

## BUSINESS OF THE SENATE

Mr. ENZI. Mr. President, I am compelled every once in a while to come to the floor to let people know what is happening. I know there are people watching the work of the Senate, and I know those people do not have, for the most part, a program or a scorecard. It is pretty hard to follow the rules of what is going on around here without that.

I make an attempt partly to explain to myself what is going on and take the opportunity to share it with other people who might be interested and might be listening.

Right now, we are in the closing days of a race for the U.S. President. It does not really have a lot to do with this body; it has a lot to do with our interaction with the administrative branch. Sometimes it is easier for rhetoric to invade the Chambers and to appear to be the most important thing we are doing.

What we ought to be doing is the appropriations bills for this Nation. We handle in excess of \$1.8 trillion. That is how much we spend on behalf of the American public. We ought to be debating that. We are not. We cannot get unanimous consent to proceed to a debate on an appropriations bill. We cannot move forward to talk about the \$1.8 trillion of appropriations for this country.

Instead, we have debate on things that we have debated, things that have been decided, for the most part, and, on some occasions, with some finality. Instead, we have people in this Chamber who would rather rehash votes we have already taken and retake them again. I guess the plot is to put fellow Members in a bad light in their constituency: They have already voted on these issues once, let's get them to vote again, and that will be progress for this country. You have to be kidding me.

The appropriations for this country are the important things that need to come before this body. They are the things about which we ought to be talking right now, and we ought to be talking about them in some detail. Pretty quickly we are going to run out of time. October 1 is the start of the new fiscal year for this country, and that is when we need to have the appropriations finished. That is when they start spending next year's money. That is when we hope and pray they will be spending it with the conciseness all of us envision.

When we are relegated to not being able to proceed on an appropriations bill because we cannot reach unanimous consent, we cannot debate in detail. Later, we are going to have to make massive decisions on this money, and in fact it is my belief the minority would prefer to have the President negotiating these things instead of the way our forefathers envisioned it: that Congress would come up with the mechanism and the plan and the votes to pass appropriations bills that the executive branch would administer.

That is not how it is working. The longer we push this process, the more it will be a nonvoted mediated expenditure without looking at the details. The amendments are the way the details get into this appropriations process, and it is not going to happen because we are shoving everything back through this process. We are keeping the appropriations of this Nation from being debated. We are not being allowed to proceed to the debate on important appropriations bills. Instead, we are hearing the rhetoric about how we should have minimum wage, Patients' Bill of Rights, education, and the other important things on which we have already worked, on which we have already voted that are in conference committee. Those conference committees should be finishing.

I will tell you what happened on the Patients' Bill of Rights. I am on the conference committee for the Patients' Bill of Rights. It is one of the toughest jobs I have had in my life. A number of us on the committee have spent from about 1 to 6 hours a day working on it, and it is largely nonscheduled time. When somebody discovers a place where there might be a negotiation breakthrough, we get together and talk about it. We work out words. We meet with the House folks, and we try to come to a conclusion.

We did that for months and months. Yet we hear on the floor of the delay in getting the Patients' Bill of Rights done. We were making major breakthroughs on the Patients' Bill of Rights. The Democrats in this Chamber bailed out of the process and said: Let's go back to the original House version. Sure, we have spent 3 or 4 months making important changes in this. I don't think they ever said that on the floor. But we had made 3 or 4 months of important changes in major areas. We had virtually wrapped up those areas as being much better than either the House or the Senate bill. That is what a conference committee is about. That is what a conference committee is supposed to do. We were in the process of doing that.

The only thing I can conclude from the Democrats going back to the original version of the Patients' Bill of Rights on the House side was that they could see we were making progress that the country would like, and they wanted to keep an issue instead. That is not how Government is supposed to be done. That is not the way we are supposed to do it.

We have debated these issues. We are working on these issues. But there is a desire to keep things as an issue instead of a solution, and I can't tell the Senate how much that dismays me.

There are a few other bills that could come up in this process, too. We are working on the elementary and secondary education authorization. It is done once every 5 years. The bill has come out of committee. It has been to the floor. We have debated it a few times. The amendments that are

brought for that bill are not education amendments. It is all of these other ones that the Democrats would like to vote on and vote on and vote on again because that keeps them as an issue. What we need to do is get some finality to the education issue. We need to have some agreement between both sides that we will talk about education, that we will make education decisions, that we will make education in this country better for every student in elementary and secondary schools. We have to do that. That is our obligation. That is our assignment. That is what America is counting on.

We can't get that job done if we keep going back and making political statements about issues on which we have already voted. If there is a vote and you want to use it against somebody, you can put the spin on it and use it against them. You don't have to have five votes on the same issue to spin it that way. That isn't how elections ought to be working in this country, but it does say something about how elections do work in this country.

The voters are more discriminating than that. They are able to tell the rhetoric from their desires. As I travel Wyoming—and I am back there almost every weekend—our whole delegation usually goes out on Friday because we don't have votes here, and we travel the State. In Wyoming that means by car. I have traveled 300, 500 miles on a weekend. The average town in Wyoming is about 250 people. The exciting thing about visiting those towns is you get to talk to about 80 percent of the people. You get a pretty good feel for what your constituents think we ought to be doing. They do think we ought to be doing the appropriations process in detail and getting it wrapped up.

They also think that some of the votes we have taken lately are very important from a fairness standpoint. One of those issues is the death tax. Practically everybody in Wyoming understands that death is a terrible thing and when you accompany death with a tax bill, it is even worse. That doesn't affect everybody in Wyoming. Those people understand that the death tax does not affect everybody in Wyoming. But they see a basic fairness issue where it does affect other people, and it affects the businesses for which they work. If the small business they work for has to sell off part of it for death taxes and can no longer function and goes out of business, it is their job. They understand that. It is the same with the farms and ranches in Wyoming and the rest of the country. If you have to sell off a significant part of your ranch or farm to pay the death tax, you may not have an economic remainder left. When that happens, you don't have the same culture in this country, and you do not have the same jobs. People lose their jobs. So they see the basic fairness issue of making sure that death is not a taxable event.

The bill that is out there for the President to make his decision on

doesn't say they avoid taxes forever. There is a capital gains tax in it. When there is a sale of the business or a sale of the land, when there is a taxable event, it gets taxed. That is how it ought to be. It should not be triggered by death and be a second tax on the same property.

I had a letter from a constituent who said, if we do the death taxes, isn't that going to increase the gap between the wealthy and the poor? That is a good question. The answer is, no. What we are working on is middle America, the workers, particularly the workers who have been building IRAs and 401(k)s and who have been participating in the growth of the stock market, taking their wage and investing a little bit of it. There are a lot of blue-collar workers across this country who are now millionaires. They took some of their wages and saved it. They aren't in some of the old exclusions we had on death taxes. They are saying: Wait a minute. I worked my lifetime to save this money. I took some risks to make this money. I didn't do it so I could have a great retirement with a lot of vacation places. I did it so my kids would have a better chance, so that my kids would have some advantages, so that my kids would start at a little different level in their job than I started in mine.

I want to make sure death taxes don't take it away. If we let middle America, which by the Democratic definition is anybody who pays taxes—no, that would be the rich. At any rate, if we let middle America keep their money instead of paying it in death taxes and move up into a little higher level, that is the way America has operated. That is why virtually all the people in Wyoming tell me: Eliminate the death taxes.

We did that. It is going to be heading down to the President to see if he agrees on it.

I hear a lot of the marriage penalty in Wyoming. Again, it is a fairness issue. They want the marriage penalty eliminated. The bill we sent down there was not the Senate bill. The Senate bill would have had a lot more marriage penalty elimination. We went with the House version for the most part. We increased it in the lower levels so the marriage penalty among those paying taxes but making the lower amounts would benefit from it and benefit the most. That is the way the bill is right now that is being sent to the President.

Again, we had a debate; we took the vote. That issue was resolved.

We hear a lot on taxes about the rich versus the poor and what we need to do with all the surplus. It is not surplus. It is excess taxes. It is tax money that got paid that is in excess of what we had anticipated and what we had planned to spend. There are a lot of exciting things we can do with excess. Everybody wishes they had some. The greatest thing would be to win a lottery. That is kind of an excess sort of thing, unanticipated money that you

got, with just a couple of bucks for expenditure. If we just give these out on all the new ideas for spending programs, that is what we will be doing—holding a national lottery.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENZI. I think your side had time and I patiently listened while I was in the chair. Your questions turn into statements. I would like to finish making my statement, if I might.

What we are turning into is a country that recognizes that the Federal Government can give us everything and we forget about where the everything came from.

It is pretty exciting to get a windfall. I figured out—and this is mostly from talking to my Wyoming constituents—that when a new program around here is proposed, there are people across this country who benefit from it. Maybe they get \$1,000. In fact, that turns out to be about the average a person in one of these programs gets—\$1,000. Of course, it employs some different people because they administer the program, and they get more than \$1,000 a year benefit out of it. They become the main lobbyists for the new program, and they get very excited about getting this new program in place and spending the money. You know, if a person gets \$1,000 or more, it is worth a letter or two—more than that, maybe it is worth a trip to Washington.

So we hear a lot about the importance of the new programs and everything. What we don't hear about is the taxpayers saying: Whoa, that isn't a program I like or a program I want to fund; that isn't where I want to put my money.

Do you know why we don't hear as much from those people? First of all, they are busy earning the tax money that we spend; secondly, it is only costing them about a quarter for a new program. How many letters can you write for 25 cents? You can't. So what we wind up with is a huge lobby for new programs.

The President, when he did his State of the Union speech, laid out several billion dollars a minute in new programs—new programs—that he would like to see done. In fact, there were about \$750 billion worth of expenditures listed there. Now, we have programs in this country that we are not funding adequately at the present time, programs that we have said are important, such as IDEA, that we bring up every once in a while to get additional funding. We don't do it, but we keep looking at new programs.

There are some things that need to be done in this country, and the best way is to get on with the appropriations process, to work through it in the kind of detail it deserves, and to quit throwing in peripheral things just because they can be brought up, which come with points of order and additional votes, each taking about an hour and using up the time of the Senate. It

is time we got on with the business of appropriations and visited with constituents about the details of how they think this country ought to run.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, what is the present order of business?

The PRESIDING OFFICER. We are in morning business until 12:30.

#### THE LOOPHOLE IN COLLEGE GAMBLING

Mr. BROWNBACK. Mr. President, I want to make a few remarks on an issue very important to our young student athletes, as well as our colleges and universities. It is a piece of legislation that, if the appropriations continue to be held up on the other side of the aisle, I think we should consider. We should go to this piece of legislation.

The legislation is the Amateur Sports Integrity Act, which was passed out of the Commerce Committee by a 16-2 vote. There was strong bipartisan support for the legislation and introduction of the bill. Senator LEAHY and I introduced the bill. Basically, the legislation closes the one loophole on college gambling.

Presently, you cannot gamble legally in this country on college athletics. You can't bet on the Road to the Final Four, the NCAA basketball tournament, football and bowl games—except in one State in the country, and that is Nevada. That is what has led to a number of problems we have had of expanded sports gambling on amateur athletics and expanded cases where student athletes have fallen to the whims of people promising them some help if they will shave a point or two off the game. So we are trying to close that one loophole in Nevada so it is clear that it is illegal to bet on college sports in the United States.

This bipartisan legislation is in direct response to a recommendation made by the National Gambling Impact Study Commission, which last year concluded a 2-year study on the impact of legalized gambling on our country. The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the NCAA, coaches, teachers, athletic directors, commissioners, university presidents, school principals, and family groups from across the country. Those groups are all strongly supportive of this legislation.

In my home State, Roy Williams, the basketball coach at the University of Kansas, considered taking the job at North Carolina but decided against it—happily, in my opinion. He is a strong proponent of this legislation. These are the people supporting this who know about the threat of gambling on amateur athletics. These are the people who are fighting the problem on the front lines 24 hours a day. These groups support our legislation which will prohibit all legalized gambling on high