the majority will do for our kids in this budget: they will take away the health care coverage that allows kids to be healthy and ready to learn and grow. They will take away the child care that allows kids' parents to work. And, they will take away the foster care that helps kids in serious need.

Well, we have an amendment to this budget reconciliation bill to repair the damage: it will restore current Medicaid coverage for pregnant women and their kids, restore child care, and restore foster care funding.

On Medicaid, we need to preserve a basic safety net for children born into families of modest means. Medicaid is not free tummy-tucks for folks who don't need it.

Medicaid provides preventive and emergency care for needy kids, and long-term care for disabled children—who could be the children of any American family. We are restoring Medicaid coverage for these children, on a per-capita basis, instead of a block-grant that would cause them to compete against the elderly or other groups.

On child care, we cannot say to working mothers, struggling to stay off public assistance, "Oh, by the way, we are cutting money that allows you to work for a living." The Republicans have cut \$3.3 billion in title XX child care grants to States at the same time they are promising \$3 billion under welfare reform. Do not try and trick anyone. They are cutting child care—an amendment restores the cut.

On foster care, the majority is now going after children who do not even have birth-parents to rely upon. This cut is a classic: it tells a child, "we're really sorry that it's not working out with your folks, and that this is the toughest time in your life, but we cannot afford to pay for your foster care." Meanwhile, of course, the Republicans want to give tax breaks to people who can already afford to leave their children in the care of a high paid nanny every day.

Mr. President, our children are more important to us than a number on a balance sheet. I understand and agree we must balance the budget. We must preserve a future for our children, by not handing down our debts. But let us keep families alive, and able to work to support and raise their kids. Otherwise, we will shackle future generations with a much worse kind of debt.

The PRESIDING OFFICER (Mr. SMITH). Who yields time?

Mr. DOMENICI. Mr. President, I move to table the Dodd motion.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table the Dodd motion.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 50, nays 49, as follows:

[Rollcall Vote No. 532 Leg.]

YEAS—50

Abraham	Frist	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Pressler
Burns	Hatch	Roth
Campbell	Hatfield	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—49

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihhan
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Snowe
Dorgan	Lautenberg	Wellstone
Exon	Leahy	
Feingold	Levin	

So, the motion to lay on the table the Dodd motion to commit was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, earlier we had suggested that three Medicare amendments by Senator FEINGOLD, Senator MOSELEY-BRAUN, and Senator ROCKEFELLER be combined into one. We agreed that each Senator would have 30 seconds to explain their joint amendment.

At this time, I ask the Chair to recognize Senator FEINGOLD, then Senator MOSELEY-BRAUN, and then Senator ROCKEFELLER.

I congratulate them for expediting the process.

Mr. BYRD. Mr. President, I do not believe consent has been given to package amendments.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BYRD. Reserving the right to object, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The senior Senator from West Virginia.

Mr. BYRD. Mr. President, if this were the only time we would have a request for three amendments in one package, it might be all right. My problem with this is two or threefold. One, if we start down this road of packaging three amendments, the next time it will be four, and the next time five. Suppose someone objects, and would like to vote against one of the amendments in the package? He has to vote against the whole package. That is No. 1.

No. 2, if permission is given for this request, then I would assume our friends on the other side of the aisle will think they are entitled to package three or four amendments, but there may then be some objections over here.

So it seems to me to at least prevent ill will, hard feelings, and streamlining the process further—we do not know what we are voting on now. It is an absolute absurdity what is going on here.

I am not going to object in this one instance. But who is going to be the next to make such a request?

I do not object in this one instance.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 3019

(Purpose: To retain 1-year Medicaid coverage for recipients of assistance under State plans funded under part A of title IV who lose Medicaid eligibility because of income when the recipient enters the work force)

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROCKEFELLER), for himself, Mr. FEINGOLD, and Ms. MOSELEY-BRAUN proposes an amendment numbered 3019.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment appears in today's RECORD under "Amendments Submitted.")

Mr. ROCKEFELLER. Mr. President, I am proud to offer this amendment with Senator MOSELEY-BRAUN and also Senator FEINGOLD. It basically does three things, and we combine them for the sake of efficiency.

We propose several improvements to the Medicaid Program. One is to help low-income families get health care when they move from welfare to work. Second is to help seniors get long-term care. And third is to make it much better for pregnant women and children—

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. ROCKEFELLER. Twelve years and under to have standards for their health benefit packages.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FEINGOLD addressed the Chair. The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment provides for flexible community and home-based, long-term care programs for individuals with disabilities of any age that have been Medicaid funded by striking provisions in the bill providing new tax expenditures for long-term care insurance and expanded IRA's.

The amendment would save \$2.3 billion over 7 years. It is based on a very successful program in Wisconsin that has saved us hundreds of millions of dollars by keeping people in the community rather than in nursing homes.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 20 seconds.

Ms. MOSELEY-BRAUN. Mr. President, the other part of the amendment has to do with people who are transitioning from welfare to work so we can provide that they will not lose health coverage, and particularly that the children will not be put in jeopardy of losing their health care when their parents go into the work force. Over a million children will be involved with this, Mr. President, and I encourage support for providing a minimal safety net for them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI addressed the Chair.

Ms. MOSELEY-BRAUN. Mr. President, I appreciate your graciousness. Senator FEINSTEIN had an amendment like this and would like to be a cosponsor, and I ask unanimous consent she be added as a cosponsor.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator MOSELEY-BRAUN's amendment creates new entitlements, not germane, mandates on the States that are not found in the bill. Senator FEINGOLD's long-term care amendment which has been added here—is that correct? Whose long-term care amendment is here?

Mr. EXON. Senator FEINGOLD.

Mr. DOMENICI. Senator FEINGOLD, excuse me. He would destroy the badly needed relief proposals and spend the money on Medicaid. The amendments are filled with these kinds of things, but overall they violate the Budget Act for germaneness, and I make a point of order.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, pursuant to section 904 of the Congressional

Budget Act, I move to waive the sections of that act for the purpose of considering the amendment, and I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act for the consideration of the amendment. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk called the roll. The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 533 Leg.]

YEAS—45

Akaka	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Heflin	Murray
Breaux	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Cohen	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Snowe
Exon	Leahy	Specter
Feingold	Levin	Wellstone

NAYS—54

Abraham	Faircloth	Lugar
Ashcroft	Frist	Mack
Baucus	Gorton	McCain
Bennett	Graham	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Bryan	Grassley	Nunn
Burns	Gregg	Pressler
Campbell	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kerrey	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner

The PRESIDING OFFICER. On this vote the yeas are 45, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. DOMENICI. Is Senator PRESSLER here? We are next on this side and want to do his wheat amendment.

Has the Senator an amendment ready on his side?

Mr. EXON. Yes. I am ready.

Mr. DOMENICI. I might announce on our side, if Senator PRESSLER would come to the floor. If he cannot make it for some reason, let us take Senator GRASSLEY. Senator GRASSLEY will be next after the Democrat amendment. All right.

Does the Senator have an amendment ready?

Mr. EXON. We do have the Mikulski amendment.

I recognize Senator MIKULSKI from Maryland for the purpose of—before I recognize her, I ask unanimous consent

that it be in order that the Senator from Maryland be permitted to offer a motion to instruct conferees on the clinical lab standards at this time.

Mr. DOMENICI. Was that a consent request?

Mr. EXON. Yes. Mr. DOMENICI. I have to object while I speak for a minute on it.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. I object. You have something else?

Ms. MIKULSKI addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thought it—recognizing the Senator's right, certainly, to object—I thought it had been cleared that I could offer my amendment and that it had been cleared with the Republican leadership. So I am happy to wait and let another amendment go by. I think we need to clarify this situation.

Mr. DOMENICI. Why does the Senator need consent to proceed with an amendment? Why? Does the Senator need unanimous consent?

Ms. MIKULSKI. No.

I thought it was agreed that no one would object to this coming up, I say to the Senator. I am surprised the Senator objected.

Mr. DOMENICI. Mr. President, I think we are going to be able to agree with the Senator shortly. Can the Senator wait a little bit?

Ms. MIKULSKI. I will be happy to wait.

Mr. DOMENICI. I thank the Senator very much.

Mr. EXON. Mr. President, since the Mikulski matter has been set aside temporarily, the next amendment is an amendment regarding dairy, offered by the Senator from Wisconsin, Senator FEINGOLD. I yield 30 seconds on our side to him for that stated purpose.

AMENDMENT NO. 2999

(Purpose: To strike the provision relating to the milk manufacturing marketing adjustment which provides special treatment to California cheese processors at a budget cost of \$20 million)

Mr. FEINGOLD. Mr. President, I offer an amendment on behalf of myself, Senator PRESSLER, Senator GRAMS, Senator MCCAIN, and Senator KOHL, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. PRESSLER, Mr. GRAMS, Mr. MCCAIN, and Mr. KOHL, proposes an amendment numbered 2999.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 33, strike lines 21 through 24. Mr. FEINGOLD. Mr. President, the 1990 farm bill contains a provision designed to prevent California cheese

processors from receiving artificial milk manufacturing incentives which are significantly higher than those allowed in the rest of the country under the Federal milk product support program.

The reconciliation bill repeals this provision resulting in a \$20 million cost to the Federal taxpayer by the purchase of additional cheese surpluses from California. This amendment strikes that provision and leaves current law intact and saves \$20 million.

The PRESIDING OFFICER. The pending question is amendment No. 2999.

Mr. DOMENICI. That is the amendment that was just described?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Do I not have 30 seconds to respond?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, the Agriculture Committee bill would repeal section 102 of the 1990 farm bill. Section 102 was put in that bill to override State operating orders. It has been in existence for 5 years and has never been used.

It seems to me we ought to remain consistent and we ought to defeat the amendment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2999. The yeas and nays have been ordered. The clerk will call the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 534 Leg.]

YEAS—57

Baucus	Ford	Lieberman
Bennett	Frist	Lott
Bond	Gorton	Lugar
Boxer	Graham	Mack
Breaux	Gramm	McConnell
Brown	Hatch	Mikulski
Campbell	Hatfield	Moynihan
Chafee	Heflin	Murkowski
Coats	Helms	Nickles
Cochran	Hollings	Roth
Cohen	Hutchison	Santorum
Coverdell	Inhofe	Shelby
Craig	Inouye	Simpson
D'Amato	Jeffords	Snowe
Dodd	Kassebaum	Specter
Dole	Kempthorne	Thomas
Domenici	Kyl	Thompson
Faircloth	Leahy	Thurmond
Feinstein	Levin	Warner

NAYS—42

Abraham	Daschle	Kennedy
Akaka	DeWine	Kerrey
Ashcroft	Dorgan	Kerry
Biden	Exon	Kohl
Bingaman	Feingold	Lautenberg
Bradley	Glenn	McCain
Bryan	Grams	Moseley-Braun
Bumpers	Grassley	Murray
Burns	Gregg	Nunn
Byrd	Harkin	Pell
Conrad	Johnston	Pressler

Pryor	Rockefeller	Smith
Reid	Sarbanes	Stevens
Robb	Simon	Wellstone

So the motion to lay on the table the amendment (No. 2999) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments to the bill?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I am not quite certain where we are in the process. Some have suggested that we take a couple hours recess here to try to get the amendments into a little group. I do not know how many are left. We do not have any idea how much longer it is going to take.

We are trying to decide whether to leave here at six and come back at nine in the morning, or whether to take an hour break and see if we cannot further winnow down the number of amendments. We would like to finish it sometime tomorrow.

RECESS

Mr. DOLE. I ask that we stand in recess for 20 minutes.

There being no objection, the Senate, at 3:46 p.m., recessed until 4:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I had a discussion with the Democratic leader, Senator DASCHLE. We have had discussions here with Members on both sides.

It is my understanding we can now, maybe shortly, propound a list of amendments and only those amendments would be in order. Hopefully, they will not all be offered, but that is where we are right now.

I think, in the meantime, I am prepared to consent to the request of the Senator from Maryland, Senator MIKULSKI, who made a unanimous-consent request that we might have a vote on a motion to instruct before passage rather than after passage.

I have no objection to that request. We are trying to work out the motion itself.

Ms. MIKULSKI. I thank the leader for his consideration. What, then, would he advise me to do? Just wait patiently, as is my temperament?

Mr. DOLE. The Senator has always been patient. But I would ask that the Senator be permitted to offer it before the vote rather than after the vote. I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. We will try to work it out so maybe it will go very quickly.

Ms. MIKULSKI. I thank the leader.

Mr. DOLE. In the meantime, I guess we can just continue back and forth.

Mr. DOMENICI. I think I have one here which I would like to go ahead and get done, which is an amendment of Senator GRASSLEY regarding Indian health.

Mr. EXON. It has been approved.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2955

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. GRASSLEY, proposes an amendment numbered 2955.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 862, line 16.

Subsection (e) of Section 2123 is amended by adding “, other than a program operated or financed by the Indian Health Service,” after “other federally operated or financed health care program”.

Mr. DOMENICI. Mr. President, this has been cleared on both sides. Senator GRASSLEY has taken an interest in a concern of the Indian Health Service with reference to Medicaid and other third party reimbursement programs. This gives them permission to get involved in that program as a health delivery system.

Mr. EXON. Mr. President, I yield the remainder of my time. We agree with the amendment. I ask for the vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2955) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, moving ahead in the fashion in which we have been plowing ahead and making some progress, the next amendment on this side would be by the Senator from Iowa, Senator HARKIN.

I yield our time on his amendment to him for the description and introduction of the amendment.

AMENDMENT NO. 3020

(Purpose: To support the President's promise in 1993 to not require significant additional cuts in programs that affect rural America, to preserve the safety net for family farmers which represent the backbone of American Agriculture, to maintain the competitiveness of American Agriculture, and to ensure a future supply of American Agricultural products)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows: