

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

I have 10 unanimous-consent requests for committees to meet during today's session of the Senate. They all have the approval of the Democratic leader. I ask that these requests be agreed to, en bloc, and that each request be printed in the RECORD.

Mr. KENNEDY. Reserving the right to object, Mr. President. We have done this a number of times now. This changes the process and procedure where we had the opportunity, if consent was going to be asked for, to object to when the Senate was going to be considering business. Now we are in the situation where at the end of the day, we ask unanimous consent that they would have sat during the course of the day.

I understand now that this was in order for earlier today. But I want to make it very clear that I raised this at an earlier time. If the Senate does not get the clearance, the chairmen pay the bills. That is a good order for why we require this to be done beforehand, whether it is our side or their side. I just want to make sure. We are dealing with a lot of very important legislation as we are going on. I have not objected to committee meetings. But I want to make it very clear that we are going to preserve that institutional right where overriding other ones that will be addressed as well. But we are not going to get into a situation where we are clearing at the end of the day, whether it is on our side or theirs.

I will not object at this time. I want to make it very clear that the next time it comes across, I reserve that right to object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3734 TO AMENDMENT NO. 3725

(Purpose: To provide for an increase in the minimum wage rate)

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3734.

At the appropriate place add the following:

#### SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending July 4, 1996, not less than \$4.70 an hour during the year beginning July 5, 1996, and not less than \$5.15 an hour after July 4, 1997."

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order and that I be able to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. KENNEDY. Mr. President, there had been an understanding which I had not been aware of by the two leaders on the particular matters which they had intended to address. To comply with their agreement, I withdraw that amendment at this time. But we want to indicate to all of the Members that if there is not an opening that presents itself, this Senator intends to press forward with that measure. Obviously, I will comply with any of the agreements that are made by our leaders.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Mr. President, let me reiterate the desire addressed just now by the senior Senator from Massachusetts. I had indicated to the majority leader that it was not our desire tonight to bring up minimum wage in an effort to expedite some of these other immigration-related amendments. We have that understanding.

It may be that we do not have a colleague here tonight to offer the amendments that I anticipated at least on our side. But that was my intention.

I want to emphasize, as well, what the Senator from Massachusetts has said so ably. It is our desire to continue to press for a minimum wage amendment and a vote. We will not do it tonight—not under these circumstances. But it is our desire to continue to find a way with which to get an up-or-down vote. We want it sooner rather than later. Let us hope we can do it sometime very soon. But with the understanding that I had with the majority leader, tonight we certainly want to accommodate our colleagues providing an opportunity to offer other amendments. We are prepared to do that tonight.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I appreciate those remarks by the distinguished Democratic leader. I did understand that agreement had been reached with the leader. I appreciate the minority leader coming back out and clarifying the situation—that we would go forward with some amendments tonight related to the immigration bill which is pending. I think we have at least one Senator who is ready to offer an amendment, and maybe others that relate to the immigration bill. So we are prepared to go forward.

Mr. KYL addressed the Chair.

Mr. SIMPSON. Mr. President, let me assure colleagues, too, as Senator KENNEDY has assured, that there will be no amendment with regard to minimum wage, there will be no amendment tonight of mine with regard to the issue of numbers and legal immigration as expressed by the majority commission. The issue will come up tomorrow. But if we can take amendments tonight while there are still some of us here, we are prepared to do that. I know the Senator from Massachusetts has another obligation. But perhaps Senator Kyl could deal with his amendment, I believe on immunization.

Is this correct?

Mr. KYL. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3735 TO AMENDMENT NO. 3725

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3735 to amendment numbered 3725.

Mr. KYL. 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:

At the end of the amendment add the following: Notwithstanding any other provision in this act, section 154 shall read as follows: **SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.**

Section 234 (8 U.S.C. 1224) is amended to read as follows:

#### "PHYSICAL AND MENTAL EXAMINATIONS

"SEC. 34. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

"(1) Aliens applying for visas for admission to the United States for permanent residence.

"(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

"(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

"(4) Alien crewmen entering or in transit across the United States.

"(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

"(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

"(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

"(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

"(c) MEDICAL EXAMINERS.—

"(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.