

# CONCURRENT RESOLUTION ON THE BUDGET

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Senate Concurrent Resolution 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002.

The Senate proceeded to consider the concurrent resolution.

## AMENDMENT NO. 1168

(Purpose: To allow the shift of up to \$1 billion from wasteful bureaucratic overhead and wasteful procurement in the military budget for use in strengthening enforcement of immigration laws.)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of Senator LAUTENBERG and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. LAUTENBERG, proposes an amendment numbered 1168.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 68, add at the end of line 12 the following: "In addition, paragraph (1)(B) of this section shall not apply to legislation that proposes to eliminate up to \$1,000,000,000 from wasteful bureaucratic overhead and wasteful procurement in the military budget, and to apply the resulting savings for use in strengthening enforcement of immigration laws."

Mr. LAUTENBERG. Mr. President, this amendment would allow the shift of up to \$1 billion from wasteful bureaucratic overhead and procurement in the military budget, for use in fighting illegal immigration.

Let me take a moment and explain why the amendment is needed.

Mr. President, this budget resolution proposes to reestablish a so-called firewall that will give special protection to the military budget—protection not provided to any other program in the entire Government. Under this provision, a majority of the Senate would be blocked from shifting funds from the military budget for use in meeting domestic needs here at home. The only way to waive the prohibition would be to obtain a supermajority of 60 votes.

Mr. President, I strongly object to this supermajority vote requirement. In my view, if a majority of the Senate thinks it's more important to address a particular domestic problem than to spend more money on the Pentagon bureaucracy, or on an outdated weapon system, a majority ought to have that right.

Unfortunately, the Senate seems determined to establish a firewall for the

military budget. And so it seems inevitable that the firewall will indeed be erected. However, I am hopeful that my colleagues will agree to reasonable exceptions to allow the transfer of funds for particularly compelling purposes.

The premise of my amendment, Mr. President, is that fighting illegal immigration is one such compelling purpose.

Mr. President, illegal immigration is rampant in this country. Some estimates show that 300,000 illegal immigrants come to this country each year. Despite its past admirable work, the Immigration and Naturalization Service is woefully understaffed and underfunded.

We need more border patrol agents to stop illegal immigration and other INS officials to help deport those who are living in this country illegally.

Mr. President, illegal immigration is a major problem. Ask State and local officials from California, Texas, Florida, New York, and New Jersey about the toll that illegal immigration takes on their economies and local services.

Mr. President, at a minimum a majority of the Senate ought to be free to provide up to \$1 billion into fighting illegal immigration, if we can identify savings from military spending that the Senate agrees is wasteful.

I urge my colleagues to support the amendment.

Mr. EXON. Mr. President, this amendment will allow the transfer of up to \$1 billion from the wasteful bureaucratic overhead and wasteful procurement in the military budget for use in strengthening enforcement of the immigration laws without the 60-vote point of order that would otherwise apply to such transfer.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment exempts legislation, which would transfer \$1 billion from defense to immigration, from the point of order for breaching the nondefense firewall.

This amendment is not germane and is subject to a point of order. Therefore, I make a point of order, Mr. President.

Mr. EXON. Mr. President, 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, I understand there are about 54 amendments, but only about 30 will require rollcall votes. I thought maybe we would do 20 today and 10 tomorrow—whatever is left tomorrow—and still try to accom-

modate the President on the antiterrorism bill. But it is going to be very difficult to do that. As long as he understands why we cannot do it, I assume he will not hold me responsible. We do not want to do all these today, we have so many.

Mr. DOMENICI. Mr. President, pursuant to an agreement I had made with the minority, I withdraw my point of order at this point. Therefore, we will be voting up or down on the Lautenberg amendment, which is what I indicated a moment ago.

Mr. EXON. Have the yeas and nays been ordered? I ask for the yeas and nays, if they have not been ordered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1168, offered by the Senator from New Jersey [Mr. LAUTENBERG]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 31, nays 68, as follows:

[Rollcall Vote No. 204 Leg.]

## YEAS—31

Akaka	Feinstein	Moseley-Braun
Baucus	Ford	Moynihan
Boxer	Graham	Pell
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bryan	Hollings	Rockefeller
Bumpers	Kennedy	Sarbanes
Byrd	Kerry	Simon
Daschle	Kohl	Wellstone
Dodd	Lautenberg	
Feingold	Levin	

## NAYS—68

Abraham	Frist	Mack
Ashcroft	Glenn	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Brown	Gregg	Nunn
Burns	Hatch	Packwood
Campbell	Heflin	Pressler
Chafee	Helms	Robb
Coats	Hutchison	Roth
Cochran	Inhofe	Santorum
Cohen	Inouye	Shelby
Conrad	Jeffords	Simpson
Coverdell	Johnston	Smith
Craig	Kassebaum	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kerrey	Stevens
Dole	Kyl	Thomas
Domenic	Leahy	Thompson
Dorgan	Lieberman	Thurmond
Exon	Lott	Warner
Faircloth	Lugar	

## NOT VOTING—1

Mikulski

So the amendment (No. 1168) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1169

(Purpose: To allow the shift of up to \$2 billion from wasteful bureaucratic overhead and wasteful procurement in the military budget for use in addressing the problem of domestic violence)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. LAUTENBERG, for himself and Mr. WELLSTONE, proposes an amendment numbered 1169.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 68, add at the end of line 12 the following: "In addition, paragraph (1)(B) of this section shall not apply to legislation that proposes to eliminate up to \$2,000,000,000 from wasteful bureaucratic overhead and wasteful procurement in the military budget, and to apply the resulting savings for use in addressing the problem of domestic violence."

Mr. LAUTENBERG. Mr. President, this amendment would allow the shift of up to \$2 billion from wasteful bureaucratic overhead and procurement in the military budget, for use in addressing the problem of domestic violence.

Mr. President, this budget resolution proposes to reestablish a so-called firewall that will give special protection to the military budget—protection not provided to any other program in the entire Government. Under this provision, a majority of the Senate would be blocked from shifting funds from the military budget for use in meeting domestic needs here at home. The only way to waive the prohibition would be to obtain a supermajority of 60 votes.

This supermajority vote requirement, in my view, is wrong. As I see it, if a majority of the Senate believes it's more important to address a particular domestic problem than to lavish more money on the Pentagon bureaucracy, or on an unnecessary weapons system, a majority ought to have that right.

Unfortunately, the Senate seems determined to establish a firewall for the military budget. And so it seems inevitable that the firewall will indeed be erected. However, I am hopeful that my colleagues will agree to reasonable exceptions to allow the transfer of funds for particularly compelling purposes.

Mr. President, fighting domestic violence deserves to be a very high priority.

Mr. President, every 12 seconds, a woman is battered in the United States. Each year, over 4,000 women are killed by their abusers.

Mr. President, domestic violence has reached crisis proportions. And we have got to do—it is critical that we do everything possible to respond.

Mr. President, I know that many of my Republican colleagues do not be-

lieve that there is any waste in the Pentagon budget. I think they are wrong. But even if they are not yet convinced, I hope they will support the amendment. Under my proposal, it will be up to the Senate to decide whether any particular item of military spending is wasteful. That is a judgment that a majority of Senators should be allowed to make in the future. Also, the amendment limits transfers to \$2 billion, which represents less than 1 percent of the military budget.

So, Mr. President, this amendment poses this question to my colleagues: Whose side are you on? Do you want to support wasteful bureaucratic overhead at the Pentagon? Or do you want to stand with America's women, and support the fight against domestic violence?

I think it is an easy choice. And I hope my colleagues agree.

Mr. EXON. Mr. President, this amendment would allow the transfer of up to \$2 billion from the wasteful bureaucratic overhead and wasteful procurement in the military budget for use in addressing the problems of domestic violence without the 60 vote point of order that would otherwise apply to such a transfer.

Mr. DOMENICI. Mr. President, I have a little different interpretation. So I would like to state it. This legislation would transfer \$2 billion out of the Department of Defense. We have no assurance what it would be used for, but it would be transferred out of Defense.

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 205 Leg.]

## YEAS—26

Akaka	Hatfield	Moynihan
Biden	Jeffords	Murray
Boxer	Kennedy	Pell
Bradley	Kerry	Reid
Daschle	Kohl	Rockefeller
Dodd	Lautenberg	Sarbanes
Feingold	Leahy	Simon
Feinstein	Levin	Wellstone
Harkin	Moseley-Braun	

## NAYS—73

Abraham	Coats	Frist
Ashcroft	Cochran	Glenn
Baucus	Cohen	Gorton
Bennett	Conrad	Graham
Bingaman	Coverdell	Gramm
Bond	Craig	Grassley
Breaux	D'Amato	Gregg
Brown	DeWine	Hatch
Bryan	Dole	Hefflin
Bumpers	Domenech	Helms
Burns	Dorgan	Hollings
Byrd	Exon	Hutchinson
Campbell	Faircloth	Inhofe
Chafee	Ford	

Inouye	McConnell	Simpson
Johnston	Murkowski	Smith
Kassebaum	Nickles	Snowe
Kempthorne	Nunn	Specter
Kerrey	Packwood	Stevens
Kyl	Pressler	Thomas
Lieberman	Pryor	Thompson
Lott	Robb	Thurmond
Lugar	Roth	Warner
Mack	Santorum	
McCain	Shelby	

## NOT VOTING—1

Mikulski

So the amendment (No. 1169) was rejected.

The PRESIDING OFFICER. The Senator from Nebraska.

## AMENDMENT NO. 1170

(Purpose: Expressing the sense of the Senate regarding the nutritional health of children)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of Senator LEAHY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. LEAHY, for himself, Mr. HARKIN, and Mr. BAUCUS, proposes an amendment numbered 1170.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title III, add the following:

**SEC. . SENSE OF THE SENATE REGARDING THE NUTRITIONAL HEALTH OF CHILDREN.**

(a) FINDINGS.—Congress finds that—

(1) Federal nutrition programs, such as the school lunch program, the school breakfast program, the special supplemental nutrition program for women, infants, and children (referred to in this section as "WIC"), the child and adult care food program and others, are important to the health and well-being of children;

(2) participation in Federal nutrition programs is voluntary on the part of States, and the programs are administered and operated by every State;

(3) a major factor that led to the creation of the school lunch program was that a number of the recruits for the United States armed forces in World War II failed physical examinations due to problems related to inadequate nutrition;

(4)(A) WIC has proven to be extremely valuable in promoting the health of newborn babies and children; and

(B) each dollar invested in the prenatal component of WIC has been shown to save up to \$3.50 in medicaid costs related to medical problems that arise in the first 90 days after the birth of an infant;

(5) the requirement that infant formula be purchased under a competitive bidding system under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) saved \$1,000,000,000 in fiscal year 1994 and enabled States to allow 1,600,000 women, infants, and children to participate in WIC at no additional cost to taxpayers; and

(6) a balanced Federal budget will provide economic benefits to children alive today and to future generations of Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution include the assumptions that—

(1) schools should continue to serve lunches that meet minimum nutritional requirements based on tested nutritional research;

(2) the content of WIC food packages for infants, children, and pregnant and postpartum women should continue to be based on scientific evidence;

(3) the competitive bidding system for infant formula under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) should be maintained;

(4) foods of minimum nutritional value should not be sold in competition with school lunches in the school cafeterias during lunch hours;

(5) some reductions in nutrition program spending can be made without compromising the nutritional well-being of program recipients;

(6) in complying with the reconciliation instructions in section 6 of this resolution, the Committee on Agriculture, Nutrition, and Forestry of the Senate should take this section into account; and

(7) Congress should continue to move toward fully funding the WIC program.

Mr. LEAHY. Mr. President, I think this has wide bipartisan support. Basically this says we will continue the nutrition guidelines that this Senate has voted for many times, feeding programs, and will require competitive bidding in the sale of infant formula on WIC programs.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1170.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 206 Leg.]

#### YEAS—99

Abraham	Domenici	Kerrey
Akaka	Dorgan	Kerry
Ashcroft	Exon	Kohl
Baucus	Faircloth	Kyl
Bennett	Feingold	Lautenberg
Biden	Feinstein	Leahy
Bingaman	Ford	Levin
Bond	Frist	Lieberman
Boxer	Glenn	Lott
Bradley	Gorton	Lugar
Breaux	Graham	Mack
Brown	Gramm	McCain
Bryan	Grams	McConnell
Bumpers	Grassley	Moseley-Braun
Burns	Gregg	Moynihan
Byrd	Harkin	Murkowski
Campbell	Hatch	Murray
Chafee	Hatfield	Nickles
Coats	Hefflin	Nunn
Cochran	Helms	Packwood
Cohen	Hollings	Pell
Conrad	Hutchison	Pressler
Coverdell	Inhofe	Pryor
Craig	Inouye	Reid
D'Amato	Jeffords	Robb
Daschle	Johnston	Rockefeller
DeWine	Kassebaum	Roth
Dodd	Kempthorne	Santorum
Dole	Kennedy	Sarbanes

Shelby  
Simon  
Simpson  
Smith

Snowe  
Specter  
Stevens  
Thomas

Thompson  
Thurmond  
Warner  
Wellstone

#### NOT VOTING—1

Mikulski

So the amendment (No. 1170) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1171

(Purpose: To express the sense of the Senate that Federal funding of law enforcement programs should be maintained, Federal funding for the violent crime reduction trust fund should not be reduced, and for other purposes)

Mr. EXON. Mr. President, in behalf of Senator LEAHY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. LEAHY, proposes an amendment numbered 1171.

The amendment is as follows:

At the end of title III of the resolution, add the following new section:

#### SEC. . SENSE OF THE SENATE ON MAINTAINING FEDERAL FUNDING FOR LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedoms and security;

(2) law enforcement officers deserve our appreciation and support;

(3) law enforcement officers and agencies are under increasing attacks, both to their physical safety and to their reputations;

(4) on April 7, 1995, the Senate passed S.J. Res. 32 in which the Senate recognizes the debt of gratitude the Nation owes to the men and women who daily serve the American people as law enforcement officers and the integrity, honesty, dedication, and sacrifice of our Federal, State, and local law enforcement officers;

(5) the Nation's sense of domestic tranquility has been shaken by explosions at the World Trade Center in New York and the Murrah Federal Building in Oklahoma City and by the fear of violent crime in our cities, towns, and rural areas across the Nation;

(6) Federal, State, and local law enforcement efforts need increased financial commitment from the Federal Government and not the reduction of such commitment to law enforcement if law enforcement officers are to carry out their efforts to combat violent crime; and

(7) on April 5, 1995, and May 18, 1995, the House of Representatives has nonetheless voted to reduce \$5,000,000,000 from the Violent Crime Reduction Trust Fund in order to provide for tax cuts in both H.R. 1215 and H. Con. Res. 67.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts should be maintained and funding for the Violent Crime Reduction Trust Fund should not be reduced by \$5,000,000,000

as the bill and resolution passed by the House of Representatives would require.

Mr. EXON. Mr. President, this amendment by Senator LEAHY was explained in some detail but not fully during our limited debate.

Simply stated, this amendment corrects the House money removed from the antiterrorism and violent crime trust fund to be used for a tax cut. In light of the Oklahoma bombing and the increased terrorist threat, this amendment says we should put back the money that was taken out by the House.

Mr. LEAHY. Mr. President, I have discussed this with the managers. I know their concern in moving forward. I do not think anybody is going to oppose this, and I would accept a voice vote.

Mr. DOMENICI. I thank the Senator. This is in the Senate package, and actually we will accept it without a roll-call vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 1171) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I wish to thank—I am sure I would be joined by my colleague—Senator LEAHY for his offer. We are moving much faster than we had anticipated because we are co-operating.

#### AMENDMENT NO. 1172

(Purpose: To provide for additional Medicare payment safeguards)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. HARKIN, proposes an amendment numbered 1172.

The amendment is as follows:

On page 77, between lines 3 and 4, insert the following:

#### SEC. . MEDICARE SAFEGUARDS COMPLIANCE INITIATIVE.

(a) ADJUSTMENTS.—

(1) IN GENERAL.—For purposes of points of order under the Congressional Budget and Impoundment Control Act of 1974 and concurrent resolutions on the budget—

(A) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each out-year;

(B) the allocations to the Committees on Appropriations of the Senate and House of Representatives under sections 302(a) and 602(a) of that Act;

(C) the levels for the major functional categories that are appropriate and the appropriate budgetary aggregates in the most recently agreed to concurrent resolution on the budget; and

(D) the maximum deficit amount under section 601(a)(1) of that Act (and that amount as cumulatively adjusted) for the current fiscal year, shall be adjusted to reflect the amount of additional new budget authority or additional outlays (as defined in paragraph (2)) reported by the Committees on Appropriations of the Senate and the House of Representatives in appropriation Acts (or by the committee of conference on such legislation) for the Health Care Financing Administration Medicare payment safeguards programs (as compared to the base level of \$396,300,000 for new budget authority) that the Congressional Budget Office has determined will result in a return on investment to the Government of at least 4 dollars for each dollar invested.

(2) **ADDITIONAL AMOUNTS.**—As used in this section, the term “additional new budget authority” or “additional outlays” (as the case may be) means, for any fiscal year, budget authority in excess of \$396,300,000 for payment safeguards, but shall not exceed—

(A) for fiscal year 1996, \$50,000,000 in new budget authority and \$50,000,000 in outlays;

(B) for fiscal year 1997, \$55,000,000 in new budget authority and \$55,000,000 in outlays;

(C) for fiscal year 1998, \$60,000,000 in new budget authority and \$60,000,000 in outlays;

(D) for fiscal year 1999, \$65,000,000 in new budget authority and \$65,000,000 in outlays;

(E) for fiscal year 2000, \$70,000,000 in new budget authority and \$70,000,000 in outlays;

(F) for fiscal year 2001, \$75,000,000 in new budget authority and \$75,000,000 in outlays; and

(G) for fiscal year 2002, \$75,000,000 in new budget authority and \$75,000,000 in outlays;

(b) **REVISED LIMITS, ALLOCATIONS, LEVELS, AND AGGREGATES.**—Upon reporting of legislation pursuant to paragraph (1), and again upon the submission of the conference report on such legislation in either House (if a conference report is submitted), the chairman of the Committees on the Budget of the Senate and the House of Representatives shall file with their respective Houses appropriately revised—

(1) the discretionary spending limits under section 601(a)(2) of that Act (and those limits as cumulatively adjusted) for the current fiscal year and each out-year;

(2) the allocations to the Committees on Appropriations of the Senate and the House of Representatives under sections 302(a) and 602(a) of that Act; and

(3) the levels for the appropriate major functional categories that are appropriate and the appropriate budgetary aggregates in the most recently agreed to concurrent resolutions on the budget;

to carry out this subsection. These revised discretionary spending limits, allocations, functional levels, and aggregates shall be considered for purposes of congressional enforcement under that Act as the discretionary spending limits, allocations, functional levels, and aggregates.

(c) **REPORTING REVISED ALLOCATIONS.**—The Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised allocations pursuant to sections 302(b) and 602(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) **APPLICATION OF SECTION.**—This section shall not apply to any additional budget authority or additional outlays unless—

(1) in the Senate, the chairman of the Budget Committee certifies, based on the information from the Congressional Budget Office, the General Accounting Office, the Health Care Financing Administration (as well as any other sources deemed relevant), that such budget authority or outlays will not increase the total of the Federal budget deficits over the next 5 years; and

(2) any funds made available pursuant to such budget authority or outlays are available only for the purpose of carrying out Health Care Financing Administration payment safeguards.

Mr. EXON. Mr. President, the General Accounting Office and the Health and Human Services inspectors general have found Medicare losses in billions of dollars every year because of the inadequate payment safeguards like audits and computer checks. Every dollar of investment in payment of safeguards saves \$11 according to the GAO.

In order to increase efforts to cut Medicare waste, the amendment provides an exclusion from the domestic discretionary caps only for increases above current spending levels for Medicare payment safeguards. This would occur only if the CBO finds that they will provide at least a 4-to-1 return on investment. A limit is set at \$50 million in fiscal year 1996, rising to \$100 million in fiscal year 2002.

It cannot be used as a loophole to provide for any other kind of additional spending.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I believe we should turn this amendment down. This once again increases spending for a special purpose. We denied that for the IRS as to others taking it off budget.

That is essentially what this would do.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Iowa. On this question, the yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—63

Abraham	Craig	Helms
Ashcroft	D'Amato	Hollings
Baucus	DeWine	Hutchinson
Bennett	Dole	Inhofe
Bingaman	Domenici	Jeffords
Bond	Faircloth	Kassebaum
Brown	Feingold	Kempthorne
Bumpers	Frist	Kohl
Burns	Gorton	Kyl
Campbell	Gramm	Lott
Chafee	Grams	Lugar
Coats	Grassley	Mack
Cochran	Gregg	McCain
Cohen	Hatch	McConnell
Coverdell	Hatfield	Moynihan

Murkowski  
Nickles  
Nunn  
Packwood  
Pressler  
Robb

Roth  
Santorum  
Shelby  
Simpson  
Smith  
Snowe

Specter  
Stevens  
Thomas  
Thompson  
Thurmond  
Warner

NAYS—36

Akaka  
Biden  
Boxer  
Bradley  
Breaux  
Bryan  
Byrd  
Conrad  
Daschle  
Dodd  
Dorgan  
Exon

Feinstein  
Ford  
Glenn  
Graham  
Harkin  
Heflin  
Inouye  
Johnston  
Kennedy  
Kerrey  
Kerry  
Lautenberg

Leahy  
Levin  
Lieberman  
Moseley-Braun  
Murray  
Pell  
Pryor  
Reid  
Rockefeller  
Sarbanes  
Simon  
Wellstone

NOT VOTING—1

Mikulski

So the motion to lay on the table the amendment (No. 1172) was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1173

(Purpose: Sense of the Senate regarding the need to enact long-term care reforms to achieve lasting deficit reduction)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. FEINGOLD, for himself, Mr. GRAHAM, Mr. WELLSTONE, and Mr. SIMON, proposes an amendment numbered 1173.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the resolution, insert the following new section:

**SEC. . NEED TO ENACT LONG TERM HEALTH CARE REFORM.**

It is the Sense of the Senate that the 104th Congress should enact fundamental long-term health care reform that emphasizes cost-effective, consumer oriented, and consumer-directed home and community-based care that builds upon existing family supports and achieves deficit reduction by helping elderly and disabled individuals remain in their own homes and communities.

Mr. EXON. Mr. President, Senator FEINGOLD's amendment requests the sense of the Senate that the 104th Congress should enact fundamental long-term health care reform that emphasizes cost-effective home and community-based care and achieves deficit reduction by helping elderly and disabled individuals remain in their homes and communities.

I believe this amendment has possibly been agreed to and possibly could be handled by a voice vote.

Mr. DOMENICI. Mr. President, our priority in this budget is ensuring the short- and long-term solvency of Medicare, not necessarily restructuring the entire health care system. But I am willing to accept the amendment.

Mr. EXON. Mr. President, I thank the majority and I thank Senator FEINGOLD.

I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1173) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1174

(Purpose: To express the sense of the Senate regarding losses to Medicare and Medicaid and other health programs due to disease and disability caused by tobacco products)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. HARKIN, for himself and Mr. LAUTENBERG, proposes an amendment numbered 1174.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

#### SEC. . SENSE OF THE SENATE REGARDING LOSSES CAUSED BY USE OF TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate finds that—

(1) the Centers for Disease Control and Prevention estimates that tobacco products impose a \$20,000,000,000 cost per year on Federal health programs like medicare and medicaid through tobacco-related illnesses;

(2) tobacco products are unlike any other product legally offered for sale because even when used as intended they cause death and disease; and

(3) States such as Florida, Mississippi, Minnesota, and West Virginia are currently taking action to recover State costs associated with tobacco-related illnesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any proposal by the Committee on Finance of the Senate to reduce Federal spending on medicare and medicaid as required by Senate Concurrent Resolution 13 should include a proposal to recover from tobacco companies a portion of the costs their products impose on American taxpayers and Federal health program including medicare and medicaid.

Mr. EXON. Mr. President, a brief summary of the amendment offered by the Senator from Iowa would indicate that it is the sense of the Senate that any proposal by the Finance Committee to reduce spending on Medicare and Medicaid should include a proposal to recover from the tobacco companies a portion of the cost of their products imposed on Medicare and Medicaid and other Federal health programs. The Center for Disease and Prevention estimates that products sold by tobacco companies impose \$200 billion a year on Medicare and Medicaid and other Federal health programs through tobacco-related illnesses.

The adoption of this amendment would put the Senate on record in sup-

port of the efforts to have tobacco companies pay a portion of the costs of their products imposed on American taxpayers and the Medicare and Medicaid Programs.

Mr. DOMENICI. Mr. President, I am just going to make a statement, then I will yield the floor.

Mr. President, I say to Senator EXON, I have been kind of patient in letting him just read what any Senator has to say. It is getting more and more like a speech. It was supposed to be a little brief statement of purpose.

I hope we can kind of work together and keep it to a statement of purpose in the future, or we will have to have somebody debate the issue on each one for an equal amount of time, and we do not want to do that.

I yield the floor.

Mr. FORD. Mr. President, this is a \$140 billion tax increase. Therefore, on behalf of myself, Senator ROBB, Senator HOLLINGS, Senator HELMS, Senator MCCONNELL, Senator FAIRCLOTH, Senator COVERDELL, Senator THOMPSON, Senator WARNER, Senator FRIST, and Senator THURMOND, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky [Mr. FORD] to table the amendment of the Senator from Iowa [Mr. HARKIN]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 208 Leg.]

#### YEAS—68

Abraham	Ford	McCain
Ashcroft	Frist	McConnell
Bennett	Glenn	Moynihn
Bingaman	Gorton	Murkowski
Bond	Gramm	Nickles
Breaux	Grams	Nunn
Brown	Grassley	Packwood
Bumpers	Gregg	Pressler
Burns	Hatch	Pryor
Campbell	Heflin	Reid
Coats	Helms	Robb
Cochran	Hollings	Roth
Cohen	Hutchison	Santorum
Coverdell	Inhofe	Shelby
Craig	Inouye	Simpson
D'Amato	Jeffords	Smith
Daschle	Johnston	Snowe
DeWine	Kassebaum	Stevens
Dodd	Kempthorne	Thomas
Dole	Kerrey	Thompson
Domenici	Kyl	Thurmond
Exon	Lott	Warner
Faircloth	Mack	

#### NAYS—31

Akaka	Dorgan	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Boxer	Graham	Lieberman
Bradley	Harkin	Lugar
Bryan	Hatfield	Moseley-Braun
Byrd	Kennedy	Murray
Chafee	Kerry	
Conrad	Kohl	

Pell  
Rockefeller

Sarbanes  
Simon

Specter  
Wellstone

NOT VOTING—1

Mikulski

So the motion to lay on the table the amendment (No. 1174) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, let me remind my colleagues that we do have 10 minutes—1 minute for the explanation, 9 minutes for the vote. I want to accommodate everybody, but if we are going to finish this at a reasonable time, we are going to have to stick to the 9 minutes. I just give that alert to people. Nobody wants to miss a vote. I do not want anybody to miss a vote. Some people would like to be out of here late tonight or early tomorrow.

#### AMENDMENT NO. 1175

(Purpose: To restore funding to Medicare)

Mr. EXON. Mr. President, on behalf of Senator JOHNSTON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. JOHNSTON, for himself, Mr. BIDEN, Mr. REID, Mr. SARBANES, Ms. MIKULSKI and Mr. BREAUX, proposes an amendment numbered 1175.

Mr. EXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 74, delete lines 12 through 24 and insert the following: "budget, the appropriate budgetary allocations, aggregates, and levels shall be revised to reflect the additional deficit reduction achieved as calculated under subsection (c) for legislation that reduces revenues and/or increases funding for the Medicare trust fund not to exceed the following amounts:

"(1) with respect to fiscal year 1996, \$12,000,000,000 in outlays;  
 "(2) with respect to fiscal year 1997, \$22,000,000,000 in outlays;  
 "(3) with respect to fiscal year 1998, \$24,000,000,000 in outlays;  
 "(4) with respect to fiscal year 1999, \$28,000,000,000 in outlays;  
 "(5) with respect to fiscal year 2000, \$28,000,000,000 in outlays;  
 "(6) with respect to fiscal year 2001, \$28,000,000,000 in outlays;  
 "(7) with respect to fiscal year 2002, \$28,000,000,000 in outlays provided that, if CBO scores this surplus differently, then the numbers provided above shall be increased or decreased proportionally.

"(b) REVISED ALLOCATIONS AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chair of the Committee on the Budget of the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of

1974; budgetary aggregates; and levels under this resolution, revised by an amount that does not exceed the additional deficit reduction specified under subsection (d)."

Mr. EXON. Mr. President, Senator JOHNSTON's amendment would allow the \$170 billion fiscal dividend to be used for either a tax cut or restoring cuts in Medicare.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. This will be one of those amendments where a big portion of the reserve fund will be spent. I do not think we ought to do that. I think we ought to leave it as it came out of the committee, as a reserve. It is subject to a point of order for the same reasons and subject to the same provisions of the Budget Act. I raise the point of order against the amendment.

Mr. EXON. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the act for consideration of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 209 Leg.]

#### YEAS—42

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Leahy	Wellstone

#### NAYS—57

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

#### NOT VOTING—1

Mikulski

The PRESIDING OFFICER. On this question, the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1176

(Purpose: To restore funding for our national parks by using amounts set aside for a tax cut)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mr. REID, proposes an amendment numbered 1176.

The amendment is as follows:

On page 74, strike lines 12 through 24 and insert the following: "budget, the appropriate budgetary allocations, aggregates, and levels shall be revised to reflect \$1,000,000,000 in budget authority and outlays of the additional deficit reduction achieved as calculated under subsection (c) for legislation that reduces the adverse effects on discretionary spending on our national parks system by restoring funding for rehabilitation, restoration, and park maintenance.

"(b) REVISED ALLOCATIONS AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chair of the Committee on the Budget of the Senate may submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974, budgetary aggregates, and levels under this resolution, revised by an amount that does not exceed the additional deficit reduction specified under subsection (a)."

Mr. EXON. Mr. President, a brief description of Senator REID's amendment, which would restore \$1 billion in funding to the National Park System to alleviate the devastating more than \$2 billion backlog of needs.

These funds would be drawn from the \$170 billion fiscal dividend.

Mr. DOMENICI. Mr. President, this is another effort to divert the reserve fund. There is no assurance how the money would be used, regardless of what the resolution says.

I raise a point of order, subject to a point of order on the Budget Act.

Mr. EXON. Mr. President, as previously stated on numerous occasions, I move to waive the Budget Act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 210 Leg.]

#### YEAS—46

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Campbell	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	
Exon	Leahy	

#### NAYS—53

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

#### NOT VOTING—1

Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

The Senator from Nebraska.

#### AMENDMENT NO. 1177

(Purpose: To restore funding for water infrastructure grants)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of Mr. SARBANES, for himself, Senators LIEBERMAN, MIKULSKI, and KERRY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. SARBANES, for himself, Mr. LIEBERMAN, Ms. MIKULSKI, and Mr. KERRY, proposes an amendment numbered 1177.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 74, strike lines 12 through 24 and insert the following: "budget, the revenue and spending aggregates may be revised and

other appropriate budgetary allocations, aggregates, and levels may be revised to reflect the additional deficit reduction achieved as calculated under subsection (c) for legislation that reduces revenues, and legislation that will provide \$10,805,000,000 to the Environmental Protection Agency to administer federal grants for water infrastructure programs in the following manner:

"(1) with respect to fiscal year 1996, \$962,000,000 in budget authority and 42,000,000 in outlays;

"(2) with respect to fiscal year 1997, \$1,962,000,000 in budget authority and \$346,000,000 in outlays;

"(3) with respect to fiscal year 1998, \$2,462,000,000 in budget authority and \$920,000,000 in outlays;

"(4) with respect to fiscal year 1999, \$2,962,000,000 in budget authority and \$1,679,000,000 in outlays;

"(5) with respect to fiscal year 2000, \$2,962,000,000 in budget authority and \$2,291,000,000 in outlays;

"(6) with respect to fiscal year 2001, \$2,962,000,000 in budget authority and \$2,679,000,000 in outlays; and

"(7) with respect to fiscal year 2002, \$2,962,000,000 in budget authority and \$2,798,000,000 in outlays.

"(b) REVISED ALLOCATIONS AND AGGREGATES.—Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if a conference report is submitted), the Chair of the Committee on the Budget of the Senate may submit to the Senate appropriately revised allocations under sections 302(a) and 602(a) of the Congressional Budget Act of 1974; discretionary spending under section 201(a) of this resolution; and budgetary aggregates and levels under this resolution, revised by an amount that does not exceed the additional deficit reduction calculated under subsection (d)."

Mr. SARBANES. Mr. President, the budget resolution we are debating today assumes that Federal grants for sewage treatment construction and safe drinking water infrastructure would be phased out over the next 3 years. If approved, this proposal would end the Federal Government's 20-year commitment to assist cities and towns in cleaning up our Nation's waters. My amendment would restore these funds—funds which are absolutely vital to State and local Government's efforts to meet water quality standards under the Clean Water Act.

Since 1972—when we passed into law the Clean Water Act—Congress has provided grants to States to help local governments meet water quality standards. These Federal dollars are used to capitalize what are known as State revolving funds or loan programs. Under these revolving funds, States provide low-interest construction loans to cities and towns to construct and improve wastewater treatment facilities. These grants have been a centerpiece in our efforts to reduce point source water pollution—the pollution that comes from sewer pipes and industrial wastewater pipes. They have also been instrumental in once again making many of the rivers, lakes, and estuaries in this country fishable and swimmable.

In my home State of Maryland, these moneys, together with millions of dollars in State funds, have been a key to efforts to improve water quality and

restore living resources in the Chesapeake Bay—the largest estuary in the United States and Maryland's most valuable resource. We still have a long way to go, however, before the water quality of the bay is sufficient to sustain viable populations of many fish, shellfish, and bird species. Maryland has been counting on its State revolving fund as one of its primary mechanisms for reaching the water quality goals that it and the other Chesapeake Bay Agreement signatories made for the bay. In Maryland, the State revolving fund is used to upgrade treatment facilities, correct failing septic systems, retrofit urban areas with stormwater management facilities, and restore degraded stream systems impacted from stormwater runoff from developed and agricultural areas. All of these improvements have a direct impact on the water quality of the Chesapeake Bay and its living resources.

This budget resolution eliminates grants to State revolving funds. It phases them out over the next 3 years, leaving State and local governments on their own to come up with the funds for adequate wastewater infrastructure and setting back our efforts to clean up the approximately 40 percent of the Nation's water bodies that are still impaired. Even the rewrite of the Clean Water Act that passed the House last week—which in my judgment would gut some of the most important clean water programs provided for in current law—continues funding for sewage treatment State revolving funds through the year 2000.

The burden this budget proposal places on State and local governments is staggering. EPA estimates that over \$137 billion are still needed to achieve waste treatment objectives nationwide. The State of Maryland estimates that its water infrastructure needs over the next 5 years are nearly 10 times the proposed funding level in the budget resolution.

This proposed cut would also adversely impact the labor market, eliminating approximately 100,000 construction related jobs over 5 years, and an additional 200,000 jobs over the next 20 years. It would also jeopardize U.S. commitments to the environmental provisions of bilateral agreements that call for investment in water infrastructure in the United States-Mexico border area.

Mr. President, water pollution is an interstate problem that demands a Federal response. Water from six States flows into the Chesapeake Bay. Even if Maryland had the resources to complete construction of all needed wastewater infrastructure, the Chesapeake Bay cleanup efforts will only be successful if similar investments are made in the five other States in the Chesapeake Bay watershed. Without Federal assistance, however, it is unlikely that the upstream States will make a substantial investment in the water quality of the bay. The Congress understood the interstate dynamic of

pollution in 1972 when a bipartisan majority passed the Clean Water Act and began funding waste treatment infrastructure. We seem to have forgotten this lesson.

This budget resolution also phases out on the same schedule all Federal funding for grants to assist local governments in improving drinking water quality. Municipalities need significant resources to comply with drinking water standards to prevent the serious adverse health effects that can and do occur from drinking water contamination. In 1993—just 2 years ago—100 people died and over 400,000 fell ill from a bacteria outbreak in the public water supply in Milwaukee, WI. The Congress appropriated money last year for the very first time to prevent problems like this from happening in the future. Mr. President, I remind my colleagues that we appropriated these funds to save the lives of Americans; to prevent illness and disease. This is not pork. This is not a make-work public work project. It is an investment in the health of Americans and in a clean environment.

Mr. President, balancing the budget should not, and need not, come at the expense of human health or a clean environment. The amendment I offer today is deficit neutral and will restore water infrastructure grants, including money for the clean water, and drinking water State revolving loan funds for the next 7 years at 1995 levels. I urge my colleagues' support for this amendment to continue this country's investment in clean water and safe drinking water.

I ask unanimous consent that a letter from the Maryland Department of the Environment be printed in the RECORD.

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

MARYLAND DEPARTMENT  
OF THE ENVIRONMENT,  
Baltimore, MD, May 19, 1995.

Hon. PAUL S. SARBANES,  
Senate Office Building,  
Washington, DC.

DEAR SENATOR SARBANES: This letter is to bring an urgent matter to your attention and to request your immediate assistance in amending the Senate Budget Resolution in order to continue the State Revolving Loan Fund authorizations through the year 2000, as opposed to the current language which phases out the program in three years.

This environmental financing mechanism is the largest and only source of funds, other than some very small State grant programs, now available to local governments struggling to meet the demands of providing adequate infrastructure and protecting surface and groundwater resources.

In addition, the State of Maryland faces the special challenge of working to restore the Chesapeake Bay and its tributaries together with its neighboring jurisdictions and the federal government. Without this funding mechanism, Maryland will not be able to fulfill its commitment to reduce pollution to the Bay by the year 2000, as agreed to by the signatories of the Chesapeake Bay Agreement.

Maryland has been particularly aggressive in establishing and maximizing its Revolving Loan Fund by leveraging federal and state funds through the sale of revenue bonds. However, as described below, the needs will continue to exceed the availability of funds for many years to come.

The 1994 Annual Needs Survey conducted by the Maryland Department of the Environment documents \$1.26 billion in wastewater projects needed to: correct areas of failing septic systems; eliminate excess inflow and infiltration into sanitary collection systems; upgrade treatment facilities to meet water pollution control standards; and accommodate planned development in designated growth areas across the State.

The Survey also identified over \$30 million in projects to retrofit existing urban areas with stormwater quality management facilities and to restore degraded stream systems impacted by stormwater runoff from developed and agricultural areas. These types of projects can be financed through the Maryland Revolving Loan Fund.

In addition, the Department estimates that there is a need for over \$500 million to remediate existing municipal landfills, in order to restore and protect water quality, which is also fundable through the Revolving Loan Fund.

This represents a total need of about \$1.8 billion for water quality improvements in the State. The Senate Resolution proposes a total of \$3.5 billion nationally over the next three years, after which no appropriations are provided. Of this amount, Maryland would receive \$76 million over the three years, assuming an allocation of 2.1867%. Fully leveraging these federal grants and state match will generate approximately \$180 million for loans to local governments. Even when the portion of the program now revolving is added, only another \$24 million is generated over this three year period. Thus our needs are nearly ten times the proposed funding level in the Senate Resolution.

Not to extend the authorization of the federal revolving loan funds through the year 2000 could be the single most devastating setback to federal, state and local efforts to achieve the restoration of the Chesapeake Bay, which has become the national model for improving water quality under the Clean Water Act.

I think we would agree that this is a critical issue requiring your immediate intervention. Please let me know what additional support I can provide to assist you with the amendment.

Sincerely,

JANE T. NISHIDA,  
*Secretary.*

Mr. KERRY. Mr. President, I am pleased to cosponsor, with my friend and colleague Senator SARBANES, an amendment to Senate Concurrent Resolution 13, the congressional budget resolution, which would restore funding for clean water and safe drinking water State revolving funds [SRF's], the low-interest loan programs that assist local communities to provide quality water to their residents.

Mr. President, there are many things in this budget resolution before us that I find absolutely amazing. Ranking right up there at the top of the list of bad ideas is a provision to eliminate the Federal low-interest revolving loan program which helps communities finance important water infrastructure projects. This provision in the Republican budget proposal cuts one of the very important Federal programs

which helps local communities meet their financial obligations to safeguard our citizens' water.

Our amendment would restore the water infrastructure revolving fund accounts to the 1995 levels of \$2.96 billion annually through 1996-2002. In addition, our amendment is deficit neutral in that it provides funding by allocating money from section 204 of the budget resolution's surplus allowance.

I find it extremely ironic that the Republican leadership would allow a provision which totally eliminates assistance to local communities when just weeks ago the Congress passed and the President signed into law a bill which would require such assistance in future legislation. As we all know, the unfunded mandates legislation requires the Federal Government to fund 100 percent of certain requirements for local and State governments to meet Federal safeguards in areas such as water or air quality beginning on January 1, 1996. However, at the same time, this bill would phase out the very Federal assistance that the Federal Government has provided for over two decades.

While I would have liked to see certain changes in the unfunded mandates legislation and while I offered and supported amendments to improve the bill, I voted for the final version specifically because I have always believed and continue to believe in a strong Federal-State-local Government partnership. Have we forgotten so quickly the concerns we heard expressed from towns and cities across this country? I have not. I remember the concerned conversations I had with dozens of concerned local officials and the letters I received from hundreds of concerned citizens about the need for assistance from the Federal Government. That is why I am supporting this amendment today.

Why is Federal assistance still needed in this area? Americans have come to expect a certain level of protection in the water they drink, the air they breathe and the food they eat. Polls show that the vast majority of Americans believe that the appropriate role of the Federal Government is to provide the necessary safeguards to maintain the public health and safety standards to which they have become accustomed during their lifetimes.

With approximately 40 percent of our Nation's water sources still impaired, we must continue our commitment to water pollution prevention and abatement. As we seek to balance the budget, we must be mindful not to hastily eliminate the public infrastructure investments that for too long have been short-changed in the recent budget proposals.

In 1972, a bipartisan Congress passed and a Republican President signed into law the original Clean Water Act, the comprehensive measure to protect and restore the quality of water in our Nation's rivers, lakes, and streams. Since then, the water infrastructure program

has been an important component of a well-balanced effort to help local communities reduce pollution from sewage and industrial wastewaters. In addition, the Safe Drinking Water Act provides a similar program to protect the Nation's ground waters from which we get the water that flows from our taps.

The Environmental Protection Agency estimates that outstanding water infrastructure needs total over \$135 billion nationwide. Phasing out the SRF Programs over the next 3 years will leave many local towns and cities stranded in their financial pursuits.

In my home State of Massachusetts, even with the assistance provided by the Federal Government over the years, the cost of meeting the water quality standards has placed and continues to place an extraordinary burden on many families and communities. Many Massachusetts residents currently pay water and sewer bills that exceed their property taxes. Companies are considering moving their activities out of State and lower income families worry about paying the ever-increasing water bills.

Ratepayers in the greater Boston area must shoulder the burden of a \$5.2 billion water infrastructure construction project, with only minimal assistance from the Federal Government. However, it is not just large cities such as Boston or Baltimore or San Diego that need assistance. Small- and medium-sized towns across the country borrow funds from the State revolving fund to upgrade septic systems and build wastewater treatment and stormwater management facilities. In Massachusetts, communities across the State—Fall River, Gloucester, New Bedford, South Essex, Lynn, to name just a few—have mounting water rates because of their water projects, and need the assistance available from the revolving funds. I hope my colleagues will support this amendment because it is setting the right priorities for this country by investing in our local communities to help them to do the long-term planning that is vital to sustained economic growth and prosperity.

THE PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, on behalf of Senator SARBANES and the other cosponsors I previously announced, I propose this amendment to restore water infrastructure grants to assist the State and local governments in meeting clean water and drinking water standards.

As the amendment draws the funding from the \$170 billion fiscal dividend, it would not increase the deficit.

Mr. DOMENICI. Mr. President, this is, I hope, the last in a series of amendments that attempts to spend the dividend. I do not know how much dividend there will be left if we would have spent all of it as requested by Democratic amendments. But, in addition, we have no assurance that if this were

granted, it would be spent in the manner suggested.

It is subject to a point of order under the Budget Act, and I make the point of order.

Mr. EXON. Mr. President, I move to waive the Budget Act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 211 Leg.]

#### YEAS—43

Akaka	Feingold	Lieberman
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Nunn
Bradley	Inouye	Pell
Breaux	Jeffords	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Exon	Levin	

#### NAYS—56

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

#### NOT VOTING—1

Mikulski

The PRESIDING OFFICER. The yeas are 43, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I wonder if I might just ask the Senate if I could have 1 minute as if in morning business for a completely unrelated matter.

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

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 852 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I ask unanimous consent that I might have 1 minute, as the Senator from New Mexico, as if in morning business.

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

#### ABSENCE OF SENATOR MIKULSKI

Mr. FORD. Mr. President, the distinguished Senator from Maryland [Ms. MIKULSKI] asked me to inform her colleagues that she is necessarily absent today because of a special event in the Mikulski family.

Today, her niece, Val, and her nephew, Jimmy, are receiving their college degrees from Johns Hopkins University in Baltimore.

In addition, I would like my colleagues to know that Senator MIKULSKI is giving the commencement address at Johns Hopkins as well. She is also being honored by the university with an honorary doctorate for her outstanding life in public service, her commitment to strengthening higher education, and her work on behalf of the university.

On behalf of all my colleagues, I extend the Senate's congratulations to the family on this very happy day. And we know that the Senator and her family are very proud of the accomplishments of Val and Jimmy.

#### CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

#### AMENDMENT NO. 1178

(Purpose: To express the sense of the Senate regarding mandatory major assumptions under Function 270: Energy)

Mr. EXON. Mr. President, on behalf of Senator BAUCUS, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mr. BAUCUS, for himself, Mr. DORGAN, Mr. PRESSLER, Mr. ROBB, Mr. WARNER, Mr. FORD, Mr. HARKIN, Mr. HEFLIN, Mr. HOLLINGS, Mr. WELLSTONE, and Mr. EXON, proposes an amendment numbered 1178:

The amendment is as follows:

At the end of title III, add the following:

#### SEC. . SENSE OF THE SENATE REGARDING MANDATORY MAJOR ASSUMPTIONS UNDER FUNCTION 270: ENERGY.

It is the sense of the Senate that within the mandatory major assumptions under budget function 270, none of the power mar-

keting administrations within the 48 contiguous States will be sold, and any savings that were assumed would be realized from the sale of those power marketing administrations will be realized through cost reductions in other programs within the Department of Energy.

Mr. DORGAN. Mr. President, the budget resolution assumes \$1.6 billion from the sale of unnamed power marketing administrations, and I have cosponsored this amendment to express the Senate's view that savings should be sought from other Department of Energy spending rather than from sale of the PMA's.

Some in Congress and the executive branch have tried for years to sell off parts or all of the public power generation, transmission and marketing system that we built in the middle of this century to bring affordable power to rural areas and many small cities.

From the standpoint of our responsibilities to the public purse, such proposals are penny-wise but pound foolish. For a one-time gain in sale of assets, some propose selling off a system that has generated about \$50 billion in power revenues, a system that has paid its way on time and with interest.

In addition to net power revenues that come to the Treasury, the \$21.6 billion that was invested to build the PMA's is being repaid by the power customers in the same way most of us repay our home mortgages. The system has paid off more than \$5 billion of the initial investment, and \$9 billion in interest.

But, for me, the worst part about selling the PMA's would be the effect on rural America. The PMA's were built so our farms and small towns would have access to dependable, affordable electricity. That promise has been fulfilled.

However, the sale of the PMA's would cancel the mortgage, so to speak, upon which the PMA's and their customers have been faithfully making payments for years. It would add debt to the system and force substantial power rate increases across rural America. I have received estimates that customers in my State would see rate increases averaging 24 percent.

In a budget resolution that would cut taxes to the most wealthy in this country, the provision for PMA sales would impose a kind of back-door tax increase upon rural America.

The sale of PMA's is foolish from a public policy standpoint, and it is unfair and hurtful to rural America. This body should voice its opposition to such a proposal by voting for this amendment.

Mr. MCCAIN. Mr. President, the amendment offered by the Senator from South Dakota would state the sense-of-the-Senate that none of the Power Market Administrations [PMA] should be sold and that the savings assumed from these sales should be taken from elsewhere in the Department of Energy's budget. I intend to vote against this amendment, and I would