

time for them to do it. It would be just like Washington, DC, which is out of touch with everything else, to finally pass this bill in March or April when the planting season has passed for many of the farmers in our country. Mr. President, we cannot do that. It is not responsible. I am speaking for the farmers, the hard-working small business people of my State and all the States for which agriculture is so important for their economies and for their families.

I urge my colleagues, vote for closure. There is no reason to fear debate on this bill. There is every reason for us to do the responsible thing so that our farmers and ranchers have the ability to make the decisions that they need to make in a responsible way. It is the least they can expect from the U.S. Congress. I yield the floor.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Mexico.

THE PRESIDENT'S BUDGET

Mr. DOMENICI. I will depart from the subject matter and just call to our attention and to the American people's attention a situation with reference to the President's so-called submission of a balanced budget.

First, as chairman of the Budget Committee, I was advised last week by the White House that they were going to submit this kind of document. Of course, I cannot do anything about whether they should submit this 20-page brochure in lieu of a balanced budget, but I suggested that it would not be a budget. The response was that it would be submitted in this manner.

I want everybody to know that the February 5 deadline for the submission of a budget which can be reached—I am not suggesting that it cannot be delayed, but to tell the American people that the President has submitted a balanced budget in compliance with the requirements of the law is just not true. This is 15 pages of political prose and advertisements and 5 pages of technical economic assumptions and the like. It is as if there really is nothing formal and specific about the Nation's budget.

Some may recall in the past when budget directors submitted their budgets, they were more than a few hundred pages. They had supplements to amend. That is because every item in the Federal budget was itemized in terms of expenditure. This budget is 15 pages of prose, 5 pages of tables. It says nothing about how the President proposes to spend the \$12.2 trillion he has proposed to expend over the next 7 years.

I want the Senate and the people to know that this is not just a Senator speaking. There is a law about budgets. The law says in 31 U.S.C. 1105 that there are 31 specific requirements for a budget to be a budget. I ask unanimous consent to have printed in the RECORD for anyone who would like to peruse this, the 31 requirements of a budget.

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

§1105. Budget contents and submission to Congress

(a) On or after the first Monday in January but not later than the first Monday in February of each year,¹⁸⁴⁷ the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(1) information on activities and functions of the Government.

(2) when practicable, information on costs and achievements of Government programs.

(3) other desirable classifications of information.¹⁸⁴⁸

(4) a reconciliation of the summary information on expenditures with proposed appropriations.

(5) except as provided in subsection (b) of this section, estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year.

(6) estimated receipts of the Government in the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

(A) laws in effect when the budget is submitted; and

(B) proposals in the budget to increase revenues.

(7) appropriations, expenditures, and receipts of the Government in the prior fiscal year.

(8) estimated expenditures and receipts, and appropriations and proposed appropriations, of the Government for the current fiscal year.

(9) balanced statements of the—

(A) condition of the Treasury at the end of the prior fiscal year;

(B) estimated condition of the Treasury at the end of the current fiscal year; and

(C) estimated condition of the Treasury at the end of the fiscal year for which the budget is submitted of financial proposals in the budget are adopted.

(10) essential information about the debt of the Government.

(11) other financial information the President decides desirable to explain in practicable detail the financial condition of the Government.¹⁸⁴⁹

(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted; and

(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect.

(13) an allowance for additional estimated expenditures and proposed appropriations for the fiscal year for which the budget is submitted.

(14) an allowance for unanticipated uncontrollable expenditures for that year.

(15) a separate statement on each of the items referred to in section 301(a)(1)–(5) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)(1)–(5)).

(16) the level of tax expenditures under existing law in the tax expenditures budget (as defined in section 3(a)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 622(a)(3)) for the

fiscal year for which the budget is submitted, considering projected economic factors and changes in the existing levels based on proposals in the budget.

(17) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for grants, contracts, and other payments under each program for which there is an authorization of appropriations for that following fiscal year when the appropriations are authorized to be included in an appropriation law for the fiscal year before the fiscal year in which the appropriation is to be available for obligation.

(18) a comparison of the total amount of budget outlays for the prior fiscal year, estimated in the budget submitted for that year, for each major program having relatively uncontrollable outlays with the total amount of outlays for that program in that year.

(19) a comparison of the total amount of receipts for the prior fiscal year, estimated in the budget submitted for that year, with receipts, a comparison of the amount of receipts estimated in that budget with the amount of receipts from that source in that year.

(20) an analysis and explanation of the differences between each amount compared under clauses (18) and (19) of this subsection.

(21) a horizontal budget showing—

(A) the programs for meteorology and of the National Climate Program established under section 5 of the National Climate Program Act (15 U.S.C. 2904);

(B) specific aspects of the program of, and appropriation, for, each agency; and

(C) estimated goals and financial requirements.

(22) a statement of budget authority, proposed budget authority, budget outlays, and proposed budget outlays, and descriptive information in terms of—

(A) a detailed structure of national needs that refers to the missions and programs of agencies (as defined in section 101 of this title); and

(B) the mission and basic programs.

(23) separate appropriation accounts for appropriations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.)

(24) recommendations on the return of Government capital to the Treasury by a mixed-ownership corporation (as defined in section 9101(2) of this title that the President decides are desirable.

(25) a separate appropriation account for appropriations for each Office of Inspector General of an establishment defined under section 11(2) of the Inspector General Act of 1978.

(26)¹⁸⁵⁰ a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.

(28)¹⁸⁵¹ a separate statement of the amount of appropriations requested for the Office of Financial Management.

(b) Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget under subsection (a)(5) of this section shall be submitted to the President before October 16 of each year and included in the budget by the President without change.

(c) The President shall recommend in the budget appropriate action to meet an estimated deficiency when the estimated receipts for the fiscal year for which the budget is submitted (under laws in effect when the budget is submitted) and the estimated amounts in the Treasury at the end of the current fiscal year available for expenditure in the fiscal year for which the budget is submitted, are less than the estimated expenditures for that year. The President shall

Footnotes at end of article.

make recommendations required by the public interest when the estimated receipts and estimated amounts in the Treasury are more than the estimated expenditures.

(d) When the President submits a budget or supporting information about a budget, the President shall include a statement on all changes about the current fiscal year that were made before the budget or information was submitted.

(e)(1) The President shall submit with materials related to each budget transmitted under subsection (a) on or after January 1, 1985, an analysis for the ensuing fiscal year that shall identify requested appropriations or new obligational authority and outlays for each major program that may be classified as a public civilian capital investment program and for each major program that may be classified as a military capital investment program, and shall contain summaries of the total amount of such appropriations or new obligational authority and outlays for public civilian capital investment programs and summaries of the total amount of such appropriations or new obligational authority and outlays for military capital investment programs. In addition, the analysis under this paragraph shall contain—

(A) an estimate of the current service levels of public civilian capital investment and of military capital investment and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(B) the most recent assessment analysis and summary, in a standard format, of public civilian capital investment needs in each major program area over a period of ten years;

(C) an identification and analysis of the principal policy issues that affect estimated public civilian capital investment needs for each major program; and

(D) an identification and analysis of factors that affect estimated public civilian capital investment needs for each major program, including but not limited to the following factors:

- (i) economic assumptions;
- (ii) engineering standards;
- (iii) estimates of spending for operation and maintenance;
- (iv) estimates of expenditures for similar investments by State and local governments; and
- (v) estimates of demand for public services derived from such capital investments and estimates of the service capacity of such investments.

To the extent that any analysis required by this paragraph relates to any program for which Federal financial assistance is distributed under a formula prescribed by law, such analysis shall be organized by State and within each State by major metropolitan area if data are available.

(2) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a public civilian capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for a number of years and is not classified as a military capital investment under paragraph (3). Such assets shall include (but not be limited to)—

- (A) roadways or bridges,
- (B) airports or airway facilities,
- (C) mass transportation systems,
- (D) wastewater treatment or related facilities,
- (E) water resources projects,
- (F) hospitals,

(G) resource recovery facilities,

(H) public buildings,

(I) space or communications facilities,

(J) railroads, and

(K) federally assisted housing.

(3) For purposes of this subsection, any appropriation, new obligational authority, or outlay shall be classified as a military capital investment to the extent that such appropriation, authority, or outlay will be used for the construction, acquisition, or rehabilitation of any physical asset that is capable of being used to produce services or other benefits for purposes of national defense and security for a number of years. Such assets shall include military bases, posts, installations, and facilities.

(4) Criteria and guidelines for use in the identification of public civilian and military capital investments, for distinguishing between public civilian and military capital investments, and for distinguishing between major and nonmajor capital investment programs shall be issued by the Director of the Office of Management and Budget after consultation with the Comptroller General and the Congressional Budget Office. The analysis submitted under this subsection shall be accompanied by an explanation of such criteria and guidelines.

(5) For purposes of this subsection—

(A) the term "construction" includes the design, planning, and erection of new structures and facilities, the expansion of existing structures and facilities, the reconstruction of a project at an existing site or adjacent to an existing site, and the installation of initial and replacement equipment for such structures and facilities;

(B) the term "acquisition" includes the addition of land, sites, equipment, structures, facilities, or rolling stock by purchase, lease-purchase, trade, or donation; and

(C) the term "rehabilitation" includes the alteration of or correction of deficiencies in an existing structure or facility so as to extend the useful life or improve the effectiveness of the structure or facility, the modernization or replacement of equipment at an existing structure or facility, and the modernization of, or replacement of parts for, rolling stock.

(f) ¹⁸⁵² The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared in a manner consistent with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 that apply to that and subsequent fiscal years.¹⁸⁵³

§ 1106. Supplemental budget estimates and changes

(a) Before July 16 of each year, the President shall submit to Congress a supplemental summary of the budget for the fiscal year for which the budget is submitted under section 1105(a) of this title. The summary shall include—

(1) for that fiscal year—

(A) substantial in or reappraisals of estimates of expenditures and receipts;

FOOTNOTES

¹⁸⁴⁷This period is here in the original. Section 13112(c)(1) of the Budget Enforcement Act struck the words "On or before the first Monday after January 3 of each year (or on or before February 5 in 1986)" here and inserted "On or after the first Monday in January but not later than the first Monday in February of each year." See *supra* p. 710.

The statement of managers accompanying the conference report on the Budget Enforcement Act hedges the changes made by that Act:

XI. Presidents Budget Submission

The conference agreement includes a provision permitting the President to delay submission to Congress of The Budget of the United States Government from the present requirement of "on or before the first Monday after January 3 of each year" to not later than the first Monday in February. The conferees intended that this increased flexibility be

used very rarely to meet only the most pressing exigencies. An orderly and timely budget process requires that Presidential submissions be made on or before the first Monday after January 3 whenever possible. The conferees expect that Presidential submission dates will comply with the January deadline. H.R. CONF. REP. NO. 101-964, 101st Cong., 2d Sess. 1171 (1990), reprinted in 1990 U.S.C.C.A.N. 2017, 2876.

¹⁸⁴⁸In addition to this broad statutory authority, the President also retains the Constitutional authority to "recommend to [Congress's] Consideration such Measures as he shall judge necessary and expedient." U.S. Const. art. II, § 3.

¹⁸⁴⁹In addition to this broad statutory authority, the President also retains the Constitutional authority to "recommend to [Congress's] Consideration such Measures as he shall judge necessary and expedient." U.S. Const. art. II, § 3.

¹⁸⁵⁰Section 1006 of the Anti-Drug Abuse Act of 1988 added this paragraph (26). Pub. L. 100-690, § 1006, 102 Stat. 4187 (1988). Section 1009 of that Act provides that this paragraph is repealed "on the date which is 5 years after the date of enactment," or November 18, 1993. *Id.* § 1009, 102 Stat. at 4188.

Note that section 5301 of the Omnibus Trade Competitiveness Act of 1988 added another paragraph (26), if temporarily. Pub. L. 100-418, § 5301, 102 Stat. 1462 (1988). Section 5303 of the Act provides:

The amendment made by section 5301 shall be effective for fiscal years 1989, 1990, 1991, and 1992, and shall be fully reflected in the budgets submitted by the President as required by section 1105(a) of title 31, United States Code, for each such fiscal year . . . *Id.* § 5303, 102 Stat. at 1463.

The now-former paragraph (26) read:

(26) an analysis, prepared by the Office of Management and Budget after consultation with the chairman of the Council of Economic Advisers, of the budget's impact on the international competitiveness of United States business and the United States balance of payments position and shall include the following projections, based upon the best information available at the time, for the fiscal year for which the budget is submitted—

(A) the amount of borrowing by the Government in private credit markets;

(B) net domestic savings (defined as personal savings, corporate savings, and the fiscal surplus of State and local governments);

(C) net private domestic investment;

(D) the merchandise trade and current accounts ;

(E) the net increase or decrease in foreign indebtedness (defined as net foreign investment); and

(F) the estimated direction and extent of the influence of the Government's borrowing in private credit markets on United States dollar interest rates and on the real effective exchange rate of the United States dollar. Pub. L. 100-418, § 5301, 102 Stat. 1462 (1988) (expired).

Compare the parallel requirements for the report to accompany the congressional budget resolution formerly set forth in section 301(e)(10) of the Congressional Budget Act. See *supra* note 190.

¹⁸⁵¹This is so in the original. No paragraph (27) exists. The Chief Financial Officers Act of 1990, Pub. L. No. 101-576, 104 Stat. 2838 (1990), added this paragraph.

¹⁸⁵²Section 275(b) of Gramm-Rudman-Hollings provides that section 1105(f) of title 31 shall expire September 30, 1995.

¹⁸⁵³Section 13112(c)(2) of the Budget Enforcement Act amended subsection (f) to read as it does now. See *supra* p. 711. Before enactment of the Budget Enforcement Act, subsection (f) read as follows:

(f)(1) The budget transmitted pursuant to subsection (a) for a fiscal year shall be prepared on the basis of the best estimates then available, in such a manner as to ensure that the deficit for such fiscal year shall not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974.

(2) The deficit set forth in the budget so transmitted for any fiscal year not exceed the maximum deficit amount for such fiscal year as determined under paragraph (7) of section 3 of the Congressional Budget and Impoundment Control Act of 1974, with budget outlays and Federal revenues at such levels as the President may consider most desirable and feasible.

(3) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a budget baseline estimate made in accordance with section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and using economic and technical assumptions consistent with the current services budget submitted under section 1109 for the fiscal year. If such budget baseline estimate differs from the estimate in the current services budget, the President shall explain the differences. The budget

transmitted pursuant to subsection (a) for such fiscal year shall include the information required by section 251(a)(2) of such Act (other than account-level detail) assuming that the deficit in such budget baseline were the amount estimated by the Director of the Office of Management and Budget on August 25 of the calendar year in which the fiscal year begins.

(4) Paragraphs (1) and (2) shall not apply with respect to fiscal year 1989 if the budget transmitted for such fiscal year provides for deficit reduction from a budget baseline deficit for such fiscal year (as defined by section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 and based on laws in effect on January 1, 1988) equal to or greater than \$36,000,000,000.

(5) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect.

Mr. DOMENICI. Mr. President, I submit, and my quick analysis is, that the President has complied with none of them. Again, I repeat, if the President wanted to tell the American people he sent a vision statement up here, or if he wanted to say, "I sent a sunshine brochure up here"—it is in yellow and looks like sunshine—if he wanted to say that, that is fine. But to suggest that he sent a budget up here is clearly, clearly, a statement without any ability behind the White House to prove it. There is no budget.

Why do I say this and why do I come to the floor? First, some are saying, we should have a budget hearing on the budget. I say to my friend—two are here on the Budget Committee—there is no budget to have a hearing about. We could perhaps have a hearing about the nonbudget if some would like to have that.

Second, it is very easy to submit a budget with bulk numbers if you do not have to tell the public what you are going to do, so that in all the appropriated accounts, you do not have to tell them what you will spend money on and what you will not spend money on. It is another effort on the part of the White House to make everybody feel good and to make sure you feel good about the President's proposals because he has not yet told you what he will and will not do.

I submitted the 31 requirements, and I merely ask the White House and the President to submit a budget at the earliest possible time. I think the public deserves it. I think we deserve it. Again, I say to the White House, you have not submitted one. We understand that perhaps there is a lot of pressure this year and a shortage of time, but it would have been better if you would not have told the public you submitted one when you did not. Make sure when you do submit one that it is a budget, and then we can have hearings on it and let the American people know what is in it.

Mr. BOND. Mr. President, I ask unanimous consent I be permitted to speak up to 5 minutes as in morning business.

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

THE BUDGET

Mr. BOND. I say to my good friend, the distinguished chairman of the Budget Committee, perhaps because of the fact that the President submitted

five budgets last year, the White House sent down five budgets—the last one did not even pass the smile test—they may have lost their enthusiasm.

I certainly do share the concerns expressed by the Senator from New Mexico. We had the last budget, I guess it was called No. 5, that purported to reach balance by making somewhere between 90 and 95 percent of the cuts in appropriated accounts in the 6th and 7th years. I traveled around my State the last couple of weeks and asked how many people believed the budget was honest if you said you would get to balance by making all the cuts in the 6th and 7th years. That is one of the best laugh lines around. I should have been using that in one of the roasts we had in town because that, from the commonsense folks I talk to, draws that kind of response.

A NEW FARM BILL

Mr. BOND. Let me move on to another item that was included in that Balanced Budget Act of 1995 that was vetoed by the President and that has been addressed already today on the floor. That is a new farm bill.

During the last several days, when farmers and all the rest of us came inside, I had the opportunity to talk to and hear from and answer a lot of questions from farmers in my State. They said, "Why don't we have a farm bill?"

I said, simply, the President vetoed the first one and we were unsuccessful in getting the votes to end the filibuster.

They said, "What are they filibustering?"

I said that is the difficult point. They do not have an alternative.

These people said, "We cannot go back to the old farm bills. What are we going to do?"

I said, "Well, we are going to try again to break the filibuster so the farmers of America and the people who depend on and work with the agricultural sector will know what the ground rules are."

These people who talk to me said, "We want flexibility. It is a lot better for our land. It is a lot better for the environment. It is a lot better for us if we can rotate our crops and we are not locked in to planting corn to keep our corn base," or other crops in which they have a base. They said, "We need to be able to choose what is right for our farming operation, our land, and what we think is best for the market."

I said, "Basically, that is the Freedom To Farm Act."

I think the Leahy-Craig substitute amendment represents the opportunity that the people of America, certainly the farmers in my State, have been looking for: to move forward in a bipartisan way to shape policy on behalf of our Nation's farmers and consumers. The modified freedom-to-farm legislation offers reform, opportunity, flexibility and predictability in a fiscally responsible way and with the growing

support of Members on both sides of the aisle.

I have said farmers in my State have supported the bill. We have reform groups, such as Citizens Against Government Waste, who support this because it does save money. We have the Farm Bureau, corn growers, Cotton Council, cattlemen, pork producers, and the many others who have already been named by my colleagues who have spoken before. I concede we do not have all of the fringe groups who are working to come up with something that fits their particular interest.

I know there is apprehension by some, simply because the reform measure represents change. But I will tell my colleagues, the young farmers, the men and women who are going to be providing food and fiber for the future are ready for change. They want to move away from farming for the mailbox to farming for the marketplace. They want to be able to determine what is best for their operations and get their returns from the marketplace.

We all know this reform package is the only show in town. There have been some good ideas. Others have come up with things. But there is simply no consensus alternative that has been offered by those who are filibustering. There is no constituency for these alternative ideas that spring up and disappear. Neither producers nor farmers that I know of are supporting it.

I must say, I am deeply troubled by one proposal opponents have offered, which would cut farm payments by 60 percent. Some have said on this floor that farmers have high prices, are making money, and having high income. Mr. President, my farmers are not in that situation. My farmers have been hit by flood, by drought, by frost. They have no crop to sell in some instances. They are faced with a refund of last year's advance deficiency payments.

It does not matter if the crops are bringing high prices if you do not have anything to sell. Farmers want and deserve predictability, flexibility, and simplicity associated with a 7-year contract. A known stream of payments will provide certainty to farmers, lenders, and the taxpaying public. It will promote security during difficult economic times, and I think farmers can manage a predictable income stream to mitigate economic risks better than Washington can.

I applaud Senator DOLE, Senator LUGAR, and Senator LEAHY for bringing this bipartisan approach together. We need the votes to end the filibuster. I urge my colleagues to support the cloture motion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

A COMPROMISE FARM PROGRAM

Mr. COCHRAN. Mr. President, in connection with the issue that is before