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Senate

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, we begin this day with disturbing questions that won't go away. What would we do and say today if we loved You with all our hearts? How would we deal with the present challenges we face here in the Senate if we put You and the welfare of our Nation first above all else? What do You want us to do to move forward?

You have taught us, "If you have faith as a mustard seed, you will say to this mountain, 'Move from here to there' and it will move; and nothing will be impossible for you."

Is Your promise applicable to us in our circumstances? Will You give us power to remove the mountainous differences that often divide us if we have faith in You—even as small as a mustard seed? We dare to claim that You will.

Therefore, we ask You to guide us to Your solutions for our present concerns. Bring us together in unity around what is most creative for our Nation. We place our faith in You. Nothing is impossible for You. Help us Lord, we need You. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Mississippi, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, I thank the Senator for the recognition. The Senate will immediately resume consideration of Senate Concurrent Resolution

57, the concurrent budget resolution, and will begin a lengthy series of consecutive rollcall votes, all on or in relationship to amendments. The first vote will be 15 minutes in length, but all remaining votes in the sequence are limited to 10 minutes in length. Senators are asked—implored—to remain in or around the Senate Chamber throughout this voting sequence in order to facilitate the votes and hope to complete action on the budget resolution before a late hour tonight.

Again, I plead with the Senators to stay on the floor so we can go through this series of votes. It inconveniences all Senators when we have one or two that get lost down the hall. Please stay close. I believe we can finish this series of votes in a reasonable period of time.

I want to thank the managers of the bill, the chairman of the committee and the ranking member from Nebraska. They have been working hard to get through this list of amendments. I know they will continue to work to see if the long list can be reduced further by voice vote, or whatever, throughout the day. I ask for all possible cooperation with them.

MEASURE PLACED ON THE CALENDAR—S. 1788

Mr. LOTT. Mr. President, I understand there is a bill due for its second reading. I ask for that.

The PRESIDING OFFICER (Mr. INHOFE). The Senator is correct. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1788) to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

Mr. LOTT. Mr. President, I object to further proceedings of this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 57) setting forth the congressional budget for the U.S. Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

The Senate resumed consideration of the bill.

Pending:

Boxer amendment No. 3982, to preserve, protect, and strengthen the Medicaid program by controlling costs, providing State flexibility, and restoring critical standards and protections, including coverage for all populations covered under current law, to restore \$18 billion in excessive cuts, offset by corporate and business tax reforms, and to express the sense of the Senate regarding certain Medicaid reforms.

Wyden-Kerry amendment No. 3984, to express the sense of the Senate regarding revenue assumptions.

Wellstone amendment No. 3985, to express the sense of the Senate on tax deductibility of higher education tuition and student loan interest costs.

Wellstone-Kerry amendment No. 3986, to express the sense of the Senate that funds will be available to hire new police officers under the Community Oriented Policing Service.

Wellstone amendment No. 3987, to express the sense of the Senate that Congress will not enact or adopt any legislation that would increase the number of children who are hungry or homeless.

Wellstone amendment No. 3988, to express the sense of the Senate with respect to maintaining current expenditure levels for the Low Income Home Energy Assistance Program for fiscal year 1997.

Wellstone amendment No. 3989, to express the sense of the Senate with respect to the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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interrelationship between domestic violence and welfare.

Kerry amendment No. 3990, to restore proposed cuts in the environment and natural resources programs, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kerry amendment No. 3991, to increase the Function 500 totals to maintain levels of education and training funding that will keep pace with rising school enrollments and the demand for a better-trained workforce, to be offset by the extension of expired tax provisions or corporate and business tax reforms.

Kyl amendment No. 3995, to express the sense of the Senate regarding a supermajority requirement for raising taxes.

Kyl modified amendment No. 3996, to providing funding for the Low Income Home Energy Assistance Program through fiscal year 2000.

Kennedy amendment No. 3997, to express the sense of the Congress that the reconciliation bill should maintain the existing prohibition against additional charges by providers under the medicare program.

Kennedy amendment No. 3998, to express the sense of the Congress that the reconciliation bill should not include any changes in Federal nursing home quality standards or the Federal enforcement of such standards.

Kennedy amendment No. 3999, to express the sense of the Congress that provisions of current Medicaid law protecting families of nursing home residents from experiencing financial ruin as the price of needed care for their loved ones should be retained.

Kennedy amendment No. 4000, to express the sense of the Senate relating to the protection of the wages of construction workers.

Byrd amendment No. 4001, to increase overall discretionary spending to the levels proposed by the President, offset by the extension of expired tax provisions or corporate and business tax reforms.

Lott-Smith modified amendment No. 4002, to express the sense of the Congress regarding reimbursement of the United States for the costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum originating from Iraq.

Simpson-Moynihan amendment No. 4003, to express the sense of the Senate that all Federal spending and revenues which are indexed for inflation should be calibrated by the most accurate inflation indices which are available to the Federal government.

Graham amendment No. 4007, to create a 60 vote point of order against legislation diverting savings achieved through medicare waste, fraud and abuse enforcement activities for purposes other than improving the solvency of the Medicare Federal Hospital Insurance Trust Fund.

Ashcroft modified amendment No. 4008, to provide for an income tax deduction for the old age, survivors, and disability insurance taxes paid by employees and self-employed individuals.

Gramm amendment No. 4009, to express the sense of the Congress that the 1993 income tax increase on Social Security benefits should be repealed.

Brown amendment No. 4010, to express the sense of the Senate that there should be a cap on the application of the civilian and military retirement COLA.

Harkin amendment No. 4011, to provide that the first reconciliation bill not include Medicaid reform, focusing mainly on Welfare reform by shifting Medicaid changes from the first to the second reconciliation bill.

Harkin (for Specter) amendment No. 4012, to restore funding for education, training, and health programs to a Congressional Budget Office freeze level for fiscal year 1997

through an across the board reduction in federal administrative costs.

Bumpers amendment No. 4013, to establish that no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

Bumpers amendment No. 4014, to eliminate the defense firewalls.

Thompson amendment No. 3981, to express the sense of the Senate on the funding levels for the Presidential Election Campaign Fund.

Murkowski amendment No. 4015, to prohibit sense of the Senate amendments from being offered to the budget resolution.

Simpson (for Kerrey) amendment No. 4016, to express the sense of the Senate on long term entitlement reforms.

Snowe amendment No. 4017, to express the sense of the Senate that the aggregates and functional levels included in the budget resolution assume that savings in student loans can be achieved without any program change that would increase costs to students and parents or decrease accessibility to student loans.

Chafee-Breaux amendment No. 4018, in the nature of a substitute.

Domenici (for Dole-Hatch-Helms) amendment No. 4019, to express the sense of the Senate that the Attorney General should investigate the practice regarding the prosecution of drug smugglers.

Feingold amendment No. 3969, to eliminate the tax cut.

Domenici (for McCain) amendment No. 4022, to express the sense of the Senate regarding Spectrum auctions and their effect on the integrity of the budget process.

Domenici (for Faircloth) amendment No. 4023, to express the sense of the Senate that any comprehensive legislation sent to the President that balances the budget by a certain date and that includes welfare reform provisions shall also contain to the maximum extent possible a strategy for reducing the rate of out-of-wedlock births and encouraging family formation.

Domenici (for Faircloth) amendment No. 4024, to express the sense of the Senate regarding reduction of the national debt.

Exon (for Roth) amendment No. 4025, to express the sense of the Senate regarding the funding of Amtrak.

Domenici amendment No. 4027 (to amendment No. 4012), to adjust the fiscal year 1997 non-defense discretionary allocation to the Appropriation Committee by \$5 billion in budget authority and \$4 billion in outlays to sustain 1996 post-OCRA policy.

AMENDMENT No. 4019, AS MODIFIED

Mr. LOTT. I ask unanimous consent for a modification of amendment No. 4019, the Dole-Hatch-Helms sense-of-the-Senate resolution.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, the amendment will be so modified.

The amendment (No. 4019), as modified, is as follows:

The Senate finds that—

Drug use is devastating to the nation, particularly among juveniles and has led juveniles to become involved in interstate gangs and to participate in violent crime;

Drug use has experienced a dramatic resurgence among our youth;

The number of youths aged 12-17 using marijuana has increased from 1.6 million in 1992 to 2.9 million in 1994, and the category of "recent marijuana use" increased a staggering 200% among 14 to 15-year-olds over the same period.

The Senate finds that—

Since 1992, there has been a 52% jump in the number of high school seniors using

drugs on a monthly basis, even as worrisome declines are noted in peer disapproval of drug use;

1 in 3 high school students uses marijuana; 12 to 17-year-olds who use marijuana are 85% more likely to graduate to cocaine than those who abstain from marijuana;

Juveniles who reach 21 without ever having used drugs almost never try them later in life;

The latest results from the Drug Abuse Warning Network show that marijuana-related episodes jumped 39% and are running at 155% above the 1990 level, and that methamphetamine cases have risen 256% over the 1991 level;

Between February 1993 and February 1995 the retail price of a gram of cocaine fell from \$172 to \$137, and that of a gram of heroin also fell from \$2,032 to \$1,278;

It has been reported that the Department of Justice, through the United States Attorney for the Southern District of California, has adopted a policy of allowing certain foreign drug smugglers to avoid prosecution altogether by being released to Mexico;

It has been reported that in the past year approximately 2,300 suspected narcotics traffickers were taken into custody for bringing illegal drugs across the border, but approximately one in four were returned to their country of origin without being prosecuted;

It has been reported that the U.S. Customs Service is operating under guidelines limiting any prosecution in marijuana cases to cases involving 125 pounds of marijuana or more;

It has been reported that suspects possessing as much as 32 pounds of methamphetamine and 37,000 Quaalude tablets, were not prosecuted but were, instead, allowed to return to their countries of origin after their drugs and vehicles were confiscated;

It has been reported that after a seizure of 158 pounds of cocaine, one defendant was cited and released because there was no room at the federal jail and charges against her were dropped;

It has been reported that some smugglers have been caught two or more times—even in the same week—yet still were not prosecuted;

The number of defendants prosecuted for violations of the federal drug laws has dropped from 25,033 in 1992 to 22,926 in 1995;

This Congress has increased the funding of the Federal Bureau of Prisons by 11.7% over the 1995 appropriations level;

This Congress has increased the funding of the Immigration and Naturalization Service by 23.5% over the 1995 appropriations level; therefore

It is the sense of the Senate that the functional totals underlying this resolution assume that the Attorney General promptly should investigate this matter and report, within 30 days, to the Chair of the Senate and House Committees on the Judiciary; and

The Attorney General should ensure that cases involving the smuggling of drugs into the United States are vigorously prosecuted.

Mr. LOTT. Mr. President, I yield the floor.

Mr. EXON. Mr. President, I ask unanimous consent to proceed for 2 minutes on the procedures that we are about to begin.

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

Mr. EXON. Mr. President, we are about to begin a series of what probably will be about 30 or more rollcall votes. These votes will occur in the order of the amendments as they were introduced and debated on the Senate floor.

Each offerer of an amendment should be prepared to deliver a 30-second statement in favor of the amendment immediately prior to the vote on the amendment. This will require, if we are going to do it this way, the offerer of these amendments to make sure they are on the floor and prepared to go. Otherwise, the process is going to bog down. Under the unanimous-consent agreement and the Budget Act, the offerer of the amendment will control 30 seconds, and the majority manager, Senator DOMENICI, will control 30 seconds if he opposes the amendment. Only if the chairman favors the amendment will this Senator control 30 seconds in opposition.

I urge Senators to prepare three crisp sentences that they want to say in favor of their amendment. It will be unlikely that Senators will have time to say more than that. I also urge Senators to make every effort, as has been said by the acting majority leader, Senator LOTT, to be here on the floor at all times and, certainly as a priority measure, immediately before their amendment is scheduled for 1 minute, equally divided, of debate. Then we will go to a vote. I thank all Senators for their assistance in expediting the process. We have had good cooperation, and I hope that will continue today.

The PRESIDING OFFICER. There will be 1 minute equally divided between the sides on each vote.

Mr. FORD. Mr. President, 1 minute equally divided, so 30 seconds each?

The PRESIDING OFFICER. Each side gets 30 seconds.

Mr. FORD. It is hard to say good morning in 30 seconds.

Mr. EXON. We are going to have to change the procedures in the Senate.

Mr. LOTT. Are we ready to proceed? The PRESIDING OFFICER. Yes.

Mr. LOTT. I believe the Boxer amendment is first.

AMENDMENT NO. 3892

The PRESIDING OFFICER. The pending question is amendment No. 3892 offered by the Senator from California [Mrs. BOXER].

The Senator from California is recognized.

Mrs. BOXER. Mr. President, Medicaid serves many of our citizens in nursing homes and serves millions of disabled children who are in wheelchairs, and millions of our working families. This budget hurts those people. We would add back \$18 billion, bringing Medicaid up to the President's level. It is still below the Breaux-Chafee level. If you vote for Breaux-Chafee, you should vote for this. If you voted for the President's budget, you should vote for this. We hope you will support this. We pay for it by closing corporate tax loopholes.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I say to the distinguished whip and Senator EXON, the reason I was delayed, we are having a rather major

disaster in my State, and a lot of agencies got together to see what they might do about it. I apologize to the Senate for not being here promptly at 9:15.

The Boxer amendment would increase taxes and Medicaid spending by \$18 billion. It also contains sense-of-the-Senate language requiring the maintaining of current law provisions on individual rights to sue in Federal courts, spousal impoverishment, and many other things. This is precisely the direction we do not want to go in, and we do not want to raise taxes to pay for more spending.

I move to table the Boxer 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 table the amendment offered by the Senator from California [Mrs. BOXER].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—55

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

NAYS—45

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

The motion to lay on the table the amendment (No. 3892) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I am going to yield immediately. Might I just remind Sen-

ators that was supposed to be a 15-minute vote. How long did it take?

The PRESIDING OFFICER. The pending question now is the—

Mr. DOMENICI. Mr. President, parliamentary inquiry. How long did we spend on the last vote?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. DOMENICI. Twenty-two minutes instead of fifteen. That will never get the job done unless you want to stay until midnight or all day tomorrow at 22 minutes each. The next time we have a rollcall vote, we have already had unanimous consent that it is 10 minutes, and I would say to Senators I have been authorized to call regular order at the end of 10 minutes, so I hope you are here and vote.

Mr. EXON. Will the Senator yield?

Mr. DOMENICI. I will be glad to yield.

Mr. EXON. The other thing I remind the Senate is, we are going to be here today, as we usually are not, one vote after another. That tends to increase conversations on the Senate floor. That also is going to take an awful lot of time away from us. Please leave the floor if you are going to have extended conversation.

Mr. DOMENICI. I thank the Senator.

AMENDMENT NO. 3984, AS MODIFIED

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3984 offered by the Senator from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. President, I send a modification of my amendment to the desk and ask unanimous consent that the amendment be so modified.

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

The amendment (No. 3984), as modified, is as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING REVENUE ASSUMPTIONS.

(a) FINDINGS.—The Congress finds the following:

(1) Corporations and individuals have clear responsibility to adhere to environmental laws. When they do not, and environmental damage results, the federal and state governments may impose fines and penalties, and assess polluters for the cost of remediation.

(2) Assessment of these costs is important in the enforcement process. They appropriately penalize wrongdoing. They discourage future environmental damage. They ensure that taxpayers do not bear the financial brunt of cleaning up after damages done by polluters.

(3) In the case of the Exxon Valdez oil spill disaster in Prince William Sound, Alaska, for example, the corporate settlement with the federal government totaled \$900 million.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that assumptions in this resolution assume an appropriate amount of revenues per year through legislation that will not allow deductions for fines and penalties arising from a failure to comply with federal or state environmental or health protection laws.

Mr. WYDEN. Mr. President and colleagues, this amendment has been agreed to by both the majority and the minority. It simply says, if a polluter

engages in action that violates our environmental laws and that action results in a penalty or a fine, those actions would no longer be deductible under our tax law.

Senator KERRY of Massachusetts joins me in this. I thank Senator DOMENICI of New Mexico and Senator EXON for support of this amendment, and I yield the floor.

Mr. DOMENICI. Mr. President, the Finance Committee has reviewed this and made some modifications, and since it is acceptable to the Finance Committee, I have no objection.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3984, as modified, offered by the Senator from Oregon [Mr. WYDEN].

The amendment (No. 3984), as modified, 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.

AMENDMENT NO. 3985

The PRESIDING OFFICER. The question now occurs on the Wellstone amendment, No. 3985.

Mr. WELLSTONE. Mr. President, since I have just 30 seconds, this is an amendment that I proposed. It is a leadership amendment on our side which addresses the sense of the Senate that any tax revenue raised by the Finance Committee that does not go toward a child tax credit will be used to finance a tax deduction of up to \$10,000 a year for higher education tuition or to help pay off student loan interest or for strict budget deficit reduction.

I cannot think of an issue that is more important to a broad section of the population than to be able to finance higher education for families.

Mr. DOMENICI. Mr. President, the Wellstone amendment, although it is a sense of the Senate and not binding, would tie the hands of the Finance Committee. The Senator from New Mexico does not think that is what we want to do.

Mr. KOHL. Mr. President, I rise today to express my opposition to the amendment offered by my colleague Senator WELLSTONE. As I understand the Wellstone amendment, it requires any tax revenues raised in excess of the amount needed to pay for a per-child tax credit be allocated toward a \$10,000 annual deduction for higher education tuition and student loan interest costs or for deficit reduction. After careful consideration, and notwithstanding my support for the respective goals of deficit reduction and education assistance, I have concluded that I am unable to support the Wellstone amendment. Let me tell you why.

Mr. President, although I share Senator WELLSTONE's commitment to increasing educational opportunities and easing the burdens associated with the costs of higher education, I do not share his all-or-nothing approach to determining our Federal budget prior-

ities. Our Nation faces a number of difficult and complicated challenges arising out of our failure to reduce the Federal budget deficit, to achieve sustained economic growth, and to increase the global competitiveness of the Nation's labor force.

I believe that the only way to meet these challenges is to adopt a comprehensive plan of action that moves the Nation forward on every front. Recognizing the need for such action, the members of the Centrist coalition offered a budget that called for deficit reduction, economic growth, and education incentives. Moreover, all of our proposals were paid for by spending reductions and elimination of loopholes benefiting special interests and foreign corporations. Finally, Mr. President, the members of the centrist group concluded that these investments and reforms would yield the maximum possible benefit if they were enacted as part of a comprehensive package.

With respect to the education incentives, our group proposed a two-part package. The first component called for the enactment of an above-the-line deduction for interest expenses paid on education loans. The second component was an additional above-the-line deduction for qualified education expenses paid for the education or training of the taxpayer, his or her spouse, or the taxpayer's dependents.

As the centrist proposal demonstrated, it is possible to craft a budget that fairly and equitably addresses our needs in critical areas such as education without excluding other important national priorities. Unfortunately, the Wellstone amendment leaves no room for many of the economic reforms—such as capital gains and estate tax reform and small business incentives—that are also critical to providing economic security for all of our citizens. It is this shortcoming that, in my opinion, creates a fatal flaw in my colleague's proposal.

Mr. President, although I am unable to support Senator WELLSTONE in this particular instance, I do look forward to working with him, and others, to find bipartisan solutions to the challenges that lie ahead.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, last month I introduced the Commonsense Middle-Class Tax Relief Act which embodies the principles outlined in this sense-of-the-Senate resolution offered by the Senator from Minnesota. I enthusiastically support the pending amendment.

Too many hard-working families in Iowa and across the country are worried about a lot of things—and of paramount concern is their ability to pay for college, for their children and for themselves. Families are struggling to pay the college tuition bill and student debt is soaring. Middle-income families need a break.

The 1992 median income for families with children in Iowa was \$35,100. Right now it costs \$6,108 to pay tuition, fees,

and room and board for a year at the University of Iowa. The cost is about the same at Iowa State. There is no doubt the average working family in Iowa is having great difficulty paying for 4 years of college for their children.

But these families know that the key to a better future for their families is intricately linked to a good education, including college and vocational training. Therefore, they are doing whatever they can to send their kids to college. And for many, that means accumulating big debts to pay for those educations.

Over the past decade and a half, college aid in the form of grants has decreased and has been replaced by an increased reliance on loans. The cost of attending the University of Northern Iowa is about \$5,700. Over the past few years the average debt of students graduating from this very modestly priced state university has been climbing. For the 1990-91 school year, the average debt was \$2,589 and rose to \$4,395 for 1994-95.

It is clear that many students are borrowing to pay for college. These students and their families need help.

Today, middle-class Americans are working longer hours for smaller paychecks. This amendment would pave the way to provide a tax deduction for college tuition and interest on student loans—giving American families a raise in incomes, a raise in education and skills, and a raise in living standards.

The Commonsense Middle-Class Tax Relief Act and this amendment are based on a fundamental premise: A higher education means higher income.

This amendment would cut taxes on hard-working families trying to get ahead, raise incomes, and prepare Americans for the 21st century. It will mean higher incomes, higher education, and higher quality jobs for hard-working Americans.

Mr. President, education is key to both the raising of incomes of average Americans and to increasing the competitiveness of America in an increasingly global economy.

We should be able to agree on a bipartisan basis that this type of important middle-class tax relief is needed and will mean better opportunities and better incomes for millions of Americans.

Mr. President, I urge my colleagues to join me in support of this commonsense proposal.

Mr. DOMENICI. I move to table the amendment.

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 amendment No. 3985, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been 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 result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—56

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

NAYS—44

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

The motion to lay on the table the amendment (No. 3985) was agreed to.

Mr. DOMENICI. May we have order in the Senate, please?

The PRESIDING OFFICER. The Senate will come to order.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 3989, 4017, AND 4024, EN BLOC

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration en bloc of the following amendments; that they be considered en bloc, agreed to en bloc, the motions to reconsider be laid upon the table, en bloc, without further action or debate. The amendments are as follows: Wellstone, No. 3989; Snowe, No. 4017; Faircloth, No. 4024.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. We have no objection.

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

The amendments (Nos. 3989, 4017, and 4024) were agreed to.

AMENDMENT NO. 3986

The PRESIDING OFFICER. The question now occurs on amendment No. 3986 offered by the Senator from Minnesota [Mr. WELLSTONE]. There will be 1 minute equally divided for debate.

Mr. DOMENICI. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will come to order. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is to make sure we have the funds for the hiring of new police under the COPS Program in fiscal year 1997. This comes directly out of the violent crime reduction trust fund which we passed as a part of the crime bill in 1994. We were all very clear in our commitment that the money would come out of this fund and the commitment would be lived up to and it would be money that would be spent on the COPS Program. As a Senate, we made that commitment, and this amendment just makes sure that we confirm that commitment.

Mr. DOMENICI. Mr. President, I yield back the 30 seconds that I have in opposition.

AMENDMENT NO. 4028 TO AMENDMENT NO. 3986

(Purpose: To increase funding for the violent crime reduction trust fund programs in 2001 and 2002 with offsetting reductions and to express the sense of the Senate regarding administrative funding of the President's public safety and community policing grants)

Mr. DOMENICI. Mr. President, I send an amendment to the desk in behalf of Senator ABRAHAM and Senator COVERDELL and ask that Senator ABRAHAM be permitted to use the 30 seconds to describe his amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. ABRAHAM, for himself, Mr. COVERDELL, and Mr. HATCH, proposes an amendment numbered 4028 to amendment No. 3986.

Mr. DOMENICI. 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:

In the pending amendment, strike all after "SEC. ." and insert the following:

SENSE OF THE SENATE REGARDING THE STATUS OF THE PRESIDENT'S "COPS" PROGRAM.

(a) It is the Sense of the Senate that the assumptions underlying the function totals and aggregates in this budget resolution assume:

(1) full funding for the Violent Crime Reduction Trust Fund through the Fiscal Year 2002; and

(2) that administrative funding for the Public Safety and Community Policing grants should be reduced by half of the President's request for the following reasons:

(A) in an interview with the New York Times on May 12, 1996, a senior presidential aid claimed that, under the COPS program, "43,000 of the 100,000 cops will be on the street";

(B) contrary to this claim, in a press conference Thursday, May 16, 1996, Attorney General Janet Reno stated that, "What I am advised is that there are 17,000 officers that can be identified as being on the streets" as a result of the COPS program; and

(C) While the number of police officers actually placed on the streets under the COPS program has lagged far behind the White House's misleading claims, the President's

request to fund 310 administrative positions to oversee the COPS program is an excessive \$29,185,000.

The number on page 37, line 17, is deemed to be increased by the amount of \$1,900,000,000.

The number on page 37, line 18, is deemed to be increased by the amount of \$3,000,000,000.

The number on Page 37, line 24, is deemed to be increased by the amount of \$400,000,000.

The number on Page 37, line 25, is deemed to be increased by the amount of \$1,550,000,000.

The number on Page 32, line 6, is deemed to be decreased by the amount of \$1,900,000,000.

The number on Page 32, line 7, is deemed to be decreased by the amount of \$3,000,000,000.

The number on Page 32, line 13, is deemed to be decreased by the amount of \$400,000,000.

The number on Page 32, line 14, is deemed to be decreased by the amount of \$1,550,000,000.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, this amendment offered by myself, Senator HATCH and Senator COVERDELL is designed to effectuate the goals of the first-degree amendment, but rather than doing it by sense of the Senate, we actually want to get the job done.

Mr. EXON. Mr. President, I suggest the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. Senators want to talk. We cannot hear what the speakers are saying. It is delaying things.

The PRESIDING OFFICER. The Senator from Michigan will suspend until order is restored in the Senate. The Senate will come to order. Senators please take their conversations outside. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

The objective of our amendment is to actually accomplish the goal of funding the violent crime reduction trust fund for the years 2001 and 2002. The trust fund is currently set to expire just 4 years from now. This amendment keeps the fund going through the year 2002, providing necessary support for prison grants, the COPS Program, the Violence Against Women Program, and so on.

To pay for it, we have offset funds from the 600-function programs for the years 2001 and 2002. We point out that even with this offset, there will still be more dollars in this budget for those programs than was in the administration's request for those programs, and, therefore, we think this is an effective way to both guarantee adequate funding for 600 programs and maintain the violent crime reduction trust fund.

Mr. WELLSTONE. May I have 30 seconds for a response?

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Minnesota is recognized for 30 seconds.

Mr. WELLSTONE. Mr. President, the second-degree amendment does not say anything about whether or not the funding is going to be there next year for the COPS Program. That is the commitment we made. We made the commitment it would come out of this

violent crime reduction trust fund, and we should honor that commitment.

What the Senator is representing is that it can come from the Low-Income Home Energy Assistance Program, it can come from aid for kids with spinal bifida, MS, cerebral palsy.

This is a very different amendment. We made a commitment for full funding in this trust fund. That is why we should support the amendment I offered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 4028 offered by the Senator from Michigan [Mr. ABRAHAM]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—52

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

NAYS—48

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

The amendment (No. 4028) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. EXON. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Parliamentary inquiry. Is the second-degree amendment in order now?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4029 TO AMENDMENT NO. 3986

(Purpose: To ensure that funds are provided for the hiring of new police under the Community Oriented Policing Service in fiscal year 1997)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 4029 to amendment No. 3986.

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

The PRESIDING OFFICER. The regular order is to read the amendment.

The legislative clerk read as follows:

At the end of the amendment, add the following:

SEC. . SENSE OF THE SENATE THAT FUNDS WILL BE AVAILABLE TO HIRE NEW POLICE OFFICERS.

(a) It is the sense of the Senate that sufficient funds will be made available for Public Safety and Community Policing grants to reach the goals of Title I of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-266).

Mr. WELLSTONE. Mr. President, it is self-explanatory. That language which was in my original amendment was wiped out by the second-degree amendment, and it seems there would be consensus on that. Therefore, I would like to have this sense-of-the-Senate amendment, which I propose as a second-degree amendment. I hope to get unanimous support. We said we should fully fund it. We should.

Mr. DOMENICI. Mr. President, I move to table the underlying 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 to table amendment No. 3986.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—51

Ashcroft	Cohen	Gorton
Bennett	Coverdell	Gramm
Biden	Craig	Grams
Bond	D'Amato	Grassley
Brown	DeWine	Gregg
Burns	Dole	Hatch
Chafee	Domenic	Hatfield
Coats	Faircloth	Helms
Cochran	Frist	Hutchison

Inhofe	McConnell	Smith
Jeffords	Murkowski	Snowe
Kempthorne	Nickles	Specter
Kyl	Pressler	Stevens
Lott	Roth	Thomas
Lugar	Santorum	Thompson
Mack	Shelby	Thurmond
McCain	Simpson	Warner

NAYS—49

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

The motion to lay on the table the amendment (No. 3986) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3987

The PRESIDING OFFICER. The pending question is amendment No. 3987 offered by the Senator from Minnesota.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. This sense-of-the-Senate simply says that in this budget resolution the Congress shall not enact or adopt any legislation that would increase the number of children who are hungry or homeless, and if in fact that does happen, that we take a look at it. And we would revisit the provisions of any such legislation that would have that effect.

I hope I will get a strong vote for this. It was introduced in the beginning of this Congress and defeated. But then it was passed on a voice vote. I think it is important that we have a vote on this and that 100 Senators vote for the proposition that we are not going to take action that will increase hunger or homelessness among children.

Mr. DOMENICI. Mr. President, I agree with the Senator. Would he accept a voice vote?

Mr. WELLSTONE. No, Mr. President. I want a recorded vote. I had voice votes before, and it got taken out in conference committee originally. This time I want a recorded vote.

Mr. DOMENICI. It might get taken out even with a vote.

Mr. WELLSTONE. At least the Senate is on record.

Mr. DOMENICI. Mr. President, I suggest that nothing in this budget resolution would indicate that we are going to increase the number of hungry and homeless in the United States. I suggest that every Senator vote aye.

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 No. 3987, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—100

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

The amendment (No. 3987) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum for just 2 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3990

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I have conferred with the distinguished Democrat manager, and he concurs that we set aside the Wellstone amendment 3988 and that we proceed to 3990, which is a Kerry amendment.

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

The question occurs on agreeing to amendment No. 3990.

Who yields time?

Mr. KERRY. Mr. President, is it 60 seconds?

Mr. EXON. Thirty.

The PRESIDING OFFICER. Sixty seconds divided equally. The Senator has 30 seconds.

Mr. KERRY. Mr. President, this amendment would add back the President's level of funding for environmental cleanup. It adds back \$7.3 billion over the 6-year period. That would go specifically to EPA enforcement, to the National Oceanic and Atmospheric Administration, to science technology research for the EPA and to the Everglades program as well as the National Park Service. This is critical funding in terms of their ability to meet increased responsibilities of research and protection, and, as I say, it simply brings it back to the President's requested level.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the budget resolution before us provides \$1.5 billion more in 2002 for natural resources and the environment than the President does under his discretionary trigger. This amendment increases taxes \$6.3 billion to pay for additional spending. I move to table the Kerry 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 now occurs on agreeing to the motion to table the Kerry amendment No. 3990. The yeas and nays have been ordered. The clerk will call the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—55

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

NAYS—45

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

The motion to lay on the table the amendment (No. 3990) was agreed to.

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

The PRESIDING OFFICER. (Mr. FAIRCLOTH). Without objection, it is so ordered.

AMENDMENT NO. 3991

Mr. DOMENICI. Mr. President, by agreement with the minority, we are once again going to set aside Senator WELLSTONE's 3988 and proceed to the second Kerry amendment, 3991.

Mr. KERRY addressed the Chair.

Mr. EXON. Mr. President, we are skipping out of order again. I would like to inquire of the manager, is he suggesting that we skip over Wellstone, which is No. 3988, a second time to go to the second Kerry amendment? Is that right?

Mr. DOMENICI. That is what I suggested. And I do not think I need any more time than that. I still have one Senator I have to talk to about the amendment we are passing over and then we can go right back to it.

Mr. EXON. I would not necessarily agree unless the Senator from Minnesota does agree that we have an agreement that we would go back for a vote on the Wellstone amendment and bring that up following moving ahead as the leader has suggested with the Kerry amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Nebraska for his remarks trying to protect all Senators, but I have talked with Senator DOMENICI, and I am pleased to accommodate him on this. Whatever makes more sense is fine. We will wait until the next one.

Mr. DOMENICI. I do not want to waste a lot of time. The Senator from New Mexico is not asking for anything untoward.

Mr. WELLSTONE. I do not object.

Mr. DOMENICI. I know it is all right with you. It is Senator EXON.

Mr. EXON. It is all right with me if it is all right with the Senator from Minnesota, and he said it is. That takes care of it.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, this seeks to add back to the President's level the funding for various education programs ranging from the title I, Head Start, Pell grants, Goals 2000, and safe and drug-free schools. It would effectively restore for 1.3 million students the Pell grants; it would restore 550,000 students who would lose money as a result of title I cuts; it would restore 20,000 children to the Head Start Program and 130,000 youth and adults to job opportunities and skill enhancement.

This merely brings it back to the President's level, again, and is appropriately offset.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is an amendment which will add \$56 billion over the next 6 years to certain discretionary functions, and to do it,

taxes will be increased \$56 billion. The increased funding will come from reducing tax deductions that are necessary for the child credit that many of us think would be more appropriate.

So I believe we ought to table the amendment, and I move to table it 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.

Mr. LEVIN. Mr. President, I rise in support of the amendment which Senators KERRY, MURRAY, and myself, along with others, are offering to protect funding for critical education and training programs over the next 6 years.

Last year, the budget resolution passed by the Republican majority cut discretionary education and training funds below current services by \$40 billion over 7 years. This year's proposal again threatens some of America's most proven and essential education and training programs, at a time when the challenges for the future are even greater. The K-12, higher education and training initiatives that have proven to have the most success over the years should be made stronger, not weaker, as we enter the next century. What is a more important investment in our future?

The amendment which I am offering along with Senators KERRY and MURRAY, seeks to protect initiatives that we know work. Parents, educators, and students all know these programs work.

The amendment adds funding over 6 years to bring the amendment up to the levels requested in the President's budget.

Mr. President, the part of the Federal budget which we are amending includes valuable, proven programs like title I, Head Start, school-to-work, vocational education grants, Pell grants, safe and drug free schools technology challenge grants, and the Technology Literacy Fund and impact aid as well as Goals 2000 and AmeriCorps.

Our amendment replaces the Republican proposal with the spending levels proposed by the President. Under our amendment, we would invest \$270.4 billion over 6 years in discretionary spending for education, job training, and social services programs, \$56.1 billion more than the proposed budget resolution.

The Republican majority's budget fails to maintain fiscal year 1996 funding levels for education and training programs. Over 6 years, it falls \$3.2 billion below a freeze at fiscal year 1996 levels for these discretionary programs. It does not provide for any adjustment for inflation, or increased enrollment, which could result in deep cuts in services to children and education.

By contrast, the President's budget demonstrates his continued commitment to a strong Federal investment in proven education programs, to ensure

that America's children and families are prepared to meet the challenges of the 21st century.

For example, the President's fiscal year 1997 budget request calls for increasing title I funds by 7 percent over fiscal year 1995 levels to raise the academic achievement of 7 million disadvantaged students in over 50,000 American schools; special education is increased by 7 percent to maintain Federal support for the excess costs of educating almost 6 million children with disabilities; the Pell grant maximum award is increased to \$2,700, up \$360 or 15 percent from the 1995 level of \$2,340, to provide grant aid to 3.8 million low- and moderate-income students; the College Work-Study Program is up by 10 percent, enabling an expansion of the number of students who earn some of their college costs from 700,000 to 1 million over the next 5 years; and the TRIO Program is increased by 8 percent, to provide outreach and other special support services to encourage 682,000 disadvantaged students to enter and complete post-secondary education.

Last year, as the majority attempted to impose cuts on many education programs, people at the grassroots of America spoke up. As I traveled across Michigan, I heard again and again about the value of Federal support for such programs as title I and school to work, Pell grants, and Head Start. A recent Washington Post/ABC Poll indicates 82 percent of Americans oppose cutting education to balance the Federal budget. In early January, a CNN/USA Today/Gallup Poll found that education is the top priority among voters, ranking above crime, the economy, health care, and the deficit for the first time in history.

It is unclear if the resolution proposed by the majority provides adequate budget authority for the vital title I reading, writing and math program for fiscal year 1997 to follow through on the agreement reached in the omnibus appropriations bill just a few weeks ago. Earlier versions of the majority's fiscal year 1996 appropriations measure would have cut title I by 17 percent, denying services to 1.1 million children nationwide and over 30,000 in my home State of Michigan. The School to Work Program which helps students make the transition from school to future careers and education by forming a three-way partnership between government, educators, and private industry would have been cut by 22 percent. Goals 2000, which helps States and local school districts raise academic standards and implement their own comprehensive reform plans was cut by 25 percent; and summer jobs for youth would also have been cut by 25 percent. It is only through the bipartisan efforts of my Democratic colleagues and some on the other side of the aisle that we were able to reverse these damaging cuts.

Mr. President, the Senate budget resolution caps the Direct Lending pro-

gram at 20 percent of loan volume, forcing 1.6 million students in 1,100 colleges and universities out of the program against their will. Colleges should be able to choose the student loan program that provides the best services and lowest costs to their students. Direct lending permits college students to bypass the maze of lenders and middlemen in the guaranteed loan program and borrow directly from the Federal Government through their campus student aid office. At direct lending schools, needed money gets to students more promptly. The application process is simpler. Student do not submit a separate loan application to a bank.

According to the Congressional Budget Office, if direct lending is capped or eliminated, banks and guaranteed agencies will reap between \$70 and \$106 billion in additional business over the budget period generating an estimated \$4 to \$6 billion in extra profits.

Under the Republican resolution, there is concern that the maximum Pell grant award will decline substantially over the next 6 years and that eligible recipients may be cut off of the program. I received a letter today from the president of the National Association of Independent Colleges and Universities, David Warren, who states that:

The ability to maintain the Pell Grant maximum depends on carry-overs in the funding from the previous year. The carry-over is not expected to be available beyond FY 1997, but the base has been severely reduced. It will not be possible to maintain the maximum grant in FY 1998 and beyond under the parameters provided in the pending budget resolution.

He goes on to say:

The important roll of education in our Nation's growth is clear, over the last 60 years, education and advances in knowledge have accounted for nearly 40 percent of our Nation's economic growth. We cannot turn back now.

Mr. President, in addition to restoring funding for a variety of important education efforts, this amendment will also improve the funding levels of several job training programs.

Education builds the foundation of a person's future. Job training programs are available to help people expand that base if their careers take unexpected turns. Unfortunately, more and more people are finding themselves in a position where they have to retrain because their old job no longer exists. As the rate of change in our economy increases, so does the rate of dislocation. Every day we are faced with announcements of major corporations laying people off. But unlike the past, people today may lose their jobs when they are 45 or 50. For these people, the Job Training Partnership Act [JTPA] maintains two programs: title II-A, adult training, and title III, training for dislocated workers.

Adult training is intended to prepare adults for participation in the labor force by increasing their educational and occupational skills. It is operated

at the local level through service delivery areas designated by the Governor. The budget resolution would maintain a level funding line for adult training at a time when we are concentrating on reducing the number of people on welfare. Adult training reduces welfare dependency by helping people become productive and successful members of society. By implementing the proposed budget levels, we will be serving 65,000 fewer adults in 2002 than we did this year.

This would be a tragic mistake. Our goal is increasing self-sufficiency and that is what adult training accomplishes.

The Job Training Partnership Act also funds a number of programs which are vital towards ensuring that our youth grow along with the job market and are not left behind. One of the most successful, and most widely supported, programs of this type is the Job Corps. A residential training program for at-risk youth, over 70 percent of its enrollees leave the program to take full employment, go on for further education, or enter the military. Job Corps works, and yet, its future is threatened by this budget.

Similarly, the funding levels proposed by the majority for the Summer Youth and the Youth Training Grant Programs will result in hundreds of thousands of young people who don't receive valuable training and work experiences. Mr. President, now is not the time to walk away from our commitment to the youth of this country. We are asking them to take responsibility and to do that they must have the skills and the knowledge necessary to compete in the world. The programs I have discussed do that, and the amendment I am sponsoring today with my friend from Washington will ensure that these programs continue to serve the people that need them.

Mr. President, it is important to note that, over 6 years, the amendment we are offering spends \$17.7 billion less on function 500 than would have been invested in the fiscal year 1995 pre-rescission policies had kept pace with inflation. This is a moderate and prudent increase. We can and should balance the budget over the next 6 years. We can do so without sacrificing critical investment in America's future.

Mr. HARKIN. Mr. President, here we go again. The budget resolution goes about balancing the budget in all the wrong ways by placing education at the bottom of the Nation's priority list once again.

I am pleased to cosponsor and support the Kerry amendment. The amendment puts education at the top of the national priority list by restoring funds for vital education and training programs over the next 6 years. The amendment eliminates the cuts in the budget resolution and provides the investments to education and training as proposed by President Clinton.

You will hear a lot of talk from the other side that they provide increases

in education. Make sure you look beyond the blue smoke and mirrors because it is simply not true.

Just a few weeks ago we reversed deep education cuts by restoring \$2.7 billion to the fiscal year 1996 education appropriations bill. However, the pending resolution does not include this restoration in the baseline, therefore we are right back where we started from.

Unless we adopt this amendment not only there will be no real investments in education, but there will be cuts over even the inadequate fiscal year 1996 levels. And our Nation will suffer as a result.

Mr. President, during the last year students, parents, teachers, school boards, and school administrators were treated to a roller coaster ride because of great uncertainties caused by the Federal budget process. Let's not repeat that mistake again this year. The American people are sick and tired of the partisan bickering and want us to get on with the business of governing.

We started last year with proposals for deep cuts in student loans. The House planned to cut \$18 billion, the resolution offered by the Budget Committee called for cuts of \$14 billion. We finally adopted a bipartisan amendment in the Senate which reduced the cut to \$4 billion. Students and their parents were not thrilled, but saw this as at least an improvement.

But then the resolution went to conference and the cut was \$10 billion. Students and their parents started to worry again.

The Senate once again moderated the cuts and people rejoiced. The House did not and concern intensified.

The final deal drastically cut the successful direct lending program and included cut of about \$5 billion. That bill was rightfully vetoed.

That was followed by the ups and downs of negotiations on the fiscal year 1996 appropriations bill. The Government was shutdown twice. The 7 months the Federal Government was directionless because of short-term continuing resolutions instead of annual appropriations.

Parents worried that their children would not get the reading and math assistance they need because title I funding was cut by 17 percent. Teachers worried about whether or not they would have a job. School boards and administrators were unable to plan for the upcoming school year because they did not know what the budget would be for next year. In short, chaos reigned.

We should promise the American people that we will never do that again. Passing this amendment would be a good place to start.

In addition to providing more sanity to the 1997 appropriations process, we will put out Nation on the right track for the future. We will make the investments that will enable the United States to remain competitive into the next century by making sure we have the healthiest, best educated and most skilled workers in the world.

I urge adoption of the Kerry amendment.

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 3991, offered by the Senator from Massachusetts [Mr. KERRY]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—52

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

NAYS—48

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

The motion to lay on the table the amendment (No. 3991) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3988

Mr. DOMENICI. Mr. President, I think the regular order would return us to the Wellstone amendment No. 3988.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there is strong bipartisan support for this amendment. But last year with LIHEAP, the Low-Income Home Energy Assistance Program, it was a nightmare with the stop-and-start-funding.

What this amendment just simply says is that we will have at least as much funding next year as we have had this year for this energy assistance program. I believe the chairman believes that is in the assumptions of the budget resolution. If so, fine. I hope we get a resounding vote because we had to fight very hard to keep this program intact this year. That is why I introduced the amendment and why I hope for a strong recorded, positive vote.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, while I have great respect for Senator WELLSTONE, I just want to tell the Senate this is a sense-of-the-Senate resolution that reaffirms what is in the budget resolution. It says the sense of the Senate is that we do precisely what is in the budget resolution.

It seems to me that everybody can have that kind of sense of the Senate on everything in the budget resolution. Anything you like, you just come up and say, "It's provided for, but I want to have a sense of the Senate on top of it being in the budget already."

There is no way to keep the amendment from proceeding, except we are going to use 15 minutes on a vote that probably is going to pass overwhelmingly because it is already in the budget resolution. I yield the floor.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. EXON. If there has not been a sufficient second, I ask for it.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to inquire, would the Senator accept a voice vote on this amendment?

Mr. WELLSTONE. Mr. President, no. I want a recorded vote on this amendment because of the struggle over this past year. My understanding is that not until yesterday did we have anything really in writing that the assumptions pointed to this. It has been too big a struggle. Many Senators in cold weather States know that. We know what happened in Chicago last summer. I want to get a strong recorded vote.

Mr. KERRY. Mr. President, the Low-Income Home Energy Assistance Program is one of the most important Federal programs for my home State of Massachusetts. I am pleased the President's budget calls for \$1 billion in LIHEAP funding for the next fiscal year, and \$300 million in emergency funding.

After the severe weather of this past winter—which was even more efficient than our friends on the other side of the aisle at shutting down the Government—I hope the Senate can speak with one voice and send a message to the appropriators that funding for LIHEAP should match this year's outlays.

LIHEAP means real help to people who need it. As fuel prices continue to rise, Senators should know how important this program is to their constituents. I know how important it is to mine.

For lower-income residents in Massachusetts—those who receive assistance under LIHEAP—nearly \$1 in \$5 of their income goes to pay for energy bills. That is, Mr. President, 20 percent of a household's budget just to heat the home. And after paying their fuel bills, the average low-income New Englander has only \$43 left over. We cannot expect these people to live without LIHEAP, Mr. President. This program needs to receive funds sufficient to serve lower income families in areas which experience colder winters.

LIHEAP pays up to half of the heating bills for a family during the winter months in New England. Everyone in this country knows how cold it was in my region of the country this past winter, how much snow we had, how people were literally freezing in the streets. In fact, twice as many people froze to death during the severe winter than were killed in the 1994 California earthquake. I will never forget this past winter, as the temperature dropped below 20 degrees and the chairman of the energy committee in the Massachusetts House of Representatives, Representative Albert Herren, told me my State's LIHEAP funds had been depleted—in December.

Mr. President, it was so cold and so snowy in Massachusetts, some schools closed for snow days as late as April.

LIHEAP helps families and LIHEAP helps children, Mr. President. My friends at Massachusetts General Hospital tell me that the number of cases of child malnutrition increase every winter as families are forced to choose between eating and heating. This country is better than that, Mr. President.

I am pleased to join my friend from Minnesota, Mr. WELLSTONE, in sponsoring this sense of the Senate that funding for LIHEAP should match last year's outlays. That seems to me the minimum the Senate can do to send a message to the appropriators and to the country that Congress wants lower income Americans to survive the upcoming winter.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3988 offered by the Senator from Minnesota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—88

Abraham	Campbell	Feingold
Akaka	Chafee	Feinstein
Ashcroft	Coats	Ford
Baucus	Cochran	Frist
Bennett	Cohen	Glenn
Biden	Conrad	Graham
Bingaman	Craig	Grams
Bond	D'Amato	Grassley
Boxer	Daschle	Gregg
Bradley	DeWine	Harkin
Breaux	Dodd	Hatch
Bryan	Dole	Hatfield
Bumpers	Domenici	Heflin
Burns	Dorgan	Hollings
Byrd	Exon	Hutchison

Inouye	McConnell	Sarbanes
Jeffords	Mikulski	Shelby
Johnston	Moseley-Braun	Simon
Kempthorne	Moynihan	Simpson
Kennedy	Murkowski	Smith
Kerrey	Murray	Snowe
Kerry	Nunn	Specter
Kohl	Pell	Stevens
Lautenberg	Pressler	Thompson
Leahy	Pryor	Thurmond
Levin	Reid	Warner
Lieberman	Robb	Wellstone
Lott	Rockefeller	Wyden
Lugar	Roth	
McCain	Santorum	

NAYS—12

Brown	Gramm	Kyl
Coverdell	Helms	Mack
Faircloth	Inhofe	Nickles
Gorton	Kassebaum	Thomas

The amendment (No. 3988) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3995

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, this amendment is a sense-of-the-Senate resolution that says that when the Congress has adopted fundamental tax reform, we should, thereafter, adopt some kind of supermajority requirement to raise taxes as a constitutional amendment.

This is the idea that came from the Kemp Commission, which said if we ever get to a single rate tax, whether a consumption tax or income tax, thereafter, we better make it harder to raise taxes because there is no place to shelter income taxes. So once we have tax reform, we should have a supermajority requirement.

Mr. EXON. Mr. President, this is a far reaching and very little considered amendment. It calls for a supermajority vote, presumably a two-thirds majority for Congress to approve a tax increase, but also calls for a flat tax. While many of us support tax reform, we should not be endorsing a particular plan without careful consideration of the alternative. I urge the Senators to vote against this unwise and undemocratic amendment.

Mr. President, I ask unanimous consent that an analysis of the amendment be printed in the RECORD at this point.

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

CENTER ON BUDGET
AND POLICY PRIORITIES,
Washington, DC, May 21, 1996.

KYL AMENDMENT ON TAXES THREATENS DEFICIT REDUCTION AND PROTECTS WASTEFUL TAX BREAKS

The Senate is scheduled to vote on Sen. Kyl's amendment to the pending budget resolution calling for "fundamental tax reform" to replace the current "indefensible" federal tax system, and endorsing an amendment to the U.S. Constitution requiring supermajorities to "raise tax rates, impose new taxes, or otherwise increase the amount of taxpayer's income that is subject to tax."

Sen. Kyl's amendment is a "sense of the Senate" amendment and therefore would not

have legal force, but Senators who vote for it may later be pressed to vote for substantive legislation that would replace current progressive taxes (which taken into account ability to pay) with flat taxes, national sales taxes, or other taxes that exclude investment income from the tax base.¹

In addition, Senators who vote for the Kyl amendment will be under great pressure to vote for S.J. Res. 49, Senator Kyl's proposed amendment to the Constitution requiring supermajorities to raise taxes.

Kyl Constitutional Amendment

"Any bill to levy a new tax or increase the rate or base of any tax may pass only by a two-thirds majority of the whole number of each House of Congress."

The Kyl amendment to the budget resolution and the companion constitutional amendment are undesirable for a variety of reasons.

The nation will face very large deficits in coming decades when the baby boom generation retires—perhaps exceeding 15 percent of the economy by 2030—if current budget policies are not changed. Many experts believe Congress will need to consider both significant spending cuts and revenue increases in the decades ahead. The Kyl amendments would effectively preclude such a deficit reduction package, because of the revenue increases they would contain.

Furthermore, the Kyl amendments would inequitably benefit the wealthiest and most powerful at the expense of the rest of the U.S. population. A two-thirds majority would be required to curb special interest tax expenditures, which disproportionately benefit those at high income levels. By contrast, a simply majority vote would suffice to cut federal programs, which primarily benefit the middle class and the poor. Apportioning the sacrifice of deficit reduction would not be done on a level playing field.

The Kyl amendments could threaten the solvency of Social Security, which may ultimately need payroll tax increases as well as benefit cuts to restore long-term balance. A payroll tax increase would require a two-thirds vote, and runs counter to the stated policy of the Kyl Amendment against payroll taxes (see footnote 1). The same is true for Medicare, which may also need premium increases to restore solvency. Yet any premium increase that takes into account a beneficiary's ability to pay could be considered a tax, and therefore prohibited.

The Kyl constitutional amendment has special problems of its own—by requiring supermajorities for *any* new tax, base broadener, or rate increase, it effectively precludes all tax reform, from Chaffee-Breaux to Domenici-Nunn, from a flat tax to a national sales tax. For example, the 1986 tax reform bill, which lowered marginal rates while closing loopholes, would have been unconstitutional simply because it broadened tax *bases*. Last year's reconciliation bill would also have been unconstitutional for the same reason.

The Kyl constitutional amendment undermines the basic principles of majority rule that are at the heart of American democracy. Nowhere in the Constitution are supermajorities required to adopt or amend issues of public policy—in fact, the framers explicitly and knowingly rejected supermajorities. Further, because it would require a two-thirds vote of the *entire membership* of the House and the Senate (rather than two-thirds of those voting), this proposal is even more restrictive than the two-thirds needed to override a presidential veto or to amend the Constitution.

I. THE CONSTITUTIONAL AMENDMENT AND THE LONG-TERM FISCAL FORECAST

The Federal deficit now has been reduced below two percent of the Gross Domestic Product (the basic measure of the size of the U.S. economy), a level that many economists believe does not cause significant damage even if maintained over a substantial period of time. But as the Bipartisan Commission on Entitlement and Tax Reform warned in 1994, if not action is taken to raise revenue or restrain Medicare, Social Security, Medicaid, and some lesser entitlements—and other Federal spending remains constant as a share of GDP—the deficit will rise sharply when the baby boom generation retires. The Entitlement Commission forecast the deficit will exceed 15 percent of GDP by 2030 if no such action is taken. Based on a recent slowdown in the rate of growth of health care costs, current forecasts are a bit less pessimistic, but not by much. President Clinton's new budget forecasts the deficit will equal 12 percent of GDP in 2030 under current tax and entitlement laws and rise further to 26 percent of GDP by 2050. In short, any reasonable long-term forecast will show projected deficits in the next century to be extremely large and of a magnitude unhealthy for the U.S. economy. To avoid such a development, major deficit reduction that extends far beyond the steps Congress and the Administration are currently considering will ultimately be needed.

Testifying before the Entitlement Commission in 1994, Robert Reischauer, then the director of the Congressional Budget Office, observed that the public would be unlikely to accept the steps that would be required either to extract all of the needed deficit reduction in the decades ahead just from government programs or to extract all of the needed deficit reduction just from revenues. In the long run, Reischauer predicted, policymakers will agree on some mix of program cuts and revenue increases to prevent deficits of a magnitude that would do substantial damage to the economy.

The proposed constitutional amendment is designed to ensure that virtually none of those future deficit reduction measures come from the revenue side and virtually all come from cutting programs. That the amendment would bar virtually all revenue increases can be seen by examining House votes for the four principal deficit reduction measures enacted between 1982 and 1993 that raised federal revenue. Although three of these four measures were signed by Republican presidents and all four enjoyed the support of Democratic Congressional leaders, *none* received two-thirds support on the House floor. A fifth measure—the 1983 Social Security rescue plan, which increased Social Security payroll tax collections—also failed to secure a two-thirds vote despite strong support from President Reagan and Congressional leaders.

The constitutional amendment thus would likely lead to one of several outcomes: (1) larger deficits over time; (2) a greatly shrunken federal government that is unable to do much beyond running Social Security and Medicare, maintaining national defense, making federal pension and veterans payments, and paying interest payments on the national debt; and (3) steep reductions in Social Security and Medicare that significantly reduce the living standards of millions of elderly people who are not well off. Such stark outcomes are not necessary if a balance of spending cuts and revenue increases ultimately can be considered over the next three decades. Such balance is what the amendment is designed to prevent.

That the statements in the previous paragraph are not hyperbole can be seen by ex-

amining a chart the Entitlement Commission published in 1994 showing the fiscal forecast through 2030 under current tax and entitlement law. When the baby boom generation reaches retirement and an unprecedented proportion of the population is elderly, some increases in revenues are likely to be needed, in addition to actions to restrain Social Security and Medicare costs and actions of the type the President and Congress are proposing for the years between now and 2002.

II. THE AMENDMENT EFFECTIVELY BARS MEASURES TO CLOSE TAX LOOPHOLES

The requirement for a two-thirds majority would apply not only to measures to raise tax rates but also to measures to cut unproductive tax expenditures that grant subsidies to powerful special interests. A recent Congressional Budget Office study found that over half of the corporate subsidies the federal government provides are delivered through the tax code. Curbing corporate welfare provided through the tax code is one way to help reduce the deficit, but it would require a two-thirds vote under the proposed amendment. This would essentially rule out closing corporate loopholes as a way to help shrink the deficit.

In fact, a substantial share of the federal budget would effectively be placed off limits for deficit reduction by the constitutional amendment. Provisions of the tax code that the Joint Committee on Taxation classifies as "tax expenditures"—spending programs that operate through the tax code by selectively reducing the tax liability of particular individuals or businesses—now cost more than \$400 billion a year. (The corporate subsidy provisions that operate through the tax code are a part of this total.) This is more than the government spends on Social Security or defense.

In testimony before the Entitlement Commission in 1994, Federal Reserve Board chairman Alan Greenspan referred to these provisions of the tax code as "tax entitlements" because they entitle those who qualify for them to government subsidies provided in the form of a special tax reduction. Greenspan testified that the tax entitlements should be looked at, along with the spending entitlements, in developing measures to address the nation's long-term deficit problem.

If anything, the proposed constitutional amendment would encourage the spread of more tax expenditures over time, since such measures would take only a majority vote to enact but a two-thirds vote to remove. In addition, if Congress passed a series of tax changes that were thought to be deficit-neutral, but clever, high-priced tax lawyers and accountants then found ways to convert some of the measures into tax shelters at greater-than-anticipated cost to the Treasury, it would take a two-thirds vote to scale the shelters back so the original measure did not produce a net revenue loss.

Even measures to prevent companies from gaining tax advantages by moving plants—and jobs—overseas would require a two-thirds vote.

III. AMENDMENT TILTS TOWARD THE WEALTHY AND THE POWERFUL AT THE EXPENSE OF AVERAGE FAMILIES AND THE POOR

Most government benefits that low- and middle-income Americans receive come from government programs, such as Social Security, Medicare, Medicaid, student loans and grants, unemployment insurance, school lunches, and food stamps. By contrast, most government subsidies that wealthy individuals and large corporations receive come through tax subsidies. As a result, a constitutional amendment that makes it extremely difficult to scale back tax subsidies when decades of deficit reduction lie ahead

¹Footnotes to appear at end of article.

tilts the playing field in favor of the wealthy and powerful over Americans of average or lesser means.

In addition, such a constitutional amendment would place off limits even measures asking program beneficiaries who have high incomes to pay more for the government benefits they receive. For example, to "means test" Medicare premiums by raising the premiums on those at high income levels, Congress must rely on the tax code to collect the increased premiums, since Social Security offices (which administer Medicare) have no information on beneficiaries' current incomes. Indeed, when the Republican budget bill reached the House floor last fall, the House parliamentarian advised that its provision raising Medicare premiums for those at higher income levels could constitute a tax increase. Under the constitutional amendment, measures of this nature would require a two-thirds vote, rendering them extremely difficult to pass. This makes it more likely that when steps are taken to restrain Medicare costs, low-income and middle-income beneficiaries will have to bear a heavier share of the load.

The amendment also would be likely to injure the middle class and the poor for another reason. If the federal government is unable to raise revenue when needs for public expenditures rise, one likely result will be to shift more of the burden of raising revenue and meeting public needs to state and local governments. Most state tax codes are regressive (i.e., the taxes they impose consume a larger percentage of the income of lower-income households than of higher-income households). State and local governments extract a larger proportion of the revenues they raise from the middle class and the poor, and a smaller proportion from the affluent, than the federal government does. If revenue-raising burdens are shifted from the federal to state and local levels, the share of the overall tax burden borne by the middle class and the poor is likely to rise.

IV. AMENDMENT COULD LEAD TO OVERLY LARGE CUTS IN SOCIAL SECURITY AND MEDICARE BENEFITS

Social Security and Medicare benefits need to be restrained in the years ahead. Both programs are out of long-term actuarial balance, and both contribute significantly to the projected increase in the long-term deficit.

But the constitutional amendment would almost certainly lead to larger reductions in Social Security and Medicare benefits than otherwise would be needed, reductions that could adversely affect the living standards of retirees, including those of modest income and those in poverty. This would be true for several reasons.

First, by effectively preventing revenues from contributing to deficit reduction despite the need for large-scale deficit reduction in the decades ahead, the amendment would place a greater deficit reduction load on Medicare and Social Security. These two programs are projected eventually to constitute half or more of the federal budget, exclusive of interest payments on the debt. If there is no revenue contribution to deficit reduction, there will have to be a greater contribution from Medicare and/or Social Security benefits than would otherwise be the case.

Second, the amendment would effectively rule out measures to raise Medicare premiums for those at higher income levels. As noted above, last year's budget reconciliation bill contained such a measure. When it was about to come to the House floor, the House parliamentarian advised that it could constitute a tax increase. A House rule that the new Congress adopted in January 1995 re-

quires a three-fifths majority for measures raising tax rates, so the parliamentarian's advice meant the budget bill would need a three-fifths vote unless this rule was waived. The House leadership promptly arranged for a waiver of the rule. But once a supermajority requirement is in the Constitution, no waivers are possible.

Third, the constitutional amendment effectively rules out even small adjustments in Medicare and Social Security payroll taxes as part of the effort to bring these programs into long-term actuarial balance and also help reduce the deficit. Modest increases of a fraction of a percentage point in the payroll tax would require a two-thirds vote, thereby making them virtually impossible to achieve. Yet Medicare in particular is so far out of actuarial balance that it is difficult to see how to restore long-term balance to the program without some increase in payroll tax contributions along with other changes, unless the health insurance that Medicare provides is scaled back very substantially.

In a symposium last September, Henry Aaron, Director of Economic Studies at the Brookings Institution and a well-known expert in this area, observed that the full \$270 billion that Republican Congressional leaders were seeking in Medicare savings over seven years could be achieved if one combined Republican Medicare proposals that represent sound policy and yield about half of the \$270 billion in savings with an increase of one-quarter of one percentage point in the employer and the employee shares of the Medicare payroll tax. This would slightly reduce workers' wages. (Most economists believe that both the employee and the employer shares of payroll taxes are effectively borne by employees in the form of wages lower than they otherwise would be paid. As a result, claims that small increases in payroll taxes would heavily burden employers and cause substantial job loss have little merit.) In return, employees would get a Medicare system that had the resources to provide continually improving health care to their parents and ultimately to themselves as it took advantage of emerging medical technologies that improve health and prolong life.

Furthermore, one of several reasons that Medicare and Social Security face long-term deficits is that over time, a steadily increasing share of employee compensation is being provided in the form of fringe benefits not subject to the payroll tax, while a steadily smaller share is provided in wages that are subject to the tax. Modest measures to shore up Social Security and Medicare by slowing the erosion in the share of employee compensation subject to the payroll tax would, however, also require a two-thirds majority.

Even measures to bring all state and local government employees into the Social Security system—a step nearly all budget analysts favor regardless of whether they are conservative or liberal, and which would strengthen the Social Security system and reduce the deficit—would require a two-thirds vote, because such measures would increase federal revenue. Such measures would become virtually impossible to pass. (For a further discussion of these issues, see an accompanying Center on Budget and Policy Priorities analysis, "Proposed Constitutional Amendment Would Make It More Difficult to Address the Long-Term Social Security and Medicare Crises.")

V. THE CONSTITUTIONAL AMENDMENT PRECLUDES ANY TAX REFORMS, FROM CHAFEE-BREAUX TO THE MOST THOROUGH OVERHAUL

Under the terms of the Kyl constitutional amendment, any base broadener in a tax bill would make that bill unconstitutional, absent a two-thirds vote by both chambers.

This would be true regardless of the amount of offsetting new exemptions or deductions, regardless of any offsetting reduction in marginal tax rates, and regardless of whether the bill as a whole raised or lost revenue.

The Chafee-Breaux plan would therefore be unconstitutional—unless it obtained a two-thirds vote—because it contains the following items:

Elimination of the subsidy of Part B Medicare premiums for high-income persons (a new tax).

Extension of expired tax provisions (such as the oil spill liability tax and the federal unemployment surtax).

Improvement in EITC targeting (reducing eligibility for those with other economic resources, thus raising their taxes).

Closing tax loopholes and similar reforms ("corporate welfare").

Reduced indexation via the CPI (because the reduction would decrease the degree to which income tax brackets, etc., change to offset inflation).

For the same reason, last year's reconciliation bill would be unconstitutional—it contained some loophole closers, and it increased the effective tax rate on some small business capital gains while creating a uniform, much lower capital gains rate overall.

Most flat tax proposals broaden tax bases by eliminating some or all of the current exemptions or deductions from income. (Some would create new exemptions for investment income.) Therefore, they also would be unconstitutional. Similarly, the Domenici-Nunn USA tax would be unconstitutional because it includes some base broadeners and raises rates, despite its major new exemptions for investment income. So would a VAT or national sales tax, since it would constitute a "new" tax. Special environmental taxes, such as California's 1991 tax on the production of lead (which paid for the evaluation, screening, and medically necessary treatment of children with lead poisoning), would be unconstitutional as well.²

VI. WEAKENING OUR SYSTEM OF DEMOCRACY

Finally, the amendment would gravely weaken the principle of majority rule that has been at the heart of our system of representative democracy for more than 200 years. In effect, the amendment would give only one-half of a vote to any Senator who votes to close a tax loophole, broaden at tax base, raise any tax rate, or create any new tax or certain new fees. Senators on the other side would get a full vote.

The constitutional amendment would partially restore the system we had in the 1780s under the Articles of Confederation, a system that functioned poorly and was soon scrapped.

The Articles of Confederation required the vote of nine of the 13 states to raise revenue. At the Constitutional Convention in 1787, the Founding Fathers recognized this was an insurmountable defect and fashioned a national government that can impose and enforce laws and collect revenue through simple majority rule.

The proposed constitutional amendment would end the ability of a majority of the American people, acting through their duly elected representatives, to decide whether they would like to raise more revenues so the Federal Government can address needs the majority finds legitimate. The amendment would deny the majority this right both now and in future generations.

At its core, the amendment is rooted in deep distrust of the ability of the majority of the American people to make decisions that the authors of the amendment believe to be ideologically correct. Hence, the amendment seeks permanently to deny the majority that right. Powerful, well-connected minorities

would gain great power at the expense of the majority. In short, the amendment fundamentally is anti-democratic.

Votes for Recent Legislation that Raised Taxes

Between 1982 and 1993, five pieces of legislation that raised significant revenue were enacted. Presidents Reagan signed three of these measures, while President Bush and President Clinton each signed one. All five failed to secure a two-thirds vote on the House floor.

In passing the Tax Equity and Fiscal Responsibility Act of 1982, a measure crafted in substantial part by Senator Bob Dole, the House vote was 226-207. When the House considered its version of the 1983 Social Security rescue plan the following year, the vote was 282-148. The vote for the 1987 budget reconciliation bill, a product of bipartisan negotiations that contained both spending cuts and revenue increases, was 237-181, while the 1990 budget agreement passed by only 228 to 220. The 1993 budget agreement passed by a slender 218-216 vote.

During this period only one measure that raised revenue secured a two-thirds vote, the 1989 reconciliation bill. The 1989 bill was a minor measure. It did relatively little to reduce the deficit and contained only very small revenue increases. The revenue increases in all five of the pieces of legislation that failed to secure a two-thirds vote exceeded the level of revenue increases in the 1989 bill.

Law School Dean Warns of Perverse Effects

In testimony before the Subcommittee on the Constitution of the House Judiciary Committee on March 6, Samuel C. Thompson, Jr., Dean of the University of Miami Law School, warned of potential perverse effects from the proposed amendment. Thompson wrote:

"... adoption of this proposed amendment would significantly penalize the American public for mistakes made in the tax legislative process. For example, assume that after adoption of this Constitutional amendment, Congress adopts a flat tax. Assume that it is estimated that the flat tax will reduce revenues by \$100 billion. It turns out, however, that tax lawyers discover a gaping hole in this legislation and that as a result the revenue loss is \$200 billion, not \$100 billion. The Treasury immediately proposes a base-broadening amendment to close the loophole and to restore fiscal responsibility. The amendment is opposed by powerful special interests who will prevail if they can convince just 33 1/3 percent of the members of either the House or the Senate to vote against the amendment."

Most States Do Not Have Supermajority Requirements

Only six states require the approval of at least two-thirds of their legislatures for any tax increase. Five other states either require such approval for some taxes but not others, require a three-fifths rather than a two-thirds vote, or both. Other states generally require simple majority approval for revenue increases of all sorts.

Furthermore, a 1993 General Accounting Office study of state budget trends found that a majority of states surveyed had used both spending cuts and revenue increases to balance their budgets in recent years. Revenue increases accounted for about one-third of the deficit reduction these states instituted to balance their budgets during the period studied.

James Madison on Majority Rule

The Constitutional Convention rejected requiring supermajority approval for basic functions such as raising taxes. Supermajority rules had applied in the Continental Congress. The framers of the con-

stitution had experience with these rules and understood what they were rejecting.

In the Federalist Papers No. 58, James Madison, one of the key figures in drafting the Constitution, explained why the Constitution rejected supermajority rule:

"It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision . . . [But that would mean] . . . [i]n all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority. Were the defense privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies to extort unreasonable indulgences."

Madison equated majority rule with "free government." In his view, freedom consisted not just in protecting individuals from unreasonable intrusion by government, but also in the right of citizens to have an equal voice in the affairs of government. According to Madison, a person whose vote is diluted by supermajority rules is not an equal citizen and so does not fully enjoy the fruits of freedom.

FOOTNOTES

¹The Kyl amendment to the Senate budget resolution endorses a tax system that is "fairer, flatter, and simpler; that promotes, rather than punishes, job creation, . . . that provides incentives for Americans who save for the future . . . that raises enough money to fund a leaner, more efficient Federal Government . . ." Some of these phrases are problematic. For instance, the tax code is currently much less progressive than it was in the 1950s, 1960s, and most of the 1970s. Restoring some of that progressivity is viewed by many as enhancing fairness, and the extra revenues could be used either to reduce the deficit or reduce effective tax rates on the middle class. Yet this runs counter to the call for "flatter" taxes. Second, payroll taxes "punish job creation" to a certain extent, but are considered by the public as a fair trade for Social Security and Medicare. If those programs were funded through general revenues, support for them might erode. Third, tax breaks for private savings tend to decrease national savings because of the federal revenues they lose, and in any case favor investors over workers, again raising questions of fairness. Finally, although a "leaner, more efficient Federal government" sounds desirable, the idea that revenues should be cut (which increases the deficit) runs counter to the greater good that can be obtained by reducing the deficit.

²The California Court of Appeals recently, and apparently correctly, overturned this California fee on the grounds that it passed the California legislature without the requisite two-thirds vote required by the California constitution.

Mr. EXON. 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 table the amendment of the Senator from Arizona [Mr. KYL]. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 59, nays 41 as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—59

Akaka	Feinstein	Lieberman
Baucus	Ford	Lugar
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Gregg	Murray
Bradley	Harkin	Nunn
Breaux	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Simon
Daschle	Kennedy	Simpson
DeWine	Kerrey	Snowe
Dodd	Kerry	Specter
Domenici	Kohl	Stevens
Dorgan	Lautenberg	Wellstone
Exon	Leahy	
Feingold	Levin	

NAYS—41

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Hatch	Santorum
Campbell	Helms	Shelby
Coats	Hutchison	Smith
Cochran	Inhofe	Thomas
Coverdell	Kempthorne	Thompson
Craig	Kyl	Thurmond
D'Amato	Lott	Warner
Dole	Mack	Wyden
Faircloth	McCain	

The motion to lay on the table the amendment (No. 3995) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I move to vitiate the yeas and nays on the underlying amendment in view of the success of the tabling motion.

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

The motion was agreed to.

Mr. DOMENICI. Mr. President, I will give just a brief report. We started at 9:15. We have disposed of 12 amendments, 8 of them with rollcalls, and 4 accepted, or voiced. That is less than three actual votes per hour. The total going into this was 39 pending amendments. We have disposed of 12. If my arithmetic is right, we have 27 amendments remaining. On the last vote, we went 7 minutes over. We have been over on every single one. I do not know what time we will decide to actually close but we are getting perilously close to regular order on one of these.

So I urge you to get here on time. I say to the Senate that I have spoken to Senator EXON and to a number of Senators.

When we get to 12:15, the 2 rollcalls following 12:15 will each be 15-minute rollcall votes instead of 10. That is to allow Senators to get a cup of soup. They can take 20 minutes if they hurry up and vote and leave and come back. The max you can get is 30, but I am fearful the time may run out on you. So that is going to be the case.

In fact, I propound that as a unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, but I shall not object, I just want to compliment the manager of the bill for the very good suggestion that we keep plowing ahead. I would just like to say at this time I think it would be only fair to Members of the body if we tried to outline the proposition on the things to come. We have made some progress, although I join my leader in the Budget Committee in appealing for faster movement. I simply say that I believe it is obvious, at least it is obvious to this Senator at this time, that with the fact that we have an obligation that has been committed to for this evening, it would seem clear to me that there is no chance we will finish voting on this resolution today. I am just wondering if that is the feeling of the manager of the bill?

Mr. DOMENICI. No, I have not given up on completing it. I have not even agreed that we will be in recess during this dinner we have for spouses. My wife is not terribly impressed with going, she said to me, so I might be down here voting. If the distinguished Republican whip does not like that—

Mr. EXON. Is it possible to do anything on a 1-to-nothing vote?

Mr. DOMENICI. We may be having rollcall votes all night tonight. I am thinking that is an option. But let me suggest maybe we can try something a little different.

The PRESIDING OFFICER. Senators will be quiet, please. Please let there be a modicum of decorum in the Senate.

Mr. DOMENICI. Maybe we will have our staffs do this, if you would like to help us. Maybe we can take two or three of the sense-of-the-Senate propositions that have some symmetry and maybe we can ask for them to be voted on en bloc, and maybe that would give everybody his or her vote.

I note some staffers are saying no. But we might try it. Let us see if we could package a few of them. I am not sure that will work.

Mr. EXON. We will talk on anything to expedite the process.

Mr. DOMENICI. Let us go to the next amendment.

AMENDMENT NO. 3996

Mr. KYL. Mr. President, this is an amendment to save a little bit of money in the LIHEAP Program, the Low-Income Home Energy Assistance Program. There are 6 years in our budget. The budget of the President and the committee and my amendment are all the same for the first 2 years at \$1 billion. The next 2 years, I accept the President's budget numbers, which are \$934 million and \$819 million respectively. Then, in years 5 and 6, I keep the number, adding \$119 million. So for the last 3 of the 6 years, the numbers spent would be \$819 million, which is the President's number in year 4. The total savings would be \$633 million if we accept this amendment rather than going the route of the Budget Committee.

I urge an "aye" vote.

Mr. EXON. I yield 30 seconds against the amendment.

Mr. WELLSTONE. Mr. President, may I have order?

Mr. DOMENICI. Just a second, Mr. President. I believe I have the authority to designate the Senator in opposition. Senator SPECTER wants to do that. Can we give each one of them 30 seconds, Senator SPECTER and Senator WELLSTONE?

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

Mr. KYL. Reserving the right to object—

Mr. DOMENICI. And Senator KYL would get 30.

Mr. SPECTER. Mr. President, I strenuously oppose this amendment.

As chairman of the subcommittee having jurisdiction over LIHEAP funding, I can tell you that we have fought hard for program funding this year. There have been consistent reductions in program funding. We are into the bone. The LIHEAP funds are indispensable for the aging. We are talking about people who have the option of heating or eating. The vast majority, 80 percent, goes to people who have incomes of \$7,000 or less. This funding ought not to be cut.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Minnesota.

Mr. WELLSTONE. I defer to the Senator from Arizona.

Mr. KYL. I will be happy to speak now, and allow the Senator from Minnesota to have the last word.

I accepted the numbers from the President, whose budget office gave that program a lower priority by virtue of the fact it was supposed to be temporary. So in years 3 and 4 we have accepted the numbers of the President's budget and then just continued those numbers for years 5 and 6. This is not a drastic reduction, but it is one small step we can take to at least show some sense of fiscal responsibility.

Mr. WELLSTONE. Mr. President, it is not the President's budget, not the last several years. It is a big difference. We just voted 88 to 12 for support of this program. Now we are going to vote for hundreds of millions of dollars in cuts in the outyears. I am delighted my colleague is no longer trying to eliminate the Low-Income Home Energy Assistance Program, but I would remind him that even in States like Arizona, this summer it could be 110 degrees in nursing homes and you might be eligible for cooling assistance. This is important for vulnerable citizens. We should have a strong "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

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 26, nays 74, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—26

Ashcroft	Grams	Mack
Bennett	Grassley	McCain
Brown	Hatch	McConnell
Campbell	Helms	Murkowski
Cochran	Hutchison	Nickles
Coverdell	Inhofe	Shelby
Dole	Kassebaum	Thomas
Faircloth	Kyl	Thurmond
Gramm	Lott	

NAYS—74

Abraham	Feingold	Mikulski
Akaka	Feinstein	Moseley-Braun
Baucus	Ford	Mynihan
Biden	Frist	Murray
Bingaman	Glenn	Nunn
Bond	Gorton	Pell
Boxer	Graham	Pressler
Bradley	Gregg	Pryor
Breaux	Harkin	Reid
Bryan	Hatfield	Robb
Bumpers	Heflin	Rockefeller
Burns	Hollings	Roth
Byrd	Inouye	Santorum
Chafee	Jeffords	Sarbanes
Coats	Johnston	Simon
Cohen	Kempthorne	Simpson
Conrad	Kennedy	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Lautenberg	Thompson
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Exon	Lugar	

The amendment (No. 3996) was rejected.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3997

Mr. DOMENICI. Mr. President, the next two votes are the votes we are going to have 15 minutes on each of them. Senator KENNEDY's amendment is up under the regular order.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if we could have order in the Senate, I will just speak briefly.

The PRESIDING OFFICER. The Senate will not proceed until we come to order. The Senate will come to order.

Mr. KENNEDY. Mr. President, the current law does not permit what we call double billing. If there are going to be services purchased for Medicare recipients, that will be payment in full.

Under the Republican proposal, they are creating additional kinds of options to spread this out into the private sector. We say that that is fine, but we want to continue the same protection of no double billing. No double billing is extremely important to all Medicare recipients. We should maintain that concept in any new future private contracting with Medicare.

That is what this amendment does, and I think it is absolutely necessary to protect our senior citizens.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, last year, we maintained current law prohibitions on balanced billing with traditional fee-for-service Medicare. If, however, a Medicare beneficiary wanted to choose a privately offered Medicare plan under that new plan, he or she must be permitted to choose a plan which might allow the doctor to charge more.

This amendment would put us on record that we cannot have that kind of new plan which would be voluntary and chosen by the beneficiaries.

So, 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.

Mr. EXON. May I inquire of the chairman, it is true now that this will be a 15-minute vote, as is the one to follow? Is that correct?

Mr. DOMENICI. That is correct.

Mr. EXON. I thank my chairman.

The PRESIDING OFFICER. This will be a 15-minute vote.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts [Mr. KENNEDY]. The yeas and nays have been 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 49, nays 51, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—49

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

NAYS—51

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

The motion to lay on the table the amendment (No. 3997) was rejected.

Mr. KENNEDY. Mr. President, if it is agreeable with the Senator from New Mexico, I suggest we have a voice vote.

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

The amendment (No. 3997) was agreed to.

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

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3998

Mr. KENNEDY. Mr. President, our next amendment is focused on nursing homes, to make sure the standards that were worked out in 1987, in a bipartisan way, which have been enormously effective in protecting seniors, are going to be continued not only that the Federal standards will be continued but also Federal enforcement.

There is a question about whether we need this kind of an amendment or not. The House of Representatives now has been willing to accept the standards but not the enforcement. Seniors are entitled to both. That is what this amendment does, maintain the current law. I believe it is necessary for protecting our senior citizens.

Mr. DOMENICI. Mr. President, our Medicaid restructuring plan will maintain current law and nursing home standards. As I read the Kennedy amendment, it proposes to change country law as well.

I ask the Senator if we could accept the Kennedy amendment without a vote, thus permitting us to proceed to another amendment. Would the Senator consider a voice vote?

Mr. KENNEDY. Mr. President, I appreciate the support for this program, but there is a very key element that differentiates this proposal with what has been happening in the House, and that is with regard to the enforcement. I think a strong voice for not only the standards but the enforcement, as well, is a very important part of it. It would be a strong indication, certainly to the conferees, that is the will of the Senate. I think it is of sufficient importance that we ought to go on record on that.

Mr. DOMENICI. Mr. President, I want to repeat, I have been assured by the Finance Committee before this amendment came up that we keep current law. I do not think we need a vote, but if the Senator wants it, I urge all Republicans vote "aye."

Mr. KENNEDY. 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 is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Virginia [Mr. ROBB] is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—99

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Hefflin	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	Smith
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thomas
Dole	Kyl	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	Wellstone
Faircloth	Lieberman	Wyden

NOT VOTING—1

Robb

The amendment (No. 3998) was agreed to.

Mr. DOMENICI. Mr. President, I wanted to comment for the Senate.

How many minutes are we over the 15?

The PRESIDING OFFICER. Eight minutes.

Mr. DOMENICI. Eight minutes over when regular order was called for.

The next amendment is another Kennedy amendment.

Is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 3999

Mr. KENNEDY. That is correct. Mr. President, this amendment just retains current law on spousal impoverishment. All of us remember 1987-88 when these amendments were offered by our friend and colleague, Senator MIKULSKI of Maryland, in the Senate in a bipartisan way in terms of protecting spousal impoverishment and adult members of families, as well as prohibiting liens on the homes. We can all say we are for this proposal, but last year every single reconciliation piece of legislation that came before us went back on at least one of the four major protections on spousal and family impoverishment.

By this record we will send a very clear signal that we want to retain the current law. It is important that we do so for these families of nursing home members, and this amendment will put the Senate on record in favor of those protections.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we assume precisely what the sense-of-the-Senate amendment provides. I understand the Senator wants to vote. So he is entitled to a vote. I suggest that everybody vote for it.

Mr. KENNEDY. Mr. President, I will take 15 seconds. Last year every reconciliation had at least a cut back in one of the four major protections. We want the Senate on record that we are all for those protections. We have had bipartisan support it in the past. We should not take a chance on it in the future.

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 amendment of the Senator from Massachusetts. 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 result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—94

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

NAYS—6

Bennett	Faircloth	Hatch
Brown	Gregg	Helms

The amendment (No. 3999) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4000

Mr. DOMENICI. Mr. President, I believe Senator KENNEDY's amendment is up now.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4000, AS MODIFIED

Mr. KENNEDY. Mr. President, I intend to ask unanimous consent to modify the amendment. I send the modification, which I have shared with the Senator from New Mexico, to the desk.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. I discussed it with him, is that what he said? "I shared it." He did not say I agreed to the unanimous consent.

Mr. KENNEDY. The Senator is, as always, accurate, in making the statement he has not agreed. I had hoped he might agree, as we agreed to the modification of Senator KYL, Senator LOTT, and Senator DOLE's amendment.

Mr. DOMENICI. And we may, indeed, have some others. I really have no objection.

Mr. KENNEDY. I thank the Senator. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4000), as modified, is as follows:

At the end of title III, insert the following:
SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution do not assume the repeal of the Davis-Bacon Act.

Mr. KENNEDY. Mr. President, the committee report says the budget resolution assumes the repeal of the Davis-Bacon Act which protects community wage standards for some 500,000 construction workers who work on Federal projects. This repeal means workers will be paid \$4.6 billion less over the life of the budget. That is not fair. We should be attempting to lift workers' wages.

The PRESIDING OFFICER. The Senator will suspend. The Senate will come to order.

The Senator from Massachusetts.

Mr. KENNEDY. We should be lifting workers' wages, not reducing them. That is effectively what this amendment does. It ensures the Senate will go on record that this resolution does not assume the repeal of the Davis-Bacon Act.

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 Senator from Missouri.

AMENDMENT NO. 4030 TO AMENDMENT NO. 4000

(Purpose: To express the sense of the Congress that States should be allowed to require welfare recipients to stay drug-free as a condition for receiving welfare benefits from the taxpayers)

Mr. ASHCROFT. Mr. President, I have a second-degree amendment to amendment No. 4000. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 4030 to amendment No. 4000.

Strike all after the first word and insert the following—

Mr. EXON. Mr. President, point of order.

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

Mr. FORD. Mr. President, I object.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The assistant legislative clerk continued with the reading of the amendment, as follows:

Strike all after the first word and insert the following:

SENSE OF THE CONGRESS REGARDING REQUIREMENTS THAT WELFARE RECIPIENTS BE DRUG-FREE.

In recognition of the fact that American workers are required to be drug-free in the workplace, it is the sense of the Congress that this concurrent resolution on the budget assumes that the States may require welfare recipients to be drug-free as a condition for receiving such benefits and that random drug testing may be used to enforce such requirements.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, point of order. Is the Senator from Nebraska correct the amendment that has just been offered is not in order until time has been yielded back on the previous amendment, which I do not think was accomplished?

The PRESIDING OFFICER. The sponsor had yielded back his time, had concluded his time on the amendment.

Mr. KENNEDY. Is there time on the second-degree amendment?

Mr. DOMENICI. Mr. President, if there is any question, I yield back the 30 seconds that I had in opposition to Senator KENNEDY's first-degree amendment.

Mr. EXON. I think that clarifies it.

The PRESIDING OFFICER. The sponsor of the second-degree amendment has 30 seconds.

Mr. ASHCROFT. Mr. President, I believe it is an affront to the American people to adopt and support drug habits in individuals by virtue of subsidizing the welfare payments to those who continue on drugs. It should be an option of States to be able to drug test effectively and to condition the receipt of welfare payments on people becoming and remaining drug free.

I believe that we do not really help people as long as we finance them while they are involved in drugs. So, the sense of the Senate stated here is that the States should have the right and opportunity to condition participation of welfare recipients in programs based on their being drug free.

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

Mr. EXON. Mr. President, I yield 30 seconds to Senator KENNEDY.

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

Mr. KENNEDY. Mr. President, we all know what this is. The Senator could have offered his amendment as an initial amendment or a second degree to other amendments.

This is about working families. We are talking about construction workers who average \$27,000 a year. All we are saying in this bill is we are not going

to repeal Davis-Bacon. If we are going to do that, we ought to do it at other times.

This is about trying to maintain the existing standards which protect American workers out there, and the second degree amendment is a clear attempt to undermine the protection of those workers.

I hope that the amendment will be defeated.

Mr. ASHCROFT. 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 is on agreeing to amendment No. 4030, offered by the Senator from Missouri [Mr. ASHCROFT] to amendment No. 4000, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—92

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

NAYS—8

Akaka	Hollings	Kerrey
Feingold	Inouye	Simon
Hatfield	Kennedy	

The amendment (No. 4030) was agreed to.

AMENDMENT NO. 4031 TO AMENDMENT NO. 4000
(Purpose: To protect the incomes of construction workers and their families and to express the sense of the Senate that the Davis-Bacon Act should not be repealed)

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

Mr. DOMENICI. I ask the Senator, will he yield for just an observation to the Senate? We have never come in within the time since we started this morning. We were just over again. We were over 8½ minutes when we gave everybody 15 minutes.

So there is nobody on this side that objects to the following, and I assume that Senator EXON will agree, starting with the next vote we are going to call for the regular order at the end of the 10 minutes. That is what we are allowed, 10 minutes. We are going to call for the regular order, if they are missing on our side or the other side, if it affects the vote or does not affect it. I just want everybody to know that.

I thank the Senator for yielding.

Mr. EXON. I clamor my approval.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendment numbered 4031 to amendment No. 4000.

At the end of the amendment, add the following:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the sense of the Senate that the provisions in this resolution do not assume the repeal of the Davis-Bacon Act.

Mr. KENNEDY. Mr. President, this amendment is as clear as it could be. It is just to express the sense that there is nothing in this underlying resolution that is going to repeal, effectively, the Davis-Bacon provisions. I offer it as a second degree to the underlying amendment. 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.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I just urge my colleagues to vote to table the Kennedy amendment for a lot of reasons. The provisions that he is dealing with deals with Davis-Bacon, goes back to 1931, the Federal Government saying if you are doing Federal construction work, that the Department of Labor should set the labor rate, in many cases far in excess of what the prevailing wage really is in those areas.

It costs taxpayers in excess of \$3 billion. Maybe it is a payoff for, I do not know, \$35 million for campaigns or something. It does not belong. If you believe in free enterprise, if you believe in the marketplace setting labor rates, you should vote to table the Kennedy amendment. I move to table the Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second to table? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table the amendment No. 4031. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 41, nays 59, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—41

Ashcroft	Gramm	McCain
Bennett	Grams	McConnell
Bond	Grassley	Nickles
Brown	Gregg	Nunn
Burns	Hatch	Pressler
Chafee	Helms	Roth
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	Warner
Frist	Mack	

NAYS—59

Abraham	Feingold	Lieberman
Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Hollings	Robb
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Santorum
Coats	Johnston	Sarbanes
Conrad	Kennedy	Simon
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Exon	Levin	

The motion to lay on the table the amendment (No. 4031) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Ms. SNOWE). The question is now on the second-degree amendment. The yeas and nays have been ordered.

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

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

Mr. DOMENICI. Madam President, we can adopt the amendment now.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 4031) was agreed to.

AMENDMENT NO. 4032 TO AMENDMENT NO. 4000

(Purpose: To reform the Davis-Bacon Act)

Mr. SANTORUM. Madam President, I send an 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 Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4032 to amendment No. 4000.

At the end of the pending amendment, insert the following:

SEC. . SENSE OF THE SENATE ON DAVIS-BACON.

Notwithstanding any provision of the committee report on this resolution, it is the

sense of the Senate that the provisions in this resolution assume reform of the Davis-Bacon Act.

Mr. EXON. Madam President, I suggest that the amendment of the Senator from Pennsylvania, as I understand it, is not in order.

Mr. DOMENICI. It is a second-degree amendment to the Kennedy amendment. It is in order.

Mr. EXON. Is that the ruling of the Chair, that it is in order?

The PRESIDING OFFICER. The amendment submitted by the Senator from Pennsylvania is in order.

The Senator from Pennsylvania has 30 seconds.

Mr. SANTORUM. Madam President, we just voted on whether there should be repeal of Davis-Bacon. Many of us are not for repeal of that. We believe that there needs to be reform of the Davis-Bacon law and that we, in fact, should assume that for the purposes of the budget. I think there is bipartisan support for reform of Davis-Bacon. I wanted the Senate to go on record for that reform measure.

Mr. KENNEDY. Madam 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. KENNEDY. Madam 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. Madam President, may I have 15 seconds to comment?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. Madam President, I urge that all Members support this amendment and let us move ahead with the resolution.

Mr. SANTORUM. Madam 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 is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—99

Abraham	Brown	Coverdell
Akaka	Bryan	Craig
Ashcroft	Bumpers	D'Amato
Baucus	Burns	Daschle
Bennett	Byrd	DeWine
Biden	Campbell	Dodd
Bingaman	Chafee	Dole
Bond	Coats	Domenici
Boxer	Cochran	Dorgan
Bradley	Cohen	Exon
Breaux	Conrad	Faircloth

Feingold	Kempthorne	Pell
Feinstein	Kennedy	Pressler
Ford	Kerrey	Pryor
Frist	Kerry	Reid
Glenn	Kohl	Robb
Gorton	Kyl	Rockefeller
Graham	Lautenberg	Roth
Gramm	Leahy	Santorum
Grassley	Levin	Sarbanes
Gregg	Lieberman	Shelby
Harkin	Lott	Simon
Hatch	Lugar	Simpson
Hatfield	Mack	Smith
Heflin	McCain	Snowe
Helms	McConnell	Specter
Hollings	Mikulski	Stevens
Hutchison	Moseley-Braun	Thomas
Inhofe	Moynihan	Thompson
Inouye	Murkowski	Thurmond
Jeffords	Murray	Warner
Johnston	Nickles	Wellstone
	Nunn	Wyden

NOT VOTING—1

Kassebaum

The amendment (No. 4032) was agreed to.

AMENDMENT NO. 4000

The PRESIDING OFFICER. The question now occurs on agreeing to the underlying amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent that the underlying amendment, No. 4000, as amended, be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 4000), as amended, was agreed to.

AMENDMENT NO. 4001

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4001 offered by the Senator from West Virginia.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, this budget resolution cuts discretionary budget authority over the next 6 years by \$356 billion and outlays by \$295 billion. My amendment adds \$106 billion in budget authority and \$65 billion in outlays to pay for programs like crime control, education, safer highways, aviation safety, drug treatment, environmental cleanup, and clean water. We pay for it by closing corporate loopholes and reducing tax expenditures which over the next 6 years will exceed \$3 trillion.

I urge all Senators to support the amendment and cast a vote for an investment in America's future.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, it is with reluctance that I must oppose the Byrd amendment. This would increase taxes and spending by \$65 billion. It would strike the budget resolution's reconciliation instruction with reference to taxes, and it would eliminate the firewall between defense and nondefense spending. I believe, on any of those counts, it should be defeated. When you put them all together, clearly it ought to be tabled.

Mr. BYRD. Madam President, I ask unanimous consent that the name of Mr. BINGAMAN be added as a cosponsor.

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

The question now occurs on agreeing to the amendment offered by the Senator from West Virginia.

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

The PRESIDING OFFICER. Is there a sufficient second? It appears to be sufficiently seconded.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—61

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

NAYS—39

Akaka	Feingold	Levin
Biden	Feinstein	Mikulski
Bingaman	Ford	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatfield	Murray
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

The motion to lay on the table the amendment (No. 4001) was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 4002, AS FURTHER MODIFIED

Mr. LOTT. Madam President, I ask unanimous consent I be allowed to send to the desk a modification to amendment No. 4002. This modification is technical in nature.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4002, as further modified.

Mr. LOTT. Madam 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 title III, add the following new section:

SEC. . SENSE OF CONGRESS ON REIMBURSEMENT OF THE UNITED STATES FOR OPERATIONS SOUTHERN WATCH AND PROVIDE COMFORT.

(a) FINDINGS.—The Congress finds that—

(1) as of May 1996, the United States has spent \$2,937,000,000 of United States taxpayer funds since the conclusion of the Gulf War in 1991 for the singular purpose of protecting the Kurdish and Shiite population from Iraqi aggression;

(2) the President's defense budget request for 1997 includes an additional \$590,100,000 for Operations Southern Watch and Provide Comfort, both of which are designed to restrict Iraqi military aggression against the Kurdish and Shiite people of Iraq;

(3) costs for these military operations constitute part of the continued budget deficit of the United States; and

(4) United Nations Security Council Resolution 986 (1995) (referred to as "SCR 986") would allow Iraq to sell up to \$1,000,000,000 in petroleum and petroleum products every 90 days, for an initial period of 180 days.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the assumptions underlying the functional totals in this resolution assume that—

(1) the President should instruct the United States Permanent Representative to the United Nations to ensure any subsequent extension of authority beyond the 180 days originally provided by SCR 986, specifically mandates and authorizes the reimbursement of the United States for costs associated with Operations Southern Watch and Provide Comfort out of revenues generated by any sale of petroleum or petroleum-related products originating from Iraq;

(2) in the event that the United States Permanent Representative to the United Nations fails to modify the terms of any subsequent resolution extending the authority granted by SCR 986 as called for in paragraph (1), the President should reject any United Nations' action or resolution seeking to extend the terms of the oil sale beyond the 180 days authorized by SCR 986;

(3) the President should take the necessary steps to ensure that—

(A) any effort by the United Nations to temporarily lift the trade embargo for humanitarian purposes, specifically the sale of petroleum or petroleum products, restricts all revenues from such sale from being diverted to benefit the Iraqi military; and

(B) the temporary lifting of the trade embargo does not encourage other countries to take steps to begin promoting commercial relations with the Iraqi military in expectation that sanctions will be permanently lifted; and

(4) revenues reimbursed to the United States from the oil sale authorized by SCR 986, or any subsequent action or resolution, should be used to reduce the Federal budget deficit.

Mr. LOTT. Madam 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 clerk will call the roll.

Mr. BYRD. Madam President, is someone going to explain the amendment?

Mr. EXON. We yield back the remainder of our time.

Mr. LOTT. I would take 30 seconds to point out the amendment expresses the sense of the Senate that the Clinton administration should ensure an extension of U.N. Resolution 986, which mandates the reimbursement of the U.S. Department of Defense for the costs associated with Operations Southern Watch and Provide Comfort out of the revenues generated from the sale of Iraqi oil and other oil products.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, we have no objection.

I yield the time we have on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

Mr. EXON. Madam President, there may be someone who wishes to talk on this side I did not know about.

I yield 30 seconds to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I thank my colleague and thank the Chair. I just wanted to rise to say, if this amendment was agreed to, it would circumvent some of our humanitarian programs. It would cause damage to the Kurdish minority in the country. I very much hope we could defeat this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi. The yeas and nays have been ordered. The Clerk will call the role.

The legislative clerk called the roll.

Mr. EXON. Madam President, I call for the regular order.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—53

Abraham	Faircloth	McCain
Aschcroft	Ford	McConnell
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Graham	Pressler
Brown	Gramm	Roth
Bumpers	Grams	Santorum
Burns	Grassley	Shelby
Campbell	Gregg	Simpson
Coats	Hatch	Smith
Cochran	Heflin	Snowe
Cohen	Helms	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Dole	Lott	Warner
Domenici	Mack	

NAYS—47

Akaka	Exon	Kerry
Biden	Feingold	Kohl
Bingaman	Feinstein	Lautenberg
Boxer	Glenn	Leahy
Bradley	Harkin	Levin
Breaux	Hatfield	Lieberman
Bryan	Hollings	Lugar
Byrd	Inouye	Mikulski
Chafee	Jeffords	Moseley-Braun
Conrad	Johnston	Moynihan
Daschle	Kassebaum	Murray
Dodd	Kennedy	Nunn
Dorgan	Kerrey	Pell

Pryor
Reid
Robb

Rockefeller
Sarbanes
Simon

Wellstone
Wyden

The amendment (No. 4002), as further modified, was agreed to.

Mr. DOMENICI. Madam President, the reason that I did not call for the regular order is because one of our Senators was present. He was here for about 5 or 6 minutes. He must have assumed he voted, and he left. Maybe he did vote and we did not get it recorded. We got him? All right. I am sorry.

I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4003

The PRESIDING OFFICER. The question now occurs on amendment No. 4003 offered by the Senator from Wyoming.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, this amendment simply notes that there are a number of indices that the Government uses to measure inflation and that we should strive to use the most accurate one that is possible. We have heard discussion of the CPI. There is another one called the chain-weighted GDP index.

There are all sorts of ways to go. This just says, let us pick the most accurate one and get on with the business of then protecting the budget of the United States to get a handle on the correct and most accurate method of indices of measuring inflation or deflation or deflators or whatever we are using in this great complex formulae world.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I supported this when it was offered a few days ago by the Senator from Wyoming. As I understand the amendment, it in effect urges the Government to use the most accurate inflation index available. That is pure and simple. We have no objection from this side and have heard of no objection from that side. I am wondering, since it seems to have universal support, if we could save some time by voice voting this, if we could have the approval of that from the Senator from Wyoming.

Mr. SIMPSON. Madam President, I was hoping to follow that precedent, but I see that others have failed to do so. And I thought if I could take 10 more minutes, we could get a vote which would show that indeed we must be about our business. If we were to use the chain-weighted GDP index, that would get you a .4 reduction in things. That is what both CBO and OMB use. I just want to get that vote, if I could.

Mr. EXON. The Senator has that right.

Mr. SIMPSON. Madam 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 agreeing to amendment No. 4003. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—100

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

The amendment (No. 4003) was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator COVERDELL be added as a cosponsor of Senator KYL's amendment No. 3995.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

AMENDMENT NO. 4007

The PRESIDING OFFICER. The question occurs on amendment No. 4007, offered by the Senator from Florida [Mr. GRAHAM].

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this amendment deals with two important issues. One is preserving the integrity of the Medicare trust fund, and, second, an effective assault against Medicare fraud. It provides that any funds that are derived by suppression of Medicare fraud will go back into the trust fund from which that fraud caused adverse effect. It would not be available for any other spending purposes.

Mr. President, I urge adoption of this amendment, which I think is both a statement of our commitment to suppressing Medicare fraud, protecting the Medicare trust fund, and balancing the Federal budget.

Mr. DOMENICI. Mr. President, I think the Senator knows I am going to do this.

The Graham amendment is not germane to the provisions of the budget resolution. I therefore raise a point of

order against the amendment under section 305(b)(2) of the Budget Act.

Mr. GRAHAM. Mr. President, anticipating this point of order, I would like to point out to my colleagues that on page 53 of the budget resolution before us, beginning at line 12, is almost in the same verbatim form, a point of order, except that point of order does not go to the reconciliation bill, which amendment 4007 does, but rather goes to the appropriations bills.

If my amendment is considered to be nongermane, clearly, this provision is nongermane. I also point out that in the last budget resolution for fiscal year 1996 there were two provisions, which contained point of order enforcement of provisions within the budget reconciliation.

So, Mr. President, we await the Chair's ruling, which I hope will be a finding that this is not a valid point of order on the Budget Act.

Mr. EXON. Mr. President, the proper order at the present time is this: I move to waive the provisions of the Budget Act for the consideration of the Graham amendment.

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.

Mr. DOMENICI. Mr. President, I hope the Senators will deny this motion. This actually violates the Budget Act. This is a matter that is not even within the jurisdiction of the Budget Committee. This is a piece of legislation directing the treatment of savings of an entitlement in a future reconciliation bill. We have no authority to do it. We ought not be doing it here. I am not trying to treat one different than the other. The same ruling was held in committee on four attempts to do the same thing in the committee as we marked up the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. EXON. Mr. President, I call for the regular order.

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

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—44

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

NAYS—56

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

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The point of order is sustained.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I want to make an announcement. A while ago in kind of a frenzy I said we were going to work right on through this spousal banquet tonight, and I must tell you I have had more Senators concerned about this banquet than anything else we have done. I surmise that the wives have been watching on television. I know Senator HOLLINGS told me that his wife called already, and she was kind of upset because she said Senator DOMENICI said that his wife did not even care about this event, and I just want to say to his wife Peatsy, I overstated my wife's position. My wife will be thrilled to be there tonight, and I really would ask that my previous comments, unless you object, be stricken from the RECORD.

Mrs. BOXER. Reserving the right to object. Reserving the right to object.

Mr. EXON. Will the Senator yield?

Mr. DOMENICI. I yield.

Mr. EXON. Does the Senator's wife vote in New Mexico?

Mr. DOMENICI. My wife voted in New Mexico, and she is still going to vote for me in spite of what I said.

I thank the Senate.

AMENDMENT NO. 4008

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4008 offered by the Senator from Missouri [Mr. ASHCROFT].

The Senator from Missouri is recognized for 30 seconds.

Mr. ASHCROFT. Mr. President, this amendment would eliminate an unfair tax on a tax paid by American workers. Every American worker pays Social Security taxes, but only after he or she has already paid taxes on that money. This is an unfair disparity. The corporations which pay the other half of that tax do not pay a tax on a tax. They get a deduction.

Further, this amendment would promote and stimulate growth. The growth would be substantial—500,000

new jobs in the economy. It is a job-producing amendment that provides middle-class tax relief in a way that no other proposal does. I urge its adoption by the Senate.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. The budget resolution already has \$122 billion plus in tax cuts, and the chairman of the Budget Committee on the House side says it is \$182 billion. If you add the tax cuts that are being suggested by this particular amendment, it is \$276 billion on top of what they are already suggesting, whatever that is.

This amendment will more than triple an already unwise and unwarranted tax cut in this budget. It slashes discretionary spending by an additional \$217 billion and adds over \$75 billion in unspecified mandatory savings. We will never balance the budget if we are unable to control our urge to provide tax cuts in an election year. I urge Senators to vote against this budget-busting proposal that has, as far as I know, the support of none of the committees.

Mr. DOMENICI. I ask for the yeas and nays, Senator.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—43

Abraham	Frist	McCain
Ashcroft	Gramm	McConnell
Baucus	Grams	Murkowski
Biden	Grassley	Nickles
Brown	Hatch	Pressler
Burns	Heflin	Roth
Campbell	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Smith
Coverdell	Jeffords	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Dole	Lugar	
Faircloth	Mack	

NAYS—57

Akaka	Feinstein	Lieberman
Bennett	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boxer	Graham	Murray
Bradley	Gregg	Nunn
Breaux	Harkin	Pell
Bryan	Hatfield	Pryor
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Chafee	Johnston	Rockefeller
Cohen	Kassebaum	Sarbanes
Conrad	Kennedy	Simon
Daschle	Kerrey	Simpson
Dodd	Kerry	Snowe
Domenici	Kohl	Specter
Dorgan	Lautenberg	Stevens
Exon	Leahy	Wellstone
Feingold	Levin	Wyden

The amendment (No. 4008) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4009

The PRESIDING OFFICER. The Senate will please come to order. The question now occurs on amendment No. 4009, offered by the Senator from Texas [Mr. GRAMM].

The Senator is recognized for 30 seconds.

Mr. GRAMM. 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.

Mr. GRAMM. Mr. President, this is a very simple amendment. In 1993, the President argued that he did not raise income taxes on anyone who was not rich. On its face, that is not valid. As I demonstrated in the debate on the floor of the Senate, the 1994 IRS 1040 form and its explanation show that the 1993 tax increase raised income taxes on the Social Security benefits of people who make \$34,000 or more, counting half of their Social Security benefit. It seems to me that by no stretch of the imagination can these people be called rich.

What I do in the amendment is call on the President to work with us to come up with a way of repealing this tax and at the same time working together to protect Social Security and Medicare. This is an eminently reasonable amendment. I hope we will get a unanimous vote.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I noted with interest the comment the Senator from Texas made. We just debated it a day or so ago. The provisions of the 1993 act that have been roundly criticized and are again being criticized now, raised taxes on only the top 13 percent—the top 13 percent—of retirees. By contrast, the 1983 Reagan tax increase, which was the first tax increase that ever addressed taxation of any kind on Social Security, was supported by the sponsor of this amendment. I simply say that will raise taxes for 22 percent of the retirees. This amendment would cost over \$33 billion.

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

AMENDMENT NO. 4033 TO AMENDMENT NO. 4009

Mr. EXON. 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 bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 4033 to amendment No. 4009.

Mr. EXON. 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:

Strike all after "SEC." and insert the following:

. SENSE OF THE SENATE ON SOLVENCY OF THE MEDICARE TRUST FUND.

(a) FINDINGS.—The Senate finds that repeal of certain provisions from the Omnibus Budget Reconciliation Act of 1993 would move the insolvency date of the HI (Medicare) Trust Fund forward by a full year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that no provisions in this Budget Resolution should worsen the solvency of the Medicare Trust Fund.

Mr. EXON. Mr. President, I will take my 30 seconds to explain this amendment.

The Congressional Budget Office estimates that repeal of the 1993 change, as proposed in the Gramm amendment, will move the insolvency date of the Medicare trust fund forward a full year. It is astonishing to me that the same Senators who claim to be concerned, even alarmed sometimes, about the solvency of the Medicare trust fund would sponsor legislation that will have the opposite effect.

The second-degree amendment, thereby, assures that no action therein, as a part of that act, should worsen the solvency of the Medicare trust fund.

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

Mr. GRAMM. Mr. President, parliamentary inquiry. Does this amendment simply add to mine, or does it substitute for the language of my amendment?

The PRESIDING OFFICER. The Chair will examine the amendment and make a ruling in just a moment.

Mr. EXON. What the amendment does, simply said, is we can do nothing in these considerations that will further weaken or hurt the trust fund. That is basically what it does. The amendment of the Senator from Texas hurts the solvency of the fund. This amendment corrects that.

The PRESIDING OFFICER. The Senator from Texas is advised that it strikes all words after the first word and replaces it.

Mr. GRAMM. Mr. President, I am simply going to offer my amendment as a second-degree amendment to all the other amendments that come up until we vote on it. Now, if the Senator would like to add his language to mine, I made it very clear in my sense-of-the-Senate resolution that we wanted to work with the President to repeal the Social Security tax in such a way as to protect Medicare. If he wants to add his amendment to mine, I will support it, we will adopt it, and that will be the end of it.

Mr. EXON. I will simply say that I ask for the yeas and nays on my amendment as offered.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. THOMPSON). The question is on agreeing to amendment No. 4033, offered by the Senator from Nebraska, Mr. EXON. The

yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—100

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

The amendment (No. 4033) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 4034 TO AMENDMENT NO. 4009

(Purpose: To express the Sense of the Congress that the 1993 income tax increase on Social Security benefits should be repealed)

Mr. DOMENICI. Mr. President, I send a second-degree amendment on behalf of Senator GRAMM of Texas 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 New Mexico [Mr. DOMENICI] for Mr. GRAMM proposes amendment numbered 4034 to amendment No. 4009.

Mr. GRAMM. Mr. President, I ask unanimous consent that further 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:

SEC. . SENSE OF THE CONGRESS THAT THE 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS SHOULD BE REPEALED.

(a) FINDINGS.—Congress finds that the assumptions underlying this resolution include that—

(1) the Fiscal Year 1994 budget proposal of President Clinton to raise federal income taxes on the Social Security benefits of senior citizens with income as low as \$25,000, and those provisions of the Fiscal Year 1994 recommendations of the Budget Resolution and the 1993 Omnibus Budget Reconciliation

Act in which the 103rd Congress voted to raise federal income taxes on Social Security benefits of senior citizens with income as low as \$34,000 should be repealed;

(2) that the Senate Budget Resolution should reflect President Clinton's statement that he believed he raised federal taxes too much in 1993; and

(3) that the Budget Resolution should react to President Clinton's Fiscal Year 1997 budget which documents the fact that in the history of the United States, the total tax burden has never been greater than it is today, therefore

—It is the Sense of the Congress that the assumptions underlying this Resolution include—

(1) that raising federal income taxes in 1993 on the Social Security benefits of middle-class individuals with income as low as \$34,000 was a mistake;

(2) that the federal income tax hike on Social Security benefits imposed in 1993 by the 103rd Congress and signed into law by President Clinton should be repealed; and

(3) President Clinton should work with the Congress to repeal the 1993 federal income tax hike on Social Security benefits in a manner that would not adversely affect the Social Security Trust Fund or the Medicare Part A Trust Fund, and should ensure that such repeal is coupled with offsetting reductions in federal spending.

Mr. GRAMM. Mr. President, I can save the Senate time. This is the same amendment we had pending a moment ago. What the amendment says is that it was a mistake to impose a confiscatory tax on Social Security recipients that earn \$34,000 a year when you count half of their Social Security benefits. It simply calls on the President to work with us to repeal that tax.

We already had in the amendment the provision saying that it is the sense of the Senate that we do it in a way that would not adversely affect the Social Security trust fund or Medicare. The Senator from Nebraska added a sense of the Senate resolution saying that nothing we do should adversely affect Medicare. I do not strike that provision. In fact, I voted for it. But I want this Senate to go on record that it was a mistake to raise taxes on Social Security beneficiaries.

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I simply point out that this amendment will cost over \$33 billion and does not say how we will pay for it. Another way of saying that is that this is a political amendment to make a political statement without saying how we are going to pay for this kind of reduction in revenue. I yield back the balance of my time.

Mr. GRAMM. 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 agreeing to amendment No. 4034. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Alabama [Mr. HEFLIN] are necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Heflin Rockefeller

The amendment (No. 4034) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4009

The PRESIDING OFFICER. The question is on the underlying amendment, as amended. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. EXON. Mr. President, most of us cannot possibly hear what is going on. I cannot hear my friend from the chair very well. Would the Chair please repeat the request?

The PRESIDING OFFICER. The yeas and nays having been vitiated, the question is on the underlying amendment, as amended.

Without objection, the amendment is agreed to.

The amendment (No. 4009), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, first, might I say that some Members have gotten ourselves in trouble because we were planning to meet while our spouses were having dinner. We have canceled that radical idea. I want everybody to know we are going to go out at 5:30 because a number of Senators want, for some reason, to get ready for this event.

Mr. EXON. May I ask that the Senator not include we in that statement, just to clarify the record.

Mr. DOMENICI. I did that on purpose. I did not think anybody would object.

One of the chairmen asked me to make an announcement, if I may have 30 seconds. Senator BOND asked that I announce that the Small Business Committee will hold a short meeting to dispose of two business matters that the committee is aware of in room S-214 at approximately 4:40, which would probably be after the next vote. In any event, it will be around that time. I do not think unanimous consent is required. This is permitted. Is that satisfactory?

Mr. BOND. Yes, it is in the Vice President's office.

AMENDMENT NO. 4019, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the Dole amendment No. 4019. I have cleared this both with Senator EXON and the minority leader.

Mr. EXON. That is true. When the 30 seconds on the Dole amendment comes up on our side, I will yield 15 seconds to the two Senators from California, in any order they choose.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending question is amendment No. 4019.

Mr. DOMENICI. Mr. President, I call up Senator DOLE's amendment No. 4019, as modified.

The PRESIDING OFFICER. The amendment is pending.

The Senator from California [Mrs. BOXER] is recognized.

Mrs. BOXER. Mr. President, an L.A. Times newsstory gave rise to this amendment. I think a report by the AG is in order. I will vote "yes." I think that report will show vigorous support of law enforcement. I thank Senators DOMENICI and DOLE for deleting certain provisions.

I yield to Senator FEINSTEIN.

Mrs. FEINSTEIN. Mr. President, I echo the statement of my colleague, Senator BOXER, and only add to it that in a discussion with an editor of the Los Angeles Times on this matter yesterday, I think there is conflicting data as to whether there are certain guidelines or thresholds below which there is not prosecution. I believe this needs to be cleared up.

I thank the majority leader and Senator DOMENICI for their understanding in this matter. I think it is important that there be an investigation on what prosecutorial guidelines, thresholds, any other provisions for prosecution of across border crime there may be.

I thank the Chair.

Mr. DOMENICI. Mr. President, the Dole amendment expresses the sense of the Senate that the Attorney General should investigate whether drug smugglers are avoiding prosecution in the United States because of the policies of the Department of Justice and report to the chairman of the House and Senate Judiciary Committees on that matter within 30 days.

The amendment also expresses the sense of the Senate that the Attorney General should change the policy in order to ensure the vigorous prosecution of drug smugglers and direct all U.S. attorneys to vigorously prosecute them.

That is Senator DOLE's interpretation of his amendment.

I yield the floor.

I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I ask unanimous consent that Senator COVERDELL be added as a cosponsor.

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

Mrs. BOXER. Mr. President, I voted for the amendment offered by the majority leader on the subject of drug prosecutions in the Southern District of California, but I wish to take a moment to clarify any misperceptions that the amendment may have prompted. Some have implied that the U.S. attorney for the Southern District of California is weak on drug prosecutions. This implication is false and unfair.

The facts are that the U.S. attorney's aggressive policies have led to more drug prosecutions, more prosecutions of border drug smugglers, more criminal alien prosecutions, and more alien smuggling prosecutions. This is a record to be proud of.

Let us take a look at the facts. Total prosecutions by the U.S. attorney have more than doubled over the past 5 years. Let me say that again, the U.S. attorney is prosecuting more than twice as many felonies as his predecessor.

The U.S. attorney initiated a formal cooperative agreement on drug prosecutions with the San Diego District Attorney. In the past, the DA did not prosecute border-related drug cases at all. Last year, the local DA prosecuted more than 1,000. As a result of this unprecedented Federal-county cooperation, total border-related drug prosecutions have more than tripled over the past 5 years.

This cooperative Federal-county relationship is credited by the San Diego District Attorney with making a positive impact on San Diego's overall crime rate.

In January 1995, the U.S. attorney revised its criminal alien prosecution guidelines for the first time in more than 10 years. As a result, 1,334 criminal aliens were prosecuted in 1995, compared to only 179 in 1992—a 745 increase.

The U.S. attorney has led a major effort to prosecute alien smugglers. Nearly three times as many alien smugglers were prosecuted in 1995 as were prosecuted in 1994. And more will be prosecuted in 1996 than last year.

The Dole amendment implies that the U.S. attorney refuses to prosecute cases involving less than 125 pounds of marijuana. This is absolutely false. In fact, of the 184 felony marijuana cases prosecuted this year, 50 percent involve less than 125 pounds.

I ask unanimous consent that additional material detailing the U.S. attorney's record be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 21, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of May 14, 1996, concerning a recent Los Angeles Times article on the drug prosecution policies in the Southern District of California. That article provided an incomplete and inaccurate picture of felony drug prosecutions in the Southern District.

The most serious inaccuracy in the L.A. Times article is the suggestion that the United States Attorney's Office ("USAO") is ignoring narcotics cases involving less than a predetermined quantity of drugs. The United States Attorney, in conjunction with the San Diego County District Attorney, pursues all drug cases on the border in which prosecutors believe charges are warranted, regardless of the quantity of drugs involved.

Upon taking office in November 1993, United States Attorney Bersin revised the Southern District's prosecution policies in order to make more effective use of sanctions available under the immigration laws. Those revisions have resulted in a 58 percent increase in the total number of felony prosecutions brought by the USAO from 1993 to 1995.

Prior to the change in policy, the USAO retained jurisdiction over every defendant arrested for illegal activity at the border, regardless of the seriousness of the offense. As a result of the volume of cases, the USAO treated as misdemeanor possession cases many drug cases that could have been prosecuted as felonies based on the quantities of controlled substance seized.

United States Attorney Bersin worked with the District Attorney to change that system. They agreed that the District Attorney would prosecute border-related cases with a San Diego nexus (i.e., the defendant is a resident of or the car is registered in San Diego, or the drugs are destined for San Diego). The District Attorney now prosecutes as felonies many border-related drug cases that would have been brought by the USAO as misdemeanors, if at all, prior to 1994.

As a result of this agreement, the number of federal felony drug prosecutions, combined with the District Attorney's felony border drug prosecutions, rose from 764 in 1994 to 1,406 in 1995. The agreement has also permitted the United States Attorney's Office to redirect prosecutorial resources from minor drug cases to major narcotics investigations such as those arising from the Department's Southwest Border Initiative. Moreover, the increase in felony dispositions—followed inevitably by deportation—

has made more defendants eligible for prosecution under the stiff provisions of 8 U.S.C. §1326 should they reenter illegally. During 1995, the USAO prosecuted 1,334 such criminal aliens, more than were prosecuted during the entire nine years prior to 1994.

Nor was the L.A. Times correct that the USAO automatically declines cases involving less than 125 pounds of marijuana. In the first four months of this year, fully half (92 out of 184) of the felony drug cases filed by the USAO were in that category. More important, most of the 2,000 cases referred to the District Attorney since 1994 involved less than 125 pounds of marijuana.

There are certain cases in which USAO declines prosecution in favor of immigration proceedings. Where proof of knowledge and criminal intent is lacking, and where the defendant is not a U.S. citizen, has no criminal record, has little or no information about organized drug smuggling, and is found with less than 125 pounds of marijuana, prosecution is deferred and the case is sent to the Immigration Court for an exclusion hearing. All five factors must be present to warrant deferral.

At the time of such deferral, the alien's immigration green card or border crossing card is confiscated, he is ejected from the country, and after a hearing can be formally excluded. Under the previous policy, when these cases were prosecuted as misdemeanors, green cards were not confiscated. Moreover, a person who has been excluded, and who reenters the United States with illegal drugs within five years, may be prosecuted for both the new and prior drug offenses.

Contrary to the assertion in the L.A. Times article, the policy of deferring prosecution of certain cases is not a "free pass" for those who transport less than 125 pounds of marijuana. Seizure of a green card or border crossing card is a serious and immediate sanction and has a far greater effect on drug trafficking than misdemeanor prosecution. Indeed, Peter Nunez, who served as United States Attorney under President Reagan and as the Assistant Secretary of Treasury for Enforcement, has endorsed the use of exclusion proceedings. Former Bush Administration U.S. Attorney William Braniff expressed similar views, as reported in the L.A. Times on May 18, 1996:

"If I had the option that [U.S. Attorney Bersin] has today of immediately ejecting and taking the green card, I would have used that rather than misdemeanor prosecutions. * * * I think in most cases it is a greater deterrent * * *"

Finally, the L.A. Times article mischaracterized the eight specific cases that it cited as examples of the U.S. Attorney's Office's purportedly lax prosecution policy. Based on available information, felony charges were, in fact, filed in four of the eight cases. Three of those defendants are in custody; the fourth is a federal fugitive. Of the remaining four cases, the San Diego District Attorney declined to prosecute one because of insufficient evidence to support criminal charges; two were declined by the USAO on the same ground. In the eighth case, prosecution was delayed as the government attempted to secure the cooperation of the suspect. That failed and investigation of the case continues.

In sum, the primary implication of the L.A. Times article is misleading and the case-related facts are largely inaccurate. The United States Attorney for the Southern District of California and the District Attorney for San Diego County have vigorously prosecuted drug smugglers at our borders and their efforts should serve as a model for cooperation between law enforcement agencies at the federal and state levels. A careful and responsible analysis of the District's

prosecution policies and case statistics can lead to no other conclusion.

If I can be of further assistance on this matter, please do not hesitate to contact me.

Sincerely,

JANET RENO.

THE DISTRICT ATTORNEY,
COUNTY OF SAN DIEGO,
San Diego, CA, May 15, 1996.

Attorney General JANET RENO,
Main Justice Building, Washington, DC.

DEAR MS. RENO: A recent Los Angeles Times article suggested that drug smugglers crossing the border into California are not being prosecuted. Specifically, it was claimed that criminals who smuggle less than 125 pounds at the border are not charged. Since my office files over 160 marijuana border drug cases every month, I want to correct any misapprehension on this point.

Here are the facts:

1. The San Diego District Attorney's Office prosecutes border drug cases referred to us by the federal government. This is part of a cooperative effort between the U.S. Attorney and local law enforcement to control border crime. Since 1994 this office has prosecuted approximately 2000 of these cases.

2. There is no "weight limit" on these cases. The notion that the only marijuana smuggling cases prosecuted are over 125 pounds is false. In fact, the average weight is 901 pounds and of the 180 cases currently pending all but 25 of them involve less than 125 pounds. I should note that some cases referred to my office are declined. That percentage (about 23 percent) is consistent with the rejection rate for cases generally and is based solely on the sufficiency of evidence. Those cases that are rejected are still handled by the immigration court.

3. Border drug cases are prosecuted successfully. Of the cases referred to our office 85% have been convicted, 9% are pending, and 6% failed to appear for court. There have been no acquittals.

Finally, I will note that the success of this cooperative effort has freed resources for major narcotic investigations and has made a positive impact on San Diego's overall crime rate.

I am attaching our current list of pending border drug cases which includes by name, date and offense the border drug cases currently being prosecuted. The report should dispel any false impressions about border drug prosecutions. The cases are prosecuted—routinely and successfully.

Very truly yours,

PAUL J. PFINGST,
District Attorney.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
San Diego, CA, May 17, 1996.
STATEMENT OF P. JEFFREY CASEY, DEPUTY
SPECIAL AGENT IN CHARGE, U.S. CUSTOMS
OFFICE OF INVESTIGATIONS

The quote attributed to me in the May 12, 1996, Los Angeles Times article concerning border drug prosecutions is inaccurate. My "quote" was made in the context of describing one component of a three tiered prosecution system in place here in San Diego.

I explained to Mr. Reza the three mechanisms in place to prosecute Port of Entry Border drug smugglers apprehended in San Diego County. I told Mr. Reza that one mechanism is Federal prosecution, a second mechanism is County prosecution and the third mechanism is deferred prosecution which is used in those cases where there is insufficient evidence to establish criminal knowledge and intent.

The assertion that cases involving 125 pounds of marijuana or less are not prosecuted in San Diego is false. I never made

any such statement, nor could I since our U.S. Customs Special Agents present literally hundreds of such cases annually for prosecution as the County and Federal level.
P. JEFFREY CASEY.

Mr. HELMS. Mr. President, last week the distinguished majority leader, Mr. DOLE, reacted with justifiable indignation to a May 12 Los Angeles Times report indicating that the Clinton-appointed U.S. attorney in San Diego is failing to prosecute some of the drug smugglers detected and reported to him. In fact, more than 1,000 suspected traffickers have been sent back to Mexico since 1994 with scarcely more than a slap on the wrist—if that.

The U.S. attorney's office in San Diego reportedly has virtually discontinued filing charges or prosecuting drug smugglers. Instead they are merely deported. The Los Angeles paper estimates that 25 percent of all detected drug smugglers in the southern district of California are sent back to Mexico where they are free to renew attempts to smuggle drugs into the United States.

Senator DOLE's concerns are well-founded, Mr. President: Consider these cases: Two U.S. citizens were arrested when found to have 150 pounds of marijuana, in their possession. Another had 386 pounds. All three were released without jail or prosecution.

Two Mexican women, transporting 24 pounds of marijuana and 32 pounds of narcotics across the border to California, were handed tickets back across the border, where they no doubt reloaded for another trip to California.

Customs inspectors are working hard on the borders, but hundreds of traffickers are avoiding prosecution. One Customs inspector told the Los Angeles Times: "Lack of enforcement is not because inspectors are not trying. It's because of the policy coming from upstairs."

Mr. President, the pending sense of the Senate amendment calls on the U.S. Attorney General to investigate this situation immediately and report promptly to the respective chairmen of the Judiciary Committees of the House and Senate.

International drug trafficking is fundamentally a matter of national security, Mr. President. The drug trade is one of the gravest threats to the security of U.S. today. Smugglers are crossing our southern borders with impunity, selling illicit drugs in our communities and poisoning our children. Senator DOLE refers to these drug smuggling thugs as "merchants of death." The distinguished Senator has that right—and the problem is getting worse by the day.

There's been a resurgence in illegal drug usage among our youth. Since 1992, the number of high school seniors using drugs on a monthly basis has jumped 52 percent. And during the current administration, the price of illegal drugs have fallen significantly, suggesting that the flow and the availability of illegal drugs are increasing.

The Clinton administration's record on illicit drug use has been described by a Senate Judiciary Committee report as "benign neglect." It is worse than that—it is an abdication of duty.

The Administrative Office of the U.S. Courts states that there was a 12 percent decline in drug prosecutions between 1992 and 1994. Furthermore, the Clinton administration's budget request for fiscal year 1995 would have resulted in a cut of 621 drug enforcement positions from the Drug Enforcement Agency, the Federal Bureau of Investigation, and other Federal agencies. Fortunately, Congress restored many of these proposed cuts in law enforcement manpower.

At a time when drug use is skyrocketing, there should be an urgent increase in aggressive prosecution of the criminals who transport illicit drugs across our borders. This is a national problem, Mr. President, yet the administration has reduced drug prosecutions at the very time that drug use is soaring. It's time for the administration to rejoin the war on drugs and the vigorous enforcement of our Federal drug laws.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. 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 result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—100

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

The amendment (No. 4019), as modified, was agreed to.

AMENDMENT NO. 4010

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 4010 offered by the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I will not ask for a rollcall vote on this. I think

it can be voice voted. It is very direct. It speaks to the problem that we have which the Entitlement Commission pointed out that says they were not going to have the money to pay people their entitlements—retirement funds—when they come due. It says that in the future the COLA—the cost-of-living adjustment—that occurs automatically will only apply to the first \$75,000 of retirement pay. I have checked. The Defense Department tells me no military personnel come under this. OMB tells me that something like one-tenth of 1 percent of total retirees would have this applied to them. But 30 years from now, after people who joined the military service or joined civil service under these rules come to retirement, it will have an impact. It is one way in the future prospectively to make sure we have money to pay the retirements that we promised.

Mr. GLENN addressed the Chair.

Mr. EXON. Mr. President, I yield 30 seconds of our time to my friend and colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I disagree strongly with this. I think it unfairly limits people in the future. It is an arbitrary attempt to attack the earned pension benefits of the more highly compensated Federal employees, both military and civilian. The higher paid employees receive higher pension benefits, and I think it is unfair to penalize some Federal employees because they were good at their job, because they were promoted and because they make a better salary in their retirement.

Now, the amendment was defeated in the Budget Committee. It is brought up again here. It is, in effect, a future income cut for these people. Once again, we are trying to make our senior military and our civilians the whipping boys because of our failure on other budget matters. I think it is drastically unfair.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, did somebody ask for the yeas and nays?

Mr. EXON. The Senator from Ohio did.

Mr. DOMENICI. Even though he is willing to go by voice?

Mr. GLENN. Yes, because I disagree strongly with the amendment for reasons I just gave.

Mr. DOMENICI. We can vote it down by voice, and then the Senator could still get the yeas and nays after.

Mr. GLENN. I certainly want to know what the ruling would be in that case. I am not going to do it because I know what the decision would probably be.

Mr. BROWN. Will the Senator yield?

Mr. GLENN. I yield.

Mr. BROWN. I certainly would not object to the request for a vote after he hears the ruling of the Chair if he wish-

es to do that. My only thought was a voice vote would expedite procedures. I am happy to go along with either procedure you prefer.

Mr. DOMENICI. He is just suggesting that if he happens to lose on a voice vote, he can then have a rollcall vote.

Mr. GLENN. OK, I agree with that, if we have the agreement that if we lose on the voice vote, we will then have a record rollcall vote. That is fine. I trust all the people on our side will be in good voice.

Mr. DOMENICI. There are a lot of people in the Chamber. Only Senators make their voices heard now. None of the staff votes.

The PRESIDING OFFICER. If there is no objection, the yeas and nays are vitiated. The question is on agreeing to the amendment.

The amendment (No. 4010) was rejected.

AMENDMENT NO. 4011

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 4011 of the Senator from Iowa, Mr. HARKIN.

Mr. DOMENICI. Senator HARKIN is up.

Mr. EXON. I am not sure the Senator from Iowa heard. I think the Chair was asking him to proceed. The next amendment up is No. 23 on my list, which is No. 4011 by Senator HARKIN. The Senator has 30 seconds.

Mr. DOMENICI. This is Senator HARKIN's amendment now.

Mr. HARKIN. What happened to the vote on the other one?

Mr. DOMENICI. We are finished. We have done it.

Mr. EXON. To answer the Senator's question, it was turned down by voice vote.

Mr. HARKIN. I see.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this amendment divides the first reconciliation bill. All this amendment does is it takes welfare reform and separates it from Medicaid reform. It puts welfare reform in the first reconciliation bill. It leaves Medicaid reform in the second reconciliation bill so that we can have a straight vote on welfare reform. We should pass welfare reform in this Congress. We should and we can. It is not likely to be signed if it has a controversial Medicaid bill attached to it. So I call this the let-real-welfare-reform-become-law amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will move to table the amendment shortly. But let me just say the budget resolution has a first reconciliation bill that will include welfare reform and Medicaid. This amendment strikes the Medicaid from that reconciliation bill and puts it into one with Medicare and other entitlements. I do not believe we ought to do that. We have thought it

through and we want it in two pieces. The first one should be welfare reform and Medicaid.

Therefore, I move to table the amendment.

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 amendment No. 4011, offered by the Senator from Iowa [Mr. HARKIN].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. EXON. May I suggest the regular order.

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

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—60

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

NAYS—40

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

The motion to lay on the table the amendment (No. 4011) was agreed to.

Mr. DOMENICI. Mr. President, I wonder if Senator BUMPERS will be willing to proceed with his second of sequential amendments—the one on the firewalls—now, and then we will proceed immediately to the other amendment.

Mr. BUMPERS. Which one do you want to do first?

Mr. DOMENICI. Firewalls.

Mr. BUMPERS. You want to do firewalls first?

Mr. DOMENICI. Mr. President, I ask it be in order for Senator BUMPERS to proceed to the Bumpers-Simon amendment No. 4014.

Mr. BUMPERS. I have been preparing for the amendment on asset sales. We are not really quite ready to go to firewalls. Is there any objection to going ahead with the asset sales?

Mr. DOMENICI. We have a second-degree amendment to yours, and we are now checking that amendment to make sure that it is not subject to a parliamentary impediment. If it is, we will try to repair it, and we do not have enough time to repair it in 30 seconds.

Mr. BUMPERS. I think it is irreparable.

Mr. DOMENICI. If the Senator will set it aside and take firewalls. If you want, I can explain the firewalls amendment for you.

Mr. BUMPERS. We would rather like to offer the asset sales first and then get the second one disposed of one way or the other.

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

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

AMENDMENT NO. 4013

Mr. BUMPERS. Mr. President, this amendment is one that we have voted on a number of times. We voted twice last year. It got 47 votes the first time, it got 49 votes the second time. It simply says, you cannot sell assets of the Federal Government and score those assets on the budget deficit. If you sold \$130 billion worth of Government property today, you could balance the budget this year, but next year you are going to have the same budget deficit you had. Rudolph Penner, Bob Reischauer both say it is bad policy. It is dishonest budgeting. We ought not to be doing it. From 1987 to 1995 we specifically provided in the budget resolution that we would not score asset sales.

So, Mr. President, I hope that at least we can get this body to vote for honest budgeting. I am not suggesting that you not sell assets. I have voted one asset sale this year. I am saying, do not score it. It reminds me of the guy that came home from the office and told his wife he had a great day at the office. She said, "What happened?" He said he sold his desk. That is what we are doing when we sell the assets and put it on the deficit.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator MCCAIN has an amendment for himself and the Senator from New Mexico.

AMENDMENT NO. 4035 TO AMENDMENT NO. 4013

(Purpose: To express the sense of the Senate regarding corporate subsidies and to provide a rule that would prohibit the scoring of proceeds from asset sales that would lead to a financial loss by the Federal Government.)

Mr. MCCAIN. Mr. President, I have a second-degree amendment and ask for its immediate consideration.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. DOMENICI, proposes an amendment numbered 4035 to amendment No. 4013.

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

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

The amendment is as follows:

In amendment No. 4013, strike all after the first word and insert the following:

• CORPORATE SUBSIDIES AND SALE OF GOVERNMENT ASSETS.

(a) CORPORATE SUBSIDIES.—It is the sense of the Senate that the functional levels and aggregates in this budget resolution assume that:

(1) the federal budget contains tens of billions of dollars in payments, benefits and programs that primarily assist profit-making enterprises and industries rather than provide a clear and compelling public interest;

(2) corporate subsidies can provide unfair competitive advantages to certain industries and industry segments;

(3) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(4) federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, should be reformed or terminated in order to provide additional tax relief, deficit reduction, or to achieve the savings necessary to meet this resolution's instructions and levels.

(b) SALE OF GOVERNMENT ASSETS.—

(1) BUDGETARY TREATMENT.—

(A) IN GENERAL.—For the purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to subparagraph (B).

(B) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from:

(i) proceeds from the asset sale;

(ii) future receipts that would be expected from continued ownership of the asset by the Government; and,

(iii) expected future spending by the Government at a level necessary to operate and maintain the asset to generate the receipts estimated pursuant to clause (ii).

(2) DEFINITIONS.—For purposes of this section, the term 'sale of an asset' shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) TREATMENT OF LOAN ASSETS.—For the purpose of this subsection, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

Mr. MCCAIN. Mr. President, this amendment expresses the sense of the Senate on an issue of profound importance to the American people—the reform and elimination of undue corporate subsidies in the Federal budget.

The amendment finds that the Federal budget contains billions of dollars in payments, benefits and programs that predominantly assist profit-making enterprises rather than provide

a clear and compelling public benefit. Such largess can provide unfair competitive advantage to certain industries and industry segments and has become an enormous drain on the Treasury.

And, the amendment expresses the sense of the Senate that the Congress should reform or terminate such programs in order to provide additional tax relief, deficit reductions, or achieve the savings necessary to meet the resolution's budget instruction.

Mr. President, we are asking millions of Americans—from families who receive food stamps to our men and women in uniform—to sacrifice in order to stop the Nation's fiscal bleeding.

As a matter of simple fairness, we have a moral obligation to ensure that corporate interests share the burden. The Cato and Progressive Policy Institutes, have identified 125 Federal programs that subsidize industry to the tune of \$85 billion every year, and PPI found an additional \$30 billion in tax loopholes to powerful industries.

The public cannot understand why we continue to shell out billions of dollars in subsidies to powerful corporate interests, when we simply cannot afford such largess, and at a time when many corporate CEO's are earning bonuses that resemble the budgets of many school districts.

Corporate pork cannot be justified in such an environment and it has no place in a diminishing Federal budget.

Some believe that corporate pork is a thing of the past. Sadly that is not so. While some gains were made this year in trimming the fat, the effort was been disappointingly anemic.

We still subsidize the overseas advertising of multimillion dollar companies through the Marketing Promotion Program; hundreds of millions are earmarked for unrequested hometown military construction projects; we still coddle wealthy peanut and sugar growers with anachronistic production quotas and tariff restrictions; billions remain in the pipeline for highway demonstration projects which are not even considered priorities in the States where they will be built;

And the biggest and most obscene example, we still plan to give away billions of dollars in publicly owned electromagnetic spectrum to affluent communications companies; and that list goes on and on.

Last November, I offered an amendment along with Senator THOMPSON and others to eliminate and reform 12 of the most celebrated and egregious forms of corporate pork identified by CATO and PPI. The fact that 74 Senators voted against the amendment is ample testimony to the problem.

Mr. President, corporate pork wastes resources, increases the deficit, distorts markets and has no place either in a free market economy or in a budget where we are asking millions of Americans to sacrifice for the good of future generations.

As the Public Policy Institute observed, "The President and Congress can break the current impasse and substantially reduce both spending and projected deficits * * * if they are willing to eliminate or reform scores of special spending programs and tax provisions narrowly targeted to subsidize influential industries."

"If we are willing"? That's the million dollar question, Mr. President. This amendment will determine where the Senate stands on corporate subsidies, and will serve as a springboard to make the changes necessary to regain control of the budget and restore the public's confidence in the budget process.

Mr. President, a portion of this amendment crafted by Senator DOMENICI addresses the question of how asset sales should be treated in regard to budget scoring. The distinguished Senator from New Mexico will explain that particular language in his remarks.

I thank Senator DOMENICI and I urge all Senators to support the amendment.

Mr. President, to summarize, this amendment makes two changes to the Bumpers asset sales amendment. First, it would add language expressing the sense of the Senate that corporate subsidies should be reduced. The language states we should eliminate any unjustified corporate subsidies in the budget and use the savings for deficit reduction and tax relief. Second, in lieu of the Bumpers amendment, it would prohibit using asset sales to balance the budget. This amendment would prohibit the scoring of proceeds from asset sales that would lead to a financial loss by the Federal Government over the long run.

Mr. EXON. I yield 30 seconds to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Arizona's amendment is not the worst amendment in the world. But it simply does not address the problem. It essentially says that if we are going to sell an asset, let us get fair market value. That is not the problem, even though in cases it has a tendency to be the problem.

But the problem is that we have been proposing around here to sell the PMA's. If you have a power marketing system in your State, there has been a proposal to sell it. We sold one in Alaska, just voted to sell the Uranium Enrichment Corporation. There have been proposals to sell Elk Hills. It is now on the block. I am not suggesting we are not going to get fair market value for it, even though we will not because it is money—as the Senator from Arizona says, the amount of money coming in over the next 30 years is more than we are going to get. All I am saying is, sell it if you want to, put it on infrastructure; but do not put it on the deficit when you have to come back next year and redress it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Senator for at least recognizing that our amendment is not the worst amendment in the world. We greatly appreciate that.

Mr. BUMPERS. It is close.

Mr. DOMENICI. It is obvious this amendment is a good amendment. It says asset sales cannot cost the Government over time, present value cannot cost the Treasury any money. We think that is a good rule. We hope we adopt it. I ask for the yeas and nays on the McCain 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 now occurs on agreeing to the McCain second-degree amendment No. 4035. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—98

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

NOT VOTING—2

Dodd Lieberman

The amendment (No. 4035) was agreed to.

AMENDMENT NO. 4036 TO AMENDMENT NO. 4013, AS AMENDED

(Purpose: To restore common sense to the budget rules by reversing the rule change on the scoring of asset sales)

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. 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 Arkansas [Mr. BUMPERS], for himself, Mr. BRADLEY, and Mrs. MURRAY, proposes an amendment numbered 4036 to amendment No. 4013, as amended.

Mr. BUMPERS. 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:

The pending amendment, as amended, is amended by adding the following:

Notwithstanding subsection (1) of this amendment regarding the sale of government assets, the sale of assets shall be treated as follows:

(1) BUDGETARY TREATMENT.—For purposes of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from sales of assets shall be scored with respect to the level of budget authority, outlays, or revenues.

(2) DEFINITIONS.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

Mr. DOMENICI. Mr. President, will the Senator yield? I would like to announce for the Senate—and I hope Senators will listen.

The PRESIDING OFFICER. The Senator will come to order.

Mr. DOMENICI. When we finish this second-degree amendment by Senator BUMPERS, which we will start very shortly, there will be no further votes tonight. When we wrap up business today, we will indicate in the unanimous consent that at 10 a.m. in the morning we will begin a series of roll-call votes on the budget resolution. We believe we have 11 of them. We will work until 1 o'clock and have a recess for 1 hour, return at 2 o'clock and we will be finished sometime shortly thereafter. By that time, we will probably be down to three or four amendments.

That is what we have agreed to. I am not putting it before the Senate in a consent, but I thought you would like to know.

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

Mr. DOMENICI. I will be happy to yield to the Senator for a question.

The PRESIDING OFFICER. The Senator will be in order.

The Senator has yielded for a question of the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to ask the Senator if the McCain amendment we have adopted has any application to the Bonneville power administration as it relates to its corporate status.

Mr. DOMENICI. The corporate subsidies and all matters related thereto were never intended to relate to Bonneville.

Mr. HATFIELD. I thank the Senator.

Mr. DOMENICI. And/or similar projects to Bonneville.

Mr. BUMPERS addressed the Chair.

Mr. DOMENICI. I thank the Senate for the time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I know everybody wants to get to the party. This amendment, the second-degree amendment, is precisely the same amendment as my first-degree amendment which was taken down by the McCain amendment. The McCain amendment does one thing that is good. It says that you cannot sell an asset for less than its net present value, but that does not affect an asset like a national park that has no income stream. And second, let me repeat, Rudolph Penner and Bob Reischauer, two of the most respected directors of the Congressional Budget Office we have ever had, said it is terrible policy to score asset sales on the budget deficit.

Please vote yea on my amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Mexico.

Mr. DOMENICI. The Senate overwhelmingly voted to substitute this amendment. We voted for it. There is no use going back and undoing what we have done by another amendment. So I move to table the Bumpers amendment and ask for 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 table the Bumpers amendment No. 4036. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Connecticut [Mr. LIEBERMAN] are necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—52

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

NAYS—46

Akaka	Bradley	Cohen
Baucus	Breaux	Conrad
Biden	Bryan	Daschle
Bingaman	Bumpers	Dorgan
Boxer	Byrd	Exon

Feingold	Kerry	Pryor
Feinstein	Kohl	Reid
Ford	Lautenberg	Robb
Glenn	Leahy	Rockefeller
Graham	Levin	Sarbanes
Harkin	Mikulski	Simon
Hollings	Moseley-Braun	Specter
Inouye	Moynihan	Wellstone
Johnston	Murray	Wyden
Kennedy	Nunn	
Kerrey	Pell	

NOT VOTING—2

Dodd Lieberman

The motion to lay on the table the amendment (No. 4036) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4013, AS AMENDED

The PRESIDING OFFICER. The question now occurs on amendment No. 4013, as amended.

Mr. DOMENICI. I ask unanimous consent that the underlying amendment, as amended, be agreed to, and the motion to reconsider be laid upon the table.

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

The amendment (No. 4013), as amended, was agreed to.

Mr. HATCH. Mr. President, today we continue our important quest to free the children of this country from an enormous burden of debt; we can start to free up the Federal Government from the compounding interest payments that threaten our fiscal future. The vote today is a very important one. It shows whether we are determined to balance the budget in a meaningful and attainable way, or whether we want to see business as usual in the Federal Government.

Mr. President, the problem of lowering the deficit is not a new one. We got to this point over a period of 40 years. Over the last 30 years, we have seen a clear and uninterrupted trend of increasing deficits. During the 1960's, deficits averaged \$6 billion per year. In the 1970's, deficits averaged \$36 billion per year. In the 1980's, they climbed to \$156 billion per year. It doesn't stop there, in the 1990's, so far, deficits have averaged \$259 billion per year.

I think there is plenty of blame to share among all the Members of Congress and all the U.S. Presidents during these decades of debt buildup. The Vietnam war, the rise in entitlements, the creation of new agencies and roles of Government—all of these and other factors contributed to the budget mess we are in today.

But, today, Mr. President, the question is not so much how we got in the hole, but how we get out.

Today, Mr. President, we can only lay blame on those who do not support a plan to balance the budget by the year 2002 and utilizing real numbers. Today, we have an opportunity to begin the process of addressing our deficit head-on and setting our country on the road to a balanced budget.

Mr. President, the taxpayers pay for the deficits the Federal Government keeps running up. Every year the hard-working Americans work to pay for our fiscal irresponsibility. But, the hurt from our spending does not stop there. The ones who are going to bear the brunt of this debt are our children and grandchildren. A child born today will pay \$187,000 in taxes throughout his or her lifetime just to pay the interest on the debt our annual deficit spending has amassed.

This debt amounts to roughly \$18,500 per person today with annual interest charges exceeding \$2,575 per taxpayer. This is not right.

Mr. President, balancing the budget will help to lighten this burden on our families, and most importantly, on our children and grandchildren. It will take a long time to pay off a \$4.9 trillion debt. But, by voting on a resolution to balance the budget by 2002, we can at least begin the process. And, we can face the dawn of a new century with a renewed commitment to fiscal responsibility.

Mr. President, I think that almost all of us theoretically agree that we must balance the budget. And, clearly, the debate involves setting priorities. But, the real test is one of political will. Not one of us is going to get his or her own way on everything in this budget resolution. But, the larger issue still looms. Are we determined to balance the budget? Are we willing to compromise a little here and there for achievement of a goal that has been eluding us for decades?

We must use reliable data. Using rosy estimates and forecasts may make the job of Federal budgeting easier for us and for the President, but it won't work. When I commute to the Hill in the morning, I can estimate that it will take me 5 minutes. But, that estimate won't make me on time.

We need to use conservative, real-life estimates of what the economy is going to look like in the future so we adopt reasonable policies to efficiently react to the economic environment of the future.

The difference between the Republican budget resolution and the budget submitted by President Clinton is what it gives to the American people. The Republican bill lowers the cost of Government, keeps the Medicare trust fund solvent longer, contains attainable spending control, and allows the American people to keep more of their hard-earned money.

Many of my colleagues have complained about the control we put on spending in this legislation. I can only say to them that if we do not do it now, the pain will be even greater later on. What will we tell seniors when their savings are devoured by inflation? What will we tell our kids in just a few years when a greater share of our annual budget is allocated to debt service than to domestic programs such as education or public health?

Mr. President, this is where the rubber meets the road. Do we continue to

hide behind business as usual, using rosy estimates and gimmicks? Do we front-load spending on all the popular programs in the first few years and back-end all the serious reductions into the last 2 years? That strategy obviously appeals to President Clinton since that is the basic idea in his budget. Personally, I see no virtue in postponing the inevitable. The deficit cancer will not cure itself if we ignore it longer.

I, for one, am not willing to leave the future of this country to the status quo. I believe that the most important thing we can do is continue to move down the road to fiscal responsibility. I want to commend Senator DOMENICI and my colleagues on the Budget Committee. Having served on the Budget Committee, I am well aware of the difficulty in bringing a budget resolution to the Senate floor, let alone one that is honest, straightforward, and gets the job done. I join in supporting this budget resolution.

MAINTAINING ECONOMIC DEVELOPMENT AGENCY FIELD REPRESENTATIVES

Mr. BINGAMAN. Mr. President, I am pleased that the Senate has adopted my amendment on the Economic Development Administration. This amendment calls for the EDA to place high priority on maintaining field-based economic development representatives and requests reconsideration of those staff and offices that are now slated to be terminated and closed as part of the EDA's recent reduction in force.

Mr. President, I support the Economic Development Administration's efforts over the last 30 years in New Mexico. Recently, New Mexico has moved from 48th to 47th place in the Nation in terms of per capita personal income. New Mexico, in terms of export sector growth, has been first in the Nation for the last 5 years. While I don't wish to imply that the EDA has directly caused all of these changes, I do believe that the EDA has played a vital role in helping to nurture economic activity in areas of New Mexico that might not otherwise have made the sort of efforts that are now underway.

The Economic Development Administration is not designed to help urban areas further develop. Rather, EDA's mission is to nurture economic competence and help seed economic activity in nonurban regions of the Nation, particularly in economically disadvantaged communities. The EDA does a great many things that have been important in New Mexico and around the Nation including the promotion of industrial park development, business incubators, water and sewer system improvements, vocational and technical training facilities, technical assistance and capacity building for local governments, economic adjustment strategies, revolving loan funds and other projects which the private sector has not generated or will not generate without some assistance from the Government.

The Economic Development Administration maintains six regional offices which oversee staff that are designated field-based representatives. These regional offices are located in the urban areas of Austin, Seattle, Denver, Atlanta, Philadelphia, and Chicago, but most of the field representatives are located in the States that they cover.

The budget that Congress finally approved for the EDA in 1996 capped salaries and expenses at \$20 million, which represents a 37-percent reduction from fiscal year 1995 levels. The new Assistant Secretary of Economic Development, Dr. Phillip Singerman, has certainly had very difficult staffing decisions to make in leading a reduction-in-force process to bring the staffing level down to what the budget would allow. I know that this has been a painful, difficult process, and I appreciate the letter from Dr. Singerman on May 6 announcing the termination of our New Mexico-based economic development representative in which he wrote that New Mexico would continue to get his personal attention.

My problem today is not with Dr. Singerman's intent. I know that he has tried to cut staff from all parts of EDA—including approximately 18 positions from the Washington headquarters. My concern is that while Dr. Singerman and the EDA might have every intent of covering New Mexico, they will not be on the ground working on a regular basis with communities that do need and have benefited from contact with a field-based economic development representative.

The Washington headquarters of EDA is about 2,000 miles from New Mexico, and the Austin regional office which oversees New Mexico is approximately 700 miles from Santa Fe. There is no doubt that the communities of New Mexico that have been pulling themselves together and generating much needed economic infrastructure are losing a very important resource because of the EDA's decision to shut down our local office.

The States that are losing field representative coverage include New Mexico, Arizona, Nevada, North Dakota, Oklahoma, Illinois, Indiana, Maine, Connecticut, Rhode Island, Mississippi, and North Carolina. Among these, New Mexico ranks 47th in per capita personal income in the Nation. Oklahoma ranks 46th. Mississippi is about 49th. North Dakota is 42d, Arizona 35th, Maine 34th, and North Carolina 33d.

In Dr. Singerman's letter to me, as well as to some of my other Senate colleagues, he stated that the decision to cut these positions or to not replace retiring personnel was based on such criteria as "local need." The States I have mentioned certainly rank high in the need category.

While the EDA was closing down the New Mexico EDA office, it was bolstering the Austin Regional Office with personnel from Washington, DC. To make matters worse, Texas is one of the few States in the Nation with two

field-based representatives, both of whom work out of the Austin office, and neither of these positions was cut. Oklahoma and New Mexico both lost their field representatives in this process, and I think that this just runs counter to Economic Development Administration's mission.

Many of the most recognizable places in New Mexico, and many of our most ambitious efforts to improve our economy have been brought to life through the efforts of Jim Swearingen and the Santa Fe EDA office. During the 30 years of EDA operation in New Mexico, the EDA office has provided millions of dollars of Federal assistance toward economic development projects including Albuquerque's KIMO Theater, the Sweeney Convention Center in Santa Fe, the Mesilla Plaza, the Taos Plaza, the UNM Technology Commercialization Center, the Carlsbad Advanced Manufacturing Training Center, the Indian Pueblo Cultural Center, and numerous other projects. So far this year, EDA has provided \$400,000 for infrastructure supporting Fort Sumner's Cheese Factory Project, \$1 million for a business incubator in Farmington, and \$4.5 million for the Crownpoint Institute of Technology in Crownpoint. Jim Swearingen has served New Mexico for 24 years—and is a person widely respected in my State. He has made a great difference.

I strongly believe that the EDA needs to keep its field representatives out with the people and communities it serves. I am pleased that there was strong bipartisan agreement in the Senate that the EDA should reconsider the nature of its current reduction-in-force and should make field representation one of its highest priorities.

MORNING BUSINESS

THE NOMINATION OF COL. JOSEPH T. MURPHY TO BE A BRIGADIER GENERAL IN THE U.S. ARMY NATIONAL GUARD

Mr. DASCHLE. Mr. President, I am delighted that the Senate has given its approval to the nomination of Col. Joseph T. (Tim) Murphy to be a brigadier general in the U.S. Army National Guard. He has faithfully served in the South Dakota Army National Guard for more than 25 years and currently serves as the State's assistant adjutant general.

I have had the honor and pleasure of working with Tim Murphy on a number of National Guard issues over the years and have been continually impressed by his commitment and dedication. He has been an outstanding advocate for the South Dakota National Guard and has served his State and country with the utmost integrity.

Considering the excellent leadership that he has provided, it is easy to understand why the South Dakota National Guard has been so successful. Just recently, for instance, the 854th Engineer Company in Moberly and

Lemmon, SD won the 1995 National Guard's Itschner Award for the most outstanding engineer company in the Active Army, Army Reserve, and the Army National Guard. This is the fifth time during the past 20 years that a South Dakota National Guard unit has won the prestigious award.

I have a great deal of respect and admiration for Tim Murphy and am convinced that his nomination is well deserved and long overdue. I would like to take this opportunity to review some of the highlights of his distinguished career in the South Dakota Army National Guard.

Tim Murphy enlisted in the South Dakota Army National Guard upon graduating from Brookings High School in 1960. He subsequently attended the South Dakota Military Academy officer candidate school and was commissioned a second lieutenant in 1965. In the same year, he served as a full-time technician and administrative officer for the 139th Transportation Battalion in Brookings. In 1971, he was selected as the first recruiting and retention manager for South Dakota.

During his tenure with the South Dakota Army National Guard, Tim Murphy served in many other capacities. As his extensive biography indicates, he was a maintenance officer, a personnel officer, and an assistant operations training officer. He was also the 129th Public Affairs Detachment commander and the South Dakota State Area Command recruiting and induction officer. In addition, he served as the plans, operations and military support officer; the director of personnel; and the director of logistics.

Tim Murphy was promoted to colonel in 1984. Five years later, he entered active duty and became the U.S. Property and Fiscal Officer for South Dakota. In 1991, he became the chief of staff for the South Dakota Army National Guard at Camp Rapid in Rapid City, SD. He maintained that position until he was promoted to assistant adjutant general earlier this year.

In addition to the many assignments that he has held in the Army National Guard, Tim Murphy has also earned numerous military awards and decorations. He has received the Meritorious Service Medal with four oak leaf clusters, the Army Commendation Medal with two oak leaf clusters, and the Air Force Commendation Medal.

Tim Murphy also earned the National Defense Service Ribbon, the Army Reserve Component Achievement Medal with three oak leaf clusters, and the Army Service Ribbon. In addition, he received the Armed Forces Reserve Medal with XX device, the Overseas Training Ribbon, the National Guard Bureau Eagle Award, and a Master Aviator Badge.

I congratulate Tim on his nomination to be a brigadier general in the Army National Guard. As I mentioned, his nomination is well deserved and long overdue. I wish him and his wife,

Carol, the very best and hope their future is filled with good health and happiness.

IKE AND DUCKWORTH

Mr. STEVENS. Madam President, in the Wall Street Journal yesterday there was an article entitled "They Also Served Who Bark and Sniff." I think perhaps some Members of the Senate may have missed this. Since tonight is the night we honor President Eisenhower, I urge all Members to read this very touching story about a small dog that was a mascot to the Air Corps in World War II and what Ike did about that.

I ask unanimous consent that this article be printed in the RECORD.

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

[From the Wall Street Journal, May 20, 1996]

THEY ALSO SERVED WHO BARK AND SNIFF

(By Frank Whitsitt)

Time has run out on World War II anniversary stories, but there's an overlooked one, about a general and a dog. It came to light in a recent exhibit at the Eisenhower Library, in Abilene, Kan., that showed what animals—either as beasts of burden or as mascots—have meant to the armed forces, which we honor today, Armed Forces Day.

Three young Army fliers were inseparable during their World War II training in Florida until the day one of them, Bostonian John Stuart Duckworth II, was transferred to Texas. His pals, Richard East of New York and Harold Taff of Indiana, went hunting for a squadron mascot to name for Duckworth. At a city pound in St. Petersburg, they plucked off death row a small, black-and-white springer spaniel with an irresistible way of cocking his head.

Duckworth the dog flew a lot of bombing missions in Northwest Africa. He was always the first off after the bomber rolled to a stop. He'd head for the landing gear's left wheel and do what's expected of a dog cooped up for hours. When Lts. East and Taff switched to fighter planes, the mascot was grounded. Nonetheless, he would patiently await one or the other's return.

But the day came—April 4, 1943—when Lt. East did not come back. He was listed as missing in action until Allied forces found the wreckage of his plane when they moved into Tunis. Lt. Taff took the loss hard. Dick East had been the best man at his wedding. And it took some time for Duckworth to realize that Lt. East would never fly back into his life. For days he had waited at the airfield, his excitement over each landing fading when someone other than Lt. East deplaned. But the dog still had Lt. Taff, and Lt. Taff still had Duckworth.

Unaware of this relationship, Lt. East's father, Bion R. East of the Columbia University medical faculty, wrote Gen. Dwight Eisenhower, asking if the dog could be sent to him and the grieving mother.

Ike directed that every effort be made to do so. Duckworth was put aboard a plane to start the journey to the States. But Ike was soon notified that a flier named Taff was heartbroken over losing the dog and was remaining with the plane until it took off. Putting military morale first, Ike wrote Dr. East of his decision to return the dog to Lt. Taff. Then Ike shared with Dr. East what his own dog meant to him. Ike's words may explain why he interrupted his rather important job of kicking the Nazis out of Africa