

have seen an event at the White House lawn back on September 13, 1993, that I never thought would have been possible with Chairman Arafat honored there. But when then Prime Minister Rabin shook the hand of Chairman Arafat and then Foreign Minister Peres shook the hand of Chairman Arafat, the U.S. policy was to support the peace process. If Israel, which had been the principal object of PLO terrorism, was prepared to deal with Chairman Arafat, then so was the United States.

I have had an opportunity to meet with Chairman Arafat on three occasions since that historic event at the White House on September 13, 1993. I have gone there in a visit with Senator BROWN in August of last year, carrying with us a list of specific terrorists where we thought the Palestinian authority had not turned them over to Israeli officials in accordance with the agreements which had been made, presented them one by one, and, candidly, heard many excuses offered by Chairman Arafat.

Senator SHELBY and I had an opportunity to visit again with Chairman Arafat this past January 2 and again talked about the language of the PLO charter and pushed to have it revised. At that time, Chairman Arafat said he would do his utmost. The elections were coming up with the Palestinians on January 20. Those elections were held, and now we have had this historic event with the Palestinian Parliament in exile dropping the language by a vote of 504 in favor of eliminating the language calling for the destruction of Israel, 54 against, and 14 abstaining. That language had been in the charter for some 32 years.

So, you have a vote of 10 to 1, a very, very sizable majority, which ought to put all of the Palestinian terrorists on notice that it is no longer acceptable, even from the Palestinian point of view, to call for the destruction of Israel and to carry out acts of terrorism.

So it is my hope that this historic vote, when it is communicated to the Palestinians in that region, when it is communicated to the Palestinians around the world, may have the effect of letting the Palestinian terrorists know—Hezbollah, Hamas, and the other terrorist organizations—that it is no longer appropriate, it is no longer proper, it is condemned by the Palestinian authority itself, that terrorist acts against Israel ought not to be carried forward. If we can stop Hezbollah, if we can stop Hamas and the other terrorist organizations, then I think we can move forward with the peace process.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3672

Mr. SIMPSON. Mr. President, I now submit a request. It has been cleared through the leadership on both sides of the aisle, as I have been advised.

I ask unanimous consent that the Senate now resume consideration of amendment No. 3672, the Simpson-Kemphorne amendment, as modified, and that there be 30 minutes for debate, 20 minutes under the control of Senator DORGAN, 10 minutes under the control of Senator DOMENICI; to be followed by a vote on or in relation to the amendment without further action or debate. And immediately following that vote, regardless of the outcome, the Senate proceed to vote on or in relation to the Dorgan amendment, No. 3667.

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

AMENDMENT NO. 3672, AS MODIFIED

Mr. SIMPSON. Mr. President, I send the modification of the amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Amendment No. 3672, as modified, is as follows:

At the end of the amendment add the following:

(1) social security is supported by taxes deducted from workers' earnings and matching deductions from their employers that are deposited into independent trust funds;

(2) over 42,000,000 Americans, including over 3,000,000 children and 5,000,000 disabled workers and their families, receive social security benefits;

(3) social security is the only pension program for 60 percent of older Americans;

(4) almost 60 percent of older beneficiaries depend on social security for at least half of their income and 25 percent depend on social security for at least 90 percent of their income;

(5) 138,000,000 American workers pay taxes into the social security system;

(6) social security is currently a self-financed program that is not contributing to the Federal budget deficit; in fact, the social security trust funds now have over \$400,000,000,000 in reserves and that surplus will increase during fiscal year 1995 alone by an additional \$70,000,000,000;

(7) these current reserves will be necessary to pay monthly benefits for current and future beneficiaries when the annual surpluses turn to deficits after 2018;

(8) recognizing that social security is currently a self-financed program, Congress in 1990 established a "firewall" to prevent a raid on the social security trust funds;

(9) raiding the social security trust funds would further undermine confidence in the system among younger workers;

(10) the American people overwhelmingly reject arbitrary cuts in social security benefits; and

(11) social security beneficiaries throughout the nation deserve to be reassured that their benefits will not be subject to cuts and their social security payroll taxes will not be increased as a result of legislation to implement a balanced budget amendment to the United States Constitution.

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

to implement a balanced budget amendment to the United States Constitution shall specifically prevent social security benefits from being reduced or social security taxes from being increased to meet the balanced budget requirement.

Mr. SIMPSON. Mr. President, I yield the floor to Senator DORGAN.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume. A couple of colleagues wish to come to speak on this amendment as well.

First of all, the circumstances are we will vote on a Kemphorne amendment. I have no objection to that amendment. I intend to vote for it.

It contains conclusions that I support, talks about the desire to balance the budget, to do so without Social Security benefits being reduced or Social Security taxes being increased. I have no objection to that. I intend to vote for it.

But that is not the issue. The issue is the second vote on the amendment that I offered, a sense-of-the-Senate resolution. That amendment is very simple. It is an amendment that says that when a constitutional amendment to balance the budget is brought to the floor of the Senate it ought to include a firewall between the Social Security trust funds and the other revenues of the Federal Government.

The reason I feel that way is because we are now accumulating a yearly surplus in the Social Security trust funds. It is not an accident. It is a deliberate part of public policy to create a surplus in the Social Security trust funds now in order to save for the future.

The reason I know that is the case is because in 1983 I helped write the Social Security reform bill. I was a member of the House Ways and Means Committee at the time. We decided in the Social Security reform bill to create savings each year. This year \$71 billion more is coming into the Federal Government in receipts from Social Security taxes over what we will spend this year—a \$71 billion surplus this year alone, not accidental but a surplus designed to be saved for the future.

It is not saved for the future if it is used as an offset against other revenue of the Federal Government. If it is simply becoming part of the revenue stream that is used to balance the budget and the operating budget deficit, it means this \$71 billion will not be there when it is needed.

I have heard all of the debate about, well, this is just an effort by some of those who would not vote for the other constitutional amendment to balance the budget, just an effort to justify their vote. No. There were two constitutional amendments to balance the budget offered in the U.S. Senate last year. One of them balanced the budget and did so by the year 2002, using the Social Security trust funds as part of the operating revenue in the Federal Government. I do not happen to think that is the way we ought to do it.

The Senator from Illinois, Senator SIMON, is on the floor. He has been one of the authors of that particular amendment. I happen to know that he changed his mind on this issue. He originally felt we should not include the Social Security trust fund money as part of the operating revenue of the Federal budget.

I still believe fervently we should not do that. One of the sober, sane things that was done in the 1980's in public policy was to create a surplus each year in the Social Security accounts to save for the future when it is needed, when the baby boomers retire. To simply decide to throw that all in as operating revenues and provide for it in a constitutional amendment to the Constitution, and use it to help balance the operating budget of the Federal Government, is in my judgment not honest budgeting.

We are either going to save this or not. If we are not going to save it we ought not collect it from the workers. If the workers have it taken from their paychecks and are told, "This money coming from your paycheck goes into a Social Security trust fund," and if it goes into the Social Security trust fund and then is used as other revenue to balance the Federal operating budget, it is not going to be there when the baby boomers retire.

That is the import of this amendment. If those who propose a constitutional amendment to balance the budget would bring to the floor a constitutional amendment with section 7 changed as we proposed it previously and voted on it that says it is identical in every respect to the constitutional amendment offered by Senator SIMON, Senator DOLE, and others with the exemption that the Social Security trust funds shall not be used as operating revenue in the Federal budget to balance the budget, they would get 70 or 80 votes, 75 votes perhaps for a constitutional amendment to balance the budget.

Because they did not do that, they fell one vote short. They intend to bring a constitutional amendment to balance the budget to the floor of the Senate again, and have announced they intend to do it under a reconsideration vote. They have a right to do that. We simply want an opportunity to provide a sense-of-the-Senate resolution to say to all of those in the Senate, when you bring this, do it the right way this time. If you do it the right way you will, in my judgment, pass a constitutional amendment to balance the budget out of this Senate and send it to the States for ratification.

That is what this sense-of-the-Senate vote is about. It is not about protecting anybody. It is not about setting up a scarecrow. It is about very serious, important public policy issues. Anyone who says this is not an important or serious issue apparently misunderstands what the policy issues are here. I did not vote to reform the Social Security system—I did not vote to in-

crease payroll taxes in the 1980's, as did most Members of Congress, in order to have that money go into the operating budget of the United States and not be saved for the future in the Social Security trust funds as we promised the American people it would be.

Last year the Budget Committee brought to the floor of the U.S. Senate a budget. They said, "Here is our balanced budget." And on page 3 it says, "Deficits—" in 2002, \$108 billion. How can that be the case? Because technically they say, "We haven't yet balanced the budget, technically in law, but what we have done is promised we will use this money to show a zero balance because these Social Security trust funds, to the tune of \$108 billion, will be used to balance the Federal budget."

It is not an honest way to do business. It ought not be done. We can, in my judgment, remedy this problem very quickly. Voting for my sense-of-the-Senate resolution, and including in the constitutional amendment to balance the budget that is brought to the floor of the Senate, the provision I have described, which is fair to the American workers, keeps our promise with the American workers, is fair to senior citizens in this country, and does what we said in 1983 we were going to do for the future of the Social Security system.

I am a little weary of hearing people stand on the floor of the Senate saying the Social Security system is going broke. The system has been around 60 years. In the year 2029, which is 30-some years from now, we have financing problems with it, yes, but we are going to respond to those long before 2029. For someone to say a system that has been around here for some 60 years is going to go broke because in the year 2029—33 years from now—we have financing trouble is, in my judgment, unfathomable.

This is a wonderful contribution to this country of ours, the Social Security system. We can and have made it work, and will make it work in the future. But I will guarantee you that it will not work in the future the way we expect it to, to help the people who are going to retire in the future in this country, the baby boomers especially, if we do not take steps to protect the Social Security trust funds and use them for the purpose that they were intended back in the 1983 Social Security Reform Act.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The time is under the control of Senator DOMENICI and Senator DORGAN. Senator DORGAN has approximately 12 minutes left of his time. Senator DOMENICI, who I do not see at this point, has 10 minutes under his time.

Mr. SIMON. Mr. President, since I have not spoken to Senator DOMENICI, I

ask unanimous consent that I be permitted to speak for 3 minutes and not have it charged to either side.

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

Mr. SIMON. Mr. President, I agree with 90 percent of what my friend from North Dakota has to say. Where I do differ is—and let me add in the Budget Committee I supported Senator FRITZ HOLLINGS in saying that we should exclude Social Security as we balance the budget. I cosponsored that legislation. What is true, however, is that the balanced budget amendment that we proposed, as it was, protects Social Security more than the present law does. Bob Myers, chief actuary for Social Security for 21 years, strongly supported the balanced budget amendment saying it was essential to the protection of Social Security.

I recognize that we are close to getting something worked out. I hope we can. I do think it is unrealistic, the amendment offered by my friend from North Dakota, that by the year 2002, we can do this, excluding Social Security. I think if we go on a glidepath for a few years later, that can be worked out.

To those who question that, that provides a great deal more protection than you have in the present law. The present law gives theoretical protection, but it is not there. The Constitution gives muscle to that.

Now, I add that I want to make sure that, in the years we have deficits, we fill those deficits, that we do not exclude both the receipts and the deficits, because the time will come—I may not be around to need it but the Senator from North Dakota will—when we need to protect those deficits and make clear that is a liability of the Federal Government.

I am hopeful something can get worked out yet. There are various versions floating around right now. It would be a great day for the American public if we could get it worked out.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time do the Democrats have and how much time do I have?

The PRESIDING OFFICER. There is remaining 12 minutes 15 seconds under the control of Senator DORGAN and 9 minutes 50 seconds under the control of the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not sure I need all my time. Let me yield myself 5 minutes at this point.

Mr. President, I guess I start this by paraphrasing Ronald Reagan: Here we go again. Every time we get into a balanced budget debate, someone tries to claim that Congress is raiding the Social Security trust fund. Every single time it happens, somebody gets up and claims we are not doing it right.

I simply want to note that there is a bit of irony in this debate in the Dorgan amendment. In 1995, we saw a plethora of budget proposals from both sides of the aisle. We saw a number

from that side of the aisle. Indeed, at last count, the President himself has proposed 10 different budgets since January 1995. Each and every one of those budgets, including the President's 1997 budget, includes Social Security in the deficit calculations.

I am not suggesting that is in any way violating the law, because it is not. It is not violating the law to produce a balanced budget and call it a balanced budget under the unified concept which has been used since Lyndon Johnson's time, when at the direction of Arthur Burns, one of the best economists we have ever had serve us, the United States decided to put everything on budget, because everything on that budget had an impact on the economy of the United States. So does the trust fund have an impact on the economy. The unified budget was a concept of putting everything on there that has any economic impact on the people of the United States and the American economy.

Somehow, it seems to me, we have some kind of a gap here. Unless I am reading wrong, Senator DASCHLE, Senator DORGAN, two of the sponsors of this so-called Social Security amendment, promoted a balanced budget here in the U.S. Congress. If I am wrong, the Senator can tell me I am wrong. Somehow, it seems to me that something must have escaped, escaped the mind, because that plan could only claim to reach balance in 2002 including the Social Security trust fund.

As a matter of fact, I have not seen any budget produced that has been offered as an instrument upon which we would vote here in the Senate that produces the kind of balanced budget that is now being encouraged by this sense-of-the-Senate resolution. The Republican budget, the first one that balanced the budget, the first one to pass Congress to balance the budget in two generations, also included the Social Security trust funds in this deficit calculation.

That does not mean that in doing that you are detracting from the solvency of the Social Security fund. As a matter of fact, in each and every one of the budgets I have been discussing, to my recollection, the nine the President has offered, two of which have been balanced, the others that I have referred to in a very, very formidable way, those budgets do not touch Social Security. They do not touch the benefits. They do not touch the taxes that are attributable to Social Security. You get a balanced budget without in any way doing harm to the Social Security trust fund and the taxes that are imposed on the American people in order to get that done.

Frankly, it seems to me, for those who would like to make sure we get a balanced budget and not use the Social Security trust fund in the calculations, I wonder how they get to balance. I have not seen any proposals that have accomplished that. From this Senator's standpoint, if we are going to get

there by 2002, which I think is everybody's agenda, I believe it is inconceivable that you can get there and in the final calculations—that is why I am saying in the calculations—you do not use the unified budget concept, which for more than 20 years has been used in almost every examination of the impact of the Federal budget on the people of this country.

Maybe I am missing something. Maybe somebody knows another way to do it by 2002 and reduce the expenditures of our Government by another \$190 to \$200 billion. I do not believe, in my efforts, which I think have been at least, if not successful, at least we have shown various ways—and it has been a rather formidable exercise—I do not think we have ever come up with anything that could do that.

While I understand the debate is a useful debate, we ought to be very concerned about it. I think it is truly, "Here we go again," and I hope the U.S. Senate decides we ought to get on with the subject, get a balanced budget, and get a constitutional amendment and not do the sense of the Senate at this point.

Mr. DORGAN. I yield 7 minutes to the Senator from South Carolina, Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from North Dakota.

Obviously, I do not take any pleasure in correcting the record made by my distinguished chairman of the Budget Committee. I served as chairman of the Budget Committee and had the best of cooperation from the distinguished Senator from New Mexico. I hope we can cooperate again in getting a balanced budget amendment to the Constitution that protects social security.

Last year on March 1, 1995, five Senators signed a letter to the majority leader stating that we were ready, willing and able to vote "aye" on a balanced budget amendment to the Constitution so long as we did not repeal the statutory law of the United States that prohibits the use of Social Security trust funds in computing either deficits or surpluses of the Federal Government.

Now my distinguished friend from New Mexico says that both sides use it, and he starts, of course, with President Lyndon Johnson.

Mr. President, I ask unanimous consent to have printed in the RECORD a budget table of the deficits and surpluses for the past 40 years.

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

President and year	U.S. budget (outlays in billions)	Trust funds	Real deficit	Gross Federal debt (billions)	Gross interest
Truman:					
1945	92.7	5.4		260.1	(1)
1946	55.2	3.9	-10.9	271.0	(1)
1947	34.5	3.4	+13.9	257.1	(1)
1948	29.8	3.0	+5.1	252.0	(1)
1949	38.8	2.4	-0.6	252.6	(1)
1950	42.6	-0.1	-4.3	256.9	(1)

President and year	U.S. budget (outlays in billions)	Trust funds	Real deficit	Gross Federal debt (billions)	Gross interest
1951	45.5	3.7	+1.6	255.3	(1)
1952	67.7	3.5	-3.8	259.1	(1)
1953	76.1	3.4	-6.9	266.0	(1)
Eisenhower:					
1954	70.9	2.0	-4.8	270.8	(1)
1955	68.4	1.2	-3.6	274.4	(1)
1956	70.6	2.6	+1.7	272.7	(1)
1957	76.6	1.8	+0.4	272.3	(1)
1958	82.4	0.2	-7.4	279.7	(1)
1959	92.1	-1.6	-7.8	287.5	(1)
1960	92.2	-0.5	-3.0	290.5	(1)
1961	97.7	0.9	-2.1	292.6	(1)
Kennedy:					
1962	106.8	-0.3	-10.3	302.9	9.1
1963	111.3	1.9	-7.4	310.3	9.9
Johnson:					
1964	118.5	2.7	-5.8	316.1	10.7
1965	118.2	2.5	-6.2	322.3	11.3
1966	134.5	1.5	-6.2	328.5	12.0
1967	157.5	7.1	-11.9	340.4	13.4
1968	178.1	3.1	-28.3	368.7	14.6
1969	183.6	-0.3	+2.9	365.8	16.6
Nixon:					
1970	195.6	12.3	-15.1	380.9	19.3
1971	210.2	4.3	-27.3	408.2	21.0
1972	230.7	4.3	-27.7	435.9	21.8
1973	245.7	15.5	-30.4	466.3	24.2
1974	269.4	11.5	-17.6	483.9	29.3
Ford:					
1975	332.3	4.8	-58.0	541.9	32.7
1976	371.8	13.4	-87.1	629.0	37.1
Carter:					
1977	409.2	23.7	-77.4	706.4	41.9
1978	458.7	11.0	-70.2	776.6	48.7
1979	503.5	12.2	-52.9	829.5	59.9
1980	590.9	5.8	-79.6	909.1	74.8
Reagan:					
1981	678.2	6.7	-85.7	994.8	95.5
1982	745.8	14.5	-142.5	1,137.3	117.2
1983	808.4	26.6	-234.4	1,371.7	128.7
1984	851.8	7.6	-193.0	1,564.7	153.9
1985	946.4	40.6	-252.9	1,817.6	178.9
1986	990.3	81.8	-303.0	2,120.6	190.3
1987	1,003.9	75.7	-225.5	2,346.1	195.3
1988	1,064.1	100.0	-255.2	2,601.3	214.1
Bush:					
1989	1,143.2	114.2	-266.7	2,868.0	240.9
1990	1,252.7	117.2	-338.6	3,206.6	264.7
1991	1,323.8	122.7	-391.9	3,598.5	285.5
1992	1,380.9	113.2	-403.6	4,002.1	292.3
Clinton:					
1993	1,408.2	94.2	-349.3	4,351.4	292.5
1994	1,460.6	89.1	-292.3	4,643.7	296.3
1995	1,514.4	113.4	-277.3	4,921.0	332.4
1996	1,572.0	126.0	-270.0	5,191.0	344.0
Est. 1997	1,651.0	127.0	-292.0	5,483.0	353.0

¹ Budget realities: Senator Hollings, April 17, 1996.
Note: Historical Tables, Budget of the U.S. Government FY 1996; Beginning in 1962 CBO's 1995 Economic and Budget Outlook.

Mr. HOLLINGS. If you look at this table, you can refer to 1969 when we had the last budget balanced. I happened to have been here and to have voted for it. That is a unique experience.

If you look down to the 1997 budget that we will be working on, you can see the intent to use \$127 billion—\$127 billion in trust funds. Up, up and away.

I hold in my hand this light blue book entitled "Budget Process Law Annotated." You will not find the word "unified" in it. You, will, however, find section 13301 of the statutory laws of the United States.

I ask unanimous consent to have that section printed in the RECORD at this point.

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

SUBTITLE C—SOCIAL SECURITY
SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or
 (3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title."

Mr. HOLLINGS. Mr. President, section 13301 says you cannot use Social Security. In our failure to follow that law, we should not wonder why the people do not have any faith or trust in their Government.

Let us go back to Social Security. In 1983, we increased the Social Security payroll taxes in order to save the program. We said these moneys would be used only for Social Security. We were going to balance the budget for general government and build up Social Security surpluses to ensure that money would be there when they baby boomers retire. However, working in the Budget Committee with the distinguished Senator from New Mexico, you could see what was happening. Budget deficits went up, up and away. We had less than a trillion-dollar debt when Reagan came to town. It is now \$5 trillion. So in the Budget Committee, on July 10, 1990, I offered an amendment to protect the surpluses in the Social Security trust fund. It was my amendment that passed the committee by a vote of 20-1.

I ask unanimous consent to have the vote printed in the RECORD.

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

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay:

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, Mr. Bond.
 Nays: Mr. Gramm.

Mr. HOLLINGS. Mr. President, after our success in the Budget Committee, I worked with Senator Heinz to offer the same amendment on the Senate floor on October 18, 1990. The vote was 98-2, and the distinguished Senator from New Mexico voted both in July, and in October to not use Social Security trust funds.

I ask unanimous consent that that vote be printed in the RECORD.

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

Hollings-Heinz, et al., amendment which excludes the Social Security Trust Funds from the budget deficit calculation, beginning in FY 1991.

YEAS (98)

Democrats (55 or 100%)—Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren,

Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Helfin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, Wirth.

Republicans (43 or 96%)—Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, Wilson.

NAYS (2)

Republicans (2 or 4%)—Armstrong, Wallop.

Mr. HOLLINGS. Mr. President, when the both sides continued to use the surpluses—I teamed up with Senator MOYNIHAN. I said, "Look, you are using these moneys for defense, education, housing, foreign aid, for everything but Social Security. Let us just stop the increase in taxes on Social Security."

So exactly 5 years ago, on April 24, 1991, the distinguished Senator from New Mexico moved to table the Moynihan-Kasten-Hollings amendment that would have reduced Social Security revenues in the budget resolution by about \$190 billion.

I ask unanimous consent that that vote be printed in the RECORD.

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

Domenici motion to table the Moynihan-Kasten-Hollings amendment which reduces Social Security revenues in the budget resolution by \$24.6 billion in FY 1992, \$27.6 billion in 1993, \$38.2 billion in 1994, \$44.0 billion in 1995, and \$61.7 billion in 1996; and returns Social Security to pay-as-you-go financing.

YEAS (60)

Democrats (26 or 47%)—Baucus, Bentsen, Bingaman, Bradley, Breaux, Bumpers, Burdick, Byrd, Conrad, Daschle, DeConcini, Dixon, Ford, Glenn, Graham, Helfin, Johnston, Kohl, Lautenberg, Levin, Mikulski, Robb, Rockefeller, Sasser, Shelby, Simon.

Republicans (34 or 79%)—Bond, Brown, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatfield, Jeffords, Kassebaum, Lott, Lugar, McCain, McConnell, Murkowski, Packwood, Pressler, Roth, Rudman, Simpson, Smith, Specter, Stevens, Thurmond, Warner.

NAYS (38)

Democrats (29 or 53%)—Adams, Akaka, Biden, Boren, Bryan, Cranston, Exon, Fowler, Gore, Harkin, Hollings, Inouye, Kennedy, Kerrey, Kerry, Leahy, Lieberman, Metzenbaum, Mitchell, Moynihan, Nunn, Pell, Reid, Riegle, Sanford, Sarbanes, Wellstone, Wirth.

Republicans (9 or 21%)—Craig, Hatch, Helms, Kasten, Mack, Nickles, Seymour, Symms, Wallop.

NOT VOTING (1)

Democrats (1)—Pryor.

Mr. HOLLINGS. Mr. President, on November 13, 1995, the Senator from New Mexico again joined with us on a vote of 97-0 not to use Social Security

trust funds. But in March of last year they were trying to get a balanced budget amendment to the Constitution that used an additional \$636 billion in Social Security trust funds.

Under that approach, we would come around to the year 2002 and say, "Whoopee, we have finally done our duty under the Constitution and we have balanced the budget." But we would have at the same time caused at least a trillion-dollar deficit in Social Security. Who is going to vote to increase Social Security taxes, or any other tax, to bring in a trillion dollars?

That is our point here. That is why we have offered this sense of the Senate. What happens is the media goes right along. I want to quote from an April 15 article in Time magazine which talks about the surpluses in the highway trust fund:

Supporters argue, rightly, that the money would go where it was intended—building roads and operating airports. But the supposedly untapped funds are actually an accounting figment.

That is what we will have to say about Social Security in 2002 because the money will not be there. Let us cut out this charade, stop the fraud, and be honest with each other. Let us get truth in budgeting.

I reserve the remainder of our time.

Mr. DORGAN. Mr. President, I yield 2 minutes to Senator FORD.

Mr. FORD. Mr. President, I thank my friend from North Dakota. I think everyone should have listened to my friend from South Carolina. He has been there from year one. He knows the history of it. He understands it, and he says it straight.

I listened to my good friend from New Mexico, chairman of the Budget Committee, one of the smartest financial wizards in the Senate. I believe, honestly and sincerely, that he knows how to operate to be sure that Social Security funds are not used. He says he only wants to use them for calculation. He does not touch the fund, the taxes; he does not touch anything. If you do not touch them, why use them? If you do not touch them, why use them?

We have a contract with the people of this country. Social Security is doing better. There are 8.4 million new jobs, all of them paying into Social Security. Things are beginning to look a little better. But if we take Social Security funds to balance the budget, then we are deceiving the American public.

I voted for a balanced budget every time except the last time because, before that, it excluded Social Security funds. This last time, it included Social Security funds. You had at least seven more votes—we would be in the seventies on the balanced budget amendment had you said we exclude Social Security moneys.

So when you say you are not using them, you will not spend them, you are not going to touch taxes, there ought to be a way, and there should be a way, that we can pass a balanced budget here without using those funds.

I hope my colleagues will listen to Senator DORGAN and Senator HOLLINGS and that we approve this sense-of-the-Senate resolution.

I suspect my time has expired. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI. How much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. DOMENICI. Mr. President, I told Senator DORGAN I would use our time up and he could close. Senator SIMPSON has arrived. He is never without something to say on this subject. I yield half of my remaining time to the Senator from Wyoming.

Mr. SIMPSON. I thank the Senator. It will not take 2 minutes. It does not take too many minutes to explain that there is no Social Security trust fund. To come to this floor time after time and listen to the stories about the Social Security trust fund is phantasmorgia and alchemy. There is no Social Security trust fund. The trustees know it, we know it, everyone in this Chamber knows it.

What you have is a law that says if there are any reserves in the Social Security system, they will be invested in securities of the United States, based on the full faith and credit of the United States. Therefore, they are. They consist of the bills, savings bonds, and they are issued all over the United States. Some here own them, and banks own them. The interest on those is paid from the General Treasury, not some great kitty or some Social Security piggy bank. This is the greatest deception of all time.

The sooner we wake up and realize that the trustees of the Social Security system, consisting of three Members of the President's Cabinet, consisting of Dona Shalala, Robert Rubin, and Robert Reich, Commissioner Shirley Chater, one Republican and one Democrat, are telling us this system will be broke in the year 2029 and will begin to go broke in the year 2012—there is no way to avoid it unless you cut the benefit or raise the payroll tax. Guess which one we will do at the urging of the senior citizens? We will raise the payroll tax one more time.

Mr. DOMENICI. Mr. President, we have a letter dated January 19 signed by Senator EXON, Senator DASCHLE, and Senator DORGAN with reference to a proposed balanced budget that they wanted the Republicans to join them in with some common ground.

I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,

OFFICE OF THE DEMOCRATIC LEADER,

Washington, DC, January 19, 1996.

Hon. ROBERT DOLE,

U.S. Senate,

Washington, DC.

DEAR MR. LEADER: We are disturbed by several remarks you made yesterday at your

news conference on the status of budget negotiations. It is unclear to us why your public comments concerning the budget continue to grow more pessimistic even as the gap between our two plans continues to narrow.

We believe a workable solution to balancing the budget is indeed at hand. Since our House counterparts appear less willing, or less able, to discuss alternatives, we ask that you take the initiative and join us to build support for a "common ground" balance budget. This budget would be based on the \$711 billion in reductions to which all parties in the budget negotiations have already agreed. (Please see the attached chart outlining those areas of agreement.)

Democrats and Republicans have made a great deal of progress over the past few weeks in narrowing the gap between our two plans. The biggest remaining gap, of course, is the difference between our two tax cut proposals. The current Republican plan calls for \$115 billion more in tax cuts than does the plan offered by the President and Congressional Democrats. Your plan pays for these additional tax breaks by cutting \$132 billion—above and beyond what Democrats have agreed to—from programs that are essential to working families.

Specifically, your plan cuts Medicare by \$44 billion more than the Democratic plan. It cuts Medicaid by \$26 billion more. It cuts domestic investments in areas such as education and the environment by \$52 billion more. And it raises taxes on working families by \$10 billion.

The Democratic plan, by contrast, allows us to balance the budget in seven years using CBO numbers, provide a reasonable tax cut of \$130 billion for working families, and still protect Medicare, Medicaid, education and the environment.

We should act decisively to balance the budget immediately. If balancing the budget is the goal, we can reach it now by banking the "common ground" savings on which we all agree.

We ask you to return with us to the White House to resume budget negotiations with the Administration before the current continuing resolution expires next Friday, January 26. If you will agree to return to the table, reduce your tax cut, and adopt the "common ground" reductions to which we have all agreed, we can reach an agreement immediately. We can balance the budget in seven years—and provide America's families with tax relief—without eviscerating the programs on which their economic security depends.

Sincerely,

J. JAMES EXON,

TOM DASCHLE,

BYRON L. DORGAN.

Mr. DOMENICI. Mr. President, I note that the proposed balanced budget is in the unified budget manner using the Social Security trust funds in calculating the balance.

I just want to close by saying that we can go on with these arguments as long as we want. The truth of the matter is seniors should know that, if you can get a unified balanced budget by the year 2002 which helps the American economy grow, prosper, and which brings interest rates down, it is the best thing you can do for the Social Security trust fund. That is exactly what it needs.

There is no chance of success unless the American economy is growing and prospering. For that to happen you have to balance the unified budget. If

you want to say 4 years after that you will balance without the use of the funds, fine. You put that on a line and show it.

I say to my friend, Senator HOLLINGS, that we are engaged now in trying to write some language for a balanced budget constitutionally which would put it in balance in the unified way by a certain time, and under the ideas that the Senator from South Carolina has, by 4 years later to try to put that in the constitutional amendment. We are working with the Senator and others. We hope to have it done very soon, at which point when it clears with the Senator from South Carolina and others, we will be glad to give it to the leadership to see what they want to do with it.

I thank the Senator for his comments. Even though they were not all directed to agreeing with me, we are working on the same wavelength.

I yield the floor and yield any time which I may have.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Three minutes twenty-one seconds.

Mr. DORGAN. Mr. President, let me use the remaining time.

I guess now we have heard the three stages of denial. Let me rephrase the three stages of denial.

One, there are no Social Security trust funds;

Two, if there are Social Security trust funds, we are not using them to balance the budget;

Or, three, if there are Social Security trust funds and we are using them to balance the budget, we will stop by the year 2006.

All three positions have been given us in response to our position on this floor—the three stages of denial.

I watched the debate on the floor of the House of Representatives the other night. A fellow had a chart, and he talked about the income tax burden by various groups of taxpayers. He said, you look at the folks at the bottom level here. They are not paying higher income taxes. We have not increased their income tax burden. He strutted around and talked about how wonderful that was. He did not say with his chart what had happened to those folks in the last decade with respect to payroll taxes. No, their income tax has not increased. Their payroll tax skyrocketed because this Congress increased the payroll tax, determined to want to save the payroll taxes in the trust fund and build that trust fund for the future.

That is why people are paying higher payroll taxes. In fact, this year, \$71 billion more is collected in receipts in the Social Security system than will be paid out. The question is, What is that for? If there is no trust fund, what is that for? Did the Congress increase payroll taxes so they could take the most regressive form of taxation and say to people, By the way, we will use that to finance the Government? Is

that what they did? That would not have gotten one vote in the House nor the Senate, even by accident.

You all know it is wrong. There is not one person in here in a silent moment who would not admit that it is wrong to increase these payroll taxes and promise workers that you are going to take their money, put it in a trust fund and save it and say, "By the way. It is either not here, or it is here and we are misusing it, or, by the way, if we are misusing it, we will stop in 2006." What on Earth kind of debate is that?

Let us decide what is wrong, and when we see what is wrong, let us fix it.

This sense-of-the-Senate resolution says there is a very serious problem. This problem is not a nickel and dime problem. It might be an inconvenience to some. But this problem is \$600 billion to \$700 billion in the next 7 years. This is big money. This has to do with the future of Social Security. This has to do with very important financial considerations in this Government.

My point is, let us balance the Federal budget. Yes; let us even put a requirement to do so in the Constitution. But let us not enshrine in the Constitution a provision that we ought to take money from workers in this country, promise them we will save it in a trust fund, and then misuse it by saying it becomes part of the operating revenue of this country.

I have heard all of the debate about what is wrong with what Senator HOLLINGS, I, Senator FORD, and others have said. I have not heard one piece of persuasive evidence that the payroll taxes are not being systematically misused when we promised that it would be saved in trust, and in fact they are used as an offset to other operating revenues to try to show a lower budget balance.

That is why I say to those who say that they produce a balanced budget, show us a document that shows even when they say it is in balance. It is \$108 billion in deficit. But they say we will fix that because we will take the \$108 billion out of Social Security and pledge to you it is in balance.

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor the amendment of the Senator from North Dakota.

The failure to formally segregate the Social Security trust funds is not the only reason I oppose the balanced budget amendment to the Constitution, but it is certainly one of the reasons.

Even if there were no other reasons, the assault on Social Security is reason enough to oppose the proposed constitutional amendment.

And make no mistake, Mr. President. The unwillingness to formally exempt it from the proposed constitutional language is nothing less than an assault on Social Security.

The opponents of this exemption want those funds, pure and simple.

Mr. President, it is unlikely that we will hear a plain statement to that effect here on the floor.

Other reasons will be provided.

But the bottom line is that the opponents of exempting Social Security in a constitutional amendment want to be able to tap into Social Security revenues for the rest of Government.

To a certain extent, we already have that.

The so-called unified budget includes the Social Security surpluses with the on-budget deficit to reduce our apparent budget deficit.

I do not single out one party; both Democrats and Republicans have used that technique.

To date, it has been a bookkeeping maneuver.

But in a few years, when the Social Security Program begins to draw on the surpluses that have built up over the past several years, the free ride will stop, and many of the favorite spending programs of the advocates of the constitutional amendment will be at risk.

Programs which have been so successful in escaping the budget scalpel, including our bloated defense budget and the billions in wasteful spending done through the Tax Code, may finally be asked to justify themselves a little more carefully.

Mr. President, it is precisely that moment that those who oppose excluding Social Security from the constitutional amendment are anticipating.

I fear that many would prefer to put Social Security on the block rather than ask these other areas to bear their fair share of reducing the deficit.

Mr. President, some may argue that current law provides adequate protection for Social Security, or that if the balanced budget amendment is ratified, Social Security can be protected as part of implementing legislation.

We should recall, though, that many of those who make that argument also maintain that mere statutory mandates are insufficient to move Congress to do what it needs to do.

They argue that only constitutional authority is sufficient to engender the will necessary to reduce the deficit.

Using the reasoning of the supporters of the balanced budget amendment, the willpower needed to resist the temptation to raid the Social Security cookie jar can only come from a constitutional mandate.

Those who oppose giving this extra, constitutional protection for Social Security often suggest that there is no practical need for the protection because Social Security will compete very well with other programs.

Let me respond to that argument with two comments.

First, Social Security should not have to compete with anything.

As many have noted, it is a separate program with a dedicated funding source, intended to be self-funding.

Second, any assessment of the political potency of any particular program must be reappraised when we enter the brave new world of the balanced budget amendment.

One prominent Governor was reported as suggesting that areas many claim are untouchable should be subject to cuts.

Specifically including Social Security in that list, this Governor worried that

Otherwise, the states are going to bear a disproportionate share. We're the ones who are going to have to raise taxes.

And in a moment of revealing honesty, another Governor argued that Social Security must be asked to shoulder the burden of reducing the deficit.

Reports quote him as saying that to take Social Security off the table, and then impose a burden on other spending systems is not going to be acceptable.

There can be no more revealing statement of intent by many of those who oppose constitutionally separating Social Security than this statement.

Given the growing support of State-based approaches to problems—a development I applaud—as well as the resurgent influence of States on Federal policy, how can anyone confidently predict that Social Security will remain untouched while we cut programs in which States have a significant interest.

Mr. President, Social Security is fiscally and politically a special program.

Apart from the fiscal problems of not excluding Social Security, the special political nature of the program makes it worthy of protection.

Social Security is singular as a public contract between the people of the United States and their elected government.

The elected government promised that if workers and their employers paid into the Social Security fund, they would be able to draw upon that fund when they retired.

But the singular nature of Social Security, and the special regard in which it is held by the public, does not flow from some transitory nostalgia.

Social Security has provided real help for millions of seniors.

According to the Kerrey-Danforth Bipartisan Entitlement Commission, the poverty rate for senior households is about 13 percent, but without Social Security, it could increase to as much as 50 percent.

For almost half of the senior households below the poverty line, Social Security provides at least 90 percent of total income.

For those seniors, and for millions of others, the Social Security contract is very real and vitally necessary.

Anything other than partitioning Social Security off from the rest of the budget risks a breach of that public contract.

Mr. President, some may try to characterize the proposed exemption for Social Security in a possible balanced budget amendment to the Constitution as pandering to senior citizens.

With that assertion is the implication that somehow there is something wrong with older Americans who want their Social Security benefits.

But, Mr. President, I do agree with those proponents of the balanced budget amendment who argue that no one will touch the benefits of today's retirees.

Today's retirees are not at risk if the balanced budget amendment passes without exempting Social Security.

However, there are three generations that are very much at risk.

The first is my own generation—the baby boomers.

If Congress has the ability to monkey around with Social Security benefits, under cover of a constitutional mandate, I can guarantee you there will not be anything left when the baby boomer generation reaches retirement age.

There are a lot of Americans in that generation, and they also have a right to the benefits that they paid for and were told they were going to get by participating in this system.

Mr. President, a second generation is very concerned about the future of Social Security.

They are young adults in their late twenties and early thirties—the so-called Generation X.

They are skeptical of there being any Social Security system on which to rely when they retire.

They see today's retirees, and the huge group of baby boomers ahead of them, and they are concerned that the system into which they are now paying will not be around when they need it.

Mr. President, there is a third generation—the generation of my children.

They do not understand all of this debate.

But some are aware of the big Federal deficit we have.

And some are coming to realize that as they graduate from high school and go into the work force, they will be the ultimate victims of our fiscal irresponsibility if we do not protect Social Security.

For those three generations, the future health of the Social Security system is a real concern.

One of the most important results of the Kerrey-Danforth Entitlement Commission was to highlight this issue, and as I have mentioned on other occasions, I for one am willing to consider some of the proposals put forward by that commission to help ensure the long-term health of Social Security.

Mr. President, if we are ever to address the long-term solvency of Social Security in an honest way, especially in the context of a constitutional balanced budget requirement, keeping Social Security separate is vital.

Just as a Social Security system that is enmeshed in the rest of the Federal budget poses a temptation when the system is in surplus, so too will it become an enormous drain on resources if it starts to compete for general revenue.

Providing a constitutional partition will serve both to protect Social Security, and to highlight the need for long-term reform.

Mr. President, those who advocate a balanced budget amendment to our Constitution frequently argue that it is needed if we are to protect our children and grandchildren.

How ironic if in the name of helping those children and grandchildren we deny them the protection of Social Security.

We risk taking away the same rights and protections that so many of us hope to enjoy.

Mr. DORGAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 3672, as modified.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on the amendment.

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 amendment of the Senator from Wyoming, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire [Mr. SMITH] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—92

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Ashcroft	Feinstein	Lugar
Baucus	Ford	Mack
Bennett	Frist	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Gramm	Moynihan
Breaux	Grassley	Murkowski
Brown	Hatch	Murray
Bryan	Gregg	Nickles
Bumpers	Harkin	Pressler
Burns	Hatch	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Snowe
D'Amato	Kennedy	Specter
Daschle	Kerrey	Stevens
DeWine	Kerry	Thomas
Dodd	Kohl	Thurmond
Dole	Kyl	Warner
Domenici	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Exon	Levin	

NAYS—6

Bradley	Nunn	Robb
Hatfield	Pell	Thompson

NOT VOTING—2

Heflin	Smith
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So, the amendment (No. 3672), as modified, was agreed to.

Mr. DOLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3667, AS MODIFIED

The PRESIDING OFFICER. The business is now amendment No. 3667.

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

Mr. DOLE. Mr. President, I make a motion to table 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 the Dorgan amendment No. 3667, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. SMITH] is necessarily absent.

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

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

[Rollcall Vote No. 82 Leg.]

YEAS—57

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

NAYS—42

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

NOT VOTING—1

Smith	#
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The motion to lay on the table the amendment (No. 3667), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, I have a unanimous-consent request, Mr. President.