

A second cloture vote will occur tomorrow if cloture is not invoked today.

It is also my hope that we might at least debate this evening the CIA nomination, Mr. Deutch. I think the administration would like to have that done. I think it is a 2-hour time agreement. We can debate that this evening, and have the rollcall vote tomorrow morning.

I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12 noon with Senators permitted to speak therein for not to exceed 5 minutes each.

#### RECOGNITION OF SENATOR BYRD

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia is recognized to speak for up to 30 minutes.

Mr. BYRD. I thank the Chair.

#### THE BUDGET

Mr. BYRD. Mr. President, section 301 of the Congressional Budget and Impoundment Control Act of 1974 requires that on or before April 15 of each year the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The failure to meet this deadline, however, has no effect on points of order under the Congressional Budget Act. In fact, Congress has met the deadline only three times since enactment of the 1974 Budget Act; namely, for fiscal years 1976, 1977, and 1994. So, it is not unusual that Congress, at the April 15 deadline, has yet to complete action on the 1996 budget resolution.

It does seem a little unusual that this year's budget resolution has not been reported by the Budget Committee of either House. Perhaps our friends on the Budget Committees are finding it somewhat more difficult to come forward with a budget resolution which will force Congress to make the difficult choices that will be necessary to achieve a balanced budget, than it was to sign the mostly empty pledges that were contained in the vacuous rhetoric of the so-called "Contract With America."

For a while, everything seemed to be going along swimmingly for the new Republican majority in Congress. We have been told over and over again by the House Republican leadership that they would balance the budget by the year 2002, while at the same time they would increase military spending, cut taxes by some \$630 billion over the next ten years, and take Social Security off the budget-cutting table.

Thus ornament is but the guiled shore  
To a most dangerous sea; the beauteous scarf

Veiling an Indian beauty; in a word,  
The seeming truth which cunning times put  
on  
To entrap the wisest.

It was obvious to all who examined this visionary proposal that it amounts to a return to the failed policies of supply-side economics undertaken during the Reagan-Bush years. The problem with the Reagan plan was that we did the easy part—we massively increased military spending and we drastically cut taxes. But when it came to the hard part—cutting entitlement spending—everybody balked. We all know what resulted from those actions—a string of unprecedented budget deficits which were the largest the country has ever seen and which ceased to grow only after the election of President Clinton.

In other words, we went on a national spending spree on credit—not paying our bills, but charging them to future generations. As a result, the national debt rose from \$932 billion on January 20, 1981, when President Reagan was sworn in, to \$4.1 trillion on January 20, 1993, the day that Bill Clinton was sworn in as President.

Immediately following his election, President Clinton submitted a budget that cut the projected Bush deficits drastically and, in fact, in 1993 Congress enacted a massive deficit reduction bill, which President Clinton signed into law. That package of budget cuts reduced the projected deficits over 5 years by roughly \$500 billion, and it was passed by both Houses of Congress without a single Republican vote.

The economy has responded well to the deficit reduction that has taken place thus far under the leadership of President Clinton. I believe that the economy will continue to perform well so long as we continue our efforts to whittle away at the massive deficits built up over the dozen Reagan-Bush years.

Tough decisions will be required to balance the Federal budget. I know that it will require drastic action. I believe that the American people, as a whole, are prepared to face the tough choices that will have to be faced in order to balance the Federal budget, so long as they are certain that their elected representatives are administering the budget cuts fairly across every sector of the country. The budget axe should not be wielded indiscriminately. This round of budget cutting, to be effective, should involve priority setting; it should involve separating out the truly effective and necessary Federal Government programs from those that are merely nice to have but not truly necessary for the Federal Government to be involved.

Furthermore, if we are to achieve fairness in our deficit-elimination efforts, we cannot ignore the huge tax subsidies that are written into the Tax Code from time to time and are never looked at again. These kinds of tax expenditures, many of which may well

serve a worthwhile national purpose, should no longer be allowed to escape scrutiny along with every other area of Federal activity.

We are told by the Congressional Research Service that there are over 120 separate tax expenditures in current law which will cost the U.S. Treasury \$453 billion this fiscal year. That figure will rise to \$568.5 billion in fiscal year 1999—unless Congress and the President enact changes to eliminate and otherwise cut back the growth in some of these tax subsidies. If we fail to do so, then how can we possibly expect the American people to believe that we have administered budget cuts fairly?

Incredibly, Mr. President, we have not seen any indication by the Republican leadership that they are prepared to even examine these 120 Federal tax subsidies to see if they are necessary or if they can be afforded any longer.

Instead, we have seen the House pass a massive tax cut bill, which will cost \$630 billion over the next 10 years. And, who will get the benefit of those tax cuts? According to the Treasury Department:

Nearly half the tax benefits—47 percent—would go to the wealthiest 10 percent of households. These households all have incomes at least somewhat above \$100,000, according to the Treasury measure.

The richest 1 percent of households—1.1 million households—would receive 20 percent of the benefits from the tax package, while the bottom three-fifths of households—65 million households—would receive only 15.6 percent of the total tax benefits, according to the Treasury data.

The average tax reduction for the wealthiest 10 percent of all households would be nearly nine times greater than the average tax reduction for the middle fifth of households—\$4,821 and \$555, respectively.

Mr. President, I am totally opposed to tax cuts at this time. I will not vote for President Clinton's tax cuts, I will not vote for the House-passed tax cuts, or any other tax cuts that may be proposed at this time. We need to keep an eye on the target of reducing the Federal budget deficit until it is eliminated. From press accounts, I understand that Senator DOMENICI, the very able and experienced chairman of the Budget Committee, is planning to recommend to the Budget Committee a budget resolution which, if carried out, would result in a balanced budget for fiscal year 2002. It is my further understanding that Senator DOMENICI's proposal will not include a tax cut. Instead, a tax cut would have to wait until Congress has enacted the necessary legislation to achieve budget balance, under CBO scoring, by 2002.

If this is the position of the chairman of the Budget Committee, I commend him for his courage and foresight, and for his integrity in placing the emphasis in this year's budget resolution

where it clearly should be—on eliminating the deficit rather than on cutting taxes. I have long admired and respected the intelligence and wisdom of Senator DOMENICI. He is a Senator who takes his responsibilities very seriously and who works tirelessly to carry out these responsibilities.

In addition to containing no tax cut, Mr. President, it is also important that cuts in spending in this year's budget resolution be administered fairly and equitably to both entitlement and discretionary spending. As all Senators are aware, the discretionary portion of the budget is under the control of the Appropriations Committees and amounts to just over one-third, or \$549 billion, of the President's 1996 budget. Of the remainder, net interest on the debt will be \$257 billion, or 15.9 percent of the 1996 budget. The other one-half of the budget consists of Social Security—which will equal \$351.4 billion, or 21.8 percent of the 1996 budget—Medicare, Medicaid, and other mandatory and entitlement programs.

If Social Security is taken off the table, and if we pay the interest on the debt, which we must, then we have removed almost 38 percent of the budget from budget cuts. We are told that the budget resolution will also not cut military spending, and, in fact, will propose an increase in military spending over the next 7 years. If this is done, then we will have shielded 54 percent of the budget from cuts, leaving only 46 percent, including other entitlements, to undergo budget-cutting surgery over the next 7 years.

I ask the American people: Is that a fair way to proceed? Is it fair to cut \$500 billion over the next 7 years from domestic discretionary programs, while increasing military spending?

The military consumes \$262.2 billion in outlays in the President's 1996 budget. That amount is almost equal to the \$265.8 billion that is in the budget for all domestic discretionary programs. This includes law enforcement, education, infrastructure spending on highways and transit, environmental cleanup, clean air and water, research and development, medical research, NASA, national parks, the Justice Department, the judiciary, the FBI, and the operations of virtually all agencies and departments in the Federal Government.

If we follow the Republican plan, we will cut all of these domestic discretionary programs by approximately 35 percent by the year 2002, at the same time we increase military spending. Is that fair? It is not only unfair, it is pure folly.

Furthermore, under the Republican budget plan, the elderly will be asked to pay dearly. Medicare will be cut anywhere from \$259-\$333 billion over the next 7 years. We hear that these cuts are not being proposed for deficit reduction but only because Medicare will be broke if we do not fix it soon.

Well, Mr. President, I see no proposal from the Republicans on how they in-

tend to fix the Medicare program. All I see is a cut in Medicare spending totaling \$259 to \$333 billion over the next 7 years. Is it fair to ask for this level of sacrifice from Medicare beneficiaries at the same time military spending will be rising from a starting point of \$262.2 billion over the same 7-year period?

Or, is it fair to cut \$500 billion from domestic spending on education, law enforcement, highways, research, job training, and from student loans, and veteran's medical care while, at the same time, ignoring the subsidies in the Tax Code that total \$453 billion in 1995 and which, as I say, will grow by a total of \$283.9 billion over the next 5 years, 1995 to 1999. In 1999 alone, these tax breaks will total \$568.5 billion, an increase of \$115.5 billion over their 1995 cost.

It is incredible—even beyond belief—that Congress would enact a 7-year, deficit-elimination package that cuts \$500 billion from domestic investments and cuts between \$259 and \$333 billion from Medicare, while it cuts nothing from military spending and while we allow permanent tax breaks to grow by \$283.9 billion! How can we expect the American people to accept this approach to budget balancing? It is not only unfair, it is irrational.

What this amounts to is protecting the special interest groups and the wealthy. They will get to keep their existing tax breaks, and, to make matters worse, they will also get the overwhelming share of the tax cuts already passed by the House, which amount to a \$630 billion drain from the Treasury over the next 10 years.

On a related matter, there has been speculation that the Republican welfare reform package will be included as part of this year's reconciliation measure. If these reports are accurate, this should be a cause of great concern to all Senators and to the American people. I say this not from any partisan perspective. As I stated to the distinguished majority leader in a letter dated March 31, 1995, I agree that welfare reform is certainly necessary. But I have strong reservations about taking up such far-reaching and important legislation as part of a reconciliation measure, upon which very limited debate is allowed.

In my view, the reconciliation process was not intended to allow the adoption of major legislative proposals, such as welfare reform, under conditions where debate is limited. This is not a new position for me. I opposed such a tactic on health care reform last year, when both the then-majority leader and President Clinton urged my support for including health care in last year's reconciliation measure. Major proposals of this kind should be thoroughly and thoughtfully examined by the Members of both parties on this Senate floor in a free and full debate, not under the extremely limited debate that is allowed for reconciliation measures.

I implore the Senate Budget Committee, under the able leadership of its chairman, Senator DOMENICI, and its equally able ranking member, Senator EXON, to carefully consider these very important matters as the committee marks up the 1996 budget resolution.

As I have already stated, I do not believe that the American people deserve, nor will they support, a deficit-elimination package unless its effects are distributed fairly across all segments of the population. I do not believe they will support a continuation of existing tax breaks along with new massive tax cuts for the wealthy, while Medicare beneficiaries are being asked to pony up hundreds of billions of dollars over the next 7 years.

I urge Senators not to attempt to balance the budget on the backs of millions of Americans by savaging their health care benefits, while at the same time enacting hundreds of billions of dollars in new tax breaks which primarily benefit the wealthiest in our society. No amount of hollow rhetoric in a so-called Contract With America can hide the perverted policies being proposed by those who signed this so-called contract which was, after all, fashioned by pollsters for the purpose of gaining political advantage.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

#### NOMINATION OF DR. HENRY FOSTER

Mr. SPECTER. Mr. President, I have sought recognition to announce my intention to vote to confirm Dr. Henry Foster to be Surgeon General of the United States. I hope that I will have the opportunity to cast that vote, that the nomination will come to the floor of the U.S. Senate, and that preliminary proceedings will be cleared so that there will a vote up or down on whether Dr. Henry Foster should become the next Surgeon General of the United States.

When Dr. Foster's name was forwarded to the Senate by the President in early February, I was a little dismayed to hear the cry arise that he should be disqualified because he had performed abortions. I was surprised to hear that cry arise because abortions are a legal medical procedure under the Constitution of the United States. This is not a matter of *Roe v. Wade*, the decision handed down in 1973. This is reaffirmed by the Supreme Court of the United States in *Casey v. Planned Parenthood* in 1992, an opinion written by