SENATE—*Tuesday, May 14, 1996*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Rev. Bill Hall of Geronimo, OK. We are very pleased to have Reverend Hall with us.

PRAYER

The guest Chaplain, Rev. Bill Hall, offered the following prayer:

Let us join together in prayer this morning.

Our Father, at the beginning of this session, we want to join together to offer thanks for this great Nation and for the privilege of being a citizen of the United States of America.

We do approach Thy throne of grace today and ask for divine guidance. Let us become aware of Thy divine presence in this place at this hour.

At this time we ask that You will give each of these elected servants the wisdom and the courage that they will need to perform their duties today.

We also join together to pray for peace and security for our citizens. We pray Thy blessings to be bestowed upon our homes, on our schools and, indeed, throughout our Nation today. Let us be reminded that righteousness exalteth a nation but sin is a reproach to people. This morning together we make our petition and offer our thanks in the precious name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. LOTT. Mr. President, I am pleased to yield to the distinguished Democratic leader this morning to recognize our guest Chaplain; it has a special meaning to him and to all of us.

Mr. DASCHLE addressed the Chair.

The PRESIDENT pro tempore. The minority leader is recognized.

REV. BILL HALL

Mr. DASCHLE. Let me thank the distinguished majority whip, my friend from Mississippi, for giving me the opportunity to recognize a person very important to my family and to me. Rev. Bill Hall is my father-in-law, and it is an honor to have him offer the prayer that opens up the Senate this morning.

By having him here, we share with the rest of the world what my wife and I have known for a long time. He is a man of dedication, and a man of spiritual strength. For many decades he has had the good fortune to share his strength and his spirituality with parishes throughout Oklahoma and Kansas. We have watched in great awe and admiration his remarkable work with people in towns small and large, in families broken and healed, and in parishes of all sizes.

As we begin this special day, it is a unique honor for me and a very important occasion to recognize his contribution to the many, many people who have benefited from his wisdom and from his leadership as pastor of his churches. I commend his message to the Senate and to the country as we begin this day.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Mississippi is recognized.

Mr. LOTT. Again, Mr. President, I join our distinguished colleague and friend from South Dakota in welcoming to our body the Reverend Billy Hall. We thank him for his beautiful prayer for our people and our country today. We know how proud he is of his son-in-law, TOM DASCHLE, and we are very proud of TOM and Linda.

We are deeply honored to have Reverend Hall here today.

We thank him very much.

SCHEDULE

Mr. LOTT. Mr. President, this morning there will be a period for morning business until the hour of 10:30 a.m. Following morning business, the Senate will resume consideration of H.R. 2937, the White House Travel Office legislation. The Senate will stand in recess from 12:30 p.m. until 2:15 p.m. today to accommodate the respective party luncheons. Senators are reminded that a vote on the motion to invoke cloture on the pending Dole amendment No. 3961 to H.R. 2937 will occur at 2:15 p.m. today unless a unanimous-consent agreement with respect to further consideration of H.R. 2937, the gas tax repeal, and other related issues can be reached. Therefore, other votes are possible today in relation to those items just mentioned or any other items cleared for action.

The majority leader had indicated yesterday that there is a likelihood of votes throughout the day today, Wednesday, and Thursday, with the budget resolution being taken up, I believe, probably on Wednesday morning, and we can expect votes probably at night on each of these 3 days.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, there will now be a period for the transaction of morning business for a period of time not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Minnesota [Mr. GRAMS] is recognized to speak up to 10 minutes.

(The remarks of Mr. GRAMS pertaining to the submission of Senate Resolution 254 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. CONRAD] is recognized to speak for up to 10 minutes.

THE GASOLINE TAX REPEAL

Mr. CONRAD. Mr. President, I rise today to discuss the effort to roll back the 4.3-cent-per-gallon gasoline tax that was part of the 1993 deficit reduction package. I seriously question the wisdom of repealing the 4.3-cent-per-gallon gasoline tax at this time.

I think it is important to remember how we got this 4.3-cent-per-gallon gasoline tax. We got this as a result of the 1993 deficit reduction package. It was a time when there was an understanding that there was great urgency to reduce the budget deficit in this country. At that time, when President Clinton came into office, the budget deficit for the previous year had been $290 billion. Since that time, after we passed the 1993 budget plan, the deficit has been reduced to $145 billion this year. In other words, the deficit was cut in half. It was cut in half because some of us voted for a package to cut spending and, yes, to raise taxes, primarily on the wealthiest among us, in order to get our fiscal house in order.

Now we have a proposal before us to reduce the gasoline tax by 4.3 cents. Most people think it is a political move. Most people think it is politically popular. But sometimes what is politically popular, at least for the moment, does not stand much scrutiny. I believe that is the case with this proposal. I just had 40 members of the rural electric cooperatives from my State in my office, and I asked them, "What should we do? How would you vote if you were here representing North Dakota?" By 38 to 2 they said, "Keep the gasoline tax and if there is a proposal to offset the revenue lost by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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repealing the gas tax, take those funds and reduce the deficit. That should be the priority in this country."

I think those folks from North Dakota have it exactly right. The top priority ought to be to continue to reduce the deficit. Yes, it is true we have cut it in half since 1993, but the job is not done, and we ought to complete that job. We ought to get it done.

Some are saying that this 4-cent-a-gallon gasoline tax is the reason gas prices have gone up. That defies common sense and it defies logic. Clearly, a 4-cent gasoline tax put into effect in 1993 has nothing to do with rising gas prices experienced in the spring of 1996. In fact, when that tax went into effect in October 1993, gas prices went down. They did not go up, they went down.

The recent rise in gas prices has been caused by a number of factors totally unrelated to gasoline taxes: an unusually cold and longer than average winter that drove up demand for home heating fuel; refinery breakdowns across the country; more low-mileage sport utility vehicles that are on the road that increase the demand for fuel; the speed limit has been increased, again increasing the demand for fuel; and oil companies are holding lower than average inventories, moving to just-in-time inventory management in order to save money. But even with all of that occurring, driving up the price of gasoline in the spring, the price of gasoline is now showing signs of coming down.

In my home State of North Dakota, the price for a gallon of regular unleaded gasoline in Fargo, ND, the biggest city in my State, is now about $1.25, down about 4 cents in the past 2 weeks.

It is not just in North Dakota that we have seen gas prices come down. As this news story from the Los Angeles Times indicates—the story ran last week—a major headline: "Gas Prices Show Signs of Decline as Production Surges."

Los Angeles, CA, we all know, has been the hardest hit by increases in gasoline prices.

> Average cost at the pump falls half a cent, and state officials predict more reductions. . . . After lagging, refineries again operating at close to normal output.

Mr. President, that is what has happened. Gas prices are starting to come down because of market forces.

Additionally, the price of gasoline in the United States is very low in comparison to other industrialized countries.

Saturday's Washington Post included a column comparing gas prices in other countries. I thought it was an excellent graphic that compared what folks are paying in other countries versus what we are paying. It is $4.66 a gallon in the Netherlands; $4.49 a gallon in France; $4.39 in Italy; $3.68 in Britain; $1.30 in the United States.

We have the lowest gas prices of any industrialized country in the world. Now we are talking about taking off 4 cents instead of applying it to deficit reduction, deficit reduction that over 7 years amounts to $30 billion?

I really do not understand why we dig the hole deeper before we start filling it in. The people that I represent believe the highest priority is to eliminate these deficits so we can start to see this economy grow.

Mr. President, there is also a question of whether this repeal would ever benefit consumers. The whole theory has been if you take off the 4-cent gasoline tax, that is going to benefit consumers.

The Washington Post last week had a headline that says: "Experts Say Gas Tax Cut Wouldn't Reach the Pumps. Oil Industry Called Unlikely To Pass on Savings to Consumers."

Mr. President, these are not my views. These are not views of other Members of the Congress or other Members of the U.S. Senate. These are the views of oil industry experts.

I go to one energy expert, Mr. Verleger, who is quoted in the story as saying:

> The Republican-sponsored solution to the current fuels problem . . . is nothing more and nothing less than a refiners' benefit bill.

He makes the point these reductions in the gas tax will not be passed on to consumers, but the real beneficiaries will be the folks that refine the gasoline. Those are the folks that will get the benefit of any repeal of the 4-cent gas tax.

The president of the conservative Cato Institute, a former member of President Reagan's Council of Economic Advisors, said:

> I don't think there is anything the Republicans can credibly do to guarantee that the tax reduction gets passed through to the consumer.

Mr. President, I think he is right. We have not only had the testimony of those energy experts, but we have heard from the oil industry itself. The CEO of ARCO, Mike Bowlin, said last week:

> There are other market forces that clearly will overwhelm that relatively small decrease in the price of gasoline. . . . People's expectations will be that the minute the tax is removed, they want to see gas prices go down 4.3 cents, and that won't happen.

Mr. President, what could be more clear? I think these three experts have said it about as clearly as it can be stated. There is no way that this reduction in the gas price can be assured to be passed on to consumers. But what we can be assured of—what we can be assured of—is this is going to blow a $30 billion hole in the plans to reduce the budget deficit in this country.

I believe deficit reduction is more important than taking off the 4-cent-per-gallon gasoline tax that we have no assurance will be passed through to consumers anyway. I understand the majority leader has provided offsets to pay for the gas tax repeal, at least for the next several months.

Mr. President, I would like to offer an amendment that would take his offsets and, instead of repealing the gas tax, apply it to reducing the budget deficit that is still $145 billion this year. That is what we ought to do if we are, instead of playing politics, serious about managing the fiscal affairs of this country.

If we are really serious about helping families, I think we ought to look at the benefit of reducing the deficit in comparison to the benefit of repealing this 4-cent gasoline tax.

This chart shows the benefit to a typical family of balancing the budget versus what a typical family would gain from repealing the 4-cent-a-gallon gasoline tax, and that is assuming every penny got passed on to consumers. We already know, from what I have already presented, that that gas tax repeal is unlikely to get passed on to consumers. But let us just look at what happens, what the benefits are of balancing the budget to the average family versus what the gas tax repeal would do.

Balancing the budget, balancing the unified budget, would reduce the home mortgage for a typical family in the United States by $917 a year. That is because interest rates would be reduced; a car loan savings would be $97 a year; student loan savings $56 a year; in comparison to what the gas tax would mean to a family, $42 a year.

Mr. President, it seems to me very clear that the priority ought to be in further reduction of the deficit rather than in a repeal of the gas tax, which is unlikely to ever be passed through to consumers. The benefit to consumers, the benefit to families, lies in further deficit reduction.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BURNS. Mr. President, I thank the Chair.

AMERICA ON MY MIND

Mr. BURNS. Mr. President, I rise today with America on my mind to applaud our favorite Republican Senators and Republican Congressmen who have worked so diligently in trying to present a budget that stays in balance and would balance the budget in 6 years and still would not raise taxes.

It is interesting that my colleague from North Dakota would also put in there that he likes the balanced budget. We would like to see him vote for one. Take-home pay, if the budget is balanced, will increase, predictability

in the marketplace, predictability of jobs. That is what worries people today: "Will I have my job in a year?"

Government has to be more responsible when it comes to spending. I look here at this cartoon. "What are you looking at?" He says, "Our paychecks!" He takes a magnifying glass to see it.

The Republican budget will balance by the year 2002 and does it by living within its means without raising taxes. This budget provides real welfare reform, real welfare reform that the President and the administration has called for but has vetoed. It provides tax relief for job expansion, predictability in the workplace, and, more importantly, it gets us on the road of saving and preserving Medicare for future generations, of which our colleagues, some of them, have stuck their heads in the sand.

Mr. CONRAD. Will the Senator yield?

Mr. BURNS. It looks out for the long term, not just the short term.

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

Mr. BURNS. I would like to make my statement, and then I have a committee meeting to go to, if the Senator does not mind.

Balancing the budget, without raising taxes, and deals also with Federal spending. You know, spending money, especially other people's money, is sort of like alcoholism. A fellow asked, "Does he have a drinking problem?" And he says, "No, he has a stopping problem." That is what we have in this Government. But if we deal with the spending problem, here is what has to happen. Families have to balance their budget. Government does not have an income problem. It has a spending problem. Mr. President, 38.2 percent of the family's income right now goes for taxes. So there is no doubt about it, a balanced budget will put more money in the pockets of Americans, not just a selected few, all Americans—single-income taxpayer, double-income taxpayer, newlyweds, farmers, ranchers, high tech, low tech. Everybody wins with a balanced budget.

The best way to increase our take-home pay, not only earn more but save more, to keep more in your pocket at the end of the month—it is better than any other program—is to go with a balanced budget. I applaud my colleagues who have worked so hard on this budget, presenting it to this Congress later on this week. I stand in support of that budget. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent we extend morning business so I may be permitted to make a 10-minute presentation that is accounted for in the previous order of the Senate.

Mr. BOND. Mr. President, I ask if the Senator would be so kind to extend that for another 5 minutes so I may have 5 minutes when he concludes his 10-minute presentation.

Mr. DORGAN. Mr. President, let me further amend the unanimous consent, if I might. My colleague, Senator CONRAD, had wanted to respond. Let me ask if we might add 2 minutes to respond because the previous speaker spoke of Senator CONRAD and refused to yield to him. I make a unanimous-consent request that Senator CONRAD be accorded 2 minutes. I continue to seek my 10 minutes, and I am happy to accommodate the Senator from Missouri.

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

A BALANCED BUDGET PLAN

Mr. CONRAD. Mr. President, the Senator from Montana, in his presentation, said that he would like the Senator from North Dakota to vote for a balanced budget plan. I do not know where the Senator from Montana has been. Not only have I voted for a balanced budget plan, I have presented three in the U.S. Senate in the last year.

I presented the fair share balanced budget plan last year; got 39 votes. It was the most ambitious deficit reduction plan that has been presented by anybody in either House—got 39 votes in the U.S. Senate.

No. 2, I cosponsored with Senator SIMON last year the commonsense balanced budget plan. We got 19 votes in the U.S. Senate for that plan. That plan was the second most ambitious deficit reduction plan that anybody has presented in the U.S. Congress.

Third, I have been involved in the centrist coalition, which will have a substitute to the Republican plan that we will offer this week, which is a 7-year balanced budget plan that 22 of us have put together—11 Democrats and 11 Republicans. Not only have I voted for balanced budget plans, I have helped author them, or in some cases authored them in their entirety. I just want to set the record straight.

I thank my colleague from North Dakota for this opportunity to respond.

The PRESIDING OFFICER (Mr. COATS). The Senator from North Dakota.

SETTING THE RECORD STRAIGHT

Mr. DORGAN. Mr. President, I watched yesterday. We had, I think, six of my colleagues from the other side of the aisle come to the floor. We have seen six or seven of them virtually every day come to the floor of the Senate and describe to us what is wrong with the President's agenda and what is right about their agenda.

Yesterday, specifically, the discussion was about the proposed reduction in the gasoline tax of 4.3 cents a gallon. The point was repeatedly made that the gasoline tax was increased in 1993 in order to accommodate more Federal spending. That, of course, is not the case. The gas tax increase of 4.3 cents a gallon was a result of it being included in a very large package of spending cuts and, yes, some tax increases, in order to reduce the Federal budget deficit. It is worth noting that since that time, the Federal budget deficit has been reduced by 50 percent on a unified budget basis.

Last week, on Thursday, we faced the spectacle at that point of having a proposal brought to the floor of the Senate to reduce the gasoline taxes by 4.3 cents a gallon and to pay for it with kind of a Byzantine scheme of telecommunications spectrum sales beginning in 1998, and some other things that the Office of Management and Budget said would increase the Federal deficit by $1.7 billion next year. In other words, a proposal was brought to the floor of the Senate that said, "Let's reduce the gasoline taxes by 4.3 cents a gallon."

The experts say there is no guarantee that the consumers will see the benefit of that, or that it will be passed through for a reduced pump price to the consumers. However, we would then see a $1.7 billion increase in Federal deficit in the next year as a result of it.

In the very next breath, we are told that there is something wrong with others in the Chamber who do not support a balanced budget. I do not know who those others are, but somehow those who bring a proposal to the floor to increase the Federal budget deficit, even as they repeal the 4.3-cent gasoline tax, are accusing others of not supporting a balanced budget. It is an interesting paradox in political dialogue.

I thought it would be useful today, just for a couple of minutes, to talk about some of these proposals more generally. Those who bring the proposed cut in the gas tax to the floor of the Senate, I suspect, think it is very popular, and it may be popular for someone to bring a bill to the floor to say, "Let's repeal all taxes. Let's have no one any longer be a taxpayer. Let's get rid of all taxpayers." But, of course, we provide for the common defense. That costs some money. We build roads in this country. We provide for schools. We hire police and firefighters. We do all the things necessary to govern.

Then we have people come and say, "Today is tax freedom day; it is the day beyond which no one ever has to support government again," suggesting, somehow, that the taxes that have been paid earlier in the year to invest in Social Security, Medicare, a police department, a fire department, or a Defense Department or the Centers for Disease Control, somehow none of that mattered, and all of that was squandered and wasted.

I guess I do not understand some of the logic. But the same people will bring to the floor apparently next week a proposal for a $40 to $60 billion national defense plan, a new iteration of star wars. These same people who propose a balanced budget amendment to the Constitution that, by the way, would raid the Social Security trust fund, now say, "Let's embark on a new program called national missile defense." They say, "On the little issues, we insist that the Pentagon does not know what it ought to spend. We demand that the generals and admirals spend $12 billion more than they ask for. We insist they buy planes they do not ask for, they buy trucks they do not need, they buy submarines they do not want. We insist they buy all of that because generals and admirals do not know how much they want to spend. We in Congress know better," and then insist they spend $12 billion more than the Pentagon has asked for.

On top of that, we insist on a new, expensive, gold-plated star wars program now named "national missile defense." Oh, it is not star wars, they say. Oh, yes, it is. The bill suggests that we build space-based lasers. Of course it is star wars. Will it cost a lot of money? You bet your life it will cost a lot of money—$40 to $60 billion. The tragedy is this: There is relatively little likelihood of a rogue nation getting hold of an ICBM missile in order to put a nuclear tip on the top of it and threaten the United States. There is so little likelihood of that. There is so great a likelihood of some terrorist nation, some rogue nation, some band of independent terrorists getting a nuclear device and putting it in the trunk of a rusty Yugo and parking it on a New York City dock, or a glass vial that big with the deadliest biological agents known to mankind to threaten a major metropolitan area, or, yes, even a rental truck with a fertilizer bomb.

We understand about terrorism and about the threat to this country. The threat is not a rogue nation having a sophisticated intercontinental ballistic missile. It is the threat of terrorists with deadly biological agents and suitcase bombs, including suitcase nuclear devices that will threaten this country. Yet, we are told a national missile defense star wars program is what this country needs.

My colleague this morning said the issue is paychecks, the issue is paychecks and jobs. I agree with that. There is no social program in this country that has the value of a good job that pays well. That is one of the reasons I would like to do a number of things. I would like to straighten out our trade mess in this country. Our trade deficit is unforgivable. We ought not have a $30 billion trade deficit with China and then have them, when they need to buy airplanes, tell us, "You either make them in China or we will not buy them from you." We ought not have a recurring $60 billion annual trade deficit, a $30 billion combined trade deficit with Mexico and Canada. Jobs leave America.

The second point is we ought to have the courage in this Chamber to shut off the tax incentive that exists in our tax laws telling firms, "Move your jobs overseas and we will give you a tax break." I am still waiting for one person to stand up and say, "I support that provision," but we cannot get it repealed.

We have a tax incentive to move jobs overseas. Finally, another step of paycheck and jobs issues is the minimum wage. Yes, we care about the minimum wage. The fact is, a whole lot of folks in this country work for minimum wage and have now been, for 5 years, at the bottom rung of the economic ladder without a 1-cent increase.

The last time the minimum wage was increased, on April 1, 1991, the stock market was at 2881. It is now almost double that. The minimum wage has not moved a cent. But CEO's at the top of the economic ladder got a 23-percent increase in their compensation last year—an average of $11,000-a-day compensation for the CEO's at the top of the ladder. But it is $8,800 a year, full-time minimum wage, for the folks at the bottom. They have not had an adjustment for 5 years.

I say to some, if you do not believe in the minimum wage, bring a bill to the floor to try to repeal it. If you believe there ought to be a minimum wage, then you ought to believe in an adjustment at some point. The question is how much and when. Let us discuss that.

If I might, in the last minute, read again a letter I received last week from a young woman who has four children, has had a tough life. She has had setbacks almost every minute, every time they turn around, it seems. Their trailer house burns and they lose everything, or there are operations or medical problems with the four children. She, in a four-page letter, says:

> How can we make it like this. I wish somebody in an official capacity could be the one to tell my boys they can't play baseball this summer because I can't afford the $25 fee for each of them, let alone the money for bats and gloves they would need. We don't spend our money on alcohol or drugs. We don't go out on the town. Our lives revolve around trying to make ends meet. Our dream of owning a home is long gone. We are better off, I know, than a lot of others who have to live on the street, but how far are we from that? One check maybe?
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> We are in that forgotten group of people called the working poor, the people that fall through the cracks of Government. We want to have something to show for working hard every day instead of slipping further in the hole. We are suffocating, and the future looks dim for us. I beg you shamelessly, for the sake of my children, to please help us find a glimmer of hope to help us dig our way out of this hopelessly grim situation.

This is from a woman and her husband who work at the minimum wage, are unskilled, and have suffered setback after setback and cannot find a way at the bottom to pull themselves up. They, for 5 years, have had their wages frozen because there has not been a one-penny adjustment in the minimum wage. During that time, the stock market has doubled. CEO's are doing great. They got a 23-percent increase last year alone.

The folks at the bottom deserve some kind of adjustment. They are the voiceless that we ought to give a voice to. They are the hopeless that we ought to offer hope to, as we work in the U.S. Senate, and say we care about you and we are going to try to do something to offer some help to those on the bottom rung of the economic ladder. I hope we can do that together in a bipartisan way in this Chamber in the coming weeks.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Missouri to speak for up to 5 minutes.

CUTS IN THE VETERANS' ADMINISTRATION

Mr. BOND. Thank you, Mr. President. I rise today to make the basic and simple point that numbers do not lie. I am chairman of the Veterans' Affairs/HUD Appropriations Subcommittee. I have been very much concerned about making sure that the people who serve this country in the military get the kind of care that has been promised by the Veterans' Administration.

The VA deals, primarily, with those who have suffered war-related injuries, and who are medically indigent now. Yes, there are efficiencies that can be made and there are certain steps being taken within the VA to operate more soundly. But I was shocked when I saw the President's proposal for Veterans' Administration spending for the next 6 years.

The President now says he wants to balance the budget. But how does he do it? Well, Mr. President, he takes it out of the vitally important medical care and health care services for the veterans. I joined with Chairman PETE DOMENICI to beat back efforts by our Democratic colleagues in the subcommittee to substitute the President's budget, which he claims gets us to balance. I thought it was so serious that I wanted to speak on the floor. I spoke this weekend back home in Missouri, talking about the tremendous decline that the Clinton budget proposes for Veterans' Administration spending over the next 6 years, which is almost 23 percent.

Mr. President, the Veterans' Administration cannot live with that kind of cut. That is the kind of cut that the President proposes the VA will have to

follow to get to a balanced budget for the entire Government in the year 2002. At least the President agrees that we need to get to a balanced budget. But does he really mean this budget?

Well, Mr. President, it was very interesting to me to read in the newspaper on Saturday morning—in the St. Louis newspaper—a report by political correspondent, Jo Mannies, who called the White House after I presented this information and she says: "A White House aide replied that Bond was misrepresenting the facts."

Misrepresenting the facts? Mr. President, here are the facts. Under the Clinton budget, the Veterans' Administration have a budget authority that goes from $17.3 billion in 1997, to $15.9 billion in 1998, to $14.5 billion, to $13.0 billion, to $13.29 billion, to $13.8 billion. That comes out to be a $12.979 billion cut in Veterans' Administration funding in that 6-year period.

Can the VA live with that? No. Secretary Jesse Brown said, when I asked him before the Appropriations Committee, "Are you planning to live within this budget?" He said, "I am not planning to live with it. I am not planning to live with your budget to green line"—which at that time was a flat line—"nor am I planning to live with the President's line." Secretary Brown went on to say, "I think his budget means something to me because he has given his word that he is going to negotiate with the veterans' community."

Really? Does the President not mean what he said when he presented the balanced budget that shows these cuts? The interesting part of the story, the White House aide Jo Mannies referred to was Lawrence Haas of the White House Office of Management and Budget. He said the Republicans were misrepresenting their plans and the President when it comes to spending for veterans.

President Clinton's 1997 budget plan contains an outline for reaching a balanced budget by 2002. "The outline cites across-the-board spending cuts of equal percentages for most discretionary programs, including the VA," he said. "The outline is not a hard and fast proposal for any of the programs," he said, "because the President and the Congress review discretionary programs each year." He said that he expected changes for many of the specific programs. He said, "If past practices continue, the VA would be treated well and wouldn't experience much, if any, of a cut."

Mr. President, we have the President presenting a budget showing that he gets to balance by making a 23-percent cut in the Veterans Administration. Oh, incidentally, it is not an across-the-board cut because the President, at the same time, proposes a 28-percent increase in the spending on AmeriCorps, our national service.

Mr. President, we are left with the amazing proposition that the White House official spokesperson said that it is the official policy of the Clinton administration that you should not believe the official policy of the Clinton administration. The Clinton administration sent up a budget that shows a 23-percent cut, a $12.9 billion cut over 6 years.

Mr. President, that is how they get there—a budget that I think has misplaced priorities. It does not make the cuts needed in Medicaid and in welfare spending, so they have to slash things like Veterans' Administration. Either they mean this and they are going to get to a balanced budget and the veterans are going to be unhappy, but they have an Office of Management and Budget saying they do not mean it. They have told the Secretary of Veterans Affairs they do not mean it.

So, Mr. President, we are left with this real question: Which numbers are lying—the numbers they presented in the budget, or the numbers they are telling the Veterans' Administration they are going to get?

I intend to work with my colleagues to make sure that the Veterans' Administration is adequately funded.

Mr. President, I yield the floor.

TRIBUTE TO DR. W. JAMES RIVERS

Mr. THURMOND. Mr. President, it is no secret that a career dedicated to the service of others is a calling that garners minimal financial reward and often little recognition. Individuals will labor their whole lives working to make the world a slightly better place, only to receive few, if any, accolades or commendations. Today, I want to take this opportunity to recognize one person who has dedicated his life to God and his fellow man, Dr. W. James Rivers, and whose commitment to both has made South Carolina a better place to live.

Dr. Rivers' calling to the ministry did not come until he was in his thirties, but he knew early on that he wanted to dedicate his life to serving others. Upon his graduation from the University of South Carolina, he earned a commission in the United States Air Force and found himself on the Korean Peninsula, where the United States and the United Nations were waging a war against the expansionist Communists of North Korea and China. The fighting in this conflict was brutal and it was not long before the young officer was in the thick of it, and during his time in Korea, he flew 50 combat missions against our enemies. When a cease-fire agreement was finally reached, and the shooting finally stopped, James Rivers decided to remain in the Air Force and climbed to the rank of captain; however, in 1958, he heard the Lord's call, resigned his commission, and began the process of becoming a minister.

After returning to school, Dr. Rivers began his second career of service, this time to God, which began with a 4-year stint ministering at Dutch Fork Baptist Church. In 1967, Dr. Rivers moved from Columbia, SC, to my hometown of Aiken, where he became the pastor of Millbrook Baptist Church. For the past 29 years, he has ministered to the needs of his flock with great compassion, and has proven to be an effective leader for his church, performing more than 1,400 baptisms, and more than 1,000 marriages. Additionally, under his direction, Millbrook Baptist Church has more than trebled in size, added both a Christian Activities Center and educational building, and has established three mission churches in other States. It takes a man of great spirit, ability, and energy to accomplish such impressive tasks.

Mr. President, Dr. W. James Rivers will be retiring from his career as a minister on May 19, and in recognition of his many years of selfless service, the mayor of Aiken has set aside that Sunday as Jim Rivers Day. I am pleased to join my fellow Aikenites and South Carolinians in recognizing and thanking Dr. W. James Rivers for all his contributions to our State. We are grateful for all his hard work and proud to claim him as a leader of our community.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3961 (to amendment No. 3955), to provide for the repeal of the 4.3-

cent increase in fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, I want to talk today about repealing the gasoline tax, and I want to talk about it from two angles:

No. 1, the gasoline tax we adopted in 1993, where the money went to general revenue, was an unfair and discriminatory tax that should be repealed.

No. 2, I want to talk briefly about gasoline prices, something that all of Washington talks about but no one actually does anything about. By passing the pending amendment, by repealing the 4.3-cent-a-gallon tax on gasoline, we can bring the price of gasoline down by about $1 a tank whenever you fill up your car, your truck, or your van.

Historically, Government has understood that gasoline taxes are inherently discriminatory since the level of gasoline usage varies greatly depending on where you live. The average resident of a State like Texas spends almost twice as much money on gasoline as the average resident of a State like New York. People who live in rural areas, by the very nature of their living in rural areas, travel great distances and use a lot of gasoline and diesel in their cars and trucks. As a result, government has concluded that taxing gasoline as a source of general revenue is inherently discriminatory. It discriminates against people who live in rural areas as compared to urban areas, it discriminates against people who have to travel great distances to work, and it discriminates against people who live in the Western part of the country where you have more open spaces and people generally drive more.

To try to deal with the inherently unfair nature of a gasoline tax as a source of general revenue, what we have normally done is to dedicate the gasoline tax to pay for roads and bridges. Since the 1950's, it has in essence become a user fee: the people who use the roads the most pay the most gasoline taxes, and they are the largest beneficiaries.

Before we adopted the Clinton gas tax, we had never, since we started the highway trust fund, imposed a permanent gasoline tax that was not dedicated to highway building. The Clinton gas tax is unique in that it is a permanent tax on gasoline where the money goes not to road building, so that the people who are paying the taxes are the principal beneficiaries, but instead goes to the general revenue. In fact, if you look at the Clinton budget since 1993, you will see that the money basically goes to social programs and social welfare. In 1993, through the Clinton gasoline tax, we imposed a new general tax on gasoline—paid for by people who have to drive their cars and their trucks great distances to earn a living—in order to pay for benefits going to people who by and large do not work.

We, therefore, created through this gasoline tax an incredible redistribution of income and wealth—the Clinton gasoline tax imposed a new burden on people who drive to work for a living in order to subsidize people who by and large do not go to work.

We have an opportunity in the pending amendment to solve this problem by repealing this gasoline tax thereby eliminating this burden on people that have to drive their cars and trucks great distances to earn a living. In my State, it is not uncommon for someone to live 40 miles from where they work and, as a result, a gasoline tax imposes a very heavy burden on them.

We have an opportunity to eliminate that inequity by repealing the 4.3-cent-a-gallon tax on gasoline, a permanent gas tax that, for the first time ever, went into general revenues to fund social programs instead of paying for highway construction.

Now, everybody is talking about rising gasoline prices—the President has asked for an investigation by the Justice Department and we are holding hearings all over Capitol Hill. Yet, we all know one thing for certain: if we really want to lower the price of gasoline this week, there is only one thing that we can do—repeal the Clinton gasoline tax.

If we repeal the gasoline tax today in the Senate, if the House passed it tomorrow, and if the President signed it on Thursday, on Friday morning every filling station in America would lower their posted price by 4.3 cents a gallon and everybody in America who fills up their car, their truck, or their van with gasoline would save about $1 a tank. This is something that we can do, it is something that we have the power to do, but the question is: Do we have the will to do it?

I would like to remind my colleagues, and I would like to remind anybody who is listening, that I offered the amendment to repeal the Clinton gasoline tax 19 days ago. My effort to offer that amendment was stopped by the Democratic leadership in the Senate who decided not to allow this amendment to come up for a vote.

The President now says he would sign the bill repealing his gasoline tax and our Democratic colleagues in the Senate say that they too are for it. My guess is, if we had a vote today, 80 Members of the Senate would vote to repeal this gasoline tax. Yet, for 19 days we have denied lower gas prices to the American people. We have denied the equity that would come from repealing this gasoline tax which, for the first time since the creation of the highway trust fund, taxes people who drive their cars and trucks to work in order to subsidize welfare for people who do not work. For 19 days, despite the fact that almost everybody agrees this is something we should do, we have not done it.

Unless some kind of an agreement is worked out, at 2:15 p.m. today we are going to vote on breaking the Democratic filibuster of the gasoline tax repeal amendment.

If you want to repeal the gasoline tax, then you should vote to end debate and let us have a vote on actually repealing the gasoline tax.

I hope the American people will make note of how individual Senators vote, and will remember that people who want to repeal the gasoline tax are going to vote to end the debate. After 19 days of stalling, after 19 days of perpetuating an inequitable tax, after 19 days of artificially holding up gasoline prices, I hope our Democratic colleagues in the Senate are ready to let this Senate do its will.

I believe the Senate is ready to repeal the gasoline tax and I am confident that we will vote to repeal it if the Democrats will just let us. After 19 days of the Democrats stalling, I am ready to vote, and I am sure the American people are also ready for us to vote.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President. Some of the things that Senators are saying about the gas tax are being perceived as grandstanding positions in my state of California. The people of California know, because the experts in the industry have told them, that they may never see the effect of the tax repeal. As Senator CONRAD has stated, the experts believe the benefit will go to the refiners. What could happen is that we would lose $30 billion from deficit reduction.

It seems to me most people understand this. I think it is really important to find out the causes of this runup in prices. I have written to Hazel O'Leary and asked her to undertake an investigation. The President acted to sell some of the Strategic Petroleum Reserve in an effort to add to the supply. There was an article in the Los Angeles Times that traced the increase in prices, and it concluded that prices kept rising regardless of inventories.

So I think the American people are a lot smarter than some would believe in this Senate. I think they understand that repealing this 4-cent tax has could result in huge deficit increases. I think

they understand that the gas price runup has many causes. Repealing the 4-cent tax does not guarantee that the people will see any benefit.

What is interesting to me is the way my Republican friends want to pay for this repeal. It seems it has seen various proposals come forward. The first one was the majority leader on the other side, DICK ARMEY, who suggested we cut education to pay for this gas tax repeal. Thank goodness that proposal was shot down. It seems to me unbelievable to cut back in education when we know that the future of our Nation depends upon how well our children are educated and that the best jobs go to the best educated. So that Republican idea seems to be buried.

Then we were going to sell broadcast spectrum, but then they found out that any income generated by the auction would not be seen for many years.

And now there is a proposal to place a charge on banks and savings institutions, to better prepare them in case there is another crisis in savings and loans and bank failures.

So I think every plan that I have seen is quite wanting. There are a lot of tax loopholes out there I would like to see closed. Let us look at some of those.

So I think as we get to this vote on the gas tax it is going to be interesting to hear the debate. What is the most important thing for the country, a repeal of a 4-cent tax that may never see its way to the consumers pockets?

I would love to be able to guarantee that it would go to the consumers' pockets. It would be an interesting proposal to try to work on something like that. But let us hear the debate.

It is a very important issue, I think in many ways symbolic of whether our actions match our rhetoric around here. So I am looking forward to the debate.

Mr. President, I also heard that the Senator from Missouri was attacking the President on funding for veterans, and I find that very, very interesting since the President vetoed the appropriations bill that included veterans' funding because of unwise policy riders inserted by the Congress. Also, the President felt this Congress was not being fair to veterans because it cut hospital programs promised by previous administrations. I have a case in point in my own State where we are supposed to build a veterans hospital at Travis Air Force Base and this Republican Congress deleted those funds. The President has it in his budget.

I would be happy to join with the Senator from Missouri to make sure our veterans are taken care of. I would love to start with the hospital at Travis, which the veterans need to have and the President has supported.

So I find it interesting that colleagues from the other side come down and blast the President for not supporting this country and not presenting a budget that meets this country's needs when, in fact, if you look at the President's budget versus the budget of the Republicans that just got through the Budget Committee on which I serve, what you see very clearly is that the Republicans go after Medicare; they go after Medicaid; they go after the earned income tax credit, resulting in a tax increase on the working middle income and poor; and that the Democrats, behind this President, are willing to make investments, investments in education, investments in the environment, investments in medical research and in advanced technology research. That is what the future is about. So I look forward to all these debates and I hope we will have them soon.

At this time I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, the bill before us has amendments which have been debated involving a great number of very important issues including issues relative to the gas tax repeal, minimum wage, and the so-called TEAM bill. The fact that those are much more public issues and have been the subject of much greater public debate has caused many to overlook the substance of the underlying bill to reimburse the attorney fees of former Travel Office employees.

There have been some comments made on the floor that the underlying bill, H.R. 2937, is an important bill because it is fair, right, and remedial. Some have said it is noncontroversial. Then the debate moves on to the more publicly debated issues—the gas tax, the minimum wage, and the TEAM Act, which have had greater public notice. Then little is said further about the Travel Office bill.

I have questions about the implications of what we would be doing if we passed this Travel Office bill. As best as I can determine, if we pass this bill, it would be the first time in our history that we will have passed legislation to pay the attorney fees of someone who has been indicted. In order to be indicted, a grand jury has to determine that there is probable cause that the person committed the alleged crime. It is a system that we use thousands of times a year across this country. In order to be indicted, a prosecutor must present evidence to a grand jury to show that there is probable cause that a crime has been committed and that the person at issue is the one who committed the crime. That is what has happened in the case, or what did happen in the case of Billy Dale. The grand jury determined that there was probable cause that he committed a crime against the United States and that he should stand trial.

Once a person is indicted, the prosecutor must meet a higher standard of proof—proof beyond a reasonable doubt the indicted individual committed the crime. That is the way the system works. Then it goes to a trial. A judge is usually presented with a motion for a directed verdict, or might be presented with a motion for a directed verdict, arguing that there is insufficient evidence before the court to permit a reasonable juror to find that person is guilty of the crime beyond a reasonable doubt. It is my understanding that there was a motion for a directed verdict in Billy Dale's case and that the judge denied the motion for a directed verdict.

With this legislation, what we are then doing is taking the unprecedented step of saying that in this case we believe that the prosecutor who presented a case to a grand jury and the judge who denied a motion for a directed verdict was so wrong that the taxpayers should pay Billy Dale's attorney fees. If we do that in this case, there is no reason why we will not be asked to do that in hundreds of other cases.

What is the precedent that we are setting for evaluating whether or not we should be paying attorney fees in cases where persons are indicted and whose cases go to a jury? In other words, where there is a motion for a directed verdict which is denied and who are then acquitted.

We have not had 1 hour of hearings in the Senate on this bill. There is no Senate committee report on this bill. The committee report that is before us is a House committee report which does not even discuss the nature of the indictment, the facts surrounding the indictment, nor the basis for it. It just ignores some very critical facts.

There are about 5,000 Federal criminal defendants each year who are either acquitted or have their cases dismissed after indictment. Do we want to open ourselves to the possibility of reviewing each and every one of those cases to decide whether or not the grand jury and the U.S. attorney acted properly, and whether a judge was correct in denying the motion for a directed verdict? Are we going to set up a special subcommittee of the Judiciary Committee to consider attorney fees for indicted but acquitted individuals? Will we have some criteria to guide us in the future?

I do not want to get into a litany of the recent acquittals that would make many of us blush in equating them with unfair prosecution. But the fact that somebody is acquitted does not mean that a prosecution was unfair.

Some may argue, "Well, here the acquittal came in a matter of a few hours, and that confirms the unfairness of the situation." Is that the standard—quick acquittals? Are we then going to subject the Treasury of the United States to claims for attorney fees?

For the past 15 years or so, I, along with Senator COHEN, have been sponsoring reauthorizations of the independent counsel law. That law has a provision in it for payment of attorney fees for persons who are investigated. But it has a very clear and explicit condition—in fact, a couple of them.

First, the attorney fees would be paid only if they would have been incurred but for the use of the independent counsel.

Second, they will not be paid to any person who has been indicted. It is explicit in the independent counsel law. Attorney fees are not available to persons who have been indicted by the independent counsel.

When we added that provision in 1982, there was no question by any witness at our hearing or any advocate for the statute about paying attorney fees for indicted individuals, and yet in this bill, this underlying bill, we are crossing a very significant line. We are talking about using taxpayer dollars to do it. To the best of our information, it is the first time it will be done, and it is being done without a Senate hearing or a Senate committee report laying forth criteria as to what will be the future standards.

Some people say, well, this bill is just for a half-million dollars. We closed down an agency of the Government last year that had a total budget of $1.2 million. That was the Administrative Conference of the United States. We said we could not afford the $1.2 million for that agency. So we cannot treat this expenditure as if it does not matter. It does.

And also problematical is the fact that there is no requirement that the taxpayer pay only reasonable attorney fees. For instance, if the citizen Billy Dale here paid $500 an hour for his attorney, should we be reimbursing him at that rate? I cannot support that. But the bill is silent in terms of reasonableness of attorney fees. We have limits on attorney fees in all the other statutes that I know about. In the independent counsel law we require that the court determine that the fees paid to eligible persons be reasonable and market rate.

And by the way, as I mentioned before, the independent counsel law does not permit an attorney fee to be paid to someone who has been indicted. But where the attorney fee is permitted there is a requirement that the attorney fee be reasonable and market rate. That requirement is not present here. In the Equal Access to Justice Act we limit the amount paid to an attorney to $150 an hour, and that act applies where a court determines that a government's civil case against a small business had no substantial justification. There is no requirement like that in this bill. I think that is a disservice to the American taxpayers as well.

In addition, there is no ceiling in this bill on the overall total. If Mr. Dale's attorneys are going to say that they worked 100 hours, we are going to presumably sock the taxpayers for 100 hours even though there has been no judgment as to whether or not the 100 hours was an appropriate length of time, and maybe it only should have been 50 hours.

In an earlier bill that was introduced, Senator HATCH did have a ceiling on the amount the taxpayers would have to pay. But the bill before us does not do that. There is no ceiling. It is unlimited. So let us look again at what the underlying bill does. First, it authorizes the use of taxpayer dollars to reimburse the legal expenses of an individual indicted for the commission of a Federal crime.

Congress has never, to the best of my knowledge, authorized that type of payment. Second, the bill authorizes the payment of all legal expenses incurred without any requirement that the expenses were necessary, appropriate or reasonable in amount. The bill does not place a ceiling on the amount of money that may be paid. It creates an open-ended entitlement.

So even though the amount may seem small, we are opening a wide door here to the Federal Treasury and we should take more care before we are doing so.

At this point, I would make a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. LEVIN. I ask the Chair whether or not the bill before us is a private bill?

The PRESIDING OFFICER. It is a private bill.

Mr. LEVIN. Mr. President, the Senate is at a regrettable impasse. For several weeks now, Democrats have been trying to bring an increase in the minimum wage to a vote on the Senate floor. We were repeatedly blocked by parliamentary maneuvers. The majority insisted on lumping a number of unrelated matters together and resisted the right of the minority to offer any amendments to any of matters involved. This is a very unfortunate circumstance. We should deal with each of these matters, the minimum wage increase, the TEAM Act, the proposed repeal of the gasoline tax, and the matter related to the White House Travel Office separately, debate them, amend them according to the will of the Senate, and then pass or defeat each. Instead, in an effort to score political points in a contest with the President, the majority has used parliamentary rules to produce distorted results. First, four different bills were bundled together in one, and if the effort to shut off debate had succeeded, with no ability to amend except very narrowly. For example, it might have proven impossible to offer an amendment to the gas tax repeal provision to try to assure that the benefit goes to the consumer and not to the oil companies. It might also have proven impossible to amend the provision to attempt to assure that the repeal is adequately paid for and does not increase the federal deficit. Now, we face yet another amendment without the ability to amend it and yet another effort to cut off debate.

The minimum wage issue is straightforward. It's about whether or not we are truly committed to helping working people earn a living wage. Recently, we have begun to hear more concern expressed about jobs and wages for the working family in America. Some have newly discovered the problems that working families face today: The declining purchasing power of their wages, increasing health care costs, and the high cost of child care are among those most important. But, for some of us, and for the American people, these are not new issues.

The last time we gave minimum wage workers a raise was 5 years ago April 1. The current minimum wage is $4.25. In the last 5 years, because of inflation, the buying power of that wage has fallen 50 cents and is now 29 percent lower than it was in 1979—17 years ago.

With this amendment, the hourly minimum wage would rise to $4.70 this year, and to $5.15 next year. Close to 12 million American workers would take a step forward toward a more equitable living wage.

Remarkably, there are some in this Congress who not only oppose an increase to a fair level: Some would eliminate the minimum wage completely. But, I thing that they comprise a tiny extreme minority. The last increase had overwhelming bipartisan support. On November 8, 1989, the Senate passed the increase by a vote of 89 to 8. Supporting that increase were the current GOP and Democratic leaders. In the House, this bill passed by a vote of 382 to 37. Voting "yes" were the current Speaker of the House and the Democratic leader. And, the bill was signed into law by President George Bush.

Discounting inflation, a Rand study shows that the median income of families fell more then $2,700 over 4 years to about $27,000 in 1993. But people at the lower rungs of the economic ladder have it the worst.

Rand's researchers found that between 1989 and 1993, the top fifth of the economic spectrum earned nearly 10 times what those in the bottom fifth earned. The gap between the top and

the bottom is very wide—and getting wider.

These figures illustrate that although our economy is growing and unemployment is relatively low, working families are confronting difficult and uncertain times. This amendment would provide a modest boost in earnings for many of these households.

A higher minimum wage could help reverse the growing wage inequality that has occurred since the 1970's especially among women.

While some claim a moderate increase in the minimum wage will cost jobs, leading economists find little evidence of loss of employment. Instead, they find that a ripple effect could expand the impact beyond the immediate minimum wage work force. Some workers in low-wage jobs who currently earn more than the minimum wage may see an increase in their earnings as minimum wages rise.

As the richest nation on Earth, our minimum wage should be a living wage. But it isn't close. When a father or mother works full-time, 40 hours a week, year-round, they should be able to lift their family out of poverty.

The current minimum wage is actually about $2 an hour less than what a family of four needs to live above the poverty line. At $4.25 an hour, you earn $680 a month, gross. That is $8,160 per year.

Adults who support their families would be the prime beneficiaries of our proposal to raise the minimum wage. Nearly two-thirds of minimum wage earners are adults and more than one-third are the sole breadwinners. Nearly 60 percent of the full-time minimum wage earners are women. Often these are women bringing home the family's only paycheck.

In 32 States over 10 percent of the work force would benefit directly from an increase in the minimum wage. In Michigan, 324,000 workers, almost 12 percent of the work force are making the minimum wage. Some 435,000 workers earn less than $5.15 per hour.

Mr. President, the bottom line is work should pay, and the current minimum wage is not enough to live on. The minimum wage is a floor beneath which no one should fall. But we should make sure that standing on the floor, a person can reach the table. A full-time minimum wage job should provide a minimum standard of living in addition to giving workers the dignity that comes with a paycheck. Hard-working Americans deserve a fair deal.

Mr. President, it is ironic that many who are the strongest line-item veto proponents and who, last year, indeed were proposing a version of line-item veto which would have caused bills to be carved up into hundreds of separate bills for the President's signature or veto, now are trying to do the reverse. They are taking clearly unrelated matters and lumping them together while blocking important relevant amendments. We need to get on with the business of the Nation. We should address the gas tax proposal, the minimum wage increase, and the other matters before the Senate in separate bills, allow Senators to propose their amendments, debate the issues, vote, and send legislation to the President for his signature or veto. The only reason this is being wrapped up in one big package and hamstrung it with parliamentary entanglements, is Presidential politics. I predict it will not benefit those who concocted the strategy. Our Nation deserves better.

Mr. President, I did want to spend a few minutes this morning pointing out some of the difficulties that I think will be created if we pass this underlying bill without criteria being established, without a Senate committee report, without a requirement that fees be reasonable, without a limit on the amount of the authorization here, the obligation of the Federal Treasury. There are some precedents that are being set here if we pass this bill as is, which should not be set without further deliberation by the Senate because of the implications to the Treasury of thousands of people who have been indicted who are either then acquitted or whose cases are dismissed who might also be able to make claims under the precedent that could arguably be set by this bill.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 2202

Mr. LOTT. Mr. President, I ask unanimous consent the Secretary of the Senate be directed to request the House of Representatives to return to the Senate H.R. 2202, the illegal immigration reform bill, so that the Senate's actions of yesterday, requesting the conference and appointing conferees, can be executed.

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

RECESS

Mr. LOTT. Mr. President, I move the Senate now recess under the previous order until the hour of 2:15 p.m.

The motion was agreed to, and, at 12:15 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. JEFFORDS).

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under a previous order, the clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole amendment, No. 3961:

Bob Dole, Trent Lott, Craig Thomas, Larry E. Craig, R.F. Bennett, Mark Hatfield, Ben N. Campbell, Spencer Abraham, Nancy Landon Kassebaum, Don Nickles, Chuck Grassley, Conrad Burns, John Ashcroft, Jim Inhofe, P. Gramm, W.V. Roth, Jr.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3961 shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Nebraska [Mr. KERREY], and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that the Senator from Rhode Island [Mr. PELL] is absent on official business.

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—54

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner

NAYS—43

Akaka	Breaux	Conrad
Bingaman	Bryan	Daschle
Boxer	Bumpers	Dodd
Bradley	Byrd	Dorgan

Exon	Kennedy	Nunn
Feingold	Kerry	Pryor
Feinstein	Kohl	Reid
Ford	Lautenberg	Robb
Glenn	Leahy	Rockefeller
Graham	Levin	Sarbanes
Harkin	Lieberman	Simon
Heflin	Mikulski	Wellstone
Hollings	Moseley-Braun	Wyden
Inouye	Moynihan	
Johnston	Murray	

NOT VOTING—3

Biden	Kerrey	Pell

The PRESIDING OFFICER. On this vote, the ayes are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

Mr. DOMENICI. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 5 minutes each.

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

Mrs. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 1756 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1755 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Iowa.

REDUCING THE GASOLINE TAX

Mr. GRASSLEY. Mr. President, even though we are in morning business, I want to address the issue that was on the floor prior to the vote that we just had. That vote on cloture was our attempt, on the majority side, to stop a filibuster and to get to a vote on reducing the gasoline tax by 4.3 cents.

Once again we have run up against the minority's unwillingness to allow us to have a vote on President Clinton's gas tax. We know it would pass overwhelmingly. The President has already said he would sign it. It seems to me it is something we ought to do.

We had 54 votes—I think that is 53 Republicans and one Democrat vote—to stop debate so we could get to a vote on final passage. We would have more than 51 votes to pass it. So it would pass, but we needed six more votes from the Democratic side to make cloture happen. We did not get them. So we are at a standstill here on this piece of legislation. It is needlessly being held up, and those holding it up are needlessly causing the taxpayers of this country, those people who drive cars, to pay more tax while the price of gasoline continues at a very high level. Consequently, I hope we can bring the repeal of President Clinton's gas tax to a vote. I particularly would like to repeal it because the repeal is something that can be passed very quickly. We know that this is true because it is something that the President said he would sign.

We Republicans strongly feel that President Clinton's gas tax should be repealed because we, en bloc, voted against President Clinton's tax bill of 1993. We knew it was the biggest tax hike in the history of the country, and we felt it would do harm to the economy. We are finding out that it is doing harm to the economy. Even though we have had a recovery, we could have created 3 million more jobs in this recovery, compared to other recoveries, had President Clinton not increased taxes. These are jobs that are not being created because of the damper on the economy that the biggest tax increase in the history of the country has given us, of which the 4-cent gas tax increase was a major part.

I thank the majority leader for calling this bill up that repeals the Clinton gas tax, and for his bringing it to the immediate attention of the Senate.

If I can begin by way of conclusion, I believe the Senate should join the House Committee on Ways and Means in passing a swift repeal of the Clinton gas tax increase of 1993. In 1993 the Committee on Ways and Means, then controlled by Democrats, estimated what this bill would cost the drivers of the various States. They figured what they think it would cost my Iowans, based on the assumption that Iowans drive 12,396 miles per year. I think that this estimate is probably a number that is smaller than what Iowans truly drive. I do not think these estimates by the economists for the Ways and Means Committee include the fact that farmers and many other people in rural America have to drive long distances, not only for their business, but also to get their kids to school and back home every day and all the other things associated with a family. I think the 12,396 miles that was estimated by the Committee on Ways and Means in 1993 is probably too small.

Nonetheless, the Committee went on to say that if you take that 12,396 miles that Iowans would drive on average per automobile, and multiply that times the Clinton gasoline tax increase of 4.3 cents, it is going to cost Iowans an extra $26.66 per year to drive a car. That is assuming a one-driver family. Most families are two-driver families and then would expend twice that amount of money at $53.32.

I think families with children have better use for their $53.32 fuel tax expense than funding the President's big spending habits that were part of his 1993 budget and tax increase. For example, $53.32 for the average family would buy any of the following items in a typical Iowa farm town: 24 gallons of milk at $2.15 a gallon, 67 pounds of apples at 79 cents a pound, 71 cans of tomato soup at 75 cents a can, 14 boxes of breakfast cereal at $3.69 a box, 44 dozen eggs at $1.19 a dozen, 53 loaves of bread at 99 cents a loaf, 60 pounds of hot dogs at 89 cents a pound, and 106 boxes of macaroni and cheese at 50 cents a box.

Alternately, if a family wants to have summer activity for children, $53.32 will buy either three unlimited summer children's passes at the swimming pool or two activity fees for the youth little league baseball program.

These are real opportunity costs affecting real families in my State because we have this gas tax increase that has been a damper on the economy and families. Because Iowa families have been paying the Clinton fuel tax for all of 1993 and all of 1994, you must readily see that President Clinton has denied these families some of these necessities. He has done so, not only once, but he has done it twice.

Now, in 1996, Iowa families desperately need Congress to repeal the President's 1993 fuel tax increase. The American Farm Bureau Federation, which speaks for a lot of people in rural America, agrees with the need for the repeal of the tax. The American Farm Bureau notes that President Clinton's gas tax increase is the first time in which fuel taxes have ever been used for anything other than transportation funding.

The highway trust funds are important to farmers because Iowa farmers need someone to improve rural bridges and roads, not only for getting a family back and forth to town, but also to get their inputs into their farming operations as well as the grain and other products that they produce to market. We find in our State that many of our roads and bridges used by farmers do not currently meet safety engineering standards.

If we need to have a gas tax, then I say let it be spent on roads and highways and bridges to move people. It is a user fee. It ought to be used for that purpose.

This 4.3-cent gas tax increase in 1993 went into the general fund. As Senator ASHCROFT, of Missouri, said better than any of us can say, it is a Clinton gas tax increase paid for by people going to work. It goes into a fund that is going to go to programs for those people that do not go to work.

If we are going to tax working people 4 more cents for gas, it ought to go into the road fund so that it is going for the people that are using the roads. So if we take this 4 cents out, and

President Clinton still feels that this money ought to be spent on some of these programs with the general fund as their source of revenue, then the President should agree to cut spending elsewhere in the budget rather than taking money that ought to go to build better roads, safer roads, and safer bridges. But his act of 1993 does not build any roads or bridges with his fuel tax.

So the President had an opportunity to cut spending when we passed the Balanced Budget Act of 1995. I like to remind people that because some are cynical about Congress' ability to pass legislation to balance the budget that the Republican Congress succeeded in doing it.

Mr. President, if I am running out of time, I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I am sorry that I went over time, but I will make this last point.

The President in December vetoed the Balanced Budget Act of 1995. This 1,800-page bill that we sent to the President was the product of about 8 months of work by the Senate and the House. It was the product of 13 different committees. Every committee had to change the programs that are under its jurisdiction to fit into the effort. That effort was the policy to balance the budget. Our bill did that.

So, once in awhile, I like to reconsider our now vetoed Balanced Budget Act of 1995, because I have been working with other people in the Congress for a long time and we said that we could balance the budget. But, quite frankly, until last year we never delivered on that promise.

We tend to overpromise in Congress which can be wrong. We should be careful not to overpromise. We should perform in office commensurate with the rhetoric of our campaign.

We had promised to balance the budget over so many years in the 1970's and 1980's and early 1990's—the last time we had a balanced budget was in 1969—but we did not succeed, and yet we had promised it. That is why some people are so cynical about some of us in public office.

I suppose if you would have asked me 12 months ago, would we ever have gotten to a balanced budget, I would have been cynical myself about our ability to succeed. I would have said, "Well, no. It's a good goal, but we'll never get it done." I never said that at the time, but that is what I thought. Yet, I am on the committees that have to deliver on it. We were able to produce a budget that the nonpartisan Congressional Budget Office declared balanced. And the President vetoed it.

We are going to be able to start, maybe tomorrow morning, to put together another balanced budget act. This will be the balanced budget act of 1996. We will still have a lot of tough decisions to make, but at least now we have the President on record as saying that he was for a balanced budget. He said he was for a balanced budget, only he would do it in 10 years even though our's did it in 7 years. The new one to be taken up soon will do it in 6 years. It will ultimately balance because we said 12 months ago we were going to balance it. At least now we have the President saying he is for a balanced budget. I hope he really is. After June of last year, he said he was for a balanced budget. We passed it, and he still vetoed it.

So the process starts over again. I am not cynical about whether or not we can balance the budget now because we proved to the public we could do it. Most importantly, we had to prove it to ourselves that we could do it, and we did.

So I think that the President has an opportunity now to hopefully reject this business that you can tax people with a gas tax for money that ought to go into the road fund to build safer highways. Currently, President Clinton's gas tax is going to fund a bunch of programs with gasoline user fees that have nothing to do with the people that are using the highways. Here is a way that he could help repeal that. He said he would do it. I hope he sends a message to the minority party up here on the Hill that he will do it.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

THE DEFICIT

Mr. BUMPERS. Mr. President, I have listened very carefully to the Senator from Iowa's speech, as I have listened virtually to every member of the Republican Party of the Senate who has consistently lamented the deficit-reduction package of 1993. I did not enjoy voting to raise taxes in 1993 any more than I enjoyed cutting spending in 1993. But to set the record straight, that deficit-reduction package was intended to reduce the deficit compared to what it would otherwise be, by $500 billion over a period of 5 years.

It was a very dramatic time in the Senate. Fifty Democrats voted aye. Every single Republican voted no. And Vice President GORE, who was seated in the chair that day, voted aye and broke the tie. And so the $500 billion deficit-reduction package became law. At least two Senators on this side of the aisle lost their reelection campaigns because they voted aye, a very courageous and responsible vote.

The Office of Management and Budget estimates that rather than produce $500 billion in savings, but because interest rates came down as a result of that package and because economic activity went up, the 1993 Clinton budget bill will actually reduce the deficit by $800 billion over the same 5-year period, 1993 to 1998.

So I ask my Republican colleagues who find that deficit-reduction bill passed by 50 very courageous Democrats in 1993, I ask them to tell all Americans as we start to work on the budget tomorrow, where you would get that $800 billion if we had not acted so responsibly?

The budget we will debate tomorrow, which I have absolutely no intention of voting for, again, has substantial cuts in Medicare and Medicaid, and—listen to this—a $60 billion cut in education over the next 6 years.

Who gets the money? Why, the Republican budget provides for an $11.3 billion increase next year alone in defense spending. Now, Mr. President, for the edification of anybody who cares, out of a roughly $1.7 trillion budget, less than one-third of that is for what we call domestic discretionary spending—education; the environment; medical research; medical care and a whole host of other things.

Mr. President, $515 billion is provided for discretionary spending, but defense gets the bulk of that, including a nice, handsome $11-plus billion increase, and everything else that makes us a great country worth defending goes down. The environment, including funding for EPA's enforcement, takes a whopping hit. In 1970, 65 percent of the lakes and streams in this country were neither swimmable nor fishable. In 1995, 65 percent of the lakes and streams in this Nation are swimmable and are fishable because EPA, through their enforcement acts, made people quit dumping their sewage into the rivers and streams and made the soap manufacturers come up with cleaner soaps without chemicals in them.

How does the Republican budget respond to that kind of progress? Why, they cut EPA's enforcement because they argue the business community just cannot take it. I am the first to admit that some regulations are crazy and do not make sense. But nobody, Republican or Democrat alike, in their heart of hearts wants to turn the clock back on cleaning up the lakes and streams of this Nation, or polluting the air we breathe, which is much, much cleaner now, principally because we made the automobile industry put catalytic converters in their cars.

So when the Republicans talk about that big tax hike in 1993, what is their answer? Maybe in their heart of hearts they are feeling a little badly about having voted against cutting the deficit by an honest-to-God $800 billion—not over 7 years; over a 5-year period. What is their answer to it? Cut the gasoline tax 4.3 cents. I thought my good colleague from Louisiana, Senator BREAUX, had a great line. That is like

spitting in the ocean and trying to make it rise.

The gas tax did not cause the gasoline price increase and it is not going to contribute to reducing it. It will go into the pockets of the oil companies. Everybody says that by October, gas prices will be back where they started from and we will be sitting here with $3 billion added to the deficit.

What is it with the Republicans? They will not vote for deficit reduction, they keep on increasing defense spending, they keep wanting to repeal the gas tax. And their budget has an enormous billion tax cut. I am not voting for any tax cuts until we get the deficit under control.

You know what is really paradoxical about the proposed tax cut that gives families a credit for each child? Listen to this: Six to nine million people in this country work for anywhere from $4.25 an hour to $6 and $7 an hour, 6 to 9 million of them. We give them a little check at the end of the year called the earned income tax credit because we believe that is preferable to their quitting work and going on welfare. So we say we will give you up to $2,800 at the end of the year if you will just stay on the job. That is a lot cheaper than $9,000 a year on welfare. It is a good investment for us.

What does the Republican budget do? It cuts investment tax credit by approximately $20 billion. What does this mean to the 6 to 9 million people who are working for essentially minimum wages, up to $7 an hour? Effectively, they get a tax increase because the earned income tax credit has been cut.

Do you know what else is really ironic about it? Those people do not pay taxes. They do not make enough to pay taxes. So you know what? They do not get a child tax credit. They are getting a tax increase by cutting the earned-income tax credit, and they get nothing to offset it because it is only if you pay taxes that you can offset the tax cut for each child.

What kind of lunacy is this? What do the American people expect from us? They expect a little decency and they expect fairness.

Mrs. BOXER. Will the Senator yield?

Mr. BUMPERS. I am happy to yield to the Senator.

Mrs. BOXER. Mr. President, first, I want to say to the Senator from Arkansas, thank you for coming to the floor today and talking to us and to whoever is watching here. As the Senator has a way of doing, he finds the truth. He finds the truth in all of this. The truth that he pointed out—and then I will ask a question—when you get through with this Republican budget, what you realize is that it hurts the people of this country. It hurts the hardest working people of this country. We will bring that out in the next few days.

The question I want to ask the Senator is this: We know when the Government shut down and we had that crisis, it was because the President of the United States stood up and said to this Republican Congress, "I'm not going to back down. I'm going to stand up for Medicare and the elderly who rely on it. I'm going to stand up for Medicaid and the poorest children who rely on it, and the poorest seniors in nursing homes who rely on it." He was going to stand up, and he did, for the environment and for education.

I say to my friend, has he looked at this Republican budget that they have just unveiled with great fanfare, and that budget which the President vetoed, and does he see similarities between the two?

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be allowed to proceed for 4 additional minutes.

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

Mr. BUMPERS. Let me say to the Senator from California, this question reminds me of something Franklin Roosevelt said. My father taught us when we died we were going to Franklin Roosevelt's. He was the only one who ever did anything for us.

This budget is a manifestation of almost total disdain for people trying to reach for the first rung on the ladder. It is protectionism at its worst of those who have much. Franklin Roosevelt once said, and I know the Senator is familiar with the quote, "The groans of the full pocketbooks of the wealthy are louder than the churning of the empty stomachs of hungry people." That is not so true now as it was during the Depression, but the principle in this budget is the same.

You think about cutting education $60 billion. You think of how many children will not be educated as a result of that. I have said time and time again if it had not been for the GI bill waiting for me when I got out of the service, I would not be standing here right now.

And that applies to millions and millions of people. There was a very poignant story in the Post this morning about a woman who said, "I wouldn't be in this position if it hadn't been for student loans and student grants." So what are we doing? We are cutting education $60 billion. Everybody wants clear air and clean water. So what are we doing? Cutting the environment. Nobody wants to see a child go without health care. So we are cutting Medicaid. I could go on and on. But I find this budget almost identical to the budget we debated last year——

Mrs. BOXER. That is right.

Mr. BUMPERS. The one followed by a reconciliation which the President had the good sense and the courage to veto. Had he not vetoed it, we would be on our way to third-world status right now. That is how bad I felt it was.

Mr. President, I know my time has about expired. Every time I think of the fact that two of my very best friends and best Senators in the U.S. Senate lost their seats because they cast a very courageous vote here in 1993, it makes me sad.

So, Mr. President, there are going to be a limited number of amendments. I have a number that I wish I could offer on the budget, but I know time constraints will not permit that. However, I will offer a few. One amendment would keep the U.S. Government from selling assets to balance the budget. Think about selling the power marketing systems. Think about selling the Elk Hills Petroleum Reserve. Sell everything. What do you do for an encore when everything is gone?

A woman once said her husband came home from the law office and said, "I had a great day today." She said, "What happened?" He said, "I sold my desk." That is what we are doing in this budget. I am not going to vote for it. I am going to vigorously speak against it, and there will be 53 Republicans that will vote for it. We are starting down the same road we just left.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

GAS TAX REPEAL

Mr. COVERDELL. Mr. President, a few moments ago, the other side of the aisle effectively blocked the efforts to repeal President Clinton's August 1993 increase on gasoline, diesel fuel, and jet fuel. Now, just to put this in perspective, when the President was running for the office he now holds, he said, in unequivocal terms, that a gas tax was the wrong thing to do, he said it was egregious for low income, and he said it was harmful to the elderly, all of which is true. It is as regressive a tax as one can find because the lowest income families in America pay the highest share of their disposable incomes. It ranges as high as 8 percent of their disposable income that has to be invested in the purchase of gasoline.

So those that have the least resources are those for which this tax causes the most difficulty, which, as I am sure, is why the President said it was the wrong thing to do. Nevertheless, on arrival at the White House, an increase in gasoline taxes was put in his tax increase on America, which, as we all know, was the largest tax increase in American history. These policies have had the effect of costing America's average families, all of them put together, about $2,000 to $3,000 in lost income.

Some people around here do not seem to think that is a lot of money. But for the average family in Georgia, let me try to put it in perspective. An average family in Georgia makes $45,000 a year.

Both parents have to work to get that. In fact, in many cases today, the kids have to work, too, to make ends meet. By the time this average family in Georgia pays their Federal taxes, FICA, Social Security, Medicare, State and local taxes—their share of the regulatory apparatus in our country, which is at an all-time high—they have 48 percent of their gross income left to do everything that we have asked them to do. That is unbelievable.

If Thomas Jefferson were here today, or any of the other Founders, they would absolutely be stunned that we have grown up the Government so large that it takes over half the resources from labor, leaves them with less than half of what they earned to do what they have to do, to promote their own dreams, to educate, to house, to feed, to clothe, to transport, to provide for the health of their families and their communities. No wonder there is so much anxiety in the workplace today, so much anxiousness among our people. We have literally pushed the American family to the wall.

So, suddenly, there is a phenomenon that makes everybody focus on the price of gasoline. The prices have been skyrocketing because there is a refinery shortage, because there was a bad winter, because the price of the crude product costs much more today. And so some Members came to the floor and said let us at least, in the face of this, get rid of that burden. Let us repeal that gas tax. Let us remember what the President said when he ran for President. And then even the President said, "Yes, I agree. I would sign a repeal of the gas tax."

But when we tried to do it in these last 5 or 6 days, with us saying it should be done, with the President finally agreeing, remembering his remarks during the campaign that it was a wrong tax, a regressive tax, a tax hard on low income, a tax that is hard on senior citizens—so we had the majority and the President both agreeing. But the other side will not let it come to a vote. They will not even allow this modest reduction of economic pressure on the American family.

In the face of vast public support, a modest attempt to put a few more dollars in the checking accounts of these American families, for which—to step back a moment, Mr. President, last week we acknowledged, just for taxes—forget the regulatory reform—an American family, a Georgia family in my case, works today from January 1 to May 7 for the Government, and May 8 is the first day they get to keep their paycheck. For Heaven's sake, a family in America has to work from January 1 to May 7, and on May 8 gets to keep their first paycheck.

I might add that, under this administration, the date you get to keep your check is the latest in the year that it has ever been. These policies have added 3 more days that a family has to work for the Government before they can keep their own earnings.

We just heard remarks from the Senator from Arkansas bemoaning attempts to try to lower that impact. The last balanced budget that the Congress sent to the President would have put $2,000 to $3,000 in the checking account of that average Georgia family I was talking about. That is the equivalent of a 10- to 20-percent pay raise. Now, if you are currently having over half of your resources taken, just think what an important event it would be to be able to keep another $2,000 to $3,000 in the checking account of that average family. A phenomenal impact.

As I said, it is almost not comprehensible. I would never have believed while growing up that I would be in the U.S. Senate at a time when a family has to work from January 1 to May 7 before they get to keep their first paycheck.

If we ask Americans what would be a fair tax level, no matter their circumstances, they will tell us 25 percent. That would be working from January 1 to March 1, and then on March 2 you get to keep your paycheck. But no. No. Now it is May 8 before you get to keep your paycheck.

We came forward and said, "Look, the President has vetoed all this tax relief. But let us at least at a minimum take this gas tax burden off the backs of the working families." I might point out that it would mean somewhere around $100 to $200 that would be left in the checking account. Several people on the other side have suggested that is too little money to be concerned about. Well, if it is such a small amount, why are we in such an argument about returning it to the families that earned it? Let us go ahead and give it back to them. If it does not matter to them, why does it matter to us?

I remember several years ago in my State when we raised the fee on the license tag $10 to $15, and it almost created a revolution, from my mother to every neighborhood. "Why am I paying this additional $5?" We got rid of that in a hurry, and we ought to get rid of this gas tax. We ought to leave that money in the checking account for those who earned it.

In my State alone, the gas tax removed $238 million annually from the economy. That is an enormous sum of money. Removing that money from the State, taking it out of the families that earned it and the businesses that earned it and shipping it up here to the Treasury so some Washington wonder wonk can decide where to spend it makes no sense under the current conditions that we face.

But even this modest attempt to lower taxes even the slightest amount has found stiff opposition from the other side, and they have consistently refused to allow this measure—which now their own President says he is willing to sign—they will not let it get passed; deadlocked; cannot end the debate; another filibuster, which I might point out is a 60-to-50 effort to stop a filibuster, more than any other session in contemporary history.

Whenever we get into these tax questions, Mr. President, I always get back to this average family. I asked for a snapshot of that family about 3 months ago. It has been absolutely fascinating. I do not think many people in America, even those paying this burden, understand that half of what they earn is being taken right out of their checking account and shipped up here so that another set of priorities can be imposed.

That is an inordinate burden, and there is no institution in America that has had a more profound effect on the American family and its behavior than their own Government—more than Hollywood, more than all these cultural issues that we talk about all the time. There is no institution other than our own Government that has had such a profound effect. I mean, what else can sweep through your home and take half the resources you earn?

When I was a youngster, I was told that the largest single investment that I would ever make was my home. Wrong. The largest single investment I make and all my fellow citizens make is the Government. We have long since surpassed the investment in the home with the Government. The Government now takes more than your mortgage, clothing, and transportation combined—the Government.

Back in 1950 when the quintessential family was Ozzie and Harriet, Ozzie was sending 2 cents to Washington out of his paycheck. If he were here today, he would be sending a quarter; 2 cents to a quarter in 50 years. Do you know that Harriet would not be at home either? She would be in the workplace. She would have to be in the workplace so that they could maintain what they are charged to do for their family and deal with the tax burden.

Several months ago I took a chart from 1950 to 1996 and tracked the tax burden, which has grown and grown from 2 cents to 25 cents federally. I tracked a number of families in which both parents had to be in the workplace, and you will not be surprised, Mr. President, they track each other identically right on the line. As the tax burden went up, another set of families had to have both parents in the workplace.

I know there are many other features of our new world—the desire for professional accomplishment, the lifting of the glass ceiling. There are many factors that are in the workplace. But I argue that the most significant reason is tax pressure. In fact, there was a recent study that asked the other spouse, "Are you pleased to be in the workplace?" You will not be surprised, Mr.

President, a third of them do not want to be there at all, a third of them want to be there as volunteers, and another third of them would work just part time. But the economic pressures that time and this new era have put on those families has literally pressured a total realignment of who is in the workplace.

Families today are in the workplace, husband, wife, and children, just to keep their standard of living in place. The tax burden, Mr. President, has had a more profound effect on the workplace than any other single event in the last 25 years.

Mr. President, I am going to conclude my remarks. But let me just say I am absolutely stunned that even a slight attempt, a modest effort, to go in the correct direction of relieving the tax pressure on the American working family is opposed by the other side of the aisle—attacks in the road, and the barricades across the road to relieving America's families of the enormous tax burden they bear today. They work from January 1 to May 7, and finally on May 8, get to keep 1 day's paycheck. We try to push that clock back just the slightest degree and are railed against by the other side of the aisle. It is perplexing, Mr. President, and I am sure it is to America's families across our land as well.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

THE GAS TAX, THE BUDGET, AND OBSTRUCTIONISM

Mr. THOMAS. Mr. President, I want to talk a little bit about several things. I am not the one who is, of course, engaging in the obstruction of the gas tax repeal that we have been going through now for nearly a week. I would like to comment just a bit on the budget. Even though we are not into the budget debate, there are comments that have been made this afternoon that I think require some little comment. Finally, just a little comment on where we have been this year in terms of obstructionism and holding us back.

It is kind of frustrating, maybe more so for those of us who are new here, and I think very frustrating for the people in the country, to see the Senate not able to move forward on issues that certainly cause disagreement. Nevertheless, we do have a system for that, and that is called voting. If the issue gets more votes than it does not get, then it passes. It if does not, it does not. That is the concept of most of us on how to run things. So it is a little frustrating finding yourself in the position of not moving when there are things to be done, when there are things that are important to families in this country.

One of the other things I think is particularly frustrating is we have here, and very proudly so, a government of the people and by the people, where people make the final decisions on how they stand, how they believe on issues. But, to do that, it is necessary to have the facts. Increasingly in our society, I think, and it troubles me a bit—we have more ability now to communicate than we have ever had. We have the opportunity now, regardless of what happens here or what happens around the world, to know about it instantly through this communications system. Yet, at the same time, despite that system, we find ourselves with more noninformation all the time. It is not the province of any one particular party, it is not the province of any one person, but we find ourselves, I think, with more and more information that is spun to make a point and that is not, frankly, accurate. I think that is too bad. It is really difficult to make decisions with respect to policies and issues if the information we have is distorted. I think we see that increasingly happen to us.

Talking about the budget, a little bit ago there was discussion on the floor about the budget that will be brought out and talked about tomorrow. Among other things it was said EPA takes a whopping cut. The fact of the matter is discretionary spending at the EPA would remain at the level provided in the recently signed appropriations bill. It is not a cut. It stays as it is.

The allegation was also made that education would be cut. Education will increase from $47.8 to $52 billion. That is not a cut. Last year we got into this business about Medicare and talking about the cuts. There were no cuts. What it was was reducing the level of growth so we could maintain that program. If you like Medicare, if you like health care for the elderly, then you have to do something. We thought then that you had to do something by about 2005 or whatever. Now it has been refined to where you have to make some changes by 2001 or the system will go broke. That is no one's projection except the trustees, three of whom are appointed by the President.

The resolution, as a matter of fact, would increase the spending for beneficiaries from $4,800 in 1995 to $7,000. That is not a cut. Yet we hear, and the media continues to utilize that word, "cut."

So it is very difficult, it seems to me, to really deal with this. There is a legitimate difference of view. I understand that. Much of the conversation that goes on here, even though we talk about details, is basically a philosophical difference. A little bit ago one of our associates on the other side of the aisle was talking about the benefits of tax increases because they helped reduce the deficit. Of course they do. But the philosophical question is, do you want to reduce the deficit by controlling spending and reducing the level of spending, the rate of spending which would balance the budget, or do you want to continue to spend at the same level and raise taxes to offset it? That is a philosophical difference. That is basically what we talk about here.

It is a defining choice. I suspect everyone, even though it does not happen, says: Yes, let us balance the budget. We have talked about a constitutional amendment here, talked about it this year—everybody, when they initially stood, said, "I am going to balance the budget. We do not need a constitutional amendment. We can do it."

Yes, we can. We have not done it for 25 years, however. So it does seem to me a constitutional amendment is something reasonable. But further than that, and at least as important, is what is the philosophy of doing it? Do you want to continue to grow at the rate we have in the past, which is like 8 percent a year faster than the growth in the economy? Or do we want to reduce that level, that rate of growth, and balance the budget that way? I happen to favor that idea.

I think voters said, in 1994, the Federal Government is too big, it is too costly, we need to do something to contain it. I think we should do that. So that is the great debate. To have that debate, you have to have some facts there. You have to talk about the same numbers. Then we argue about the philosophical difference, because there is one.

The idea, somehow, the statement that "I am not going to vote for any tax cuts" does not seem to me to be the kind of thing that I support. I think we ought to have tax cuts. I think we ought to be able to leave more money in the pockets of American families. About 40 percent, on average, of our income goes to some level of taxation. I do not think anybody ever intended for that to be the case.

Of course, there are functions of Government that we all support. There are functions of Government that we need to fund and finance, but I do not think anyone had the notion that we would be doing it at the level of 40 percent of our income.

So I hope as we go through this budget—and it is more apparent in budgets than anything else—that we can say: Here are the basic sets of facts. We

ought to start there. Then if you disagree, fine. Disagreement is what it is all about.

Let me talk a minute about the gas tax filibuster. We have been trying to do that for a while. What are we talking about? First of all, the bill that is on the floor has to do with Travelgate reimbursement, reimbursing those employees who were unjustly taken to court, who had worked at the White House, to pay their legal fees. That is the basic issue.

The amendments to that included a gas tax reduction of 4.3 cents. It has to do with the minimum wage, a controversial issue, but a valid issue, useful. It has to do with the TEAM concept of allowing employers and employees to be able to come together to use some of the new techniques that have been developed in management, to allow employers to call upon employees to find better ways to do things. We have seen this happen around the world. I come from Cody, WY. The guy who started that kind of management in Japan came from Cody, WY, of all places. And it works. But we do not allow that to happen unless there is a change.

The minimum wage is a legitimate issue. Interestingly enough, it came up here in the Senate about a month ago and had not been talked about for 3 years. But when the AFL–CIO was here and promised $35 million for the election, suddenly it became an issue. It is a legitimate issue. We ought to talk about it.

The gas tax, however, the 4.3 cents—the average gas tax paid in this country is about 38 cents. About half is Federal, about half State. I come from Wyoming where people drive a good deal more. Someone mentioned their family, when using their car, would save about $20. Ours is about $70, because we do drive a great deal more. So it is a little unfair regionally. I have a parochial concern about that.

I think one of the interesting things, though, is that this 4.3 cents, out of the 18 cents, is the only portion of the gas tax that does not go to the maintenance and building of highways. It goes into the general fund. I think it would be a mistake to begin to tax this commodity generally for nonhighway uses. That is what we have done. So we have an opportunity now to change that.

One of the reasons it comes up, of course, is because of the extraordinary recent prices in gasoline over the last month or less. Is this the answer to that? No, of course not. But this needs to be repealed under any circumstances. It provides an opportunity to talk about it, some way to say, "Well, the 4.3 cents will never get to the consumer."

I do not believe that. First of all, it has such a high level of visibility that it surely will have to go there. Second, there is great competition, as you know. If I have a gas station on one corner and you have one on the other, and I lower mine, you are going to lower yours, too. That is going to happen. Competition has a great deal to do with that.

We had a hearing this week and took a look at the costs of gasoline, and it is roughly a third—about a third for crude oil, about a third in the refining and marketing, and about a third in taxes. Not many commodities are taxed that high. So we ought to do that.

I am very disappointed that instead of voting on it, instead of following the advice of the President, who over the years has indicated that he was opposed to a gas tax, who indicated during his campaign that that was not a good tax because it taxed the poor at a much higher level of a percentage of their income than the rich—it is true—now supports it, brought it to us. So we need to change that. Why do we not? Because our friends on that side of the aisle will not let it come up.

Filibuster. This is not the classic filibuster where people stand up and talk all night and bring their sleeping bag and cook dinner out in the back. This is the kind where it is simply obstructionism that will not let it come to the floor, and it continues.

So we need to change that, Mr. President. We need to move forward. Let these issues stand for all as they will.

Finally, I think there has been some frustration, at least on my part, this year in that this is not the first time or the only time it has happened. My friend from Georgia just indicated that some 60 times this has happened this year, more than any other time in recent history. We have set about to make some changes this year.

I think those of us who just came last year in the last election are maybe more aware of the need for change, feel more of a mandate to make a change. I think, to a large extent, we have succeeded in causing that change to happen. We have not come to closure on as many things as I wish we would have and could have, but I can tell you that we have changed the debate here.

Now we are talking about how do you balance the budget, arguing about which aspects of the budget we can change to balance it. For 25 years we did not talk about balancing the budget at all. Now we are. Now we are talking about ways to make Government more efficient and more effective and, indeed, to move some of the functions of Government back closer to people, the States and the counties. That is a new idea. Not since the Great Society with Lyndon Johnson have we talked about making it smaller rather than larger. So there have been a lot of things that this same sort of obstructionism has caused not to happen.

Tort reform. A lot of people believe that we ought to do something in our legal system, do something about litigation so that we do not have this constant pressure. We cannot do that because there is obstruction from the White House.

Regulatory reform. Almost everybody understands and recognizes that we are overregulated. Sure, we need regulations, but they need to be the kind that are efficient and effective and not so costly. We did not get regulatory reform because it was obstructed.

The balanced budget amendment to the Constitution failed by one vote in the Senate. As I mentioned, people argue, "Well, we don't need to do that." The evidence is we do. We do it in my State. We do it in most of our States. We do it in about 43 States, I think. There is a constitutional amendment that you cannot spend more than you take in. That makes sense. It is morally and fiscally responsible. We ought to do that.

Welfare reform. Almost everybody believes that we need to help people who need help, but we need to help them back into the work force, and we need to make some changes so that can happen. We need to move that much more to the States. Certainly the delivery system in Wyoming for welfare needs to be different than it is in Pennsylvania. We have 100,000 miles and 475,000 people, half of what is in Fairfax County across the river. Our system has to be different. We need to let the States devise that delivery system.

Health care reform is stalled right now. It is not an extensive health care reform, but it has to do with portability; it has to do with accessibility to insurance. It is hung up now. We cannot move forward.

I have been involved, as have many of us, with Superfund reform. Everybody knows Superfund reform has to come about. One of the main contributors to cleaning up Superfund sites are insurance dollars, and 85 percent of those dollars go to legal fees, not to cleaning up Superfund sites. That needs to be changed. We need to reduce spending. Talk about balancing the budget—spending has continued to grow.

So, Mr. President, those are some of the effects, it seems to me, of sort of obstructing moving forward. This one is more pronounced than most. We cannot move on the gas tax. But it has been going on all year. That apparently is the strategy to move into this election, to make sure we do not do anything. I think that is too bad.

So, Mr. President, I hope that we can do something about it. I hope we can make a move. I think the 4.3-cent gas tax needs to be repealed and needs to be returned. I hope, as we move into the debate on the budget, that we can at least talk about facts, put the numbers out there as they really are, and then argue about whether you like it or not. I hope that we can move forward on a great many of the issues that

I believe people would like to see considered and would like to see passed.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOLE. Mr. President, parliamentary inquiry. Are we in morning business?

The PRESIDING OFFICER. We are in morning business.

CLINTON ADMINISTRATION POLICY ON DRUG SMUGGLERS

Mr. DOLE. Mr. President, after reading a May 13 report in the Los Angeles Times, I wrote to Attorney General Reno expressing my shock at reports that Clinton administration officials are letting drug smugglers go free as a matter of official policy.

Although I have not yet heard back from Attorney General Reno, this is a disturbing matter that requires action now. Drug use among our children is on the rise and is contributing to the rise in juvenile crime.

Therefore, tomorrow I plan to offer a sense-of-the-Senate resolution calling on Attorney General Reno to investigate this matter and report back to Congress in 30 days, and calling on the Attorney General to ensure that any policy that allows drug smugglers to go free is stopped and that all such persons be vigorously prosecuted.

Mr. President, the Clinton administration has been indifferent, at best, to the war on drugs right from the beginning when President Clinton largely dismantled the drug czar's office. I hope my colleagues will join me in sending a strong message that, for the sake of our children today and tomorrow, we believe we must aggressively put these drug smugglers—who are nothing more than merchants of death—where they belong, behind bars.

I will point out a few statistics. These are not Senator DOLE's facts. These are facts given to us by people who are experts in the area. The number of young people between 12 and 17 using marijuana has increased from 1.6 million in 1992 to 2.9 million in 1994. That has probably increased a lot more since the end of 1994. And the category of "recent marijuana use" has increased a staggering 200 percent among 14- to 15-year-olds. About one in three high school students uses marijuana, and 12- to 17-year-olds who use marijuana are 85 percent more likely to graduate to cocaine than those who abstain from marijuana. Juveniles who reach age 21 without ever having used drugs almost never try them later in life. If you make the first 21 years without using drugs, then you are probably not going to be addicted.

The latest results from the Drug Abuse Warning Network shows that marijuana-related episodes jumped 39 percent and are running at 155 percent above the 1990 level. Another frightening figure is that between February 1993 and February 1995, the retail price of a gram of cocaine fell from $172 to $137 and a gram of heroin also fell from $2,032 to $1,278, which means it is going to be more accessible and readily available because it costs less. The number of defendants prosecuted for violations of the Federal drug laws has dropped from 25,033 in 1992 to 22,926 in 1995.

So it seems to me that we have a very serious problem on our hands. It is not a partisan issue. It is not politics at all, as far as I know. So I hope my colleagues will have an opportunity here.

I ask unanimous consent that the resolution and the letter I sent Attorney General Reno be printed in the RECORD, which I send to the desk.

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

SENSE-OF-THE-SENATE RESOLUTION ON THE ADMINISTRATION'S PRACTICE REGARDING THE PROSECUTION OF DRUG SMUGGLERS

Whereas, drugs use is devastating to the nation, particularly among juveniles, and has led juveniles to become involved in interstate gangs and to participate in violent crime;

Whereas, drug use has experienced a dramatic resurgence among our youth;

Whereas, the number of youths aged 12-17 using marijuana has increased from 1.6 million in 1992 to 2.9 million in 1994, and the category of "recent marijuana use" increased a staggering 200% among 14- to 15-year-olds over the same period;

Whereas, since 1992, there has been a 52% jump in the number of high school seniors using drugs on a monthly basis, even as worrisome declines are noted in peer disapproval of drug use;

Whereas, 1 in 3 high school students use marijuana;

Whereas, 12- to 17-year-olds who use marijuana are 85% more likely to graduate to cocaine than those who abstain from marijuana;

Whereas, juveniles who reach 21 without ever having used drugs almost never try them later in life;

Whereas, the latest results from the Drug Abuse Warning Network show that marijuana-related episodes jumped 39% and are running at 155% above the 1990 level, and that methamphetamine cases have risen 256% over the 1991 level;

Whereas, between February 1993 and February 1995 the retail price of a gram of cocaine fell from $172 to $137, and that of a gram of heroin also fell from $2,032 to $1,278;

Whereas, it has been reported that the Department of Justice, through the United States Attorney for the Southern District of California, has adopted a policy of allowing certain foreign drug smugglers to avoid prosecution altogether by being released to Mexico;

Whereas, it has been reported that in the past year approximately 2,300 suspected narcotics traffickers were taken into custody for bringing illegal drugs across the border, but approximately one in four were returned to their country of origin without being prosecuted;

Whereas, it has been reported that the U.S. Customs Service is operating under guidelines limiting any prosecution in marijuana cases to involving 125 pounds of marijuana or more;

Whereas, it has been reported that suspects possessing as much as 32 pounds of methamphetamine and 37,000 Quaalude tablets, were not prosecuted but were, instead, allowed to return to their countries of origin after their drugs and vehicles were confiscated;

Whereas, it has been reported that after a seizure of 158 pounds of cocaine, one defendant was cited and released because there was no room at the federal jail and charges against her were dropped;

Whereas, it has been reported that some smugglers have been caught two or more times—even in the same week—yet still were not prosecuted;

Whereas, the number of defendants prosecuted for violations of the federal drug laws has dropped from 25,033 in 1992 to 22,926 in 1995;

Whereas, the efforts of law enforcement officers deployed against drug smugglers are severely undermined by insufficiently vigorous prosecution policies of federal prosecutors;

Whereas, this Congress has increased the funding of the Federal Bureau of Prisons by 11.7% over the 1995 appropriations level;

Whereas, this Congress has increased the funding of the Immigration and Naturalization Service by 23.5% over the 1995 appropriations level: Therefore be it

Resolved, That it is the Sense of the Senate that the Attorney General promptly should investigate this matter and report, within 30 days, to the Chair of the Senate and House Committees on the Judiciary;

That the Attorney General should change the policy of the United States Attorney for the Southern District of California in order to ensure that cases involving the smuggling of drugs into the United States are vigorously prosecuted; and

That the Attorney General should direct all United States Attorneys vigorously to prosecute persons involved in the importation of illegal drugs into the United States.

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, May 13, 1996.

Hon. JANET RENO,
U.S. Department of Justice, 10th Street and Constitution Ave., NW., Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am writing to request your response to a disturbing Los Angeles Times story ("Drug Runners Arrested at Border Often Go Free," May 13, 1996) that suggests that U.S. Attorney Alan Bersin has adopted an official policy allowing some drug smugglers to return to Mexico without prosecution.

According to the Times article, officials at the U.S. Attorney's office "confirm that under a program quietly adopted two years ago, an increasing number of suspected traffickers have been sent back to Mexico without arrest or prosecution in either federal or state court" and "more than 1,000 smuggling suspects have been processed in this way since 1994." More specifically, the Times article reports that:

Two suspects with 32 pounds of methamphetamine, and another with 37,000 Quaalude tablets, were simply "excluded" from

the United States after their drugs and vehicles were confiscated.

After a seizure of 158 pounds of cocaine, one defendant was cited and released because there was no room at the federal jail and the charges against her were dropped.

U.S. Customs Service records show that some drug smugglers have been apprehended two or more times—even in the same week—and have not been jailed or prosecuted.

No prosecutorial action has been taken against a number of drug smugglers captured with more than 125 pounds of marijuana.

According to one Drug Enforcement Administration agent cited in the article, "there is virtually no risk [to smugglers] as long as they keep quantities down. First of all, the chances of getting caught are slim, and the chances of prosecution are almost zero if you get caught with a small quantity and if you're a Mexican national."

Attorney General Reno, my questions to you are simple ones: Is the Los Angeles Times story accurate? And if so, do the policies of the U.S. Attorney's office in Los Angeles represent the policies of the Justice Department and the Clinton Administration?

With teenage drug use on the rise here in the United States and with the ascendancy of Mexico as a major U.S. supplier of cocaine, marijuana, and methamphetamine, the American people would rightfully expect that we would be hard at work strengthening our fight against the Mexican drug trade, not weakening it, as the Los Angeles Times story suggests.

Thank you for your prompt attention to this important matter. I have attached a copy of the full Los Angeles Times article for your review.

Sincerely,

BOB DOLE,
Senate Majority Leader.

Mr. DOLE. Mr. President, I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that November evening long ago, in 1972, when the television networks reported that I had won the Senate race in North Carolina. It was 9:17 in the evening and I recall how stunned I was.

I had never really anticipated that I would be the first Republican in history to be elected to the U.S. Senate by the people of North Carolina. When I got over that, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the total Federal debt which back in February exceeded $5 trillion for the first time in history. Congress created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always are inclined to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Monday, May 13, 1996, stood at $5,094,150,618,714.59. On a per capita basis, the existing Federal debt amounts to $19,234.76 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday—which identified the total Federal debt as of close of business on Friday, May 10, 1996—shows an increase of more than $1 billion—$1,335,403,008.84, to be exact. That 1-day increase alone is enough to match the total amount needed to pay the college tuition for each of the 198,015 students for 4 years.

TRIBUTE TO CHUCK LOWE

Mr. THURMOND. Mr. President, America is a nation that has a fascination with pop culture, especially the movies and television, and individuals often form their opinions about issues based on what they see on screens in their living room or in a theater. Unfortunately, this practice often leads to misimpressions about the facts of life. Take for example organized crime. So often in movies and television shows, those who are involved in organized crime are depicted as sharp dressed and honorable men who simply choose to make their money and live their lives outside the law. One cannot help but have a romanticized and idealized notion of what it is like to be a wiseguy.

To those of us who understand and study such issues, we know that nothing could be further from the truth. The real faces of organized crime are the heartless killers and goons who put a stranglehold on trucking, rackets, and unions, they are not manicured, honorable men; they are the outlaw bikers who peddle methamphetamines and dabble in white slavery, they are not fun loving rebels who just want to ride motorcycles; they are the gangs from our cities' ghettos who wholesale crack and terrorize neighborhoods with their indiscriminate violence, they are not misunderstood youths; and, they are the "new mafias" from places such as Russia, Mexico, and Vietnam, men and women who prefer intimidation and criminal enterprise to hard work, unlike their honest immigrant peers who are fighting to realize the American dream. Organized crime is about as an ideal lifestyle as having a terminal disease, and it is just as deadly and destructive. Simply put, in a nation of laws, there is no room to tolerate organizations whose sole reason for existence is to commit crime and victimize hard working and honest Americans.

In the last 30 years, the Federal Government has begun to take the fight against organized crime right to the enemy's doorstep. Through statutes such as RICO, the allocation of resources dedicated to combating organized crime, and intensified cooperation between law enforcement agencies, we are making real progress in subduing our Nation's criminal classes. Today, I want to take a moment to salute an individual who has devoted his life to this fight, Mr. Charles D. "Chuck" Lowe, who serves as the Director of the Regional Organized Crime Information Center.

Chuck Lowe began his career in law enforcement back in the late 1950's as a member of the U.S. Coast Guard's New York City Port Security Unit. In that position, he worked closely with the New York Police Department, the Customs Service, and the Immigration and Naturalization Service. Certainly it must have been his time fighting crime in the city that never sleeps where he found the career he loved and he learned the importance and effectiveness of cooperation between enforcement agencies. In the years following Chuck's enlistment in the Coast Guard, he served ably and capably with the Washington, DC, Metropolitan Police Department as a plainclothes detective, and then with the Bureau of Alcohol, Tobacco and Firearms. During his 22-year career with BATF, Chuck was involved in a multitude of interesting and dangerous cases, he helped to protect the President, and he held a number of key leadership positions within that agency. His efforts as a Federal agent earned him numerous citations and recognitions, including awards for superior performance, case preparation, and training.

In 1988, Chuck left the BATF to join the Regional Organized Crime Information Center [ROCIC], an organization committed to collecting, evaluating, analyzing, and disseminating information concerning white-collar career criminals, narcotics violators, gangs, and other violent offenders. As he had done in his previous assignments, Chuck immediately threw himself into his work, and it was a surprise to no one when he became the Director of ROCIC in 1991, only 3 short years after joining the organization.

Under his supervision, ROCIC has grown tremendously, more than tripling the number of agencies it serves, and it has greatly expanded the services it provides to its 1,157 members. His efforts to modernize ROCIC have improved morale at that agency, made it more efficient, and has given law enforcement officers a potent tool with which to coordinate their efforts against organized crime.

Mr. President, it is with regret that I report that Chuck Lowe has decided to

hang up his badge and gun and retire from his distinguished career as a law enforcement leader. In his more than 30-year career as a cop, Chuck has contributed much to keeping our streets safe. We are proud of the work he has done and we wish him well in the years to come.

INTELLECTUAL PROPERTY RIGHTS

Mr. THOMAS. Mr. President, I come to the floor this afternoon to very briefly follow up on a rather lengthy statement I made on May 3 regarding the present intellectual property rights dispute with the People's Republic of China. Since then, I have read a number of reports in the Chinese media regarding their view of the present situation which I feel bear examination and call for some response.

First, I am struck by the fact that the Chinese Government's position on its level of compliance with the IPR agreement appears to be somewhat schizophrenic. On the one hand, I have seen statements from both the Foreign Ministry and Ministry of Foreign Trade and Economic Cooperation stating, for example, that "the Chinese side has fully and conscientiously carried out its duties as stipulated in [the] Sino-U.S. IPR Agreement." On the other hand, I have also read statements from the same spokesmen for the same ministries tacitly acknowledging that China has not adhered to the letter of the agreement but falling back on the excuse that "demanding that a developing country such as China do a perfect job [in regards to enforcing the terms of the Agreement] within a short few years is not practical as well as unfair."

Well, Mr. President, which is it? I, and most other observers I believe, would credit the latter as being closer to the truth. Starting from that premise, I would remind the Chinese that we are not asking that they do a perfect job of rooting out IPR piracy. We are simply asking that they adhere to an agreement that they signed; we are simply asking that they live up to their voluntarily assumed responsibilities. If, as the Chinese assert, it is unfair for us to assume that they can try to stem IPR piracy in only a few years, then why on Earth did they sign the agreement to do so in the first place? How can it be unfair to hold the Chinese to their own word?

It is sort of like two ranchers who sign a contract, one agreeing to buy 10 head of cattle from another. The buyer takes the 10 head, but gives the seller only one-third of the agreed-on payment. When the seller complains, the buyer says that it's unfair to blame him for not living up to the agreement in full because he doesn't have enough money to pay for all 10 head. Well, the buyer knew going into the deal that he couldn't live up to his side of the agreement, but went ahead in spite of that and signed it anyway. So who is the guilty party, Mr. President, certainly not the aggrieved seller.

Second, the Chinese have repeatedly stated that they are opposed to our imposition of sanctions because economic and trade disputes "should be settled through consultations in the spirit of mutual respect, equality, and mutual benefit." Well Mr. President, we have tried consultations, only to have the Chinese side continually promise adherence but fail to carry through. As the Chinese are so fond of saying, "deeds speak louder than words"; and their deeds clearly show that they are not living up to the agreement. We have tried mutual respect, but there is no mutual respect when one side systematically fails to live up to an agreement. We have tried mutual benefit, but there is no mutual benefit when IPR piracy in the People's Republic of China costs United States' companies in excess of $2 billion in lost revenue per year.

Third, as I noted in my last statement, I have noticed a tendency on the part of some Chinese officials when faced with statements regarding the lack of Chinese adherence to the agreement to attempt to deflect the criticism by taking the offensive and claiming that the United States has not held up its side of the agreement. Unfortunately, Mr. President, when pressed for specific examples of that alleged noncompliance, my Chinese friends have grown somewhat vague and noncommittal.

Mr. President, as the two sides continue 11-hour talks on this impasse, I hope that the Chinese side will remember that it is the United States, and not them, that is the aggrieved party.

THE 35TH ANNIVERSARY OF DOLLARS FOR SCHOLARS

Mr. KENNEDY. Mr. President, on May 16 in Boston and Fall River in Massachusetts, volunteers and supporters from throughout the Nation will gather to commemorate the 35th anniversary of the Dollars for Scholars program. It is fitting that this celebration take place in Massachusetts. Our State is the home of the Nation's first Dollars for Scholars chapter, which was founded in Fall River by Dr. Irving Fradkin, a local optometrist. Thirty-five years ago this month, the Dollars for Scholars parent organization was formally incorporated in Boston. From its roots in Massachusetts, Dollars for Scholars has grown to 760 chapters in 40 States. Last year, chapters across the country raised a total of $15.8 million and helped over 15,000 students achieve greater educational opportunity.

Massachusetts has some of the most successful Dollars for Scholars chapters in the country. Its 68 chapters last year alone awarded more than $1.5 million in college scholarships to over 2,500 students. In Boston, Holyoke, Worcester, Middleboro, Gloucester, and other communities, local citizens are reaching out to young men and women with a powerful message about the importance of education. Since its founding in Fall River, Dollars for Scholars chapters in Massachusetts have had a significant impact in our State—distributing a total of $17.5 million in scholarships to more than 37,000 students.

The 35th anniversary events being held in Boston and Fall River this week are part of the Year of the Scholar activities across the country. The Year of the Scholar salutes the 30,000 volunteers who have helped colleges and communities across the country work cooperatively to confront the rising costs of higher education. It celebrates the success of student scholars who have been able to go college with the help of the Dollars for Scholars Program. Dollars for Scholars deserves great credit for its extraordinary work in helping students fulfill their dream of a college education.

Education is the key to the work force of the future and the Nation's role in the global economy. Access to quality education for all citizens is a national priority. All children deserve an opportunity to learn and fulfill their potential. We must continue to improve our schools and make college education more accessible and affordable, in order to build a stronger economy and maintain a strong democracy.

I commend the citizens of Massachusetts for their long-standing commitment to education for all, and I am honored to take this opportunity to congratulate the Dollars for Scholars volunteers for their impressive work on this auspicious anniversary.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, what is the state of the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

PREVENTING A VOTE ON REPEAL OF THE GAS TAX

Mr. GORTON. Mr. President, in connection with the debate, which I suspect will soon be superseded by debate on a budget agreement, a few points are still very, very much in order.

No. 1, there is a concerted effort here on the floor of the Senate to prevent a vote on a reduction in the gas tax, a reduction triggered by the rapid runup in the price of a commodity of vital importance to every American. But I think often overlooked in this debate is the fact that this is not just any run-of-the-mill gas or motor vehicle fuel tax.

This tax, imposed about 3 years ago at the time of President Clinton's first budget, represented an unprecedented change in the use of motor vehicle fuel tax. Always previously here in the Congress—and for all practical purposes almost always in our States—motor vehicle fuel taxes were used for transportation purposes, generally for the construction and maintenance of highways, but more frequently in the recent past for mass transit systems, whether bus related or on fixed rails.

As such, motor vehicle fuel taxes were usually less objected to by the vast majority of people than was the case with many others taxes because they could see what they were getting for their money, because one paid in proportion to one's use of those very transportation facilities.

President Clinton, however, flouted that convention in 1993 and determined that this gas tax was to be used for various social purposes. As the junior Senator from Missouri so eloquently put it a couple of days ago, the net result was that people who must use their automobiles to get back and forth to work were paying a tax to pay welfare to people who were not working at all and, in some cases, had no intention of doing so.

So, Mr. President, the concentration on the removal of this tax is not only based on the proposition that the American people are too heavily taxed as it is but on the fact that this one is peculiarly unfair and peculiarly unprecedented. Nevertheless, the vote was taken a couple of hours ago on this floor. Once again there was an eloquent statement on the part of the President's party that they would not allow this repeal to come to a vote.

The second element of that filibuster is directed at the TEAM Act, an act absolutely essential to validate the new sense of cooperation which is gaining wider and wider acceptance in labor-management relations across the United States and, indeed, is necessary if we are to meet the competitive pressures of the present economic world. Close to 90 percent of American workers in the private sector are not unionized and have chosen not to be. Yet, they are prohibited from entering into voluntary relationships with their employers to discuss matters of common interest, of morale, of productivity, of the very future of their jobs by a recent ruling of the Supreme Court enforced by the National Labor Relations Board.

A TEAM Act to encourage that cooperation will be of great importance in enhancing American competitiveness and in making many American workplaces happier and more interesting places for the vast majority of Americans to spend their working hours.

Because of their distaste for each of these proposals, the President's party, ironically enough, they are filibustering an increase in the minimum wage, a proposition made out to be of urgent and vital importance, more important than anything else before this body. Their actions speak louder than their words in this connection. They are not willing to let the majority of this body make a judgment on a gas tax repeal and on the TEAM Act while at the same time increasing the minimum wage if those issues are joined together, though, of course, it was originally their idea to join the minimum wage to an immigration bill to which it had no relationship whatsoever.

Finally, of course, Mr. President, underlying all of this bill is a modest, House-passed piece of legislation to provide overdue and just relief to those wrongfully fired from the White House Travel Office 2 years ago and, in one case, prosecuted for actions determined not to have been remotely criminal by a jury.

So three significant matters are now being filibustered by the President's party in order to protect the President from the embarrassing situation that, in order to get three pieces of legislation which he has said he would sign, he would also have to take one vehemently opposed by the chiefs of organized labor but supported by the overwhelming majority of American men and women who are a part of these labor-management teams at the present time.

Mr. President, my advice to the majority leader is to continue on his course of action, that it is appropriate to say that we should look at a larger world and the relationships on these pieces of legislation, that we should not say to the President we will not ask you to do anything embarrassing, we will simply send legislation to you that you have already fully endorsed both publicly and privately and anything that might be a bit controversial we will allow it to be killed by filibusters in the U.S. Senate. No, Mr. President, their pairing is an appropriate pairing.

I hope we will continue until we and, not at all incidentally, the American people succeed in getting the relief to which they are overwhelmingly entitled.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

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 Committee on Armed Services.

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

REPORT ON THE NATIONAL EMERGENCY RELATIVE TO NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 143

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a report on the national emergency declared by Executive Order No. 12938 of November 14, 1994, in response to the threat posed by the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and of the means of delivering such weapons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1996.*

REPORT OF REVISED DEFERRAL OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT—PM 144

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of January 1, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budgetary resources, totaling $1.4 billion. The deferral affects the International Security Assistance program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1996.*

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate,

was read the first and second times by unanimous consent and referred as indicated:

H.R. 2974. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2588. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (received on May 6, 1996) relative to Florida Grapefruit, Oranges, Tangelos, and Tangerines; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2589. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (received on May 9, 1996) relative to marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2590. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (received on May 9, 1996) relative to milk in the New York-New Jersey and Middle Atlantic Marketing Area; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2591. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (received on May 9, 1996) relative to melons grown in South Texas; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2592. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of two final rules (received on May 9, 1996) relative to the Sheep Promotion, Research, and Information Program; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2593. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (received on May 6, 1996) relative to sweet onions grown in Walla Walla Valley of Southeast Washington and Northeast Oregon; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2594. A communication from the Administrator of the Foreign Agricultural Service, transmitting, pursuant to law, the report of a final rule (RIN0051-AA24) received on May 9, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2595. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96-01; to the Committee on Appropriations.

EC-2596. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study relative to Military Family Housing Maintenance Andersen Air Force Base (AFB), Guam; to the Committee on Armed Services.

EC-2597. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study relative to refuse collection at Andersen Air Force Base (AFB), Guam; to the Committee on Armed Services.

EC-2598. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study relative to the transportation function at Kirtland Air Force Base (AFB), New Mexico; to the Committee on Armed Services.

EC-2599. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study relative to Logistics function at Wright-Patterson Air Force Base (AFB), Ohio; to the Committee on Armed Services.

EC-2600. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study relative to the Base Supply function at Edwards Air Force Base (AFB), California; to the Committee on Armed Services.

EC-2601. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study relative to the supply function at Kirtland Air Force Base (AFB), New Mexico; to the Committee on Armed Services.

REPORT OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of May 13, 1996, the following report was submitted on May 13, 1996, during the adjournment of the Senate:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Con. Res. 57: An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002 (Rept. No. 104-271).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environmental and Public Works:

*Hubert T. Bell, Jr. of Alabama, to be Inspector General, Nuclear Regulatory Agency.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for reappointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. Daniel W. Christman, 302-36-9745, U.S. Army.

The following-named officers for promotion in the Navy of the United States to the grade indicated under title 10, United States Code, section 624:

UNRESTRICTED LINE

To be rear admiral

Rear Adm. (lh) James F. Amerault, 018-32-0491, U.S. Navy.
Rear Adm. (lh) Lyle G. Bien, 504-58-1731, U.S. Navy.
Rear Adm. (lh) Richard A. Buchanan, 174-58-9136, U.S. Navy.
Rear Adm. (lh) William V. Cross II, 190-34-1635, U.S. Navy.
Rear Adm. (lh) Walter F. Doran, 104-36-4942, U.S. Navy.
Rear Adm. (lh) James O. Ellis, Jr., 252-76-4995, U.S. Navy.
Rear Adm. (lh) William J. Fallon, 155-34-0304, U.S. Navy.
Rear Adm. (lh) Thomas B. Fargo, 559-66-9953, U.S. Navy.
Rear Adm. (lh) Dennis V. McGinn, 020-34-1807, U.S. Navy.
Rear Adm. (lh) Joseph S. Mobley, 559-56-1832, U.S. Navy.
Rear Adm. (lh) Edward Moore, Jr., 430-82-0064, U.S. Navy.
Rear Adm. (lh) Daniel J. Murphy, 546-68-6221, U.S. Navy.
Rear Adm. (lh) Rodney P. Rempt, 571-60-5464, U.S. Navy.
Rear Adm. (lh) Norbert R. Ryan, Jr., 201-34-4487, U.S. Navy.
Rear Adm. (lh) Raymond C. Smith, Jr., 548-54-1889.

RESTRICTED LINE

To be rear admiral

Rear Adm. (lh) George P. Nanos, Jr., 003-32-1992, U.S. Navy.
Rear Adm. (lh) Craig E. Steidle, 056-26-0017, U.S. Navy.
Rear Adm. (lh) James L. Taylor, 292-38-7610, U.S. Navy.
Rear Adm. (lh) Patricia A. Tracey, 084-40-3579, U.S. Navy.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 3 nomination lists in the Air Force and Marine Corps which were printed in full in the CONGRESSIONAL RECORDS of April 19 and May 9, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of April 19 and May 9, 1996, at the end of the Senate proceedings.)

In the Air Force there are 6 appointments to the grade of second lieutenant (list begins with Ryan C. Berry). (Reference No. 1036.)

In the Marine Corps there are 163 appointments to the grade of second lieutenant (list begins with Craig R. Abele). (Reference No. 1083.)

In the Marine Corps there are 255 appointments to the grade of second lieutenant (list begins with Carlton W. Adams). (Reference No. 1084.)

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. SPECTER (for himself and Mr. SANTORUM):

S. 1754. A bill to designate the United States Courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1755. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to provide that assistance shall be available under the noninsured crop assistance program for native pasture for livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mrs. MURRAY, Mr. KERRY, MR. Wellstone, Mr. DASCHLE, and Ms. MIKULSKI):

S. 1756. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1757. A bill to amend the Developmental Disabilities Assistance and Bill of Rights act to extend the Act, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution was read on May 13, 1996:

By Mr. DOMENICI:

S. Con. Res. 57. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002.

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated on May 14, 1996:

By Mr. GRAMS:

S. Res. 254. A resolution to express the sense of the Senate regarding the reopening of Pennsylvania Avenue; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1754. A bill to designate the United States Courthouse at 235 North Washington Avenue in Scranton, PA, as the "William J. Nealon United States Courthouse"; to the Committee on Environment and Public Works.

THE WILLIAM J. NEALON U.S. COURTHOUSE DESIGNATION ACT OF 1996

Mr. SPECTER. Mr. President, I am introducing legislation today to name the new U.S. courthouse being constructed in Scranton, PA, for one of Pennsylvania's most distinguished Federal judges, Judge William Nealon.

Judge Nealon was born and raised in Scranton and attended its public schools. After service in the Marine Corps during the Second War, Judge Nealon graduated from Villanova University and then received a law degree from Catholic University here in Washington. Returning to Scranton to practice law, he became a widely respected trial lawyer. When a vacancy opened up on the Lackawanna County Court of Common Pleas, Judge Nealon was appointed by President Kennedy to serve as U.S. district judge for the Middle District of Pennsylvania. At the time of his appointment, Judge Nealon was the youngest Federal judge in the Nation.

Judge Nealon has served the people of the middle district of Pennsylvania for almost 34 years since then, including over 12 years chief judge of the court. He has been widely respected among the bar of the middle district for his intelligence, dedication, and judicial demeanor. Throughout his long career, he has been considered by many to be the model of a trial judge.

Judge Nealon has been active in many efforts to improve the administration of justice across the Nation. He served as the representative of the third circuit to the Committee on the Administration of the Criminal Law of the Judicial Conference of the United States for 6 years. For 4 years he served as a member of the Third Circuit Judicial Council, and for 3 years, from 1987 to 1990, he was elected by the other district judges in the third circuit to serve as a member of the Judicial Conference of the United States, the policymaking body that oversees the Federal courts.

To this record of distinction in his professional career, Judge Nealon can add a record a community involvement matched by few others. It can truly be said that Scranton is a better place because of Judge Nealon. He is a former chairman of the board of Mercy Hospital in Scranton, of the Scranton Catholic Youth Center, and of the University of Scranton. He has also served as a member of the board of Lackawanna Junior College, St. Michael's School for Boys, the Everhart Museum, and the Scranton-Lackawanna Health and Welfare Authority. He has received the Distinguished Service Award from the Boy Scouts of America and was the 1995 recipient of the Champion of Youth Award of the Boys & Girls Clubs of Scranton, in addition to numerous awards from legal and academic institutions.

One would think that this lengthy record of accomplishment would be enough for any one person, but Judge Nealon has also raised an outstanding family. He and his wife Jean have 10 children and 26 grandchildren.

Earlier this year, I sponsored Senate passage of a bill introduced in the House by Representative KANJORSKI to name the U.S. Courthouse in Wilkes-Barre after Judge Max Rosenn of the third circuit, Wilkes-Barre's leading jurist. I can think of no one more deserving than Judge Nealon of the honor of having the new U.S. Courthouse in Scranton named after him.

I am pleased to introduce this legislation. I hope my colleagues will support it and that the Senate will adopt it this year.

I ask unanimous consent that a copy of the bill appear in the RECORD.

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

S. 1754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, shall be known and designated as the "William J. Nealon United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "William J. Nealon United States Courthouse".

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1755. A bill to amend the Federal Agriculture Improvement and Reform Act providing that insurance shall be available under the Noninsured Crop Assistance Program for native pasture for livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996 AMENDMENT ACT OF 1996

Mr. DOMENICI. Mr. President, fellow Senators, we are having a drought in the State of New Mexico that is about as serious a situation as we have had. We have read about the forest fires. Obviously, the forest is dry, but, also, the grazing land is dry. The ranchers are unable to graze cattle. That is a very important part of our life in New Mexico.

Today, I am introducing a bill. Yesterday, I introduced one with Senator BINGAMAN. He was the prime sponsor. Today he joins me in this one, which would take some of the assistance that is given for other crops in the event of a disaster and make that apply to the forage that goes for cattle. We think maybe it was intended, but it is not clear.

So this would provide emergency relief to some of the cattle people in our State and in the arid parts of America where we are having a disaster with drought. It makes some of this available to them. Because of the forage they use for the cattle, it would make that subject to the same kind of emergency assistance as other crops when those crops are in a drought situation.

Mr. President, yesterday, Senator BINGAMAN and I introduced a bill that would provide short-term assistance for our cattle producers in New Mexico and across the United States.

Cattle producers are suffering economically due to historically low cattle prices, and high feed costs.

In New Mexico, these conditions are made even worse by extensive drought conditions, which have had an impact on some areas of the State for 3 years.

The Bingaman-Domenici bill would provide $18 million in feed assistance, by extending the authority of the for the Emergency Livestock Feed Program through the end of this calendar year.

This assistance is extremely urgent for livestock producers in drought-affected areas.

In some parts of States like New Mexico, producers typically harvest and store feed reserves for the coming winter during the summer months, while their livestock graze on high country summer pastures.

Many of these summer ranges are located on Federal land, and in order to prevent overuse during the drought, many of these areas will not be available for grazing this year.

In order to maintain enough livestock to remain in business, many producers will be forced to graze areas that would normally be set aside for hay and winter feed production, leaving them little or no forage to get them through the coming winter.

The temporary extension of this program through December will allow the Secretary to provide these individuals with assistance in obtaining these needed feed resources.

Mr. President, today, I am introducing a bill that will provide a more permanent solution.

This bill would clarify in law, as is currently the case in USDA regulations, that native pasture for grazing livestock would qualify under the Noninsured Crop Assistance Program [NAP].

Specifically, the bill would amend the law to read:

> The term "eligible crop" shall include floricultural, ornamental nursery and Christmas tree crops, turfgrass sod, seed crops, aquaculture (including ornamental fish), native pasture for livestock, and industrial crops.

NAP was created under the Federal Crop Insurance Act of 1994 and amended in the Federal Agricultural Improvement and Reform Act of 1966 [FAIR].

The NAP is a disaster program for noninsured crops. Following a major crop loss, it provides benefits similar to those for insurable crops, but only at the catastrophic level.

This is by no means a windfall for livestock producers; on the contrary, catastrophic coverage provides a minimal benefit in a disaster, or emergency cases of the most dire need.

This bill has not been scored by the Congressional Budget Office [CBO], however, if CBO scores a cost with the bill I will provide an offset to ensure that it remains budget neutral.

I understand that the current regulations provide NAP catastrophic coverage for improved and native pasture.

I am concerned, however, that without the clarification provided by this legislation, the inclusion of native pasture may be at risk as the administration promulgates its new regulations under the FAIR Act.

Mr. President, I believe that failing to provide assistance to our ranchers today will cost us tomorrow. Many communities in New Mexico depend on the cattle industry.

In fact, livestock products accounted for $1.1 billion of cash receipts for all agricultural commodities in New Mexico in 1994.

The support we give our livestock industry during this period of drought, low prices, and high feed costs will save numerous small, family-owned business in these devastated areas.

Mr. President, I urge my colleagues to support this clarification to existing law.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mrs. MURRAY, Mr. KERRY, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. DASCHLE):

S. 1756. A bill to provide additional pension security for spouses and former spouses, and for other purposes; to the Committee on Finance.

THE WOMEN'S PENSION EQUITY ACT OF 1996

Ms. MOSELEY-BRAUN. Mr. President, pension policy decisions will determine, in no small part, the kind of life Americans will live in their older years. The amount invested in retirement savings has an important impact on our national savings rate, our economy generally, and the kind of life every American lives today. Now, more than ever, therefore, all Americans need to consider the role that pensions play in determining the quality of life for retirees, and the implications of pension policy decisions for our society as a whole.

Pension issues are convoluted yet critically important. I am reminded of a poem written by the late Karl Llewellyn, a professor at my alma mater, the University of Chicago, in connection with an introduction to the study of the law.

Entitled "The Bramble Bush," the poem said: "I jumped into the bramble bush and scratched my eyes out; I jumped out of the bramble bush and scratched my eyes in again." As a student, I had no idea what he was talking about. Later in life, I understood that he meant the bramble bush as an analogy to the law. One had to master the complexities and details of it—by jumping in—in order to reach understanding of the whole—upon jumping out.

And so it is, I think, with pension reform. The subject has been called esoteric, abstruse, mysterious, even eye glazing, but in the final analysis it is really about whether our society will arrange a system of security for people who have gone past their earning and working years, or whether our society will make retirement a determinant of a widening income gap between the rich and the poor. It is about fairness and gender equity and economic power. It goes to the heart of our challenge to treat the end of life as the golden years rather than the disposable years. It is about the permanence of the American dream.

The importance of retirement savings and investment to our Nation's economy, as well as to individuals, cannot be overstated. We should encourage private saving, and our pension laws should reflect that policy goal. It is equally important that these laws be reality based, and that reform should address the elimination of historical and institutional inequities and unfairness. Fairness is fundamental. Women, however, have traditionally been the overlooked and silent unintended beneficiaries of policy decisions which reinforce institutional sexism.

Our pension system was not designed for working women, either those in the work force or in the home. Countless statistics show that women are far more likely to spend the final years of their lives in poverty. Women make up 60 percent of seniors over 65 years old, but 75 percent of the elderly poor. An elderly woman is twice as likely as a man to live below the poverty line. These women are more likely than not to live alone. The demographics of mortality differences between men and women were never adequately addressed in the development of policy for retirement security. That a woman is more likely to be widowed, or divorced in retirement was similarly not taken into account. Pension policy making has traditionally been predicated on a fictionalized model of women's role in the society and the economy.

Over a lifetime, women earn about two-thirds of a man's income. Since pensions are based on a formula which combine the number of years of work and salary earned, women suffer a gender gap that carries over into retirement. As a result, women are far more likely to receive inadequate pension support. Moreover, because women are more often called upon to interrupt jobs in order to raise children or care for sick relatives, pension security is a more illusive objective for us.

A 25-year-old man—on average—will spend 70 percent of his adult life in the work force, while a woman will spend less than 45 percent of her adult life in the work force. What this can mean is

that a woman with a 40-year career who takes 7 years out of the work force may get half of the pension benefits she might have enjoyed with continuous employment. Our real support for the care-giving role of women in our society is more accurately reflected in this fact than in all of the platitudes given "family values."

For women who never enter the work force, the jeopardy of divorce or widowhood can mean the difference between security and penury. It is estimated that nearly 80 percent of women who are poor as widows were not poor before their husbands died.

These are costs not just borne by the individual affected directly, but by our society as a whole, as the widening income gap occasioned and influenced by pension inequities shows up as increased demand for transfer payments and public support.

Retirement security has been likened to a three-legged stool. Social Security, private pensions, and personal savings constitute the basis of an income stream for the later years of life.

Social Security, contrary to popular opinion, is not now nor has it ever been adequate to support a comfortable retirement. The average Social Security benefit earned by a woman who worked outside the home today provides about $538 a month, less than the minimum wage. Social Security provides about 40 percent of a workers' income while working. Our system assumes the other legs of the stool will help make up the difference.

However, only one third of private sector retirees receive a private pension. Of those, there are essentially two variants: the defined benefit plan and the defined contribution plan. The former is structured around the guaranteed payout or benefit upon retirement. The latter is structured around the treatment of payments into the plan during the working years. It is probably a commentary on the change in the climate of policy making that the traditional benefit plan is being overtaken as the approach of choice by the newer products associated with contribution plans.

As to personal savings, we have in this country the lowest private savings rate in the industrialized world, a source of great hand wringing among economists and policy makers. Given that the baby boom is about to become the elder explosion—with a baby boomer turning 50 every 7 seconds this year—efforts to promote personal frugality are among the policy challenges of the pension debate.

And yet, pensions represent a major part of the wealth of our Nation. There are 700,000 private pension plans in this country worth $3.4 trillion dollars (one trillion equals $1 per second for 32,000 years). The Federal Government provides about $75 billion annually in tax incentives to encourage pension savings, a tax expenditure which has never really been coordinated with the direct investment in Social Security. Pension contributions now total roughly $42 billion annually, making them the single largest source of private investment capital.

A playing field this vast has got to be fair to the whole community, and so the need for equity for women has never been greater.

The Congress has taken steps to correct the inequities facing women. In particular, the Retirement Equity Act of 1984 made several important changes, requiring that workers receive the consent of their spouses with regard to retirement benefits after death. It also required that private pension plans honor State court orders to divide pension benefits in divorce proceedings. This legislation made pensions accessible to millions of workers, widows, and divorced homemakers, but only if they understand the law or the legal forms. These, and other reforms, have made a difference. However, the issues continue to confound us, and further change is essential.

Pension maintenance, particularly in the context of divorce and widowhood, remains a challenge. In 10 years the IRS has not come up with clear guidance for the circumstances under which one can sign away pension rights. It is time to provide for informed decisionmaking, and for the equitable division of such rights in case of divorce. Similarly, the rules pertaining to pension distribution among Government employees—both military and civil service—should not penalize the divorced or widowed spouse.

I am here today to introduce legislation which will begin to address the problems women face as they try to hold on to their pension for their retirement. The Women's Pension Equity Act of 1996:

It creates a simple model of the form that a woman must sign in order to waive her benefits if she survives her husband.

And by the way, I point out that the language of the bill is gender neutral, so in that regard it would refer to men as well.

It creates a model of the form that couples must use if they wish to divide a pension upon divorce that includes contingencies for pre- and post-retirement survivors benefits.

It allows a widow or divorced widow to collect their husband's civil service pension if he dies after leaving his civil service job and before collecting his pension benefits.

It allows a court that awards a woman part of her husband's civil service pension upon divorce, to extend that award to any lump sum payment made if the husband dies before collecting benefits.

It extends the military pension benefits awarded to a spouse upon divorce in cases where the husband rolled that pension over into a civil service pension.

It allows a spouse to continue receiving Tier II railroad retirement benefits awarded upon divorce, upon the death of her husband.

I should like to take a moment to further describe what these provisions do and give some examples of the problems this legislation solves.

Sometimes a woman buries her husband only to discover that she has nothing. Her husband did not understand—and neither did she—that if they signed the survivor benefits waiver, she would get nothing if he died.

As one woman wrote:

> My husband . . . died 12/11/91. [He] and I were together for 40 years . . . At . . . retirement he opt[ed] to get the maximum. I know that he didn't realize what he had did because he kept telling everyone that his wife would be independent if he predeceased me. . . .
>
> Till the day before he passed he must have know something was happening to him. He told me "you have nothing to worry about." I was shocked when his job told, "I would get nothing".

That was an actual quote, and you can see that the Syntax and the grammar were a little fractionated in the letter.

This woman is not educated. She and her husband counted on his pension to carry them through retirement. When they signed some pension forms from the company, the forms did not state clearly enough that she would lose her pension if he died.

This happens, unfortunately, all too frequently it is a very sad situation to face.

Women also unknowingly give up their future right to a share of their husbands' pension benefits when they divorce and do not sign a complete Qualified Domestic Relations Order, QDRO. Pensions are often the most valuable asset a couple owns—earned together during their years of marriage.

Judy Horstman of Joliet, IL, was divorced in October 1989, after 23 years of marriage. She was awarded half of her husbands pension from his 18 years of service with General Motors. Her husband continued to work in the plant until he died in November 1990. When he died, she received no pension from General Motors. She was informed that she was no longer entitled to any of his benefits because her divorce decree only referred to joint and survivor's benefits, not pre-retirement benefits in case he died. Because he died before retirement and not after, and because her lawyer forgot to put one line in writing, she lost her rights to a pension.

Judy Horstman lost her right to retain part of her husbands pension because her lawyer did not know the right questions to ask. They missed something when they wrote the Qualified Domestic Relations Order and so

now, 7 years later, Judy still has no pension benefits from her 24 years of marriage.

This bill simplifies the spousal consent form so that average women can read and understand it. It also simplifies the QDRO for women, lawyers, and businesses so everyone knows what to consider and include in a divorce decree.

And it also includes provisions to correct some of the most illogical parts of pension laws that are unduly harmful for women. Let me give you four examples of the problems the bill will fix.

First, when a couple is married for 30 years, and the husband is in the military, upon divorce the court can ensure that the wife receives 50 percent of the pension benefits.

If, however, the husband leaves the military after the divorce, enters the civil service, and rolls his military pension over into his Government pension, his wife loses any claim on her spouse's pension. This legislation ensures that this kind of injustice will not occur in the future.

Second, a husband working in the civil service leaves his job to work outside the Government. He does not begin collecting his pension yet, because he has not yet retired.

If he dies after leaving the civil service and before collecting pension benefits, his widow receives nothing. If he died while working in the civil service or after retirement, she would receive a survivor's pension from the Federal Government. This legislation ensures that this kind of injustice will not occur in the future.

Third, a husband dies before retirement and his civil service pension is rolled over into a lump sum payment to whomever he names as his beneficiary.

The courts cannot require that he name his ex-wife as a partial beneficiary even if the court awarded her a portion of his pension. This legislation ensures that this kind of injustice will not occur in the future.

Fourth, an ex-wife has been awarded a portion of her husbands tier II railroad retirement benefits. The tier II benefits are the equivalent of a private pension for the railroad retirees. The ex-husband dies and her Tier II benefits cease immediately.

In other words, at the moment he dies her private pension rights die with him.

This legislation ensures that this kind of injustice will not occur in the future.

These are just some examples of the kinds of unjust, ridiculous, confusing, and harmful pension laws this legislation addresses. These initiatives help bring about equity in the pension system for married women.

I am keenly aware that we must address broader issues as well. And we will address them. We should focus on making participation in private pension plans easier, and not the game of roulette which all too often leaves people surprised at their retirement. Women, particularly, should not be penalized for career interruptions by vesting rules which require long-term employment. Current vesting rules depend on 5 years of continuing employment. The average job tenure for women is around 4 years—again, going in and out of the work force because of family demands very often. Women should not be penalized for taking care of their families.

Portability, an issue which is even now being debated in the Congress in the context of health security, remains a hurdle for retirement security.

The President's recently unveiled Retirement Savings and Security Act addresses portability in regards to the popular 401(k) plans, and is a welcomed advance in this area. We need to continue to address the ability of workers to transfer earned pensions.

Women who have spent many years in the work force should be able to count on their own pension income during retirement. It is important that we both improve the situation for women after a divorce or the death of a spouse, and the situation for women entering the work force. It is important to recognize that these issues of financial security go hand in hand. I will continue to work with my colleagues to bring pension equity to all aspects of the nation's pension laws.

Retirement security is not an expense we cannot afford. It is an investment we cannot avoid. Our economy will benefit. Our society will benefit. Our people will benefit if we undertake the macro and micro challenges of this issue.

The Bramble Bush illustrates that we are all in this together, and, if with Grace, we live long enough to retire it ought not be a punishment of longevity. The haves and have nots share an equal stake in the outcome of pension reform. That advocacy, in my opinion, is patriotism in the most classic sense, seeking to preserve the American dream for future generations.

There is no reason that this legislation cannot be enacted right away. The benefits are obvious and the changes simple.

I urge every one of my colleagues to support the rapid adoption of the Pension Equity Act of 1996. This legislation is being cosponsored by Senator OLYMPIA SNOWE, Senator PATTY MURRAY, and Senator JOHN KERRY.

I ask unanimous consent that a copy of the bill and a summary of its provisions be printed in the RECORD.

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

S. 1756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Pension Equity Act of 1996".

SEC. 2. MODEL SPOUSAL CONSENT FORM AND QUALIFIED DOMESTIC RELATIONS ORDER.

(a) MODEL SPOUSAL CONSENT FORM.—

(1) AMENDMENT TO INTERNAL REVENUE CODE.—Section 417(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) CONSENT FORM.—The Secretary shall develop a form not later than January 1, 1997, for the spousal consent required under paragraph (2) which—

"(A) is written in a manner calculated to be understood by the average person, and

"(B) discloses in plain form whether—

"(i) the waiver is irrevocable, and

"(ii) the waiver may be revoked by a qualified domestic relations order.".

(2) AMENDMENT TO ERISA.—Section 205(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)) is amended by adding at the end the following new paragraph:

"(8) The Secretary of the Treasury shall develop a form not later than January 1, 1997, for the spousal consent required under paragraph (2) which—

"(A) is written in a manner calculated to be understood by the average person, and

"(B) discloses in plain form whether—

"(i) the waiver is irrevocable, and

"(ii) the waiver may be revoked by a qualified domestic relations order.".

(b) MODEL QUALIFIED DOMESTIC RELATIONS ORDER.—

(1) AMENDMENT TO ERISA.—Section 206(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056(d)(3)) is amended by adding at the end the following new subparagraph:

"(O) The Secretary shall develop a form not later than January 1, 1997, for a qualified domestic relations order—

"(i) which meets all the requirements of subparagraph (B)(i), and

"(ii) the provisions of which focus attention on the need to consider the treatment of any lump sum payment, qualified joint and survivor annuity, or qualified preretirement survivor annuity.".

(2) AMENDMENT TO INTERNAL REVENUE CODE.—Section 414(p) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(13) The Secretary of Labor shall develop a form not later than January 1, 1997, for a qualified domestic relations order which—

"(A) which meets all the requirements of paragraph (1)(A), and

"(B) the provisions of which focus attention on the need to consider the treatment of any lump sum payment, qualified joint and survivor annuity, or qualified preretirement survivor annuity.".

(c) PUBLICITY.—The Secretary of the Treasury and the Secretary of Labor shall include publicity for the model forms required by the amendments made by this section in the pension outreach efforts undertaken by each Secretary.

SEC. 3. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a

court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which such annuity is so computed unless such termination is otherwise required by the terms of such court decree.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CIVIL SERVICE RETIREMENT SYSTEM.

(a) BENEFITS FOR WIDOW OR WIDOWER.—Section 8341(f) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1) by—

(A) by inserting "a former employee separated from the service with title to deferred annuity from the Fund dies before having established a valid claim for annuity and is survived by a spouse, or if" before "a Member"; and

(B) by inserting "of such former employee or Member" after "the surviving spouse";

(2) in paragraph (1)—

(A) by inserting "former employee or" before "Member commencing"; and

(B) by inserting "former employee or" before "Member dies"; and

(3) in the undesignated sentence following paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting "former employee or" before "Member"; and

(B) in subparagraph (B) by inserting "former employee or" before "Member".

(b) BENEFITS FOR FORMER SPOUSE.—Section 8341(h) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding after the first sentence "Subject to paragraphs (2) through (5) of this subsection, a former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking "or annuitant," and inserting "annuitant, or former employee"; and

(B) in subparagraph (B)(iii) by inserting "former employee or" before "Member".

(c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting at the end the following:

"The Office shall provide by regulation for the application of this subsection to the widow, widower, or surviving former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply only in the case of a former employee who dies on or after such date.

SEC. 5. COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8345(j) of title 5, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) Payment to a person under a court decree, court order, property settlement, or similar process referred to under paragraph (1) shall include payment to a former spouse of the employee, Member, or annuitant.".

(2) LUMP-SUM BENEFITS.—Section 8342 of title 5, United States Code, is amended—

(A) in subsection (c) by striking "Lump-sum benefits" and inserting "Subject to subsection (j), lump-sum benefits"; and

(B) in subsection (j)(1) by striking "the lump-sum credit under subsection (a) of this section" and inserting "any lump-sum credit or lump-sum benefit under this section".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Payment to a person under a court decree, court order, property settlement, or similar process referred to under subsection (a) shall include payment to a former spouse of the employee, Member, or annuitant.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 6. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—(1) Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) Paragraph (1) of such subsection is amended by striking out "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (4)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) Paragraph (1) of such subsection is amended by striking out "Except as provided in paragraph (2) or (3)" and inserting "Except as provided in paragraphs (2), (3), and (5)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1997.

WOMEN'S PENSION EQUITY ACT OF 1996

PRIVATE PENSIONS

Require the IRS to create a model form for spousal consent with respect to survivor annuities.

Background—In 1984, Congress passed the Retirement Equity Act (REA) which provided, among other things, that survivor annuities were to apply automatically and any opt-out could be obtained only with spousal consent.

Problem—The consent forms are not in plain language and do not contain sufficient explanation, i.e. that the decision is irrevocable even in the event of divorce. For the past 10 years, the IRS, at the urging of the GAO, has been preparing a model consent form for couples that choose to take a larger annuity during the husband's life and give up the survivor annuity—but that form has never been completed.

Require the Department of Labor to create a model QDRO form.

Background—The 1984 REA required pension plans to honor court orders dividing pensions upon divorce. But the law does not protect spouses automatically. The divorced woman, or her lawyer, must ask for a court order specifically including the pensions in the divorce settlement. Without a qualified domestic relations order (QDRO) spelling out how, to whom, and when the pension should be paid, plans don't have to pay the divorced spouse a dime.

Problem—(1) Many lawyers do not know to ask for a QDRO. (2) There are no model QDRO's for lawyers, or couples who divorce without a lawyer, and pension plans will not honor the orders unless they are complete. (3) Pre- and post-retirement survivor benefits are often forgotten.

CIVIL SERVICE RETIREMENT SYSTEM

Make widow or divorced widow benefits payable no matter when the ex-husband dies or starts collecting his benefits.

Background—If the husband dies after leaving the government (either before or after retirement age) and before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse or former spouse.

Problem—The widow or divorced wife loses everything: the ex-wife's benefits never start because he didn't choose to or didn't live to start collecting his benefits, and the widow's benefits are canceled because he wasn't working in the federal government at the time of his death.

Authorize courts to order the ex-husband to name his former wife as the beneficiary of all or a portion of any refunded contributions.

Background—In the case of a husband dying before collecting benefits, his contributions to the CSRS are paid to the person named as the "beneficiary." The employee may name anyone as the beneficiary.

Problem—A divorce court cannot order him to name his former spouse as the beneficiary to receive a refund of contributions upon his death, even if she was to receive a portion of his pension.

MILITARY RETIREMENT SYSTEM

Transfer the pension benefits awarded during divorce from a military to a civil service pension, if the spouse rolls the military pension into a civil service pension.

Background—The Uniformed Services Former Spouses' Protection Act of 1982 (USFSPA) provides that a court may treat only the member's "disposable" retired pay as marital property. The definition of disposable now includes, among other deductions, government salary or pension.

Problem—The allowed deductions can leave former wives with little if any pension. For example, if an ex-husband leaves the military and enters the civil service, he can roll over his military pension into his civil service pension and the ex-wife loses the military pension awarded to her during the divorce settlement.

RAILROAD RETIREMENT BOARD

Allow payment of a Tier 2 survivor annuity after divorce.

Background—The Tier 1 benefits under the Railroad Retirement Board take the place of social security. The Tier 2 benefits take the place of a private pension.

Problem—Unlike the nondivorced widow, the divorced widow loses any Tier 2 benefits she may have been receiving while her ex-husband was alive, leaving her with only a Tier 1 annuity.

Mrs. MURRAY. Mr. President, I am pleased to join Senator MOSELEY-BRAUN today in cosponsoring the Women's Pension Equity Act of 1996. This legislation addresses one of the most important issues facing women today—retirement security. Of course, both men and women share many of the same concerns about growing old and planning for the future. But, the fact is that women face a unique set of circumstances that put us at a disadvantage for living comfortably in our retirement.

We are all very aware of the anxiety being felt by our friends and neighbors as they see and hear about the wave of corporate downsizing taking place in many of America's largest industries. American workers no longer expect to hold down one or two jobs throughout their working careers. Rather, most Americans expect to hold five or six different jobs throughout their careers.

This job insecurity ripples through every aspect of our lives and impacts the way one determines how to afford a home, pay for a child's education, and set aside savings for retirement.

This anxiety is real and it is justified. Working families throughout Washington State are telling me they are worried about their futures and that of their children. My constituents recognize the skyrocketing costs of long-term health care, doubt whether they can ensure a successful and prosperous life for their children, and are losing faith in the Social Security system.

We all know that women often play the role of caregiver for sick parents or children. In this role, they are forced to leave their jobs and, in turn, jeopardize their own future security. As the daughter of two aging parents, I understand this anxiety and want to do all I can to ensure women are not penalized for doing the right thing—for taking care of their families.

In today's world, it takes two incomes to raise a family. This is not solely an issue of improving the security of retired women. This is about providing stability and peace of mind for working families and their children. It is about opportunities for the future and strengthening the resources that families can depend on tomorrow. This is about ensuring that both parents' hard work is rewarded.

The Women's Pension Equity Act corrects current pension laws, which often fail to account for the special pattern in a women's working life. Our employment patterns differ from our male counterparts in the work force. Women's tenures tend to be shorter—4.8 years compared with 6.6 years for men. Many women leave their jobs before they reach the required years of service to qualify for employer retirement plans; usually 5 to 7 years.

Also, under current law, if a woman's husband dies after leaving Government service but before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse. This bill, among other things, will amend the Civil Service retirement system to make sure the spouse doesn't lose the benefits to which her family is entitled.

We can alleviate some of the anxiety Americans are experiencing. For instance, we can help Americans save for their future by expanding pension opportunities for the employees of small businesses. Only 24 percent of all employees in small businesses have pension plans, while 76 percent of employees in large businesses have pension plans. Or we could widen the scope of Individual Retirement Accounts. For instance, I am a cosponsor of S. 287, a bill that allows spouses who work at home to get a full IRA deduction.

Congress has the ability to improve the savings opportunities for millions of Americans, and Senator MOSELEY-BRAUN's bill will do so for millions of working and retired women. This legislation makes sense and successfully highlights the discrepancy that exists between male and female retirees and it lays out several ways to narrow the income divide that exists between them.

The facts are clear. Older women are twice as likely as older men to be poor. According to the Older Women's League, more than 70 percent of nearly 4 million persons over 65 living in poverty are women. Fewer than 25 percent of older women receive any pension income. And in 1993, the median pension benefit received by new female retirees was half that of men. Given all this, we must keep in mind that once they reach 65 women live on average 4 years longer than men.

This bill helps Americans save for the future, and it will make retirement life more secure for millions of women. It is an important first step to addressing the many obstacles which women face as they try to plan for their futures and those of their children. I commend Senator MOSELEY-BRAUN for her leadership on this issue, and I look forward to working with her on behalf of working families across our Nation.

Mr. KERRY. Mr. President, I rise today to express my support for the Women's Pension Equity Act of 1996, and to thank Senator MOSELEY-BRAUN and Senators MIKULSKI, MURRAY, BOXER, and FEINSTEIN for their leadership on this important issue.

Mr. President, women are five times as likely to live out their final years below the poverty line. Research also indicates that almost 80 percent of widows living in poverty were not poor because their husbands died—while the same is not generally true of men, according to the General Accounting Office.

I am proud to say that my wife, Teresa Heinz, contributed important work toward this bill. In April, she sponsored a conference in Boston entitled "Women, Widows, and Pensions—The Unfinished Agenda." Senator MOSELEY-BRAUN was the keynote speaker and I believe many of the insights from the conference contributed to this bill.

But I also want to highlight a letter from a woman named Marian from Attleboro, MA. She wrote me recently that she just turned 81 years old and worked from 1934 to 1994. Because of family responsibilities, she had to take a total of 7 years off from work to raise her children. She said that since her various jobs paid less than what a man would make, she now receives a worker's benefit that is less than one-half the benefit that was earned by her husband when he was alive.

Mr. President, current pension laws do not take into account the circumstances of women in the work force. This bill takes an important step toward correcting pension inequities and helps to redress the overwhelming poverty suffered by older women.

The bill would require the IRS to create a model form for spousal consent for survivor annuities so that couples understand the consequences of taking a larger annuity during the husband's life and giving up the survivor annuity. The bill would also require the Department of Labor to create a model order so divorced spouses get the pensions they deserve.

Ultimately, we need fundamental reforms to address these pressing issues. Fewer women than men receive pensions and they receive less because

they have fewer years in the work force: the average woman spends 11.5 years out of the work force largely due to greater time spent in nonpaying caregiving roles. Additionally, women earn less than men and are more likely to change jobs frequently and be affected by lack of pension portability and high vesting hurdles.

But, Mr. President, along with the President's recent pension initiative the Retirement Savings and Security Act, this bill will move toward a day when the laws governing our Nation's pension system are truly gender neutral and older women are not faced with living their final years in poverty.

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1757. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes; to the Committee on Labor and Human Resources.

EXTENSION OF THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT

• Mr. FRIST. Mr. President, today I am introducing a simple extension of the Developmental Disabilities Assistance and Bill of Rights Act. This act is the result of more than 25 years of national bipartisan collaboration to secure basic rights for our Nation's most vulnerable citizens.

Before the Developmental Disabilities Act was signed in 1970, Americans who happened to be born with developmental disabilities such as mental retardation and severe physical disabilities often lived and died in institutions where many were subjected to unspeakable conditions far worse than conditions found in any American prison.

As a nation, we had a lot to learn about how we could help people with developmental disabilities live more independent and more productive lives. We had a lot to learn about: How to help families find the strength to bring up their children with developmental disabilities in their family home; how to teach children with developmental disabilities in our schools; how to make room for these citizens to live and work in the heart of our communities; and how to ensure safe and humane living environments for those citizens with developmental disabilities who remain in residential facilities.

It has taken courage to face the fact that we had so much to learn. Because of the Developmental Disabilities Act, we have made tremendous progress across the Nation in all of these areas—education, living arrangements, and meaningful participation in community activities for many individuals with developmental disabilities. We are still learning.

When we reauthorize the Developmental Disabilities Act, we show that we support programs that help people with developmental disabilities continue to live independent and productive lives—and with as little bureaucracy and government intrusion as possible.

This goal was almost unthinkable two decades ago. New technology, new services, new professional practices, and new ways of thinking about Americans who have the most severe and lifelong disabilities have created opportunities beyond what we thought possible. Research has shown that the DD Act programs make significant contributions to this progress, and they do it with minimal Federal control.

The DD Act programs are flexible and responsive to the needs of consumers—people with developmental disabilities and their families—in each State. Federal funding is limited, so successful programs must leverage Federal funds by seeking State grants and training contracts, and grants from other sources. The programs have demonstrated that they can be cost-effective while attaining good results for the people who use them.

Since the DD Act was originally authorized, it has created a lean infrastructure of programs including, in each state, a university affiliated program to educate university students in developmental disabilities-related fields and to conduct research and training to meet the needs of State agencies; a Developmental Disabilities Council appointed by the Governor of each State to define and carry out State initiatives; and a protection and advocacy organization to provide legal assistance to persons with developmental disabilities, especially those who are living in institutions.

DD Act networks have been successful at creating new service models for people with developmental disabilities without creating new bureaucracies. With the 1994 amendments, made only 2 years ago, we can reauthorize it as it stands today and know that the continuous improvements we expect will be sought. As a nation, we are now able to create opportunities for many Americans with developmental disabilities to live and work in our communities, where services are decentralized and cost-effective. From this success, we have identified new challenges, and we still need to work to improve these community-based programs so they can meet any client's needs.

Clearly, our work is not finished. The simple and fundamental rights shared by every American citizen—to life, liberty and the pursuit of happiness—are not yet secure for those of us who have developmental disabilities. For this reason, it is essential that we extend the Developmental Disabilities Assistance and Bill of Rights Act this year. We must not forget the rights of Americans with developmental disabilities this year, or ever again.•

ADDITIONAL COSPONSORS

S. 615

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 615, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 953

At the request of Mr. DOLE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the names of the Senator from Kansas (Mrs. KASSEBAUM) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1669

At the request of Mr. LOTT, the names of the Senator from Alabama (Mr. SHELBY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. FORD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1669, a bill to name the Department of Veterans Affairs medical center in Jackson, Mississippi, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center."

S. 1689

At the request of Mr. GRAMM, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1689, a bill to provide regulatory fairness for crude oil producers, and to prohibit fee increases under the Hazardous Materials Transportation Act without the approval of Congress.

SENATE RESOLUTION 254—RELATIVE TO PENNSYLVANIA AVENUE

Mr. GRAMS submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 254

Resolved,

SECTION 1. FINDINGS.

The Senate makes the following findings:

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as "America's Main Street".

(3) 1600 Pennsylvania, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; "the People's House" is host to 5,000 tourist daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Treasury Department and the Secret Service to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(7) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a tremendous burden for additional security measures along the Avenue near the White House.

(8) While the security of the President is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted far too heavily toward security at freedom's expense.

SEC. 2 SENSE OF THE SENATE.

It is the sense of the Senate that the President should order the immediate, permanent reopening to vehicular traffic of Pennsylvania in front of the White House, restoring the Avenue to its original state and returning it to the People.

Mr. GRAMS. Mr. President, in just 6 days, the closing of Pennsylvania Avenue in front of the White House will mark its 1-year anniversary.

I rise today to speak for the 15 million tourists who visit the Nation's Capital each year, the local businessmen and women whose livelihoods depend upon open access, the government of the District of Columbia, the commuters who rely on our roads, and the people who call Washington, DC, home. On their behalf, I am submitting a resolution expressing the sense of the Senate that Pennsylvania Avenue be reopened to traffic and returned to its historic use. The May 20th closing is one anniversary we should not have to commemorate.

This resolution has the support of many with strong ties to the Washington community. I am grateful to have the endorsement of District of Columbia Mayor Marion Barry, and I am also proud that D.C. Council Chairman David Clarke and Councilmember Frank Smith support this effort. I ask unanimous consent that statements from Mayor Barry and Chairman Clarke and Councilmember Smith be included in the RECORD.

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

(See exhibit 1.)

Mr. GRAMS. In addition, my resolution has the strong support of more than a dozen of the area's residential, business, and historical organizations representing thousands of job providers and the District's half million residents. I ask unanimous consent to submit this list and supporting letters for printing in the RECORD.

Mr. President, I have come to the floor several times over the past year to voice my concerns about the closure of Pennsylvania Avenue.

I have talked about the damage it has done to Washington's business community, and the fear that it is scaring off new jobs and prompting potential retail and commercial tenants to stay away from the downtown area. I have talked about the damage it has done to Washington's business community, and the fear that it's scaring off new jobs and prompting potential retail and commercial tenants to stay away from the downtown area. I have discussed the hardships caused by the closing for anyone whose paycheck depends on access to the avenue, people like cab drivers and tour bus operators. I have outlined problem after problem the closing has created for the District itself, which had one of its major arteries unilaterally severed by the Federal Government without any consultation. I have discussed the inconvenience of our tourists, especially the elderly and disabled, many of whom are now being deprived of a close look at the White House. And I have talked about the tremendous cost for the taxpayers, a cost which has already reached into the millions of dollars.

I have raised each of those aspects of the closing because they are all relevant and pressing concerns. But that is not what I want to discuss today. There is another side to this issue that is easy to overlook amid all the other more obvious problems: the question of what the closing of Pennsylvania Avenue has done to the psyche of this city, and what we give up when we give in to fear.

The air was thick with fear in the weeks following April 19, 1995, when terrorists attacked the Federal building in Oklahoma City. How could something like this happen within our own borders, people wondered. And fear took hold. That was certainly the atmosphere in Washington—an atmosphere of suspicion and distrust that prompted the Treasury Department to close down two blocks of Pennsylvania Avenue a month after the tragic Oklahoma City bombing.

Now, obviously, protecting the President and those who work and visit the White House must be a primary concern, a matter never to be taken lightly. The occupant of the Oval Office deserves every reasonable measure of security we can provide. So if the Secret Service had information that the White House was a terrorist target and the President was in danger, then it was absolutely prudent at the time to close Pennsylvania Avenue.

But that was an entire year ago, and a decision that may have appeared prudent then strikes many as regrettable and short-sighted today. Rather than helping the Nation face down our fear, the Government's decision to close Pennsylvania Avenue—and keep it closed—has only perpetuated it.

This is the White House today. Not a pretty sight, is it? The stretch of Pennsylvania Avenue that stood for 195 years as "America's Main Street" is empty of any traffic—more a vacant lot than a working street.

Gone is the thrill for visitors of driving by the White House for the first time—the concrete barricades, traffic sawhorses, and ever-present patrol vehicles and armed officers have put an end to that.

Gone, too, is the sense of openness that inspired generations of visitors to feel close to the Presidency and their Government when they visited the Executive Mansion.

Today, there is an ominous atmosphere at the White House that you feel nowhere else in Washington. Visitors seem more to be tolerated than welcomed, and the fortress-like effect they discover there is unnerving.

I have no doubt that the place is secure—as secure as a bunker. But the price we have paid for all this security is immense because it has come at the expense of freedom.

Was it not Benjamin Franklin who warned against "giving up essential liberty to obtain a little temporary safety"? And liberty is precisely what we have given up by closing off Pennsylvania Avenue.

While we may have obtained some temporary safety, we have surrendered to fear in order to get it, even though one of the first lessons we teach our young people in their American history classes is that freedom cannot coexist with fear.

Mr. President, a visit to the Nation's capital can have a profound impact on the schoolchildren who visit here every year. It is a place where history comes alive, and every monument, museum, and historic site they visit is a page right out of the textbooks.

The feeling they get by being immersed in history can not be duplicated in a classroom, and I know that a trip to Washington, DC has inspired many, many young people to seek careers in public service.

But how confused they must be when they visit the White House. Before travelling here, they have studied the Revolutionary War.

They have read the Declaration of Independence and the U.S. Constitution. They have been taught that the foundation upon which this Nation was built was our absolute right to be free from oppression. It is that freedom, we tell them—a freedom we hold sacred, and treasure above all else—that makes this Nation so different from any other.

So what do you suppose goes through their minds when they at last visit the home of their President and find it barricaded behind all that concrete?

The preamble to the Constitution, with its talk of securing the blessings of liberty, must ring awfully hollow if this is what liberty really looks like.

What lesson are we teaching them about the freedom we claim to value so highly? What kind of message are we sending our children when they discover that the very center of the free world is not so very free after all?

I can tell you what they are thinking. I visit the White House two or three times a month, and I have heard their comments and seen the disappointment in their faces. They tell me it is shameful, it is disappointing, and it is wrong.

If there is a compelling reason to keep Pennsylvania Avenue permanently closed, I hope someone will step forward and make their case. I have been asking the question for nearly a year now, and have not yet heard a reasonable answer.

The monetary cost of shutting Pennsylvania Avenue down has been enormous Mr. President, but the emotional cost of keeping it closed forever would be devasting.

We may only be talking about two, short blocks, but those two blocks have represented freedom and access since nearly the birth of this Nation.

While we must never allow ourselves to become reckless about our security, it is equally true that we must never allow ourselves to become reckless about our freedom, either, especially when freedom is represented by such a visible symbol as the White House.

The way Pennsylvania Avenue looks today, well, that is just not the America, envisioned by our Founding Fathers. It is certainly not the America John Kennedy spoke of in his 1961 inaugural address:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and success of liberty.

That resolve may have softened on Pennsylvania Avenue, but it is not too late to rekindle that spirit.

I believe that good sense will prevail and the avenue will reopen. And someday, Mr. President, when they are old enough to appreciate what it all means, I will take my grandchildren to the White House.

I will show them the home of the Presidents—great leaders like Thomas Jefferson and Abraham Lincoln, who defined liberty for a young Nation and ensured that this would forever be a place where freedom could flourish.

And when they realized that the President lives in a house just like they do, along a street a lot like theirs, my grandchildren will smile.

Castles and kings require moats and crocodiles, but Presidents, well, they make their homes in houses, set on busy streets, in the hearts of busy cities. Open and accessible. And that is just the way Presidents ought to live.

My grandchildren may not understand just what liberty and freedom really mean, but they will feel its powerful presence and I hope they will be inspired.

There are a thousand good reasons to reopen Pennsylvania Avenue, Mr. President, but only one reason I can see for keeping it closed, and that is fear. We cannot allow fear to claim this victory.

We cannot allow the 1-year anniversary of the closing of Pennsylvania Avenue to pass without this Senate taking a stand on the side of freedom.

I urge my colleagues to support this resolution.

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

WE SUPPORT THE SENATE RESOLUTION CALLING FOR THE REOPENING OF PENNSYLVANIA AVENUE IN FRONT OF THE WHITE HOUSE

District of Columbia Mayor Marion Barry.
D.C. Council Chairman David A. Clarke.
D.C. Councilmember Frank Smith.
AAA Potomac.
American Bus Association.
Apartment and Office Building Association of Metropolitan Washington, Inc.
Association of Oldest Inhabitants of D.C.
District of Columbia Building Industry Association.
District of Columbia Preservation League.
DuPont Circle Advisory Neighborhood Commission 2B.
Federation of Citizens Association.
Frontiers of Freedom.
Greater Washington Board of Trade.
International Downtown Association.
Arthur Cotton Moore Associates.
Washington Cab Association.
Washington D.C. Historical Society.
Washington D.C. Restaurant and Beverage Association.

THE DISTRICT OF COLUMBIA,
Washington, DC, May 13, 1996.

Hon. ROD GRAMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR GRAMS: I want to thank you for your continued interest in the closing of Pennsylvania Avenue and the impact it has had on the District of Columbia. The effects on traffic patterns and drivers' convenience, business income, parking revenue, and most important, public access to the White House, have all been significant.

I hope that your legislation expressing the sense of the Senate that Pennsylvania Avenue be reopened in front of the White House can be approved. I would appreciate your conveying my support for such legislation to your colleagues.

Please contact me or my staff if you have any questions or requests that I can help with. Again, thank you for your understanding and appreciation of the consequences of the blockades.

Sincerely,

MARION BARRY, JR.,
Mayor.

STATEMENT OF D.C. COUNCIL CHAIRMAN DAVID A. CLARKE AND D.C. COUNCILMEMBER FRANK SMITH

We wholeheartedly support and applaud the effort by Senator ROD GRAMS and others to reopen Pennsylvania Avenue in front of the White House to vehicular traffic—and thereby restore this most public of public streets to its historic use.

District of Columbia residents, businesses and visitors have suffered for one year with the constant traffic gridlock, uncompensated economic costs, and loss of freedom from this vehicular barricade between the east and west ends of America's historic main street and our downtown. We call upon the federal government to pay for the entire cost of identifying and mitigating every adverse impact which has resulted from the federal government's vehicular restrictions in the economic and historic heart of the nation's capital.

In July 1995 the Council of the District of Columbia unanimously adopted a resolution expressing concerns about the restriction of vehicular access to streets around the White House, which now also applies to restrictions placed upon other streets around certain Congressional and other federal buildings in Washington. Appended to this statement is the full text of the resolution which we coauthored.

THE GREATER WASHINGTON
BOARD OF TRADE,
Washington, DC, May 13, 1996.

Hon. ROD GRAMS,
U.S. Senate, Senate Dirksen Office Building,
Washington, DC.

DEAR SENATOR GRAMS: On behalf of the Greater Washington Board of Trade's membership, I applaud your efforts to reopen the 1600 block of Pennsylvania Avenue and offer whatever assistance this organization might provide. As a representative of over 1,000 businesses located in the greater Washington region, we have heard from many of our members about the impact that the street closing has had on their businesses. In short, the closing of Pennsylvania Avenue, paired with the closing of the parallel section of E Street between 15th and 17th Streets, has resonated throughout the District of Columbia's road system. The resulting gridlock is, at best, impeding the mobility of business people, residents and tourists.

Of even greater concern is the likelihood that this is just the beginning of an imposing security trend; already we have heard rumors that additional street closings will occur Street closings cannot be an appropriate solution to security concerns; rather, they are nothing more than a "cure by amputation." Already, the Pennsylvania Avenue experiment has demonstrated the crippling effect such a policy has on traffic flow, and additional street closings would further exacerbate the difficulty of doing business in the District of Columbia.

In your April 29th letter to President Clinton, you cite the rich history of Pennsylvania Avenue as "America's Main Street" and its symbolism of freedom, openness and access to government. But equally important are the more direct economic impacts that the street closing has imposed on the operation of the District of Columbia. Traffic on surrounding streets has reportedly increased far beyond capacity, despite efforts by the local government and the Federal Highway Administration to create one way corridors traveling east and west to improve traffic flow. And while rush hour traffic has always been difficult, travel times across the downtown business district have more than doubled even during the mid-day hours.

Although many people consider Washington, DC to be only the home of the federal government, the City has a significant private sector community. A large number of those businesses are service oriented, requiring them to remain accessible to clients and customers. Thus, the closing of Pennsylvania Avenue is creating a hardship on the city's private sector, and in many cases, forcing them to reconsider whether they must relocate their operation outside of the District. In a city that is struggling to cope with dwindling revenues and the skyrocketing costs of human services, this is just one more factor contributing to the problems faced by the local government, the Congressionally appointed financial control board, and inevitably, the Congress in its role as steward of the Nation's Capital.

The business community recognizes that the safety of the President of the United States must be the top priority in decisions such as these. We believe, however that there may be more appropriate alternatives that would sufficiently mitigate potential security risks without shutting down the Nation's Capital piece by piece.

A decision to reopen Pennsylvania Avenue would go a long way to toward restoring mobility in the Nation's Capital. This is important to the people who live and work here every day, but it is also important to the millions of visitors who come from all 50 states. Should there be a decision to revisit the closing of Pennsylvania Avenue, the Greater Washington Board of Trade would be happy to work with Congress, the Executive Branch and the local government to identify more realistic options for improving security in the Nation's Capital. Thank you for your efforts.

Sincerely,

JOSEPH T. BOYLE,
Chair, KPMG Peat Marwick.
JOHN MILLIKEN,
Chair, Venable, Baetjer and Howard.

DISTRICT OF COLUMBIA
BUILDING INDUSTRY ASSOCIATION,
Washington, DC, May 6, 1996.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: I am writing to you in my capacity as president of the District of Columbia Building Industry Association. Our Association represents several thousand business people in the District of Columbia.

It has been almost one year since the executive order of the Secretary of the Treasury was issued restricting traffic on Pennsylvania Avenue, State Place and Executive Avenue. We understand that this was a very difficult directive for you to sign and that you had resisted several efforts by the Secret Service to restrict traffic in the vicinity of the White House in the past. While we in the Washington, D.C. business community were concerned about the process whereby this major traffic conduit was closed, the business community and citizens generally did not object to this action given the circumstances at that time.

In the past year, we have had time to experience the results of this action and feel it is time to reexamine this situation. Of course, your safety and the safety of the First Family and your staff are of paramount importance to all of us as citizens of the United States. However, the rerouting of traffic around the White House has resulted in serious traffic congestion on a daily basis, and exacerbated traffic problems during special events which are constant in Washington, DC, such as the Cherry Blossom Festival. Moreover, it has divided our city into an East and a West side causing both commerce and tourism to suffer negative economic consequences at the same time they are impacted by the City's debilitating fiscal crisis. These combined circumstances have had a disastrous effect on business and trade in DC.

While the emergency temporary restriction of traffic on these streets was warranted by the unique circumstances at that time, we do not feel this should be viewed and accepted as the long term solution to these security issues. Right now, there is a team of architects employed by the U.S. Government meeting to discuss alternatives for closing Pennsylvania Avenue prior to the official, legal closing of the street itself. We believe that alternative methods to provide long term improved security to the White House, such as structural reinforcements, improved fencing, electronic surveillance, limited traffic on adjacent streets to cars only, etc. should be reconsidered now. These alternatives may actually be more economical than the closing of these streets and certainly will be less costly in terms of diminished national prestige.

With the end of the Cold War five years ago, our country is more secure than at any time in this century. Since this time of relative peace is due in large part to American leadership, it is truly ironic that symbolically we are retreating by further limiting access to and around the White House. One could only imagine the outcry by Parisians if the French Government closed the Champs-Elysees in front of the Presidential Palace. Washingtonians have been very patient and understanding with the temporary closing of Pennsylvania Avenue, the most important street in the L'Enfant Plan. But now is the time to search for a better long term solution.

Just as we are sure you would reject suggestions that you limit your personal interaction with the American people such as your daily jogging, town meetings and other high-risk interactions with the public, we urge you to reconsider this highly visible statement to the American people and international tourists and reopen Pennsylvania Avenue.

So while we fully support the temporary measures taken by your administration to restrict traffic around the White House, we urge you to set up a task force to find alternate means of providing adequate security for the White House with the ultimate goal of reopening these streets by Inauguration Day 1997. Our Association is prepared to participate in this task force and provide whatever resources are necessary in order to accomplish this goal.

Sincerely yours.

THOMAS W. WILBUR,
President.

DISTRICT OF COLUMBIA
BUILDING INDUSTRY ASSOCIATION,
Washington, DC, May 9, 1996.

Re Closure of a Section of Pennsylvania Avenue, N.W., Secretary of the Treasury's Order dated May 19, 1995.

Hon. ROBERT E. RUBIN,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY RUBIN: I am writing to you in my capacity as Chairman of the Legislative and Governmental Affairs Committee of the District of Columbia Building Industry Association ("DCBIA").

For your information, DCBIA is comprised of over 275 member organizations and over 1,000 individuals ranging from lenders, property owners, developers, property managers, construction companies, contractors, subcontractors, architects, engineers, lawyers, accountants, and others involved in the real estate industry. In other words, those who finance, own, develop, renovate, upgrade, improve and manage real property in the District, together with all of the providers of the additional services necessary to the real estate industry.

May 19, 1996 will mark the first anniversary of your directive to the Director of the United States Secret Service to close a portion of Pennsylvania Avenue, N.W. and certain other streets. This emergency, temporary directive was intended to enhance the perimeter security of the White House. Under applicable federal law, your authority to prohibit vehicular traffic on public streets is temporary in nature, and is predicated on certain findings of fact which must be applicable at the time of the initial directive and at all times thereafter while the directive remains in effect.

DCBIA believes that now is an appropriate time to undertake a number of endeavors, including but not limited to, reexamining the factual determinations of one year ago, confirming that the Department of the Treasury is in compliance with the requirements of the National Environmental Policy Act, the Advisory Council on Historic Preservation, the Department of Transportation's Federal Highway Administration, the Department of the Interior's Comprehensive Design Plan for the White House, the National Park Service, the National Capital Planning Commission, and all other applicable local and Federal requirements.

Now is also an appropriate time to reexamine the economic, physical and psychological impact of the street closures on the many thousands of American citizens that have had to bear the direct and immediate impact of your directive. Some of these people travel to the Nation's capital daily for their jobs and businesses, while others are visitors from places near and far. All of them have shared the serious and significant delays, detours and related problems of the street closures. The serious negative impact upon the local business community has become difficult if not impossible to accurately assess.

The directive has simply divided our city to the detriment of all, and has fostered a "bunker mentality" among the citizens of the city, many of whom observe, on a daily basis, the barricades, uniformed Secret Service personnel and similar indicia of a city under siege directly in front of the Presidential residence.

DCBIA wishes to be absolutely clear on the issue of the safety of the President and the First Family. It is not a question of whether or not any of us doubt the supreme importance of protecting the President of the United States. We assert emphatically that the security of the President is and should be of profound importance to every American citizen, and every person who loves freedom and democracy. But at the same time, the directive issued in the name of safety and security is quite simply killing the city. When people cannot move freely and easily it impacts productivity and commerce. But the impact does not stop there. Eventually there are psychological and spiritual effects that are no less real or important. The District of Columbia cannot afford to make it more difficult than it already is to work, play and live here. The directive issued almost one year ago is doing just that.

DCBIA urges you and your staff, in conjunction with other public officials, to reopen the entire issue of the street closures for full and fair consideration. DCBIA seeks to be an active participant in this process and is committed to using its resources to help reopen Pennsylvania Avenue.

We look forward to your response and appreciate having this opportunity to raise this matter with you.

Sincerely,

NELSON F. MIGDAL,
Chairman, Legislative/Governmental Affairs Committee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Tuesday, May 14, 1996, in executive session, to certain military nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 14, 1996, session of the Senate for the purpose of conducting a hearing on reauthorization of the Federal Aviation Administration and the Airport Improvement Program.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Tuesday, May 14, at 2:15 p.m., in S-216, the Capitol, to consider the nomination of Hubert T. Bell, Jr., nominated by the President to be Inspector General, Nuclear Regulatory Commission.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, May 14, at 2 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 14, 1996, at 10 a.m. to hold a hearing on "The False Statements Statute After *Hubbard v. United States*: assessing the need for revision."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a subcommittee hearing on Confronting the Challenges Presented by an Aging Population, during the session of the Senate on Tuesday, May 14, 1996, at 9 a.m.

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

THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

Mr. LOTT. Mr. President, I ask unanimous consent that The Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, May 14, Wednesday, May 15, and Thursday, May 16, 1996 to conduct hearings pursuant to S. Res. 120.

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

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 14, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the management and costs of class action lawsuits at Department of Energy facilities.

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

ADDITIONAL STATEMENTS

IN RECOGNITION OF CFIDS AWARENESS DAY

• Mr. SANTORUM. Mr. President, I'd like to take a few minutes of Senate business today to talk about chronic fatigue and immune dysfunction syndrome [CFIDS].

Mr. President, this past Sunday, May 12, marked the observance of International CFIDS Awareness Day. While the CFIDS Association of America coordinated a national awareness and educational campaign with respect to CFIDS, I'd like to make particular mention of the efforts of an organization in Pennsylvania, the Chronic Fatigue Syndrome Association of the Lehigh Valley.

The severity of chronic fatigue syndrome is largely unknown to the American public, and the observance on May 12th served as a very important and worthwhile opportunity to inform, educate, and increase the awareness of the illness. I commend the Lehigh Valley organization for their tireless efforts in combating CFIDS and for their participation and coordination of activities on May 12. In recognition of their efforts, I would like to bring to the attention of my colleagues the following proclamation, and I encourage the Senate's consideration and endorsement.

PROCLAMATION

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley joins the CFIDS Association of America in observing May 12, 1996 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, chronic fatigue syndrome is a complex illness affecting many different body systems and is characterized by neurological, rheumatological and immunological problems; incapacitating fatigue; and numerous other long-term severely debilitating symptoms; and

Whereas, while there has been increased activity at the national, State and local levels, continued education and training of health professionals is imperative in garnering greater public awareness of this serious health problem and in supporting patients and their families; and

Whereas, although research has been strengthened by the efforts of the Centers for Disease Control, the National Institutes of Health, and other private research institutions, the CFS Association of the Lehigh Valley recognizes that much more must be done to encourage further research so that the mission we share with the CFIDS Association of America, "to conquer CFIDS and related disorders", can be achieved. Therefore, be it *Resolved*, that the United States Senate hereby commends the designation of May 12, 1996 as CFIDS Awareness Day and applauds the efforts of those battling the illness.

I appreciate the Senate's consideration of this issue, and thank my colleagues for their attention.•

ADVISORY BOARD ON WELFARE INDICATORS APPOINTED

• Mr. MOYNIHAN. Mr. President, just last week, on May 7, the House of Representatives appointed its four members of the Advisory Board on Welfare Indicators, as provided by the Welfare Indicators Act of 1994, incorporated in the Social Security Act amendments of that year. The measure was introduced on the first day of the 103d Congress,

January 31, 1993, the first legislative day that is, and signed just at the end of that Congress. In a floor statement at the time of introduction, I noted that the measure was directly modeled on the Employment Act of 1946. This was a statement of a large national goal, accompanied by provision for an annual assessment of progress toward that goal. Congress declared it to be the continuing policy and responsibility of the Federal Government to promote maximum employment, production, and purchasing power. Words at first, but great consequences followed in our ability to measure and understand these purposes. I stated on the floor:

Mr. President, I rise today to introduce the Welfare Dependency Act of 1993. The purpose of the bill, which is directly modeled on the Employment Act of 1946, is to declare it the policy and the responsibility of the Federal Government to strengthen families and promote their self-sufficiency. To this end, the bill directs the Secretary of Health and Human Services to conduct a study to determine which statistics, if collected and analyzed on a regular basis, would be most useful in tracking and predicting welfare dependency. Within 2 years, the Secretary would report the conclusions to Congress, and, a year later, would submit a first report on dependency. Thereafter, reports would be submitted annually. These reports would include annual numerical goals for recipients and expenditures within each public welfare program. For the interim, the bill establishes a goal of reducing dependency to 10 percent of families with children.

For the first time in American history the largest proportion of persons in poverty are to be found among children, not among adults or among the aged. This is new. When we first began to notice this trend in the 1960's, it seemed that we had discovered something uniquely American. Then we began to get the returns of the Luxembourg Income Survey. Children, it seems, are poorer than adults in all manner of places: Australia, Canada, Germany, England, as well as the United States. For too long we have been trying to measure a postindustrial phenomenon—dependency—with statistics designed to track industrial-era phenomena.

We used to know something about how to predict welfare dependency. In the early 1960's when I was Assistant Secretary in the Department of Labor for Policy, Planning, and Research, we found that there was an extraordinary correlation between male unemployment and new welfare cases from the period starting in 1946 up to about 1958–59. Then the correlation weakened, until finally in 1963 the lines crossed and the relationship became negative—the lower the unemployment rate, the higher the number of AFDC cases. Now, even during prosperous periods for our Nation, a shockingly high percentage of our children are dependent on public support.

We do have some data on the magnitude of this problem, if not its origins. Back in the 1960's the Office of Economic Opportunity had the good sense to put up money for a longitudinal study of families at the Institute for Social Research at the University of Michigan. The researchers computed the incidence of welfare dependency among children born in the late 1960's. The findings are dismaying. Almost one quarter—22.1 percent—of these children were dependent on AFDC for at least 1 year before reaching their 18th birthday. That's 72.3 percent of black and 15.7 percent of nonblack children.

But these findings on the extent of the problem tell us little about what causes it or how to address it. Certainly some part of this explosion in welfare dependency can be attributed to changes in family structure. Three decades ago there was nothing notably amiss with the traditional family. American divorce rates were high, but stabilizing. The traditional family of parents with children was the norm. As recently as 1970, 40 percent of the Nation's households were made up of a married couple with one or more children. The proportion dropped to 31 percent in the next decade. It is now around a quarter of all families. Simultaneously, the proportion of families headed by a single mother has exploded. In 1970, 11.5 percent of all families with children were headed by a single mother. In 1980, 19.4 percent. In 1990, 24.2 percent. Now a quarter of all live births are out of wedlock.

Our data collection needs to become more systematic and institutionalized. As we did earlier in this century for the problem of unemployment when we enacted the Employment Act of 1946, we need to define welfare dependency as a national problem and to begin to measure, analyze, and address it. Since 1946 unemployment has hardly disappeared but neither is it ignored, much less denied. I am introducing this bill on the first day of the new Congress because I believe that its passage would represent one of the most important moments in social welfare policy since Aid to Families with Dependent Children was enacted as part of the Social Security Act of 1935.

It might be noted here that in 1946 it was commonly assumed that with the war over, the Depression of the 1930's would resume. Western society had been stunned by that catastrophic and protracted economic crisis, a crisis which was interrupted by world war, but which was widely thought to be systemic, and which would accordingly resume. No one seemed to know how to make a modern industrial economy work. Some economists had ideas about this, but these were not widely subscribed to. A more common view was that industrial democracies were inherently unstable and would necessarily disappear. It helps in this time of vast unease associated with the breakdown of family structure to recollect with some tranquillity that capitalism was deemed doomed not a half century ago.

Here are the specifics for the statute:

(a) CONGRESSIONAL POLICY.—The Congress hereby declares that—(1) it is the policy and responsibility of the Federal Government to reduce the rate at which and the degree to which families depend on income from welfare programs and the duration of welfare receipt, consistent with other essential national goals; (2) it is the policy of the United States to strengthen families, to ensure that children grow up in families that are economically self-sufficient and that the life prospects of children are improved, and to underscore the responsibility of parents to support their children; (3) the Federal Government should help welfare recipients as well as individuals at risk of welfare receipt to improve their education and job skills, to obtain child care and other necessary support services, and to take such other steps as may be necessary to assist them to become financially independent; and (4) it is the purpose of this section to provide the public with generally accepted measures of welfare receipt so that it can track such receipt over time and determine whether progress is being made in reducing the rate at which and, to the extent feasible, the degree to which, families depend on income from welfare programs and the duration of welfare receipt.

(b) DEVELOPMENT OF WELFARE INDICATORS AND PREDICTORS.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") in consultation with the Secretary of Agriculture shall—(1) develop—(A) indicators of the rate at which and, to the extent feasible, the degree to which, families depend on income from welfare programs and the duration of welfare receipt; and (B) predictors of welfare receipt; (2) assess the data needed to report annually on the indicators and predictors, including the ability of existing data collection efforts to provide such data and any additional data collection needs . . . [The Welfare Indicators Act of 1994, as incorporated in the Social Security Act Amendments of 1994, P.L. 103–432].

No notice was taken of the measure at the time of enactment, and so it is not inappropriate to do so now that the appointments to the Advisory Board are completed. An interim report is due from the Secretary by next October 31, 2 years from enactment, as provided in the statute, with a regular annual report to be prepared thereafter. I would note that the measure was a long time coming; indeed, that we seemed somehow reluctant to learn too much about this subject. In March 1991, the Subcommittee on Social Security and Family Policy of the Senate Committee on Finance held hearings at which a number of the Nation's most respected social scientists, including several experts who are now members of the Advisory Board, commented on the subject of "Welfare Dependency." Many urged the need for a continuing Federal assessment of this matter, as baffling in our time as was the issue of unemployment a half century ago. That eminent scholar, Douglas J. Besharov of the American Enterprise Institute, noted that "There used to be a National Center for Social Statistics * * * . It was a Federal agency and had a client. Its client was the * * * Social and Rehabilitative Service." But when that program was reorganized there was no client to support the Center and it simply faded away. Now, however, we have the responsibility firmly lodged with the Secretary of Health and Human Services. We can expect diligent attention from the distinguished incumbent, Donna Shalala, and from her ingenious, industrious and committed associate, Wendell Primus, Deputy Assistant Secretary for Human Service Policy.

The Secretary will receive, I cannot doubt, great good counsel from this Advisory Board, now finally constituted. Its distinguished members are as follows:

Appointed by the Senate majority leader are Jo Anne B. Barnhart, political director, National Republican Senatorial Committee; Martin H. Gerry, director of the Center for Study of Family, Neighborhood, and Community Policy, University of Kansas; Gerald H. Miller, Director, Michigan Department of Social Services.

Appointed by the Senate minority leader is Paul E. Barton, director of the Policy Information Center, Educational Testing Service.

Appointed by the President are Judith M. Gueron, president, Manpower Demonstration Research Corporation; Kristin A. Moore, executive director of Child Trends, Inc.; Joan M. Reeves, Commissioner, Department of Human Services, city of Philadelphia; Gary J. Stangler, Director, Missouri Department of Social Services.

Appointed by the Speaker of the House of Representatives are Eloise Anderson, Director, California Department of Social Services; Wade F. Horn, director, National Fatherhood Initiative; Marvin H. Costers, resident scholar and director of Economic Policy Studies, American Enterprise Institute.

Appointed by the minority leader, House of Representatives is Robert Greenstein, executive director, Center on Budget and Policy Priorities.

I am sure the Senate will join me in congratulating the board members and in expressing our expectation that the first welfare dependency report, due next fall, will mark the onset of a new age of information in this troubled area of social policy.•

TRIBUTE TO SISTER MARY BENITA O'CONNOR, R.S.M.

• Mr. BOND. Mr. President, I rise today to pay a special tribute to Sister Mary Benita O'Connor, R.S.M. It is a great pleasure to recognize Sister Mary Benita for her 60th anniversary in the religious profession and for her lifelong dedication to serving others.

A former member of St. Munchin's Parish in Cameron, MO, Sister Mary Benita entered the Sisters of Mercy novitiate in Council Bluffs, IA, on August 6, 1933. She made her first vows in March, 1936, and in August of the same year was assigned to teach business education, English, and religion classes at St. Mary's High School in Independence, MO. Following teaching assignments at Glennon High School, Kansas City, and the College of St. Mary's in Omaha, NE, Sister Mary Benita was once again assigned to St. Mary's, Independence.

After completing 40 years of teaching, Sister Mary Benita became active in St. Mary's Parish Council where she served as parish ministries coordinator. As director of social ministries for the parish, she coordinated St. Vincent de Paul's outreach to the poor, the Legion of Mary's evangelization efforts, youth service activities, the Over 50 Club and Marian ministry. She continues her ministry to the hospitalized and homebound.

Sister Mary Benita has been an active member of the Neighborhood Council, a board member on Meals on Wheels, has participated in neighborhood education programs and has held a continued interest in St. Mary's High School Alumni activities.

Currently, Sister Mary is sponsoring faith development groups and is the librarian for the parish library. It is an honor to congratulate Sister Mary Benita on her long-lasting faithfulness to the Church and the Independence community. I wish her the best of luck on May 19, 1996 at her celebratory Mass of Thanksgiving at St. Mary's, and also in all of her future pursuits.•

HOUSE INVESTIGATION OF IRANIAN ARMS SHIPMENTS TO BOSNIA

• Mr. KERREY. Mr. President, last week the House of Representatives decided on an almost strict party line vote to create a special subcommittee to investigate the Clinton administration's decision not to stop Iran from shipping weapons to the Bosnian Government in violation of the arms embargo. And they voted to spend an additional $995,000 above their planned budget to conduct this investigation. $995,000. While not technically correct, I hope you can indulge me if I just round up and call it an even million. That's really what it is.

Mr. President, while I believe Congress should look into this matter, we also need to be concerned about how we conduct our investigations.

The Senate Select Committee on Intelligence has already held five hearings on the administration's decision not to intervene and prohibit the shipment of Iranian arms into Bosnia. Chairman SPECTER, myself, and the other members of the committee are well into our investigation at this point and will press on expeditiously to finish in a timely manner. It is important to note, however that we have conducted these hearings and will conduct further hearings as part of our normal oversight responsibilities using our regular committee staff fully within our regular committee budget for fiscal year 1996. And we have done this with the cooperation of both sides of the aisle.

Mr. President, this is why I find the House Republican's actions so disconcerting. We on this side of the Capitol can investigate this matter with the cooperation of both parties, and without additional space, staffing, funding, and committees. Meanwhile, our House Republican counterparts have voted to spend an additional $1 million above their normal budget to acquire more space, to hire more staff, and to form another subcommittee to investigate this same issue. Knowing how difficult it is to start up a new organization, I'd bet we on the Senate Select Committee on Intelligence will probably finish our investigation before the House's special subcommittee gets moved into its new offices.

I know the House is just as concerned as the Senate about the cost of performing necessary Government functions in these times of billion dollar budget deficits. The new Republican House leadership took some important, difficult measures to cut the cost of running Congress when they took control in 1994. I believe that was the right thing to do. So why spend a million dollars unnecessarily? Especially in this election year, you do not have to be a cynic to believe it was for political reasons. But even a cynic would be dumbfounded trying to figure out why the House Republicans went this extra, excessive step to try to try and make a political point.

Mr. President, when you talk day-in and day-out about billion dollar weapons systems, hundreds of billion dollar deficits, and trillion dollars budgets, a one with just six zeroes after it doesn't seem to be very much. And I guess 9–9–5 plus three zeroes looks even smaller. But it takes 135 average Nebraska families working full time for 3 months to produce $1 million dollars in tax revenue. When there's already a committee structure, staffing, and budget to do the job, the $1 million House Special Committee to investigate Iranian arms flow into Bosnia is a prime example of superfluous Government spending.

Mr. President, I say, let's perform our legislative oversight responsibilities, let's look for the truth in this matter, let's determine who did what when and whether their actions were within the letter and spirit of the law. But let's do it the way we are already organized to do it and within the budgets we set for ourselves. Let's live within out means like we expect or citizens to do.•

BERTHA M. GLOTZBACH—55 YEARS OF GOVERNMENT SERVICE

• Mrs. KASSEBAUM. Mr. President, too often we are ready to criticize those who work for the Government but rarely recognize individuals who have dedicated their lives to public service. That is why, today, I would like to pay tribute to Bertha Glotzbach of the U.S. Agency for International Development [USAID]. On April 23, 1996, Ms. Glotzbah completed 55 years of Government service.

Born on the Fourth of July raised in my home State of Kansas, Ms. Glotzbach attended Strickler's Business College in Topeka. Her Government career began just before World War II on April 23, 1941, with the Department of Labor. Ms. Glotzbach first

worked for the Bureau of Labor Statistics and later with the Special Assistant for International Relations to the Secretary of Labor.

In 1949, Ms. Glotzbach joined the Economic Cooperation Agency, which Congress created in 1948 to administer the Marshall plan. She has worked continuously for foreign assistance agencies ever since. In addition to the numerous awards and commendations Ms. Glotzbach has received over the years, her service with USAID and its predecessor agencies sets a 47-year record.

Mr. President, it is with great pleasure and gratitude that I rise today with USAID, to honor and congratulate Ms. Glotzbach for her dedicated service to the Nation.•

SELFRIDGE AIR NATIONAL GUARD AND RESERVES

• Mr. LEVIN. Mr. President, in my home State of Michigan, we are both proud and fortunate to have Selfridge Air National Guard Base located in Harrison Township, Macomb County. Though the base started as an Air Force Base and was transferred in 1971 to the Michigan Air National Guard, it is the home of many diversified branches of the U.S. military. "Team Selfridge" takes pride in being the only Reserve Forces base to have permanently assigned units from all five of the uniformed services: Army, Air Force, Marine Corps, Navy, and the Coast Guard, including the Air Force Reserve as well as the Air National Guard. This feature makes Selfridge unique among U.S. military bases.

On May 18, 1996, the 927th Air Refueling Wing will be celebrating Bosses Day. Each year, the 927th pays tribute to local employers who support their Reserve employees. Reservists invite their employers to Selfridge so that they can gain an up-close view of the patriotic and unselfish manner in which reservists are serving their community and Nation. The 927th first arrived at Selfridge in 1963. For nearly 33 years it has depended on the flexibility and support of local employers for much of its success.

National Guard and Reserve Forces will play an even greater and more diverse role in the times ahead, as the Nation comes to rely more on them in peacetime and in war. It is the vital support of America's employers that enables the National Guard and Reserves to continue to strengthen our Nation's security. We owe these employers our gratitude for being part of our national security team.

This celebration of Bosses Day on May 18 will be particularly appropriate because that is the day this country will be observing Armed Forces Day, a day when we recognize and honor the service and sacrifice of our Armed Forces. On that day we can give our thanks to the men and women in the Armed Forces, as well as to the employers who support the Guard and Reserve members.•

MONTGOMERY ACADEMY FORENSICS TEAM WINS ALABAMA FORENSICS CHAMPIONSHIP

• Mr. SHELBY. Mr. President, I would like to take a moment today to share with my Senate colleagues the outstanding accomplishments of a very talented group of students from Montgomery. On April 13, the Montgomery Academy Forensics Team won the State forensics championship at the Alabama Forensic Educators Association State Tournament. While this is wonderful achievement, it was an even more impressive showing, for this is the second consecutive year the Montgomery Academy team has won this award.

For the past 5 years, the team has been led my Mr. James W. Rye III. Mr. Rye founded the forensics program at Montgomery Academy, and in those 5 years, the team has grown in both size and strength, and I would like to congratulate and commend him for his efforts today.

Mr. President, I would also like to extend my congratulations to the young men and women from Montgomery Academy who performed so well at this year's tournament. To win two consecutive State championships is an impressive accomplishment, and I wanted to share their success with my colleagues. The Montgomery Academy Forensics Team has certainly earned their award, and I would wish them the best of luck in next year's competition and in all of their future endeavors.•

PUBLIC BUILDING REFORM ACT

• Mr. WARNER. Mr. President, I rise today in support of S. 1005 as reported by the Senate Committee on Environment and Public Works. I believe that this bill incorporates many valuable concepts which would save the Federal Government money by imposing controls on the design and costs of Federal buildings, and in particular courthouses.

When I became chairman of the Subcommittee on Transportation and Infrastructure, I presented some broad principles which I felt the committee should use to prioritize General Services Administration projects. At that time, the Administrative Office of the Courts had never sent to our committee a priority ranking of courthouse projects making authorization on the basis of need very difficult.

Today, at my request, I am pleased to report that the Judicial Conference has approved a 5-year plan, which is a step in the right direction. However, additional reforms in the area of public buildings are still needed.

Under S. 1005, the General Services Administration and the Administrative Office of the Courts will be required to submit triennial plans in order of priority. Courthouse prospectuses will be required to include the current number of Federal judges and courtrooms as of the date of submissions, and the projected number of Federal judges and courtrooms expected to be accommodated by the proposed project.

These projected figures will then be justified by further information on the authorized positions of Federal judges and the number of judges expected to take senior status, as well as the level of security risk at the current courthouse as determined by the Administrative Office of the Courts.

If a courthouse is not part of the triennial plan for a given fiscal year, it is not my expectation that the committee will approve that particular project.

Mr. President, S. 1005 also addresses ongoing concerns over the U.S. Courts Design Guide. Many of you have heard about Foley Square and the Boston Courthouse, as well as many other costly courthouse construction projects which have been built in the last several years. S. 1005 will require the General Services Administration to rewrite the design guide in consultation with the courts and the Fine Arts Commission. It is my expectation that this will enable the General Services to ultimately control courthouse construction costs with the input of the courts.

S. 1005, not only addresses concerns raised over courthouse construction, but it also will require the General Services Administration to file a biennial public buildings plan, to help the committee to evaluate and set priorities for all projects that require construction, alteration, or leased space—whether it is a courthouse, Federal building, border station et cetera.

In this time of Government downsizing, our Federal agencies will have to justify their priority ranking or request for additional space needs for ultimate approval by both the House and the Senate.

The biennial plan will include a 5-year strategic capital asset management plan. Under the plan, the GSA would be able to take advantage of market changes that affect building construction and availability, thereby potentially saving our American taxpayer dollars.

In light of the austere budget environment we are currently operating under, we need reforms in the area of public buildings. As the chairman of the Subcommittee on Transportation and Infrastructure, I strongly support S. 1005, and urge its swift passage.•

A TRIBUTE TO BILL NAITO, 1925–96

• Mr. HATFIELD. Mr. President, Portland, OR, has long been hailed as a city

of innovation and vigor. While all denizens of the city bask in that community energy, there are a handful of people who can be credited with fostering Portland's uncommon spirit. Through visionary imagination and bold leadership, they have made Portland the progressive city it is today. Bill Naito, who died last week, was one of those leaders.

Naito was a Portland businessman who combined his business acumen with a deeply-felt sense of civic obligation. Working with his brother, he started his career in 1962 as the proprietor of a bustling import business. The brothers soon bought the building that housed their business, and thus began Bill Naito's long legacy as a property developer. Over the next three decades, he repeatedly built thriving developments in areas shunned by other businessmen. Skid Road, home of the Naito brothers Import Plaza, grew into revitalized Historic Old Town. An abandoned department store building became the Galleria shopping center, the 1980's anchor of Portland's commercial revitalization. He turned an old warehouse district into the McCormick Pier apartments, luring middle-income residents into downtown Portland.

While he prospered personally from his business initiatives, Bill Naito was generous with his time and assets, and his sense of civic responsibility enriched Portland endlessly. In addition to serving on countless boards and civic organizations, he donated space in office buildings to nonprofit or public agencies. He was a founder of Artquake, a long-running annual arts festival. He also donated land to help launch Saturday Market, a weekly showcase of local performers and artisans that has drawn tourists and suburbanites to downtown Portland for a generation. He was perhaps most popularly noted for preserving the White Stag landmark when the company moved out of Portland. Thanks to Bill Naito's sense of whimsy, each Christmas season west-bound motorists enjoy the White Stag reindeer's illuminated red nose.

Though he was never one to trumpet his own accomplishments, it was clear that Naito took the greatest pride in the creation of the Japanese-American Historical Plaza in Tom McCall Waterfront Park. Naito is the son of Japanese immigrants, and his family was forced to relocate to Utah in 1942 to avoid the internment forced on Portland's Japanese community. Though he seemed to carry little personal bitterness from those war years—in fact, he joined the Army himself in 1944—he worked the rest of his life to make sure that Oregonians wouldn't forget the lessons learned from the Japanese internment. The memorial he spearheaded, dedicated in 1990, is a moving tribute to the families interned during World War II, and serves as a reminder of the guarantees the Bill of Rights provides for us all.

The accomplishments I have enumerated only begin to convey the varied contributions Bill Naito made to Portland throughout his life. This 70-year-old, who worked long days at an age when most men are content in retirement, spent a lifetime fusing community and business pursuits. Bill Naito seemed the image of hard-working vigor and energy when cancer snuck up on him, and he died just a week after being diagnosed. His death saddens those he touched personally, and he enriched the lives of many more Oregonians who live, work, and visit the city to which he brought so much life. The nose of the White Stag reindeer burned red last week in tribute to Bill Naito. Portland has truly lost a treasure, Mr. President, and I want to pay tribute to him again here today.●

UNANIMOUS-CONSENT AGREEMENT—SENATE CONCURRENT RESOLUTION 57

Mr. COCHRAN. Mr. President, at the request of the Republican leader, I ask unanimous consent that at 9:30 a.m., on Wednesday, May 15, the Senate begin consideration of the budget resolution, Senate Concurrent Resolution 57.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COCHRAN. Mr. President, at the request of the Republican leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Executive Calendar nomination Nos. 543 through 548, and all nominations placed on the Secretary's desk in the Coast Guard.

Mr. President, I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations were considered and confirmed en bloc, as follows:

COAST GUARD

The following regular officers of the United States Coast Guard for promotion to the grade of rear admiral:

John E. Shkor	Douglas H. Teeson
Paul E. Busick	Edward J. Barrett
John D. Spade	

The following regular officers of the United States Coast Guard for promotion to the grade of rear admiral (lower half):

Joseph J. McClellan, Jr.	John L. Parker
	Paul J. Pluta
	Thad W. Allen

Vice Adm. James M. Loy, U.S. Coast Guard to be chief of staff, U.S. Coast Guard, with the grade of vice admiral while so serving.

Vice. Adm. Richard D. Herr, U.S. Coast Guard, to be vice commander, U.S. Coast Guard, with the grade of admiral while so serving.

Vice Adm. Kent H. Williams, U.S. Coast Guard, to be commander, Atlantic Area. U.S. Coast Guard, with the grade of vice admiral while so serving.

Rear Adm. Roger T. Rufe, Jr., U.S. Coast Guard, to be commander, Pacific Area, U.S. Coast Guard, with the grade of vice admiral while so serving.

The following officer of the U.S. Coast Guard Reserve for promotion to the grade of rear admiral:

Richard W. Schneider

The following officer of the U.S. Coast Guard Reserve for promotion to the grade of rear admiral (lower half):

Jan T. Riker

Coast Guard nominations beginning Michael S. Fijalka, and ending Kimberly J. Nettles, which nominations were received by the Senate and appeared in the Congressional Record of November 28, 1995.

Coast Guard nominations beginning George J. Santa Cruz, and ending Kevin M. Pratt, which nominations were received by the Senate and appeared in the Congressional Record of January 22, 1996.

Coast Guard nominations beginning Steven D. Poole, and ending Kevin J. Macnaughton, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 1996.

Coast Guard nomination of Sherry A. Comar, which was received by the Senate and appeared in the Congressional Record of February 20, 1996.

Coast Guard nominations beginning Gerald E. Anderson, and ending Constantina A. Stevens, which nominations were received by the Senate and appeared in the Congressional Record of March 5, 1996.

Coast Guard nominations beginning Stephen Adler, and ending Kimberly Zust, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 1996.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDERS FOR WEDNESDAY, MAY 15, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand

in adjournment until the hour of 9:30 a.m., Wednesday, May 15, further that immediately following the prayer, the Journal of proceedings be approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and the Senate then begin consideration of Senate Concurrent Resolution 57, the budget resolution.

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

PROGRAM

Mr. DOLE. So the Senate will begin tomorrow morning discussion of the budget resolution. That resolution is limited to a 50-hour statutory time. So we can expect late night sessions and votes throughout the remainder of the week.

ORDER FOR ADJOURNMENT

Mr. DOLE. Mr. President, I ask unanimous consent that after I make a brief statement and the Senator from Mississippi makes a statement and Senator DASCHLE makes a statement that the Senate stand in adjournment under the previous order.

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

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I will take just a minute of the Senate's time to express my disappointment that we were unable to agree on any of the unanimous-consent requests that we presented to my colleagues on the other side with respect to the pending gas tax repeal, the TEAM Act, minimum wage, taxpayer bill of rights, and the White House travel legislation.

It was my hope that we could reach an understanding. I thought, based on conversations, we might be able to work out some procedure to ensure that the three main issues—the gas tax repeal, the TEAM Act, and the minimum wage were split into three separate bills—that the Senate would be able to reach an agreement on an overall consent that would include these issues in a relatively short timeframe. But unfortunately that does not seem to be the case.

I think it is fair to say that we have offered pretty much what my colleagues had requested, with some minor changes, a consent agreement that does, in fact, divide the three issues into separate bills and limits time on each issue. I think they could be concluded in as little as 5 or 6 hours.

But now I understand that there are additional requests to not only separate the issues, but also to require the approval of the final language that the House is marking up in the committee today relative to the minimum wage. Obviously, I cannot dictate what the House does with minimum wage and cannot ensure what might finally come out of the conference.

But it seems to me that what we should do is move ahead before Memorial Day, resolve these three issues, as well as the taxpayer bill of rights, which I understand there is no opposition to.

The gas tax repeal is being held hostage because of the demands about the minimum wage. The so-called TEAM Act is unacceptable to my colleagues on the other side. I understand there will be a filibuster on that issue. I guess the bottom line is, we have been trying to figure out some way to resolve this issue. We have not reached it yet.

I do not believe we will ever be in a position to say to my colleagues on the other side that we will guarantee, notwithstanding it is a Republican House of Representatives and a Republican Senate, that you draft the minimum wage proposal. I do not think that will happen because we have some ideas, amendments for the minimum wage. I do not know what my House colleagues have in mind, but they may report that out later on today.

So I just suggest that we continue to work with the Democratic leader, Senator DASCHLE. Time is running. I hope that we can act on all these issues prior to Memorial Day. But this week we will probably be on the budget. Next week we hope to do the missile defense measure, along with the DOD authorization bill. That would not leave a lot of time for these three issues.

So I just want to report to the Senate that we have not given up. But I do not believe we can ever agree that, in effect, we first have to clear it with the President before we pass it. I am not certain that will ever happen.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me associate myself with the remarks made by the distinguished majority leader as to the desire to find a way to finish our work on all of these important matters prior to Memorial Day. I am relatively optimistic that is possible.

The majority leader indicated that it is very difficult to make some assumption with regard to what the House may do on minimum wage. I understand what is normally a difficult set of circumstances in anticipating anything that the House would or would not do, but I am all the more confident that it is possible, given what has just happened on the budget.

The distinguished majority leader asked if we could go to the budget in an expeditious way tomorrow. We are prepared to do that. I have indicated to him after consulting with a number of my colleagues that is possible. I want to go back to that point in a moment.

That entire budget was preconferenced by Senate and House Republicans. Every single detail of the budget we are going to get tomorrow was preconferenced with the House. They decided what the defense number was. They decided what the discretionary number was. They decided what the tax number was. They decided what the entitlement numbers were. They decided what the overall budget plan would be. All of it was done.

It seems to me if we can negotiate an entire budget for 6 years with the House of Representatives, certainly we could find our way to do one tiny little bill on the minimum wage. I hope we could find a way with which to address that. We have been working in good faith with the majority leader to find a way to make that happen. I feel we are making progress in that regard. All we are asking is one tiny little bill. The minimum wage is a tiny bill. But it has profound repercussions for the economic well being, the lives of millions and millions of people.

As the majority leader made reference last week to rocket scientists, it does not take a rocket scientist to recognize the House could come up with a package surrounding the minimum wage increase that might be unacceptable. To declare this agreement acceptable, without any assurance of what the House would do—the House could come up with a package that we have to vote against, that the President would have to veto—that is no agreement, Mr. President. That is not what we are attempting to do. We want to find a way to accommodate the concerns of the majority in dealing with this tax issue in spite of the fact we have very serious misgivings on our side. We will have some amendments to address those misgivings.

The Travel Office legislation—again, some of us have very serious misgivings in terms of the precedent it would set. We want to deal with that. Obviously, there is the TEAM Act, about which we have extraordinary misgivings. We will deal with that. Then there is the taxpayer bill of rights for which there is apparently some consensus. We will deal with that. Those are four pieces of legislation the majority wants to deal with. We say we want one, the minimum wage. All we ask is that we are not going to be embarrassed in coming to an agreement that ultimately allows us this freestanding vote that we all say we want but then the President will have to veto. That is not acceptable. Everybody understands that. That is all we are saying—continue to work, ensure we know what the House's intentions are. If we can do it on a complete budget agreement, it seems to me we can do it on one little bill, the minimum wage bill. That is what we are talking about.

Now, with regard to the budget, as I said, I have agreed to go to the budget resolution early tomorrow, after consultation with our caucus at noon and with individual Members who raised some very serious concerns and even though we have not yet been allowed to see the report. We are not going to make a big deal of the fact we do not have a report. Our colleagues on the Budget Committee were not even allowed to write it. No minority report. That was not allowed. There was no consultation with Democrats, at all—locked out completely.

This proposal is the most partisan budget we have seen in many, many years. In fact, at the news conference I recall, the Nation was told this is a Bob Dole budget. It was not the Senate Budget Committee document. We were told, "This is the Bob Dole budget." I must say, with all this interest in bipartisanship and accommodation and cooperation, when it came to the budget, we are not getting a great deal of it. We have not seen much yet. What goes around comes around.

In spite of the fact that we have not been given very much, if any, consideration with regard to the budget so far procedurally, and it is going to get worse, we will go to the budget resolution and, eventually, to the three reconciliation bills that in my view are flatout illegal. We will have to face all of that in the future. We will go to the budget tomorrow, because in good faith we are trying to work through these things. We will try to deal with the budget. And we are trying to deal with these five bills. But we will not be pushed.

I have had to assure my colleagues we will take all the time we need to have a good debate, to offer amendments. We will do all of that. We will go to the floor tomorrow as requested of us in order to accommodate the majority in what we know to be a very full schedule. I hope we can continue to work. I am very hopeful we can achieve all that I know the distinguished majority leader wants to accomplish prior to the time we get into the Memorial Day recess.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mrs. BOXER. My question, just so I am fully in tune with the points you were making, the majority leader is telling us that he cannot accommodate us in terms of the minimum wage; he says he cannot have any control over the way it is handled in the House. What I heard my leader say is when it comes to the budget, which is a huge document and is actually a 6-year budget, that, in fact, there was cooperation between the Senate Republicans and the House Republicans. They did, in fact, preconference many of these issues so that they were in step.

Am I right in assuming when it comes to the minimum wage, the majority leader says: Gee, he just cannot control it, so we could agree to all the other measures. You point out this caucus on this side is split on something because we so much want to see the minimum wage take effect and start helping people, millions of people. I might say the majority of them are women, and we talk a lot about the gender gap around here. I think the women in this country know who is fighting for them.

When it comes to this, we could give away our position, our leverage, and wind up with all the other bills and not the minimum wage increase. Is that the fear that has been expressed by the Democrat leader?

Mr. DASCHLE. The Senator from California says it so ably and succinctly. That is our concern. She used the word "cooperation" between the House and the Senate. It was cooperation. But I did not go further. It was absolute unanimity, agreement right down the line, word for word, paragraph for paragraph, provision for provision. There was no disagreement. The joint news conferences by the chairs of both the House and the Senate Budget Committees certainly made that point. There was no disagreement whatsoever. Normally you would expect cooperation. This was lockstep agreement on every single detail of a 6-year budget agreement.

It seems to me with that kind of precedent there ought to be an opportunity for one little bill, this minimum wage bill, which has such a profound effect on so many people all through the country. That is all we are hoping to do. I intend to work with the majority leader to ensure that happens. I yield the floor.

GAS TAX REPEAL, MINIMUM WAGE, AND THE BUDGET

Mr. COCHRAN. Mr. President, it is unfortunate, indeed, that we are not getting a vote on the repeal of the gasoline tax that was imposed in 1993, the 4.3-cent gasoline tax that has been debated and discussed here on the floor for these past 2 weeks now.

When the Senate came back into session following the recent recess, the majority leader indicated to the Senate that the order of business would be that we would debate and dispose of the so-called taxpayer bill of rights, legislation that has been reported from the Senate Finance Committee, that had been discussed for some time over a period of the last several years; as a matter of fact, a priority of Senators on both sides of the aisle. I can recall when my good friend from Arkansas, Senator PRYOR, introduced legislation along that line some time ago and invited Senators to cosponsor. I joined in cosponsoring the legislation.

There have been enactments of similar legislation in the past but this seemed to address the current problems. It had bipartisan support. To that legislation, the majority leader proposed to add a temporary repeal of the gasoline tax that had been imposed at the President's request, and with the opposition, the active opposition of all Republicans in the Congress.

The fact of the matter is, this was a part of the initial deficit reduction package proposed by President Clinton soon after he came into office. It was opposed by Republicans because for the first time there would be Federal taxation of gasoline that would not be earmarked for road and bridge construction under the Highway Trust Fund Act.

Gasoline, tires, batteries, and accessories had been taxed in the past, at the initiative of President Eisenhower some time ago, to try to build a national defense highway system. It was thought at the time that the American people would support that, if the highway users could support and pay for it through Federal taxes on gasoline, oil, batteries, and the like, those things that would be purchased by the users of the Nation's highways, those funds would be dedicated for that purpose.

Now, President Clinton comes into office as President and, for the first time, suggests that there be a Federal tax on gasoline that would go into the General Treasury, which would not be a part of the highway trust fund. There was strong objection to that. We had a rollcall vote in the Congress, and Republicans unanimously voted against that tax. With gasoline prices rising, with people finding it more and more difficult to operate their trucks and cars with these new, high prices, it was appropriate, in the view of this side of the aisle, that we act to repeal, temporarily, that gasoline tax.

Mrs. BOXER. Will my friend yield for a question?

Mr. COCHRAN. I am happy to yield for a question.

Mrs. BOXER. I have a question because my friend made a statement that President Clinton was the first President to suggest that gasoline taxes be used to reduce the deficit. In 1990, under George Bush, there was a tax put in until 1995 on gasoline which was used to reduce the deficit. It was part of an agreement under the leadership of President Bush. So I just wanted to know whether my friend was aware of that.

Mr. COCHRAN. I would like to respond by saying I do not think that was a suggestion by President Bush. I think at the time of that summit——

Mrs. BOXER. He signed onto it. It happened under his administration, and he signed the bill.

Mr. COCHRAN. I do not yield further, Mr. President. I am responding to the Senator's question. I will continue to

respond. That summit meeting was held for a lot of purposes, to try to deal with a lot of issues that had been brought up in the Congress. The gasoline tax was not proposed by President Bush.

I stand by what I said. President Clinton is the first President who suggested an addition to the gasoline tax that would not be used as a part of the highway trust fund.

The fact is, the Republican leader in the Senate proposed that there be a repeal of this 1993 tax. He stated the reasons for it. It had almost unanimous support on this side of the aisle and, I think, support on the Democratic side as well. What happened next was, the Democrats offered an amendment that they wanted to have voted on before the gasoline tax repeal would be voted on, which was to increase the minimum wage. Now, it is not unusual to have some Senator offer an amendment on a completely different subject from the legislation that is pending before the Senate. It is one of the unique characteristics of the Senate that any Senator on either side of the aisle, at any time, can offer an amendment to any bill or any other amendment and discuss the merits of that proposal without interruption for as long as that Senator seeks to do so, or at least until 60 Senators vote to impose cloture and cut off debate. That is one of the unique features of this body. So I am not criticizing Senators who seek to use the rules to call to the attention of the Senate a matter of some urgency that needs the immediate consideration of the U.S. Congress.

What is curious about that proposal and that amendment, though, was that, for 2 years, the Democrats controlled both Houses of Congress and the administration. President Clinton came into office talking about giving a middle-class tax cut, talking about helping working people meet their goals and achieve their ambitions. Not once did a committee chaired by a Democratic Senator report out legislation to increase the minimum wage. Not once did a Democratic Senator offer an amendment to any bill to increase the minimum wage and call this to the attention of the Senate as some matter of urgency or something that would have merit and ought to be considered by the Congress. But it was advanced as a way to prevent a vote on the repeal of a tax, a temporary repeal of a gasoline tax. It was suggested that this was of such grave national urgency—the increase in the minimum wage—that it ought to be considered in advance of any other issue that could be brought before or considered or voted on by the U.S. Senate.

Now, if that is not political posturing and grandstanding, I do not know what is. The fact is, for 2 long years, the Democrats—suggesting that they are the friends of the working man, they are going to do what they can to help make life better for those who work for a living—never suggested through legislative proposals on this floor of this Senate that the minimum wage should be increased.

But at a time when there was a matter brought up by the Republican leader, who is in charge of the schedule of the Senate, for the orderly consideration of legislation that there be a repeal of the gasoline tax that this President requested be imposed and which the Democrats had agreed to impose, there was this cry to, "Wait, you cannot even vote on that in the Senate until you not only vote on, but commit yourself to and enact an increase in the minimum wage." There is a difference between a vote on an amendment, or debate of an amendment, and a vote on a motion to table that amendment or a vote on that amendment as amended.

Any Senator has the right, as I said, under the rules—and we are not criticizing that right—to suggest a change in the law, to suggest a discussion on any subject at any time. The purpose for that is so that no one party, no one leader, no one region, no one faction can keep the Senate from considering an issue that is of importance to the national interest. No one can keep that from happening. No one is that powerful in the U.S. Senate. No party is that powerful, no majority so great that that is prohibited or frustrated. That is why the Senate is so unique.

In the House of Representatives, for example, on the other hand, if a Member of that body wanted to offer an amendment or call to the attention of the House of Representatives some issue, it would have to be approved by the Rules Committee, first of all. The Rules Committee is dominated by members of one party. That is the way it is. The Rules Committee is an arm of the leadership of the House of Representatives. In my experience as a member of the other body, even if you are a Member of the legislative standing committee and would like to offer an amendment in that committee for consideration, you have very little chance of success, if the chairman of that committee is intent on defeating your amendment, in getting an amendment approved by that legislative committee and then finding its way to the floor as a part of a bigger bill.

Now, I will admit that, in recent years and since I have been in the Senate, those rules have been modified somewhat, I am told. But I can recall when it was nigh unto impossible to bring an issue to the attention of the House of Representatives on the floor of the House—except in a 1-minute speech, but I am talking about in a vehicle that could be voted on or enacted—without the permission of the higher-ups, the leadership, the people who control the House.

Well, that is not the case in the Senate. We are all members of the Rules Committee here. Every Senator has a right to say what should be discussed or debated or considered by the U.S. Senate and can bring that issue up at any time there is a legislative issue on the floor of the Senate. So that is what the Democrats did and took advantage of for the opportunity to bring to the attention of the Senate the minimum wage issue. But what needs to be remembered in all of this as we proceed now to consider the budget resolution instead of the taxpayer bill of rights, which has been on the schedule and scheduled for consideration by the leader, is that this is being used as a device to prevent the Senate from conducting the business that was proposed to be conducted by the Republican leader. He has sought to reach an agreement for consideration of a minimum wage amendment, and he has done that in a variety of different configurations—that there be three separate bills, that there be separate votes on amendments. There have been negotiations now for the last 2 weeks, and a strong effort has been made by the Democratic leader, I must say—and I agree that he has made every effort—to resolve some of these differences about how we proceed to consider the gas tax repeal, the minimum wage issue, and other labor related issues. The TEAM Act has been discussed as well.

I might say that the Democratic leader suggested that now it is a part of the requirement that is being made for proceeding by the other side that the bill, as passed by the House containing the minimum wage increase, must be subject to review before any agreement for consideration of that issue can be made here in the Senate for the purpose of ensuring that whatever amendment is adopted here would not cause that bill, as passed by the House, to be vetoed by the President.

So what is being sought is not an opportunity to debate an issue of some national urgency, not an effort to vote on an issue to put Senators on record, but to enact a change in the law. That sounds sort of like extortion, does it not? It sounds like extortion. It may not technically and legally be extortion but it sounds like it to me.

Well, where we are now is, with the agreement of the Democrats, we are proceeding next to consider the budget resolution which we ought to do. And we all agree, Republicans and Democrats alike, that we ought to proceed to the consideration of the budget resolution because it is a matter of high priority. And in the orderly course of legislative process following the budget resolution we will be able to then take up bills to reconcile the law with the resolution, requiring reductions in spending, or changes in the law so that we can achieve the goals set forth in the budget resolution, and so that the appropriations bills can be enacted consistent with the limits that will be contained in the budget resolution.

So as we begin the funding process for the departments of the Government for the fiscal year that begins on October 1, we will not see—I hope we will not see—what we saw last year. And that was a logjam of activities that frustrated the orderly funding and authorization of Government programs so that there were shutdowns, there were conflicts—some serious—between the House and Senate, between Senators and among Congressmen of both parties, and with the President that we had the frustrating experience of seeing the Government actually having to shut down because of the inability of the Congress and the President to agree on the levels of funding for various activities.

So it is with the hope that we will avoid that result this year that we can agree quickly on a resolution on the budget, then move to the timely consideration of reconciliation bills and appropriations bills, and conclude this session of the Congress in a way that serves the collective interests of the American people. That is my hope. I did not say that "serves" the interest of a political party. I think there has been too much consideration in this body this year and last of what serves the interests of the political factions and not what proposals are really going to solve the problems this country faces.

Some of us think the gasoline tax repeal would help solve a problem, that taxes are too high. Republicans are on record wanting to vote on that right now and to take up other tax reduction measures, too, as a part of the budget resolution, and we will get to that.

But I am hopeful that the beginning of the debate on the budget resolution may signal a turn, a change in direction, at least in emphasis between political posturing and a good-faith committed effort toward achieving goals like reducing the deficit, tax reform, welfare reform, making Government more efficient, eliminating unnecessary and wasteful uses of tax dollars and all the rest that go into making for good Government and Government that is one that restores the confidence of the American people in our political system. That is important.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I note the order is to go out. I ask unanimous consent that I be recognized for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Thank you, very much, Mr. President.

I listened carefully to my friend and to my colleagues on the other side as well as to the Democratic leader. I would like to put a little bit of perspective on where I see we are as my friends have done; my friend from Mississippi.

First, I would like to bring out—in my question to him he was very kind enough to yield to me on—that in fact this is not the first time the gas tax has been used to reduce the deficit. Actually it came about under a Republican President, George Bush, a temporary tax for 5 years to reduce the deficit.

My friend made the point, Well, it was not George Bush's idea. I do not know whose idea it was. Although I served at that time on the Budget Committee of the House, I was not at Andrews Air Force Base. But the President then, President Bush, a Republican President, agreed that we needed to reduce the deficit, and that was part of the plan. So this is not the first time gas taxes have been used to reduce the deficit.

I have to say that what is so interesting to me is the passion that we see coming from the other side of the aisle on this reduction of the gas tax of 4.5 cents, a passion that goes so deeply that they do not even have anything in their bill that would make sure it goes back to the drivers. We have experts from all over the country saying that in fact it is very probable that the decrease in the tax would go into the pockets of the oil refiners, and we are going to try on this side—and we hope this comes up; we are all supporting bringing these bills up—that we can amend it in such a way to ensure that the oil companies have to give it back.

So I find the passion on the other side about returning $27 a year to the average driver without any guarantee that they will get it—I find it interesting since there is a lack of passion when it comes to an increase in minimum wage, which is at a 40-year low in terms of its buying power, an increase in wages for millions of people to the tune of $1,800 a year. And it would make a difference because I have met some of those working people. They work hard, and they have a hard time getting health insurance and paying for it. They have a hard time meeting their obligations. Sometimes they have to choose between going to a doctor or forgoing that for food on the table. These are real people, and where is the passion on that side? It is not there, and God bless the American people. Seventy percent of them agree that we ought to have an increase in the minimum wage.

And my friend says, "Where are the Democrats? Why didn't they bring it up before?" We probably should have, you know. We miscalculated. We brought up the health care issue because we wanted to help working people, and we decided that we made an error in that regard to go with health care first. And we know we overreached, and we all know that we made a mistake. I am not afraid to admit mistakes.

Now I hope we can get to the Kennedy bill to start addressing the issue of health care. But the fact of the matter is we postponed it, and that makes it all the more important to get it done now, Mr. President, because inflation continues to move. It is at a low level. But still, it moves. The minimum wage is not tied to inflation, as we all know. Congress can make it better. It has been my privilege to vote for the increases before—the last one under George Bush, where we came together as Republicans and Democrats.

All we are asking on this side of the aisle is that you are passionate about the repeal of the gas tax, most of which is going to go to the oil companies. How about showing a little compassion and action for the people who work so hard for a minimum wage?

If you have that same commitment with us, let us pass both bills. Let us get them to the President's desk. He says he will sign them both. He says he will sign them both. So instead of working at cross purposes, let us work together. It simply is not enough to say, well, we cannot guarantee what the House will do. I served over there for a long time, and my friend is right. There are different rules over there. But it turned out in the budget, in a document that addresses the issues for the next 6, 7 years in our country, there was no problem between the majority here and the majority there. Every issue, every detail was talked out before, and everyone here knows what the budget is going to look like. We are going to debate that tomorrow, and I cannot wait to debate that budget. I cannot wait to point out the differences between the two sides, but I will wait until tomorrow to do that, because we see huge differences in the parties in that document, which is really the vision of the future for this country.

The point that the Democratic leader was making, I thought quite eloquently, is this, simply, that if a budget that is so complicated and so large and so encompassing, with so many issues, can be preconferenced between the House and Senate Republicans, why can they not come up with a clearly defined way to assure us that a minimum wage bill will get to the President's desk. You know on the other side how strongly we feel about that.

Mr. COCHRAN. Mr. President, will the distinguished Senator yield for a question?

Mrs. BOXER. Yes, I will be glad to yield.

Mr. COCHRAN. My question is whether or not the Senator is aware that today the leadership on the House side, the Speaker and the majority leader, sent a letter to the Republican leader here—a copy was given to the Democratic leader—which says as follows:

In the next 2 weeks, the House will consider H.R. 2391 to allow low wage earners

greater choice and flexibility in their work schedules. At that time, the Rules Committee will make in order an amendment to increase the minimum wage as well as other amendments to create jobs, expand worker training and education opportunities, and increase take-home pay for low wage workers. It complements our belief that a first job is the best training for life-long success in the world of work. We look forward to taking this measure to conference with the Senate and getting legislation to the President's desk.

Is the Senator aware that that commitment has been made?

Mrs. BOXER. Absolutely. And let me tell the Senator, that is exactly the problem. What we are asking for is a clean minimum wage bill. We agreed to a clean, temporary repeal of the gas tax. We want a clean bill that increases the minimum wage. That is all we want.

What my friend read makes the point of why the Democratic leader is not going to go down this road with you. I have been around this place for a while. We do not even know what all those things mean—a guarantee of greater take-home pay. We do not know what all these things mean. You could cut Social Security and you might wind up with a bigger paycheck, too. We do not know what that means.

So the bottom line is, my friend made my point. A vague promise that in 2 weeks there will be another bill to which they will attach an amendment on minimum wage is not the vehicle. The President wants to break the logjam. He said: Send me a clean repeal of the gas tax and send me a clean increase on the minimum wage.

I think the Democratic leader has laid it out. That is what we want, and that is not what we are getting. So I think we have a capability of coming together here. We are friends. I think we can come together as legislators. It is pretty easy. Let us make sure we have a package that results in a separate bill going to the President's desk on minimum wage and a separate bill on the gas tax.

My friend mentioned other issues that are important to his side. We are willing to let those go through if we have an opportunity to amend, and so on, even though some of us have reservations about them. But that is not what has happened. So I think you are going to see Democrats in the Senate stand pretty firm. We are willing to give and give and give. We want to get a little. And when I say a little, I mean a little.

We are talking about a minimum wage bill. We think it is good for the country. We know that workers are under stress today. We know there is downward pressure on wages. We know the minimum wage is at a 40-year low. We know that 58 percent of the people on minimum wage are women who are struggling. The majority leader says he wants to get hold of that gender gap and make it smaller. He has a shot at doing that, it seems to me, if he would embrace this idea. If we could send a clean bill to the President, that is going to be good for the country, good for women, good for families.

So I think we are really close to an agreement, I say to my friend. We are getting there. And I think if the majority leader would work with the leadership in the House the way he did on the budget, getting certain guarantees, getting agreement on how both Houses would handle it and do the same thing on minimum wages, we will be here passing that minimum wage, addressing the issue of the gas tax and the other issues that my friend is anxious to address.

So I look forward to seeing us move together. I think the American people want us to reach across the party aisle. They are really crying out for that. And we have an opportunity to do it. I think the President gave us the way. He said: Send me a clean bill on the gas tax; send me a clean bill on minimum wage.

I think we can make that happen. And if we do, everyone has fulfilled his or her responsibility, it seems to me, to his or her constituencies.

So I am not overly pessimistic at the turn of events because I think we are making some progress, but I think we can really do better. I look forward to the budget debate that is coming tomorrow. I look forward to debating my friend again on some of those issues—Medicare, Medicaid, education, environment, deficit reduction, earned income tax credit. These are so important to the well-being of the people.

With an increase in the minimum wage, I have to say that can do more to change the lives of working people for the better than almost anything else we can do. And I hope we will see it done. I hope we will cross party lines to do it. I might note that we have been blocked from doing it. A majority of the Senate has voted to increase the minimum wage. The majority leader has filled the tree to block us from offering it on certain bills. I just look forward to the day when the majority here, the majority of Senators here, get to vote on that minimum wage and we do the business of the people.

I thank the Presiding Officer very much.

Mr. President, as I understand it, this has completed the Senate's business.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands in adjournment until 9:30 tomorrow morning.

Thereupon, the Senate, at 5:58 p.m., adjourned until Wednesday, May 15, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 14, 1996:

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. J. PAUL REASON [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) PATRICIA A TRACEY [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JAMES O. ELLIS, JR. [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED AIR NATIONAL GUARD OFFICERS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 12203 AND 12212, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED.

DENTAL CORPS

To be lieutenant colonel

THOMAS R. BIRD [redacted]
WILLIAM A. DYKES, JR. [redacted]

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

WARREN J. ANDERSEN [redacted]
PHILIP M. BENDER [redacted]
MICHAEL F. BROWN [redacted]
ROGER C. CHENOWETH [redacted]
RAFAEL A. ROVIRA [redacted]
RAYMOND R. TERRY [redacted]
KIMBERLY A. TOWNSEND [redacted]
BARCLAY A. TREHAL [redacted]

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

GRANT V. BERGGREN [redacted]
ESTHER A. RADA [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

STEVEN P. CORUM [redacted]
RALPH S. ENGLISH [redacted]
JULIUS JEFFERSON [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

PETER J. GOODMAN [redacted]

MEDICAL CORPS

To be lieutenant colonel

DOUGLAS T. CROMACK [redacted]
ERIK L. JOHNSON [redacted]
LEROY H. PARKS [redacted]

DENTAL CORPS

To be lieutenant colonel

MARK S. JOHNSON [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE U.S. AIR FORCE UNDER SECTION 307 OF TITLE 32, UNITED STATES CODE, AND SECTIONS 12203 AND 8363 OF TITLE 10, UNITED STATES CODE.

To be colonel

LINE

KENNETY D. ALLEN, JR. [redacted]
MYRON G. ASHCRAFT [redacted]
ANTHONY AUGELLO [redacted]
PATRICK A. AYRES [redacted]
RONALD D. BALL [redacted]
TERRY R. BISTODEAU [redacted]

GERARD A. BRANGENBERG [redacted]
BRADLEY H. COPELAND [redacted]
GARY A. CORBETT [redacted]
WILLIAM R. COTNEY [redacted]
BILL J. COX [redacted]
THOMAS N. EDMONDS [redacted]
RONALD G. ELLIOTT [redacted]
JAMES H. FLYNN [redacted]
DAVID V. GARDNER [redacted]
LARS G. GRANATH [redacted]
JAMES B. HAMILTON [redacted]
ELWYN R., HARRIS, JR. [redacted]
WILLIE D. HARRIS III [redacted]
EMIL D. HARVEY, JR. [redacted]
RICHARD C. HASTINGS, JR. [redacted]
WILLARD G. HILL [redacted]
ROBERT E. HORSTMAN [redacted]
CHARLES V. ICKES III [redacted]
STEPHEN A. JAMESON [redacted]
PETER M. JANAROS [redacted]
ROBERT J. JARECKE [redacted]
DAVID L. JONES [redacted]
WALTER K. KANEAKUA, JR. [redacted]
JAMES C. KAPITAN [redacted]
RONALD A. KEITH [redacted]
DAVID D. KIRTLEY [redacted]
CARL J. KOCK [redacted]
CRAIG L. LARCOM [redacted]
ALEXANDER T. MAHON [redacted]
MARION J. MARTIN [redacted]
VERNON D. MARTIN [redacted]
DAVID V. MASSEY [redacted]
HOWARD F. MAY [redacted]
DONALD E. MCKELVEY, JR. [redacted]
CLINTON E. MCNABB [redacted]
RONALD G. MOORE [redacted]
KEVIN L. MORRIS [redacted]
MARK R. MUSICK [redacted]
ROGER C. NAFZIGER [redacted]
VICTOR S. NATIELLO [redacted]
PETER S. PAWLING [redacted]
MANUEL G. PEREIRA [redacted]
JESS B. PITTS [redacted]
WILLIAM K. RICHARDSON [redacted]
ROBERT B. ROESSLER [redacted]
EUGENE SALANIUK [redacted]
WILLIAM N. SEARCY [redacted]
GARY M. SHANNON [redacted]
HOMER A. SMITH [redacted]
DERLE M. SNYDER [redacted]
RALPH B. STEWART, JR. [redacted]
CHARLES W. WARREN [redacted]
HERBERT C. WHEELER [redacted]
LAWRENCE H. WOODBURY [redacted]
JAMES R. WYNNE [redacted]

CHAPLAIN CORPS

GEORGE F. ZECK [redacted]

JUDGE ADVOCATE

ROLAND F. BERLINGO [redacted]
WILLIAM H. ELLIS, JR. [redacted]
ROBERT I. GRUBER [redacted]
ALEXANDER S. NICHOLAS [redacted]
JAMES E. THOMPSON [redacted]
FANK A. TITUS [redacted]

MEDICAL CORPS

MICHAEL N. BROTHERS [redacted]
JAMES D. FEARL [redacted]
EARL R. HARRISON JR. [redacted]
CLARENCE J. HINDMAN [redacted]
CHARLES E. KELLY [redacted]
ROGER W. KEMP [redacted]
MICHAEL J. PALETTA [redacted]
RICHARD B. TERRY [redacted]

NURSE CORPS

SUSAN J. AUGUSTUS [redacted]
CAROL ANN FAUSONE [redacted]

BIOMEDICAL SCIENCES CORPS

ALBERT L. SHERBURNE [redacted]

CONFIRMATIONS

Executive Nominations Confirmed by the Senate May 14, 1996:

IN THE COAST GUARD

VICE ADMIRAL RICHARD D. HERR, U.S. COAST GUARD TO BE VICE COMMANDANT, U.S. COAST GUARD, WITH THE GRADE OF ADMIRAL WHILE SO SERVING.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL:

JOHN E. SHKOR
PAUL E. BUSICK
JOHN D. SPADE
DOUGLAS H. TEESON
EDWARD J. BARRETT

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JOSEPH J. MCCLELLAND, JR.
JOHN L. PARKER
PAUL J. PLUTA
THAD W. ALLEN

VICE ADMIRAL JAMES M. LOY, U.S. COAST GUARD TO BE CHIEF OF STAFF, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

VICE ADMIRAL KENT H. WILLIAMS, U.S. COAST GUARD TO BE COMMANDER ATLANTIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

REAR ADMIRAL ROGER T. RUFE, JR., U.S. COAST GUARD, TO BE COMMANDER, PACIFIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

COAST GUARD NOMINATIONS BEGINNING MICHAEL S. FIJALKA, AND ENDING KIMBERLY J. NETTLES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

COAST GUARD NOMINATIONS BEGINNING GEORGE J. SANTA CRUZ, AND ENDING KEVIN M. PRATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.

COAST GUARD NOMINATIONS BEGINNING STEVEN D. POOLE, AND ENDING KEVIN J. MACNAUGHTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 1996.

COAST GUARD NOMINATION OF SHERRY A. COMAR, WHICH NOMINATION WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 20, 1996.

COAST GUARD NOMINATIONS BEGINNING GERALD E. ANDERSON, AND ENDING CONSTANTINA A. STEVENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 5, 1996.

COAST GUARD NOMINATIONS BEGINNING STEPHEN ADLER, AND ENDING KIMBERLY ZUST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 1996.

COAST GUARD NOMINATIONS BEGINNING RICHARD W. SCHNEIDER, AND ENDING JAN T. RIKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 22, 1996.