

Republican politics. They go beyond the fights that we may have on the floor of the Senate as late as this afternoon. Those beliefs, those strong feelings about the directions this country should take, are every bit as enduring as the hard South Dakota granite. And, like that granite, they will endure long after we are gone.

PRIORITIES AND DEFICIT REDUCTION

Mr. DASCHLE. Mr. President, relating to the debate that we began this morning, let me say that I hope we can renew our debate about priorities as we approach the last week of this particular session before the Easter recess.

It was a debate about priorities and a debate about the need for deficit reduction and a debate about how we get there.

An amendment that I offered today achieves exactly the same level of deficit reduction as the level proposed in the committee-reported rescissions bill, but it does so without damaging our children's educational and health care needs.

What the amendment was designed to do, without adding one penny to the deficit, in a way that was completely paid for, was to create a better balance between the requirements laid out in the original rescissions package and the objectives that we all have with regard to distributing the burden of deficit reduction fairly. On the list of priorities we say we all share, education is high. But certainly that was not reflected to the degree that it should be if, indeed, our priorities are as we say they are.

We all had hoped we could have a good debate this afternoon with regard to those priorities, with regard to our Nation's values, the values of families, but we were not given that opportunity, and for that I am very deeply disappointed.

The majority leader, as is his right, offered a second-degree amendment that really does not address this issue of education and the needs of working families. Obviously, there are many ways in which to continue to work at meaningful deficit reduction, but that really was not the sole purpose of the amendment on our side.

What we were attempting to say is that you can have good and constructive debate about how we ought to reduce the deficit, and that part of that debate ought to be about the values and the tremendous priorities that we have invested in in the past, with regard to education and children.

We wanted to call upon the Senate to reconsider how we treat working families with children. The response, unfortunately, that we received was a proposal to gut our amendment and have the bill pulled entirely.

I do not know what the other side may be afraid of here, but it seems to me that support for our amendment is very loud and very clear. The support,

again announced on the west side of the Capitol this morning in very clear terms, was that we ought to recognize that we have priorities that stand not as mutually exclusive but clearly in tandem—meaningful deficit reduction at the same time we have meaningful investments in the priorities that this country ought to insist upon.

Since we stood up for working families of 1 million children, telephones have been ringing off the hook in the Senate offices across the Capitol. Our amendment is building support because it addresses the need to reduce the deficit at the same time it restores funds that are needed for working families.

If this amendment is not adopted, America's children will pay the price in terms of their education, their housing, their health care, and their child care. We need to invest in our future, and our amendment says going after children's programs first is wrong.

We also need to ensure that we properly fund the Federal Emergency Management Administration so that we meet emergency needs caused by recent natural disasters. Our amendment does that. It is also completely paid for. It restores the \$1.3 billion simply by taking what is viewed as excessive funding for FEMA in the years beyond 1996 and dedicating that money, as it should be dedicated, to the investment in children.

The total rescission under this substitute is identical to the level in the pending Senate bill—\$15.1 billion, including the money allocated to the Shelby amendment.

The substitute provides FEMA with exactly the same level of funding as the House bill—\$5.36 billion.

If our colleagues dispute the level of funding in our amendment, they are also disputing the Republican leadership in the other body, because the figure is identical on both sides of the Capitol.

One million children should not be left out or ignored as we continue the duel on priorities that we have here—priorities that recognize their interests, future needs, and their interest in inheriting a country that is not as deficit-laden as it is today.

So we can do both. I hope that as we work through this rescissions bill, and certainly through the budget priorities we will be debating as we consider a budget resolution later on, we can recognize the need to do both in a meaningful and bipartisan way. That is what this amendment attempts to do. That is what I hope the Senate will do. That is what I hope we have the opportunity to do next week.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, March 30, the Federal debt stood at \$4,852,914,736,954.80. On a per capita basis, every man, woman, and child in America owes \$18,421.75 as his or her share of that debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-73. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Finance.

“HOUSE JOINT MEMORIAL NO. 1

“Whereas, the 1967 United States Supreme Court decision in the case of ‘National Bellas Hess, Inc. v. Dept. of Revenue,’ (386 U.S. 753 (1967)) denies states the authority to require the collection of sales and use taxes by out-of-state mail order firms that have no physical presence in the taxing state, even though they solicit and obtain significant sales there through the mail and common carriers; and

“Whereas, in its 1992 decision in ‘Quill Corp. v. North Dakota,’ (U.S.S.C. Doc. No. 91-194), the United States Supreme Court clearly indicated that the Congress of the United States can, consistent with the U.S. Constitution, enact legislation authorizing direct marketers to collect state and local use taxes; and

“Whereas, the inability of states like Idaho to require certain direct marketers and other businesses not physically present, but selling to their residents, to collect sales and use tax places many community businesses that support state and local governments at a substantial competitive disadvantage; and

“Whereas, restrictions on collecting such taxes result in a loss of billions of dollars nationally and millions of dollars in Idaho of legally due sales and use tax revenue; and

“Whereas, according to a recent report released by the Advisory Commission on Intergovernmental Relations, the revenue potential to all states from untaxed interstate mail order sales is projected to be \$4.57 billion in 1994 and that the loss of tax revenue to the State of Idaho in the same report is estimated to be \$13.4 million; and

“Whereas, organizations representing local retailers, state and local officials and public service recipient groups are working to achieve enactment of federal legislation that would authorize states to require direct marketers to collect state sales and use taxes; and

“Whereas, in the two decades since the ‘National Bellas Hess’ decision, improvements in communications technology and transportation distribution systems have changed the nature and extent of interstate sales and the recent and projected rapid

growth in interstate sales, through television, mail order, '800' telephone numbers and by other means of electronic communications indicates that, without corrective legislation, collection of sales and use taxes will become increasingly inequitable and unenforceable; and

"Whereas, there was introduced into the Senate of the United States a bill, S. 1825, 'The Fairness for Main Street Business Act of 1994,' that would have allowed state and local jurisdictions to require out-of-state companies to collect sales or use taxes on tangible personal property sold to residents of the state or local jurisdictions if the company's national sales are not less than \$3 million and sales into the state are not less than \$100,000 and which includes other fair and reasonable safeguards for out-of-state companies: Now, therefore, be it

"Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, That we respectfully request Congress to enact legislation similar to S. 1825, 'The Fairness for Main Street Business Act of 1994,' that would prevent this state's revenue loss and remove the competitive advantage now enjoyed by some out-of-state businesses, and be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-74. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance.

"ENROLLED JOINT RESOLUTION NO. 2, SENATE

"Whereas, health reform is of vital concern to the nation as well as the state of Wyoming; and

"Whereas, although certain health reform issues are manageable at state and local levels, several health reform matters are more properly addressed at the federal level; and

"Whereas, the Wyoming Health Reform Commission has been appointed by the Governor of Wyoming to address health reform in Wyoming and to report recommendations to the Governor and the Wyoming Legislature regarding health care reform: Now, therefore, be it

"Resolved by the members of the legislature of the State of Wyoming:

"SECTION 1.

"1. That the Wyoming Legislature requests the United States Congress adopt legislation which:

"(a) Amends federal law with respect to treatment of flexible spending accounts for taxation purposes to allow accumulation of account funds beyond one (1) year and to allow individual account ownership upon termination of employment;

"(b) Allows individuals to establish medical and educational savings accounts;

"(c) Amends federal law to allow full deduction of medical insurance premium payments by sole proprietors, partnerships and individuals for federal income tax purposes;

"(d) Clarifies the tax implications of accelerated death benefits offered under life insurance policies so that the benefits are not taxable;

"(e) Eliminates limitations imposed upon preexisting conditions for individuals changing employment, location or insurance carrier;

"(f) Amends the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. 1144, to allow states attempting to reform the insurance marketplace to influence, reg-

ulate, tax and improve self-insurance plans covered under this federal law;

"(g) Allows the federal Health Care Financing Administration to reimburse medical assistance facilities (limited service rural hospitals) in states beyond Montana;

"(h) Reforms antitrust restrictions on the formation of collaborative partnerships for the availability of health care services in Wyoming;

"(j) Simplifies eligibility requirements under national welfare programs, particularly Medicaid benefits.

"SECTION 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation."

POM-75. A resolution adopted by the Board of Commissioners of Todd County, Minnesota relative to unfunded federal mandates; to the Committee on Governmental Affairs.

POM-76. A concurrent resolution adopted by the Legislature of the State of Idaho; to the Committee on Governmental Affairs.

"HOUSE CONCURRENT RESOLUTION NO. 7

"Whereas, we, the Citizens of the Idaho State, find the Tenth Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

"Whereas, the scope of power defined by the Tenth Amendment means that the federal government was created by the States specifically to be an agent of the State; and

"Whereas, many federal mandates directly violate the Tenth Amendment to the Constitution of the United States; and

"Whereas, the United States Supreme Court has ruled in *New York vs. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the States; and

"Whereas, New York, the eleventh nation-state to join the Union on July 25, 1788 said:

"That the powers of government may be re-assumed by the people, whensoever it shall become necessary to their happiness . . ."; and

"Whereas, Idaho was admitted to the Union under equal footing with the original States; and

"Whereas, a number of proposals from previous administrations and Congress may further violate the United States Constitution; and

"Whereas, the fiscal waste, excesses and irresponsibilities of past and present federal legislation have caused the economic decline and hardship to thousands of Idaho Citizens and have permanently indentured our children and their descendants without their consent; and

"Whereas, in recent decades the federal agent has attempted, and largely succeeded, in reversing roles with its Principal, the States, telling them what they can and cannot do, and threatening to withhold "federal moneys" from States which do not comply with federal laws and regulations, and usurping undelegated powers from the States and the people until now the people fear, rather than respect and revere their own government and are burdened with taxes some 57 times greater than those imposed upon our Founding Fathers by Great Britain: Now, therefore, be it

"Resolved by the members of the First Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein:

"(1) That Idaho State and its Citizens hereby claim sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated in and granted to the federal government by the United States Constitution.

"(2) That this Resolution serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that exceed the scope of its constitutionality delegated powers.

"(3) That should the federal bureaucracy and the Congress or any department or agency of the federal government fail to comply with the aforementioned order, the Attorney General of the State of Idaho is authorized and directed to take appropriate legal action to assure that the State of Idaho's legal rights not be infringed under the Tenth Amendment to the Constitution of the United States; and be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized to send copies of this Resolution to the President of the United States, the Speaker of the House of Representatives and the President of the Senate in Congress of the United States assembled, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the presiding officers of each state's Legislature and to the Governors of the fifty states."

POM-77. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 3

"Whereas, the 10th amendment to the Constitution of the United States reads: 'The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people'; and

"Whereas, the scope of power defined by the 10th amendment means that the federal government was created by the people to be their agent; and

"Whereas, today, in 1995, the states are demonstrably treated as agents of the federal government; and

"Whereas, many federal mandates are directly in violation of the 10th amendment; and

"Whereas, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States: Now, therefore, be it

"Resolved by the senate and the house of representatives of the State of Montana:

"(1) That the State of Montana claim sovereignty under the 10th amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

"(2) That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally delegated powers.

"(3) That this resolution serve as notice and demand to the federal government to review existing mandates that usurp state sovereignty and to repeal those mandates; and be it further

"Resolved, That the Secretary of State send copies of this resolution to:

"(1) the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Montana's Congressional Delegation; and

"(2) the presiding officer of the Nebraska Legislature and the Speakers of the House and the President of the Senate of each other state."

POM-78. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 405

"Whereas, the highly publicized financial problems of the District of Columbia culminated in a February 21, 1995, federal agency report that declared the District government 'insolvent'; and

"Whereas, the General Accounting Office report bluntly stated that the District 'does not have the cash to pay all of its bills' and that 'the District has cash now only because [it] is not paying hundreds of millions in bills'; and

"Whereas, the amount of the District of Columbia's budgetary shortfall remains disputed, with some estimates exceeding \$700 million, but the fact of a budget crisis of massive proportions remains clear; and

"Whereas, Congressional hearings on February 22, 1995, should clarify both the scale of the problems and the proposed solutions; and

"Whereas, the District of Columbia's financial crisis reverberates far beyond its borders, and the city's unique status as the capital of the United States and its close relationship with the surrounding localities in Maryland and Virginia create repercussions at regional, national, and even international levels; and

"Whereas, the economic stability of the Metropolitan Washington area relies to a great extent on the financial viability of the government of the District of Columbia; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby memorializes the Congress of the United States to move decisively and expeditiously to solve the urgent financial crisis affecting the District of Columbia; and, be it

"Resolved further, That the General Assembly urge the Congressional committees and subcommittees, including the subcommittee chaired by Representative Thomas M. Davis III of Virginia, to move with all deliberate speed to assist the government of the District in taking the steps necessary to resolve this crisis; and, be it

"Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia."

POM-79. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 358

"Whereas, the 10th Amendment to the Constitution of the United States specifies that the 'powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people'; and

"Whereas, the founders of our Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all

other powers to the states and the people through the 10th Amendment; and

"Whereas, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations, and restrictions upon states and local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

"Whereas, the United States Supreme Court recognized in *New York v. United States*, 112 S. Ct. 2408 (1992), that the constitutional limitations on federal power have continuing vitality, notwithstanding the general failure of the federal courts to afford remedies to the states and their citizens for violations of the 10th Amendment; and

"Whereas, in holding that the states generally must rely on political processes in Washington for their protection, the federal courts have permitted Congress and federal agencies to treat the states as though they are merely part of the regulated community, rather than as sovereign partners in a federal system of shared powers; and

"Whereas, federal mandates have imposed enormous costs on states and localities, draining away resources and preventing state governments from addressing pressing local needs such as education and law enforcement; and

"Whereas, facing a persistent budget deficit, the federal government has forced the burden of funding federal programs onto state and local governments, resulting in an excessive tax burden at the state and local levels; and

"Whereas, federal mandates and preemptive measures impose 'one size fits all' requirements that deprive state and local governments of the ability to set priorities, thereby diminishing their ability to allocate resources and tailor programs in the way best suited to meet local needs; and

"Whereas, states and localities are burdened not only by federal legislation, but also by mushrooming numbers of costly, complex, lengthy, and often incomprehensible regulations drafted by bureaucrats who are not accountable to the people; and

"Whereas, the exercise of increasing power by Congress, the federal courts, and the federal bureaucracy has diminished the ability of citizens to influence the course of their government and has produced an ever-widening gulf between citizens' demands for change and the ability of state and local officials to effect that change; and

"Whereas, experience has taught that the framers' design of a balanced federal system of shared powers and dual sovereignty can only be restored through federal constitutional changes that secure the rights and prerogatives of the states; and

"Whereas, proposals for structural change likely to be considered by the United States Congress and the Council of State Governments' proposed Conference of the States include constitutional amendments that would:

- "1. Require a balanced federal budget;
- "2. Prohibit the imposition of unfunded federal mandates;
- "3. Require the federal courts to render enforceable decisions in cases or controversies arising under the 10th Amendment;
- "4. Give a super-majority of the states the power to initiate constitutional amendments and repeal improper federal legislation, subject to veto by a super-majority of the United States Congress;
- "5. Provide other safeguards against unwarranted federal intrusion into the affairs of the sovereign states and their local subdivisions; and

"Whereas, as a sovereign government under the Constitution of the United States,

the Commonwealth of Virginia has not only the right but also the duty to defend the prerogatives of the people of Virginia against federal government excesses; and

"Whereas, the Commonwealth of Virginia currently is attempting to enforce the 10th Amendment rights of its citizens through appropriate litigation; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That Congress be urged to observe the principles of federalism as required by the 10th Amendment of the Constitution of the United States over all powers neither prohibited to the Commonwealth of Virginia nor enumerated and granted to the federal government by the Constitution of the United States; and, be it

"Resolved further, That this resolution serve as notice and demand to the federal government to cease and desist immediately the imposition and enforcement of mandates that are beyond the scope of its constitutionally delegated powers; and, be it

"Resolved further, That the General Assembly of Virginia endorse and support the efforts of the Governor and other representatives of the people of Virginia, including the members of the United States Congress, to secure adherence to and enforcement of the 10th Amendment rights of the Commonwealth of Virginia and its citizens and to secure structural changes at the federal level that will restore the states as full partners in a federal system of shared powers and dual sovereignty; and, be it

"Resolved finally, That the Clerk of the Senate transmit a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Virginia congressional delegation so that they may be apprised of the sense of the General Assembly in this matter."

POM-80. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 320

"Whereas, the 10th Amendment to the Constitution of the United States clearly limits the powers of the federal government by stating that 'the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people'; and

"Whereas, the debate over the powers of the federal government in relation to the several states has raged throughout our history, but the recent actions of the federal government, particularly in the area of unfunded mandates, has rekindled the controversy; and

"Whereas, the restriction on the power of the federal government, so simply and elegantly stated in the 10th Amendment, is the essence of the federalism envisioned by the framers of the Constitution; and

"Whereas, that vision of federalism, with the states retaining those powers not specifically delegated by the Constitution to the federal government, has been subverted by an insolvent federal government that imposes increasingly onerous and costly mandates on the states; and

"Whereas, the assault by the Congress of the United States on the 10th Amendment showing no signs of abating, the time for the states to exert their constitutional rights has come; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That Congress be urged to

observe the 10th Amendment to the Constitution of the United States. The Commonwealth of Virginia hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution; and, be it

“Resolved further, That this resolution serve as the Commonwealth of Virginia’s notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and, be it

“Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation, and the Attorney General of Virginia so that they may be apprised of the sense of the Virginia General Assembly.”

POM-81. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Governmental Affairs.

“ENROLLED JOINT RESOLUTION NO. 1

“Whereas, the United States Constitution established a balanced compound system of governance and through the Tenth Amendment reserved all nondelegated and non-prohibited powers to the states or to the people; and

“Whereas, over many years, the Federal Government has dramatically expanded the scope of its power and preempted state government authority and increasingly has treated states as administrative subdivisions or as special interest groups, rather than co-equal partners; and

“Whereas, the Federal Government has generated massive deficits and continues to mandate programs that state and local governments must administer; and

“Whereas, the number of federal unfunded mandates has grown exponentially during the last thirty (30) years and has profoundly distorted state budgets, thereby handcuffing the ability of state leaders to provide appropriate and needed services to their constituents; and

“Whereas, since 1990, the Federal Government has enacted at least forth-two (42) major statutes imposing burdensome and expensive regulations and requirements on states and local governments which is nearly equal to all those enacted in the prior two (2) decades combined; and

“Whereas, persistent, state-led endeavors have consistently failed to generate any substantial reaction or remedy from the Federal Government; and

“Whereas, the United States Supreme Court has repeatedly determined that the states must look to the Congress and related political remedies for protection against Federal encroachments on the reserved powers of the states; and

“Whereas, in recent years, states and local governments have been the principal agents of government reform, and with local governments, have been the pioneers of government innovation, thus responding to the needs of their citizens; and

“Whereas, the Council of State Governments has recognized a sense of urgency in calling for the Conference of the States, whereby each state government would send a delegation to develop a comprehensive action plan to restore balance in the Federal system; and

“Whereas, the Council of State Governments, with its regional structure and groupings of elected and appointed officials

from all three (3) branches of state government, reflects an entity ideally suited to promote and facilitate such a conference; and

“Whereas, the Conference of the States will communicate broad bipartisan public concern on the extent to which the American political system has been distorted and provide a formal forum for state governments to collectively propose constructive remedies for a more balanced State-Federal governance partnership for the 21st century: Now, therefore, be it

“Resolved by the members of the legislature of the State of Wyoming:

“SECTION 1.

“(a) That a delegation of five (5) voting persons from the State of Wyoming shall be appointed to represent the State of Wyoming at a Conference of the States for the purposes described in subsection (b) of this section to be convened as provided in subsection (c) of this section. The delegation shall consist of the governor, or one (1) of the other four (4) statewide elected officials designated by the governor, and four (4) legislators, two (2) from each house selected by the presiding officer of that house. No more than two (2) of the four (4) legislators may be from the same political party. Each presiding officer may designate two (2) alternate legislator delegates, one (1) from each party, who have voting privileges in the absence of the primary delegates.

“(b) That the delegates of the Conference of the States will propose, debate and vote on elements of an action plan to restore checks and balances between states and the national government. Measures agreed upon will be formalized in an instrument called a States’ Petition and returned to the delegation’s state for consideration by the entire legislature.

“(c) That the Conference of the States shall be convened under the 501(c)3 auspices of the Council of State Governments in cooperation with the National Governors’ Association and the National Conference of State Legislatures no later than two hundred seventy (270) days after legislatures of at least twenty-six (26) states adopt this resolution without amendment.

“(d) That prior to the official convening of the Conference of the States the steering committee created by the Council of State Governments will draft:

“(i) The governance structure and procedural rules for the Conference;

“(ii) The process for receiving rebalancing proposals; and

“(iii) The financial and administrative functions of the Conference, including the Council of State Governments as fiscal agent.

“(e) That the bylaws for the Conference shall:

“(i) Conform to the provisions of this resolution;

“(ii) Specify that each state delegation shall have one (1) vote at the Conference; and

“(iii) Specify that the Conference agenda be limited to fundamental, structural and long-term reforms.

“(f) Upon the official convening of the Conference of the States, the state delegations will vote upon and approve the Conference governing structure, operating rules and by-laws.

“SECTION 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Council of State Governments, to the National Conference of State Legislatures and to the Wyoming Congressional Delegation.”

POM-82. A resolution adopted by Council of the City of Hastings, Nebraska relative to the flag; to the Committee on the Judiciary.

POM-83. A resolution adopted by Council of Juvenile and Family Court Judges, Nashville, Tennessee relative to the judiciary; to the Committee on the Judiciary.

POM-84. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

“SENATE JOINT RESOLUTION NO. 341

“Whereas, pursuant to Article 1, Section 8, and Article IV, Section 4 of the U.S. Constitution, the federal government has the sole authority to regulate immigration, to protect states from invasion, and to guarantee states a republican form of government; and

“Whereas, the President and Congress set the limits for the number of legal immigrants who each year enter this country to reside and also require the states to provide education, emergency medical care and incarceration for many undocumented immigrants with little or no reimbursement; and

“Whereas, while professing a moral obligation to reimburse the states for the costs which result from their immigration policy, Congress has continued to renege on its promise; and

“Whereas, many states, especially those with large concentrations of undocumented immigrants living within their borders, have made their complaints in the form of suits in federal courts to recover some of the costs which the states feel result from the failure of the federal government to enforce the nation’s borders and provide adequate resources for immigration; and

“Whereas, the federal government has recently begun to review the issue through the creation of a national committee on immigration reform, whose final report is due in 1997, and by providing additional money for some programs, especially border control and reimbursement for the incarceration of convicted offenders; and

“Whereas, many states are being hard hit by budgetary cutbacks and are feeling the impact on state revenues and expenditures incurred by these federal mandates; now, therefore, be it

“Resolved by the Senate, the House of Delegates concurring, That it is the sense of the General Assembly of Virginia that Congress should honor its obligations, both constitutional and legislative, and reimburse states for the cost of providing services to undocumented immigrants; and, be it

“Resolved further, That the Clerk of the Senate shall transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Virginia Congressional Delegation in order that they may be apprised of the sentiment of the General Assembly.”

POM-85. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

“HOUSE JOINT RESOLUTION NO. 658

“Whereas, each year this nation becomes more deeply in debt as its expenditures repeatedly exceed available revenues so that the total federal public debt now approaches \$5 trillion and continues to increase; and

“Whereas, the federal budget fails to reflect actual spending because of the exclusion of special outlays which are neither included in the budget nor subject to the legal public debt limit; and

“Whereas, knowledgeable planning requires that the budget reflect all federal spending and that the budget be in balance; and

"Whereas, attempts to curtail federal spending, confine expenditures to available revenues, and reduce the annual deficit have met with only limited success; and

"Whereas, fiscal irresponsibility at the federal level, with the inflation that can result from this policy, is the greatest threat which faces our nation; and

"Whereas, the requirement to balance the budget and a presidential line-item veto are two measures which will promote responsibility at the federal level, provide checks against unnecessary and costly appropriations, and reinforce efforts to bring about fiscal integrity; and

"Whereas, the Constitution of this Commonwealth provides for both a balanced budget and gubernatorial line-item veto, and these provisions have reinforced the inherent fiscal common sense of spending only funds available and have contributed to the Commonwealth's outstanding reputation for sound fiscal management and policy; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That Congress be urged to hereby express its vigorous and continuing support for amendments to the Constitution of the United States to require a balanced budget and provide a line-item veto power for the President; and, be it

"Resolved further, That a copy of this resolution be sent to the President of the United States, the Speaker of the House of Representatives, the President of the United States Senate, and to each member of the Virginia Congressional Delegation in order that they may be apprised of the sentiment of the General Assembly of Virginia."

POM-86. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION NO. 279

"Whereas, all thirty-three amendments proposed to the United States Constitution since 1788, including the twenty-seven amendments adopted, have been initiated by the Congress; and

"Whereas, more than 400 petitions from the several states requesting a constitutional convention to propose amendments have been filed with Congress but have never resulted in the calling of a convention or adoption of an amendment; and

"Whereas, there should be a careful balance of national and state power in a federal system, and the present mechanisms for the amendment of the Constitution have proven to be incapable of affording the proper balance between the national and state governments in their abilities to propose amendments to the Constitution; and

"Whereas, the envisioned and desirable equipoise between national and state powers requires a means for the several states to be able to propose and adopt amendments to the Constitution; and

"Whereas, the Commonwealth, in 1990, joined with other states to propose an amendment to the United States Constitution to enable three-fourths of the states to amend the Constitution subject to congressional veto and, in 1995, confirms its support for that proposal, 1990 House Joint Resolution No. 140; and

"Whereas, it is proper that alternative proposals to address the issue of how best to restore the desired balance between the states and the national government should be considered; and

"Whereas, the agreement by three-fourths of the legislatures of the several states to the same proposed amendment within a seven-year span should provide assurance that a proposed amendment is the will of the people, and that agreement should result in

the adoption of the proposed amendment without the necessity of action by the Congress; now, therefore, be it

"Resolved by the Senate, the House of Delegates concurring, That the General Assembly of Virginia request the Congress of the United States to propose an amendment to Article V of the Constitution of the United States which provides for state-initiated amendments to the Constitution. The amendment provides for the deletion of the language shown as stricken and the insertion of the italicized language, in essence, as follows:

"ARTICLE V—AMENDMENT OF THE CONSTITUTION

"The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the applications of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

"In addition, whenever the legislatures of three fourths of the several states shall propose and adopt an identical amendment to this Constitution, related to but one subject, that amendment shall be valid as a part of this Constitution, without any action being required by the Congress, upon receipt by the Clerk of the Supreme Court of certified copies of that amendment from states which represent three fourths of the several states; provided that the Clerk receives such certified copies within a seven-year period beginning on the date he receives the first certified copy of the proposed amendment; and provided that each state shall retain the power to rescind its action to propose and adopt the amendment until the expiration of the seven-year period or the date of receipt by the Clerk of certified copies of the same amendment from three-fourths of the several states whichever first occurs.

"Upon receipt from the first ten states of the identical proposed amendment, the Supreme Court shall within sixty days thereafter rule whether the amendment is, in fact, related to one subject only if the Supreme Court rules that the amendment is related to but one subject, or if the Supreme Court fails to rule on the issue within the sixty days, the amendment shall be conclusively presumed to meet the one-subject standard. If the Supreme Court rules that the amendment fails to meet the one-subject standard, the proposed amendment shall be invalid.

"However, no state, without its consent, shall be deprived of its equal suffrage in the Senate; and, be it

"Resolved further, That the General Assembly request the legislatures of the several states to apply to Congress for the proposal of this amendment to the Constitution of the United States; and, be it

"Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Archivist of the United States at the National Archives and Records Administration of the United States, the members of the Virginia delegation to the United States Congress, and the legislatures of each of the several states, attesting the adoption of this resolution."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 657. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary; to the Committee on Finance.

By Mr. BINGAMAN:

S. 658. A bill to expand the boundary of the Santa Fe National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 659. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to replace the prohibition on higher State make allowances for the processing of milk with a requirement that the support purchase price for milk be reduced if a person collects a State make allowance that is higher than the Federal make allowance and the milk is purchased by the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KENNEDY:

S. Res. 98. A resolution relating to tax avoidance by certain American citizens; ordered to lie over, under the rule.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 657. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities or for college education costs of a beneficiary; to the Committee on Finance.

THE PERSONS WITH DISABILITIES TRUSTS TAX RATE RESTORATION ACT

● Mr. DOMENICI. Mr. President, things aren't always as they seem—especially in the world of tax legislation. Included in the same section that raised the tax rates for higher income individuals were provisions increasing the tax rate for trusts with meager incomes as low as \$1,500.

President Clinton campaigned that he wouldn't raise taxes on anyone earning less than \$200,000, yet in the law the President signed in 1993, tax bracket increases begin for trusts that have income of \$1,500.

This isn't really a tax on trusts. It is a tax on people who are mentally ill and people with disabilities. It is also a tax on education.

The legislation I am introducing today would repeal that tax increase.

Trusts, at first blush, are faceless entities associated with the idle rich. But the vast majority of trusts are long-