

Perry Specter. But that is precisely what we are doing as a nation in building up deficits in the range of \$200 billion a year and a national debt which now exceeds \$5 trillion. There has been a unique opportunity to deal with this in an institutional way to achieve a balanced budget. That is through a constitutional amendment.

There are many subjects which are talked about on the Senate floor, repetitively, where it is very hard to find out which philosophy is correct and which political party is at fault. I suggest, Mr. President—and I do not do this often—that there is a defining difference between the philosophy of the Republicans and the philosophy of the Democrats on this subject. That has been continuously demonstrated by the votes on this subject.

Today's vote was 64 to 35. So the Senate fell three votes short of the two-thirds necessary to have a constitutional amendment. Among the 53 Republicans, 52 voted in favor of the constitutional amendment for a balanced budget. Among the 46 Democrats who voted, one Democrat being absent, 12 Democrats voted in favor of the constitutional amendment for a balanced budget and 34 voted against.

President Clinton has stated his position in being in opposition to a constitutional amendment for a balanced budget. Senator DOLE, the presumptive Republican nominee, has led the fight for a constitutional amendment for a balanced budget.

I believe that this is very similar to the Clinton health care proposal as a defining issue as to where the parties stand. The Clinton health care proposal was a very drastic change to put the Government into the health care business.

When I read the Clinton proposal in September 1993, I started to make a list of all the agencies, boards, and commissions which were created. I found I could not tabulate them all and asked an assistant to make me a comprehensive list. My assistant, instead, made a chart instead of a list. I am sparing C-SPAN viewers showing again the chart. It has been fairly extensively shown with boxes in red showing more than 100 new agencies, boards, and commissions under the Clinton health care plan, and the boxes in green, 50, giving additional tasks to 50 existing bureaus.

Bob Woodward of the Washington Post said that chart was the critical fact to defeat the Clinton health care plan. A picture is worth 1,000 words. A chart in some situations is worth 1,000 pictures and perhaps worth more than \$100 billion in this case.

I believe that the health care program that President Clinton proposed was a defining issue, just as this vote today on a constitutional amendment for a balanced budget is a defining issue.

I am convinced that the budget can be balanced with a scalpel and not a meat ax. I serve as chairman of the Appropriations Subcommittee on Labor,

Health, Human Services and Education. The allocation to that subcommittee was reduced from \$70 billion last year to \$62 billion.

Senator TOM HARKIN, my distinguished ranking member on the Democratic side, Senator HARKIN and I worked collaboratively, as we did when he was chairman of the subcommittee and I the ranking minority member, and we structured a budget that handled it with a scalpel and not a meat ax.

We found that budget would not meet the President's requirements, and we came back on the floor of the U.S. Senate this spring. Senator HARKIN and I offered an amendment which added \$2.7 billion. It was like threading a needle to find a way to reach an amount which was satisfactory to the President, which would pass muster with the House committee in conference. After 20 hours of negotiations, the House Members approved the compromise by a vote of 6 to 5 and we got it done. This year, Senator HARKIN and I looked at the budget resolution, saw that we were still going to be short of a mark which would be satisfactory, and we structured another amendment for \$2.7 billion. This time, Senator DOMENICI, chairman of the Budget Committee, came in and added another \$2.3 billion for a total of \$5 billion in excess of what his committee had reported to the floor, so that we would have a realistic figure to do the job.

I cite that as an illustration. If you examine the fine print and look at the semicolons, there would be agreement that it was done within our confines, moving toward the balanced budget, and done with a scalpel and not a meat ax. I believe that we can establish priorities to have a balanced budget and do it carefully, preserving the important programs and eliminating those that are unnecessary, cutting those where cuts can be made.

I am personally convinced that the American people are prepared to have shared sacrifice to have a balanced budget if the cuts are uniform. As I said on this floor last year before we took up the budget resolution, I thought as much as I would like a tax cut I was opposed to it, because while you can justify the cuts if they are fairly made, if there is a tax cut at the same time it simply is unacceptable—some will be favored for a tax cut, with some of the proposals favoring those in the \$100,000 category while others at a much lesser figure had to have the reductions. If the reductions are fairly stated, I think shared sacrifice is something that the American people are prepared to accept. That is the concept of a balanced budget.

It is my hope that this issue, like the issue of health care, will be dealt with by the American people in November. I thought it a mistake when the Government was closed down last November, not something I am saying for the first time on June 6, 1996. I said it back on November 14, as the CONGRESSIONAL

RECORD will show during the first shutdown. That was an opportunity to crystalize the issue for the November election.

I think this is a watershed, a landmark signal issue on today's vote. When you take a look at the party alignment, with President Clinton leading the Democrats and 34 out of 46 voting Democrats in the Senate today voting "no" on the balanced budget amendment, and 52 out of 53 Republicans voting "yes" on the balanced budget amendment, that is an issue which ought to be submitted to the referendum this November. I yield the floor.

#### MEDICARE INSOLVENCY

Mr. COCHRAN, Mr. President, this afternoon, we had an interesting hearing in the subcommittee for appropriations which is chaired by the distinguished Senator from Pennsylvania [Mr. SPECTER]. The witness was the Secretary of Health and Human Services, Secretary Shalala. We were examining the budget request being submitted by the administration for appropriations to operate that Department of the Government for the next fiscal year that begins October 1.

Secretary Shalala happens to be in another capacity a trustee of this group who have the responsibility of monitoring the trust fund that supports the benefits paid out under the Medicare Program. Since that group of trustees had just made their report public yesterday at the news conference which we all read and heard about, that subject came up.

It occurred to me, since there was before the general public a suggestion by the President that he had made recommendations that were almost identical with the Republican suggestion about how to protect the benefits of this Medicare Program and how to deal with this impending insolvency of that fund, it occurs to me that we are going to see more of the same kind of political shenanigans from now until the end of this year, with nothing being done unless somebody is ready to say, "OK, we will go along with your proposal."

The President can say that to the Congress, or we can say that to the President. I am prepared at this point to suggest, in a serious way, and said this to Secretary Shalala at the hearing, the Congress accept the President's suggestions. We can pass the suggested changes for short-term relief of pressure on that fund, but at the same time appoint a commission which is also called for by the President and the trustees in their report to propose long-term changes, changes to affect the long-term insolvency problems of the trust fund, and that the Congress, through its leaders and the President himself, agree to implement the recommendations of that commission for long-term changes.

It seems to me that is one way to resolve this as a part of this argument

over whether Republicans are trying to cut taxes, to impose changes on Medicare beneficiaries as a part of a budget balancing act. We already, in the Congress, submitted to the President proposals to rescue the Medicare Program. That was a part of the Balanced Budget Act which the President vetoed. He has already rejected what Congress has suggested. After weeks and weeks of negotiations with leaders of the Congress and the President at the White House, all we got out of it were some photo ops, some political posturing, partisan sniping. We have had enough of that. The American people are fed up with that kind of politics. That is not the way to run the Government. I am tired of it.

I have recommended and seriously urge this Congress to accept the recommendation of the President—not the one, of course, that says that home health care ought to be paid for out of the general Treasury; I am talking about changes that will reduce the costs of the program in a way that saves the program from insolvency—they recommended last year that we had to act before the year 2002, that we were going to see an insolvency, there would be a bankrupted fund, in effect.

Now, the report this year is worse than that. The year before it was going insolvent. Under the last report, it is going to lose \$33 billion, and the following year \$100 billion. Contrary to what the junior Senator from West Virginia said, that this is a Republican-manufactured crisis, that is an outrageous comment. That is totally outrageous. These trustees are Democrats by and large. Secretary Rubin said it, Secretary Shalala said it is going to be insolvent, Secretary Reich said it would be insolvent, the head of the Social Security Administration was standing there and agreed with them. That is not a group of Republicans. The Republicans are not manufacturing a crisis. The crisis is real. The crisis is now.

It is irresponsible for us to continue to sit here and listen to this kind of arguing made by Senators on the other side that this is some kind of effort by Republicans to frighten older people. I am frightened. I am not an eligible beneficiary yet. We have to act.

I want to commend the Senator from Pennsylvania for his leadership in an effort to get the Secretary to agree to recommendations to the administration, that they take a stand, put their recommendations in the form of legislation, send it to the Hill, and see if we can pass it.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Mississippi for his kind comments and would amplify what he said. After his leadership in bringing this issue before the subcommittee and the Secretary of Health and Human Services, it was the subject of extended additional discussion. Secretary Shalala did say that

she would be prepared to recommend to the President that he sign a separate bill.

There are really few black and white issues on the floor of the U.S. Senate or in the Congress of the United States. I believe that the gridlock is visible right down the middle between Republicans and Democrats. I think there are, as a rarity, some clear-cut issues, as I mentioned a few moments ago on the Clinton health care plan or on the balanced budget amendment, where there is a clear philosophical and factual difference. The posturing which has been undertaken on Medicare I think has been a plague on both Houses and is so recognized by the American people.

Senator COCHRAN and I put it on the table in a direct conclusive way today and Secretary Shalala agreed with the Cochran-Specter proposal, and that is not giving up on the attempt to reach an overall reconciliation bill, to have a balanced budget, which will be presented by the Congress; but, at the same time, that there be a second bill, and if the first overall bill is rejected—which will be a global settlement on the deficit, an agreement between the President and Congress—Secretary Shalala said she would recommend that a separate bill be approved. That bill would be to accept the figure of the President, where he has recommended—and on this floor it is always articulated in terms of “cuts,” which is inaccurate. It is \$116 billion of reduction on the rate of increase.

Nobody is suggesting cuts. Every time somebody talks about a cut, it is factually incorrect. Last year, there was not a proposal for cuts in Medicare. There was a proposal to have the rate of increase of 7.1 percent instead of a higher figure on increase. This year, the proposal is 6.1 percent of increase, which is a decrease in the rate of increase. That is to say that the increase is not as much as it would have been.

President Clinton has proposed a reduction of \$116 billion in the rate of increase. And the proposal which Senator COCHRAN suggested, and I seconded, and Secretary Shalala agreed to, would be to have that as a separate bill, which would be an accommodation to the Medicare trust fund, which would keep it solvent for a period estimated on a variety of between 5 and 10 years.

Right after Senator COCHRAN's questioning and comments to Secretary Shalala, I said that it was the most forceful statement I have heard on the Appropriations Committee in the 16 years that I was present. I was about ready to say the most forceful statement by Senator COCHRAN, but I amended that to be the most forceful statement from anyone that I have seen in my 16 years. Then I walked over to him and said, had it been on national television, he would have been an instantaneous national, if not worldwide, hero. But that happens to be an area where, perhaps in an off mo-

ment, we have had agreement between a Democrat and two Republicans.

I said to Senator COCHRAN that if he would introduce the legislation, I would cosponsor it. Now I say, if he will not, I will, and I hope that he will cosponsor it.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

(The remarks of Mr. HELMS and Mr. FEINGOLD pertaining to the introduction of S.J. Res. 56 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

#### UNCONSTITUTIONALITY OF S. 1740, THE SO-CALLED DEFENSE OF MARRIAGE ACT

Mr. KENNEDY. Mr. President, S. 1740, the so-called Defense of Marriage Act, raises serious questions about the authority of Congress to limit the effect of a State court judgment in other States.

To assist the Senate in its consideration of S. 1740, I asked Harvard Law School Professor Laurence H. Tribe, one of the most respected constitutional scholars in the Nation, to review the bill and its constitutionality. Professor Tribe has done so and has concluded unequivocally that enactment of S. 1740 would be an unconstitutional attempt by Congress to limit the full faith and credit clause of the Constitution.

Mr. President, assaulting the Constitution is hardly defending marriage. I believe that all Members of Congress will be interested in Professor Tribe's analysis, and I ask unanimous consent that the text of his letter be printed at this point in the RECORD.

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

MAY 24, 1996.

Hon. EDWARD M. KENNEDY,  
*U.S. Senate, Russell Senate Office Building,  
Washington, DC.*

DEAR SENATOR KENNEDY: You have asked me whether the Constitution empowers Congress to enact Section 2(a) of S. 1740, which calls itself the Defense of Marriage Act and which would amend 28 U.S.C. 1738 by amending a new section 1738C to exempt “same sex \* \* \* marriage[s]” from the reach of the Constitution's Full Faith and Credit Clause, Art. IV, sec. 1, cl. 1, by authorizing any State choosing to do so to deny all “effect to any public act, record, or judicial proceeding” by which another State either recognizes such marriages as valid and binding, or treats such marriages as giving rise to any “right or claim.”

My exclusive focus in this analysis is the question of affirmative constitutional authority in light of the Full Faith and Credit Clause, which the Supreme Court over half a century ago aptly described as “a nationally unifying force,” “alter[ing] the status of the several states as independent foreign sovereignties, each free to ignore rights and obligations created under the laws or established by the judicial proceedings of the others, by making each an integral part of a single nation, in which rights \* \* \* established