

Mr. DORGAN. I am pleased the Senator has asked the question. The circumstances are quite interesting about this. I think the Senator from Kentucky will probably respond to it.

In 1993, we had a balanced budget amendment on the floor of the Senate. I raised the same question there that I raised 10 years previously, in 1983, in the Ways and Means Committee, about using the Social Security trust fund. If you will go back and read the dialog, you will read that the Senator from Illinois and others with whom we had a substantial discussion about this, said, "No, no, we do not intend after we pass this amendment to use Social Security trust funds to show a balanced budget. In fact, we intend to do something statutorily to prevent that."

Two years later, instead of a promise by the promoters of the constitutional amendment that they would not use the Social Security trust fund, there was a guarantee by a vote of the Senate that they would use the Social Security trust fund.

So you ask, is it the same vote? No. One was a promise they would not use them, and the second was a guarantee by a vote of the Senate that they would.

No, it is not the same vote, not the same circumstances. The difference might seem small to some, but when you come from a town of 300 people, \$700 billion is a mountain of money.

I am happy to yield to the Senator from Kentucky.

Mr. FORD. How much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 27 minutes.

Mr. FORD. Mr. President, I yield myself 7 minutes.

#### BALANCED BUDGET AMENDMENT VOTE

Mr. FORD. Mr. President, I am glad the junior Senator from Oklahoma is on the floor. I regret, once again, the junior Senator from Oklahoma has resorted to a personal attack and distortion of my record on the balanced budget amendment.

Mr. INHOFE. Will the Senator yield?

Mr. FORD. Senator, I did not come over here and bother you. I will be glad—

Mr. INHOFE. You suggested I impugned your integrity.

Mr. FORD. You certainly have, and I will explain it.

Mr. President, I do not yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky does not yield.

Mr. FORD. Just a little while ago, the junior Senator from Oklahoma quoted from a floor statement I made on March 1, 1994. He represented, by holding up two copies of the legislation—you do not understand that or see that in black and white, but you watch it on television—that I was speaking in favor of an identical version of the balanced budget amendment which was defeated yesterday.

Mr. President, I want to give you and the Chamber a page number. I see the staff. They can go back and go through it. It was page S2058 of the March 1, 1994, CONGRESSIONAL RECORD. I wish the Senator from Oklahoma would have actually read my full statement. He would have found out that I was not speaking about the underlying constitutional amendment from which he quoted me, but rather about something called the Reid-Ford-Feinstein amendment.

Guess what that amendment did? It created a firewall so that the Social Security trust fund could not be counted to balance the budget. That was my position. It was the Reid-Ford-Feinstein amendment.

The junior Senator has misrepresented my record by quoting from that statement in support of an amendment in the form of a substitute and acting as if I was speaking about a constitutional amendment which does not protect Social Security.

On March 7, 1994—

Mr. INHOFE. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield?

Mr. FORD. I guess it is all right.

Mr. INHOFE. I ask the distinguished and honorable Senator from Kentucky if he did, in fact, vote for Senate Joint Resolution 41 in 1994?

Mr. FORD. You have my record there. Tell the public.

Mr. INHOFE. Yes, you did. It is identically the same. You voted—

Mr. FORD. And it is the same question you asked the Senator from North Dakota. The reason we did, they were excluding Social Security. We had a firm commitment they were excluding Social Security.

Now we have a guarantee that you are going to use Social Security.

Mr. INHOFE. It is an identical resolution.

Mr. FORD. Mr. President, if he is going to talk, I want it on his time, not on mine.

Mr. DORGAN. Mr. President, let me respond. The Senator is under a misimpression, I am sure. He does not understand this. You are asking if this is identical, and the answer is, no, it is not identical. I believe it is not identical. Let me ask you this. As an example, does the latest resolution referred to include the Nunn amendment, and if it does—

Mr. INHOFE. I have the two resolutions right here. They are exactly the same. I ask the Senator to show me or read to me where they are different.

Mr. DORGAN. I believe the Senator is absolutely wrong, demonstrably wrong. As an example, does the Senator recall that Senator NUNN required an addition to the amendment to be made, during the latest go-around, before he would vote for it and that there was an addition made by Senator NUNN? Do you recall that?

Mr. INHOFE. Mr. President, I ask unanimous consent that the two resolutions that we voted on—Senate Joint

Resolution 41, in 1994, and House Joint Resolution 1, in 1996—be printed in the RECORD at this point.

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

S.J. RES. 41  
(103d Congress)

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 1999 or with the second fiscal year beginning after its ratification, whichever is later."

H.J. RES. 1  
(104th Congress)

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

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"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later."

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FORD. Mr. President, we never got an answer from the junior Senator from Oklahoma as to whether Senator NUNN's amendment was in the last one. He says they are identical, and they cannot be identical if Senator NUNN's amendment was included. It would not have gotten Senator NUNN's vote had that not been included.

Mr. INHOFE. Mr. President, if the Senator will yield—

Mr. FORD. I am not going to yield for anything, Mr. President. I am not going to yield.

Mr. DORGAN. Mr. President, will the Senator from Kentucky yield so I can make my point?

Mr. FORD. Mr. President, I will yield to the Senator from North Dakota briefly.

Mr. DORGAN. The Senator may not be putting in the documents that relate to his question. The Senator's question was, were these not identical amendments, the 1994 and 1995. I think the Senator put something in the RECORD that does not relate to the information that shows you were wrong.

I ask unanimous consent that we have printed in the RECORD the first vote on the constitutional amendment, and that, I believe, was in 1994, and the actual amendment voted on and the subsequent amendments, and the RECORD will show that the Senator is incorrect in saying that they are identical.

Mr. INHOFE. Reserving the right to object to the unanimous consent request. The two resolutions that I asked to be inserted into the RECORD are Sen-

ate Joint Resolution 41, which was in the 103d Congress, first session, and Senate Joint Resolution 1, which is what we voted on yesterday, which are identically the same. I do not want the ones from 1993, 1989, or any other time. I want these two.

Mr. DORGAN. If the Senator wishes, we can ask unanimous consent to put anything we want to the RECORD. Does the Senator object to allowing us to put something in the RECORD, or not?

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I want the RECORD to be clear that these are the—

Mr. DORGAN. Mr. President, the Senator from Kentucky has the floor. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from Kentucky.

Mr. FORD. Mr. President, this is what has been going on in this Senate Chamber for some time now. You attempt to put in certain things to substantiate your position, but you do not tell it all. You put in a piece of legislation that was printed, but you never put in the piece of legislation as it was amended.

When I was brought up, Dad told me that "the devil was in the fine print." So let us get to the fine print. You just cannot continue to condemn people around here because they do not agree with you. I wish you would read Warren Rudman's book on why he left the U.S. Senate. He said he could sit down with TED KENNEDY, JOE BIDEN—and he named a list of Senators. He would say, "Let us compromise and work this thing out." He said, "I never did question their morality or their patriotism. But we could sit down and work things out." We no longer do that in the Senate, so Warren Rudman is no longer a major voice in the consideration of legislation in the Senate. So you have driven from this body one of the sharpest, one of the most dedicated individuals, I think, that has served here.

Now, I will go back to where I was interrupted. On March 7, 1994, the distinguished majority whip made a similar mistake, quoting me out of context. I will say one thing for him. He later came to the floor and apologized. But here we go again, misquoting my record.

Mr. President, we have made some tough votes around here, which actually were about deficit reduction, not just talk, not just an issue. We had a deficit reduction package in 1990. We had one in 1993. Yes, Senator, I voted for both of them, and you voted against both of them. They were not perfect packages, that is true. If they were perfect, we would not be here. Those of us who voted for them took a lot of political heat—a lot of political heat. But, guess what? The deficit is coming down for the fourth consecutive year. The deficit is being reduced. One pledge that was made in 1992 was that the deficit would be reduced by half. It is bet-

ter than half. There was not a vote from the Republican side for that package. I note that the junior Senator from Oklahoma is as tough as his rhetoric is about balancing the budget. He voted against both deficit reduction packages.

Let me talk about one other item included in the 1990 deficit reduction package. It is section 13301. I am sure the Senator is familiar with that, because Senator HOLLINGS, if you have been listening to the debate on the floor, described it in such detail during our debate on the balanced budget amendment. It says, you cannot count Social Security trust funds when balancing the budget. You cannot do that. That is the reason you are \$108 billion short. You have not presented a balanced budget. If you balance the budget, why is it \$108 billion short? It is in the RECORD. CBO is what Speaker GINGRICH said we had to go by, and the President agreed. CBO says you are \$108 billion short. There is no balancing the budget. You can beat your chest all you want to, but there is no balancing the budget.

It is more than \$100 billion short in the year 2002. All you have to do is read the bill, because you cannot count Social Security under current law. But the balanced budget amendment—the senior Senator from Oklahoma, yesterday, objected to the Senator from Oregon asking unanimous consent to offer that amendment for the firewall on Social Security. The senior Senator from Oklahoma said it is taxes and expenditures, and it ought to be in the budget. Now, look that one up.

So here we are offering to protect Social Security with a firewall, which is now law, and we get an objection from the senior Senator from Oklahoma, who said, "It is a tax and expenditure, and it ought to be in the budget, so, therefore, I object." They would not let us bring that amendment up to even vote on it. They would not even let us bring it up to even vote on it. If you want to pass a balanced budget amendment, put a firewall in, protect Social Security, and get 70-some votes in this Chamber. But, no, you want to use it. We have it in handwriting. The leadership on the Republican side said how many hundreds of billions of dollars they will take from Social Security. Now they are talking about a little gimmick that after 2002 we will take 4 years and pay it back. If you want to balance the budget, let us balance the budget.

So the Senator from Oregon was refused.

You know, in this statement I made from which I was quoted yesterday, it starts out: "Mr. President, I have but a few minutes to speak this morning on behalf of the Reid-Ford-Feinstein balanced budget amendment. So I will concentrate my remarks on the Social Security trust."

That is where you quoted me. That is where, excuse me, where the Senator from Oklahoma—I want to be careful of

my language here; we are not supposed to use "you," but "the Senator from Oklahoma"—that is where you quoted me from. It was a debate on the Ford-Reid-Feinstein balanced budget amendment to put firewall in for Social Security.

So it is just be beyond me. I want to say that I hear so much about, "If 40-some-odd Governors can operate a balanced budget, why can't the Federal Government?" We do not have a capital account. Most Governors have capital accounts, if you understand how Governors operate. The Governors have an operating account. So it is all different. Governors do not print money like the Federal Government. So they have to balance the budget. But they find ways around it.

"I think the implementation of this amendment will work." That is a quote from me in that statement. "I think we can make it work." That is a quote from me in that statement. It is on page 2058 of March 1, 1994.

"If we want an issue, fine." That is in that statement. "Stay with Senator SIMON and Senator HATCH. Stay with them, and then we will have an issue when we go home with no balanced budget amendment."

I said that in that part of the statement from which I was quoted yesterday. Also, I might say in there I said, "I am just as worried about my grandchildren as anyone, and I think I have a pretty good idea about grandchildren."

That is in that statement. You did not read that. People did not read that out of my statement. You know, you could just lift these things out, hold up your hand, beat your chest, and wave the flag. But when you get down to it, what do you have? An issue and no amendment. Take the money out of Social Security.

We have heard a lot about a contract around here in the last 18 months. There is a contract for the seniors of this country, and that is Social Security. And they paint a broad brush with Medicare. Medicare has two parts: part A and part B. Part B has a surplus. We have been trying to correct part A now for 2 years. But they will not listen; \$124 billion was the first cut from the budget that was given to us.

So now we hear the objection of the senior Senator from Oklahoma yesterday to the distinguished Senator from Oregon [Mr. WYDEN] to offer a substitute amendment that would put a firewall in to protect Social Security.

There are other different ideas about Social Security and about Medicare. But no country in the world, in my judgment, takes care of its citizens better. We are a capitalist country. What happens when the capitalists no longer need us? They fire us. And when they fire us, somebody has to try to pick up the pieces. Because we have been a strong democracy, government has picked up the pieces. We have retrained personnel. We have helped them with health care. We have tried

to feed them and clothe them until they could get back on their feet. But that is the story of democracy and government, and government has a part.

So, Mr. President, I hope that in the times ahead when we start quoting Senators that we quote them in context instead of out of context, and that we remember that there is a section 13301, the off-budget status of Social Security, the exclusion of Social Security from all budgets: Notwithstanding any other provision of law, the receipts and disbursements of the Federal old age and survivors insurance fund, and the federal disability insurance trust fund, shall not be counted—shall not be counted—as new budget authority outlays, receipts, or deficits or surplus for the purpose of the budget of the U.S. Government as submitted by the President, the congressional budget, or the Balanced Budget Emergency Deficit Control Act of 1985.

That is the law. If you put the amendment on and pass it, then the law falls, and the amendment to the Constitution includes Social Security.

I yield the floor.

Mr. DORGAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER (Mr. SHELBY). Eight and one-half minutes.

Mr. DORGAN. Mr. President, let me just conclude, and I understand the Senator from Wyoming is here and I will attempt to stay and listen to some of his discussion as well.

Mr. President, let me also complete one portion of this discussion. I only responded to the Senator from Oklahoma with respect to identical bills because I believe they are not identical. I do not want the Senator to sometime come to the floor and say, "Well, he opposed the Nunn amendment." But I actually supported the Nunn amendment. I have no problem with the Nunn amendment. I believe the Nunn amendment means those were not identical proposals. I do not want you to misunderstand that.

On that, the Senator is wrong. I believe these are not identical proposals. I did not oppose, nor did the Senator from Kentucky oppose, the Nunn amendment, for that matter.

#### SOCIAL SECURITY

Mr. DORGAN. Mr. President, I want to make an observation about Social Security. So the Senator from Wyoming might think about this as he begins his presentation. I have heard him a number of times. Sometimes he and I are in agreement and sometimes not. He is always thoughtful, interesting, and bright, and I enjoy his speeches. I have written him privately. I think his leaving the Senate is a loss for the Senate. I still believe that, even though we have substantial disagreements. And I have respect for his opinions.

But I want him to understand that in 1983 when I served on the House Ways and Means Committee and became a part of a group of people who wrote the

Social Security Reform Act, in the archives of the warehouse that holds the markup documents for that markup, the Senator will find that I offered an amendment that very day 13 years ago, an amendment designed to head off what I feared would happen and what has happened under both Democrats and Republicans since, and that is we would increase a regressive payroll tax and use the regressive money from the payroll tax to do things other than save for Social Security.

I would like to just make this observation. I do not think there is one Member of the U.S. Senate—not one—who would vote affirmatively for the proposition as follows: Let us increase the payroll tax substantially for workers and for businesses and tell them that it will come out of their paycheck in the form of a dedicated tax to be put into a trust fund, but that we will, in fact, treat it as all other revenue with no distinction and that it will become, in fact, part of the ordinary revenue stream of Government with which we will balance the rest of the Federal budget. I do not think there is one man or woman in the Senate who would affirmatively vote for that kind of proposition. Yet, that is exactly what we have gotten from the 1983 Social Security Reform Act.

I would not have voted for it in a million years had I thought that was going to happen. When it began to happen, the first day of the markup I offered an amendment—and I have offered a dozen proposals since, in meetings with the Speaker of the House when I was in the House, and here in the Senate. We have technically changed the law thanks to section 13301 of the Budget Enforcement Act, authored by the Senator from South Carolina. But we have never altered the momentum of using the taxes that are taken from the paychecks to become part of the general stream of money to fund general fund obligations of the Federal Government.

I have had a generous amount of time to speak. The majority party has spoken generously this morning as well. Let me, as I sit down, say once again that although we have deep disagreements, I have great respect for Members of the other side of the aisle. But I believe in my heart that what we are doing—to the tune of hundreds and hundreds of billions of dollars of Social Security revenues—is fundamentally wrong. No business in America could do what the Government is doing. No business in America could say: By the way, I had a good year last year. Oh, I was short of money, but I took the money from my employees' pension plan and showed that as part of my income, and it turned out all right.

No business in America could do that because it is against the law. Yet that is exactly what happens in this budget scheme, proposed not only by the majority party but proposed in the past as well.

Mr. President, I will stay here and be anxious to listen. I yield the floor.