

lower tax rates is not 27 percent but 20 percent. That means we are going to have to find more spending to make the reductions or we are going to have to put off some tax relief for the American family. I happen to believe that we can do the 15-percent reduction in marginal tax rates and that we can give a \$500 per child tax credit and still meet that goal. So, No. 1, balance the budget, constitutional amendment, a balanced budget plan to balance the budget by the year 2002.

The second component—I think the first most important—reduce the taxes, a 15 percent reduction in the marginal tax rate. I would ask people to focus on the marginal tax rate. What we are saying to individuals with these lower rates is you get to keep more of what you save, earn, invest, work for. You get to keep more of it.

Most people believe that if you get to keep more of what you are earning, you are more inclined to try to figure out ways to earn more because you get to keep more of it.

In addition to that, the plan calls for a cutting in half of the capital gains tax rate. I know there are people who say this is just nothing but a giveaway to the wealthy. I adamantly disagree with that. I think there is statistical data which indicates that is not an accurate statement. The issue here is about America's future. Are we going to have the capital necessary to invest in the new technologies of the 21st century?

I give a little bit different perspective. Think of capital gains taxes as a wall that has been built around old investment. If that wall is too high, you are not going to be able to get that capital to move from the old investments to the new investments because people are going to say the rate on that tax is too high; I just will not sell the asset. If it is not sold, A, there is no revenue to the Federal Government and, B, there is no ability to transfer that capital from the old technologies into the technologies of the future. So I think they are right on target in saying we need to find a way to allow this capital to flow.

Third, it is time that we gave American families, middle-income America, a break; that we say to them, yes, there is something in this for them in the sense if we are going to reduce the size, the scope and the involvement of Washington, DC, clearly there ought to be a benefit to the taxpayer and we think that that benefit ought to be directed more at the low income, at the families of America, and that happens as a result of a \$500 per child tax cut.

The next element of the plan is to look at areas like litigation and regulation. We all know that the area of too much legal attack on business today has slowed down and reduced our productivity. So we believe that we have to make changes with respect to regulation and litigation.

Equally important, Senator Dole and Jack Kemp have pointed out the im-

portance of education and training. If we do those combinations of things, balancing the budget, reducing the tax burden, providing opportunities for education, training, and changing the laws with respect to litigation and regulation, we can get this economy moving again.

I for one—and I think the American people—believe that accepting the notion that this country can only grow at 2.5 percent is a tragedy. We are taking away the opportunities for American families and for our children.

The last point I mention is that I believe President Clinton's economic policies are robbing America and our families and our children of their economic future, and we have to change that.

I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, all time is expired.

The Senator from California is recognized in morning business.

Mrs. BOXER. I do ask to speak in morning business.

AMERICA'S ECONOMIC FUTURE

Mrs. BOXER. I am going to start off with a few remarks about the budget and tax issues which the Senator from Florida and the Senator from Wyoming have been talking about. I listened to them carefully. When I hear it said that President Clinton is robbing this country of its economic future, I have to ask the question, where were we before President Clinton was elected and before we passed his budget?

Well, we were in a very sad state, indeed. We did not see any jobs being created. Under this President, we have seen 10 million new jobs created. We now have a 5.1-percent unemployment rate which is the lowest in many a year. We have people feeling better about themselves, about their future. And we have seen for 4 years in a row, Mr. President, deficit reduction that has more than cut the deficit in half.

So I say to my friends on the other side of the aisle that this deficit reduction for 4 years in a row is the first time since the Civil War that we have seen that record, and it is not much of a trick to have economic growth when you are priming the pump of Government spending. As a former economics major, I learned that very early on in Economics 101. That is what happened in the early 1980's. That pump was primed and the budget deficit shot up to almost \$300 billion, almost \$1 billion a day, and yet under the George Bush administration we stagnation.

So we have come very far. And because I really mostly want to talk about the DOMA legislation and the ENDA legislation that is pending, I am going to be very brief, but I feel I must respond to the point about the tax cuts and the Senator from Florida saying I know we get accused of being for tax cuts for the rich. He said he does not

agree with that. Well, I want to put the facts out here. Under the Dole plan, if you earn between \$1,000 and \$10,000 a year, you are the working poor, you do not even get 50 cents back a month from the Dole economic plan and his tax cuts. You get \$5 a year. If you earn a little more than that, between \$10,000 and \$20,000, you would get back \$120 a year—a few dollars a month. And I have to tell you that in this country between earning a dollar a year and \$30,000 a year, you get 8 percent of the tax cut benefit. You get 8 percent of the tax cut benefit and you are really more than 56 percent of taxpayers.

So why not be honest about where the breaks go. And let me tell you where they go. If you earn approximately \$250,000, you get back \$25,000 a year. If you earn \$1 million a year, the Donald Trumps of the country, you will get back \$50,000. So the wealthiest get back \$50,000 and the working poor get back \$5. And we have statements on this floor that say this Dole plan is fair. The difference between the Clinton plan and the Dole plan is that our President is targeting those tax cuts to the people who need it and the Dole plan again favors the very wealthiest among us. Good people, hard-working people who earn a lot of money, I congratulate them for that. It is the American dream. But if you were to ask them, I think they would candidly say they are not in need of a tax cut because what it means is, if you look at the Dole plan, over \$500 billion of cuts—and we have looked at this carefully—it is about a 40-percent cut in education that would be required, a 40-percent cut in the environment that would be required. Since Senator Dole says he will not touch Medicare, that means he has to go in and cut cops on the beat and everything else. Forty percent to do what? To give a tax break to the wealthiest. I mean this is the *deja vu* all over again theory.

So I am going to move to the legislation that is before us. Tomorrow I am going to make some comments on it. But I really wanted to put some of those numbers out on the record as a member of the Budget Committee because we have looked at them very, very carefully.

EMPLOYMENT NONDISCRIMINATION ACT

Mrs. BOXER. Mr. President, tonight I rise to speak on the Employment Nondiscrimination Act and on the Defense of Marriage Act. The Employment Nondiscrimination Act, known as ENDA, is necessary, and I thank very much Senator KENNEDY for being so tenacious to get it to the floor and Senator LIEBERMAN for his help and Senator JEFFORDS. This is a bipartisan bill and it deserves broad bipartisan support.

ENDA is necessary because gay men and lesbians face discrimination in hiring, promotions, and pay simply by virtue of their sexual orientation. Some

States do offer protection to all the people who are victims of employment discrimination. Unfortunately, 41 States do not. So it seems to me this is a bill we should be proud to support as Republicans and as Democrats.

The reach of ENDA is modest. It exempts small business, religious institutions, and the military and explicitly prohibits the adoption of quotas. It places the burden of proof entirely on the person claiming to be the victim of discrimination.

I think it is quite instructive to note that ENDA has been endorsed by such blue chip companies as Apple Computer, AT&T, Bankers Trust, Bethlehem Steel, Eastman Kodak, Genentech, Merrill Lynch, Microsoft, Nynex, Pacific Gas & Electric, Pacific Telesis, Polaroid, Prudential Insurance, Quaker Oats, RJR Nabisco, Silicon Graphics, and Xerox. Mr. President, among that list there are many, many endorsers from my home State. These excellent companies that understand fairness and justice in the workplace have endorsed ENDA. I hope it will pass.

THE DEFENSE OF MARRIAGE ACT

Mrs. BOXER. Now there is the question of the other bill that will come before us, known as DOMA, the Defense of Marriage Act. When I heard that there was going to be a bill before us called the Defense of Marriage Act, I thought it was going to be about our families and how they cope with the problems and stresses that most married people face. There are financial insecurities with jobs that are ever changing, pension insecurities with corporate raids on pensions and inadequate protections in the law, there is pressure to save enough to afford a home, there is child abuse going on in families, there is alcohol and drug abuse, there is spousal abuse, there are pressures from lack of health care. We have tried to fix some of those in this Congress. There are pressures, worrying, "Will Grandma and Grandpa be all right? Will they make it? Will their Medicare be cut? Can we function as an extended family in this fast moving world?" These are some of the pressures.

I thought it was about, perhaps, flexible working schedules so there could be more time off for school and doctor appointments. I thought it maybe addressed the issue of child care. It is called the Defense of Marriage Act. I thought we were going to deal with those issues, the stresses on marriage. So I was looking forward to seeing this legislation.

Then, when I see it, it turns out to be something completely different. It turns out to be about the U.S. Congress getting into the issue of marriage. No State legislature is even suggesting that it recognize gay marriage, not one State in this Union. Not one person in the Senate or the House has introduced legislation to recognize gay marriage—

not one. There is no bill pending before us to legalize gay marriage and provide benefits to these couples. Not one group has asked any of us, to my knowledge, to carry such legislation.

We are told by constitutional scholars that even if one State does recognize gay marriage, other States have the option not to recognize it. University of Chicago law professor Cass Sunstein, one of the Nation's most distinguished legal scholars, author of numerous texts and articles on constitutional law, testified before the Senate Judiciary Committee that States are not required to recognize other States' marriages. So why this legislation now? With all the things we could be doing that would make a real difference in people's lives, with all the things we could be doing that would really matter to families, we are taking up this so-called Defense of Marriage Act, which, as I have stated, has nothing to do, in my view, with helping married couples cope with the stress on their marriages.

Does the author of the bill in the House, whom the press says has been married three times, truly believe that the Defense of Marriage Act would have made him a better husband or his wives better wives? I seriously doubt that. I doubt that.

Marriages do run into trouble; one in two ends in divorce and that is tragic. It is tragic for the people involved and it is tragic for the children. There are things we should all do in our relationships and as a community and in our religious institutions to make marriage stronger. But passing this act does nothing to affirm marriage at all.

Many of us in this Chamber, myself included, have been married for many years to the same person, and I truly believe that those of us who are honest about it would never list the possibility of gay marriage looming on the horizon as a reason there may be stress in our marriage. I believe, if we were honest, we would never cite that as a reason for a problem of stress in our marriage. In any event, gay marriage is not looming anywhere. As I said, not one State is considering it, not one State legislature. No one has asked to do it. There is no bill pending.

Yes, the Hawaii courts are looking at the issue, but that final resolution is years away. There is plenty of time for us to have this debate. But this Congress cannot wait to have this debate. The Hawaii case is only now about to go to trial. Legal experts are convinced that given the stakes, the losing side will surely appeal the case all the way to the State supreme court. We are talking about a long time here.

So why are we doing this bill now? No one is asking for it, no one is proposing any of it, no one State is considering recognizing gay marriage.

I have to give my opinion. It is all about the calendar, that is what I think. It is an election-year ploy to get Senate and House Members to cast a tough vote. We know it is a tough vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for another 10 minutes. My understanding is we would not have a 10-minute rule at this point.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator has an additional 10 minutes.

Mrs. BOXER. But I think, when we do this, we do lose something. I think we lose our soul. That is what you lose when you scapegoat a group of people, a whole group of people who have never even asked us to legalize gay marriage. Scapegoating is ugly. History has seen it too many times. You know that and I know that. Groups of people who are different are identified. It becomes "we" versus "them." Their identity as individuals is lost and they become faceless. Special rules are written for them. They are singled out as a group. Read the history books, my colleagues. You will find it there. We are all Americans in this country, regardless of our differences. We are Americans first. We are God's children, all of us, regardless of our differences. Why do we need to craft a piece of legislation designed to hurt our fellow Americans when there is absolutely no need to do it?

President Clinton, who comes to a different conclusion on this bill than I do, writes in his book "Between Hope and History":

... we must make a choice ... shall we live by our fears and define ourselves by what we are against, or shall we live by our hopes and define ourselves by what we are working for, by our vision of a better future ... that is a choice we must make every day.

This DOMA bill, in my opinion, is a statement of what we are against. It does nothing, it does not do one thing, to make Americans' lives better. It is a classic example of the politics of division, of a so-called wedge issue to divide us one from another without any reason to do so. I think even if it means you pick up a seat or two in Congress, the better angels of our nature should stop this politics of division and hatred. The Defense of Marriage Act is a preemptive strike against a gay marriage proposal that does not even exist. It is a little bit like bombing a country because you think they are a threat when in reality they want nothing more than to live in peace. We would never do that as a nation, and we should not do this. It hurts people for no reason.

I thank those of my colleagues, in advance, who will vote against this scapegoating measure. There will only be a few of us. It will be a brave vote. I say that because I know what the polls show. But what is leadership about, anyway? It is about the really tough votes.

When I went into politics 20 years ago, I told my constituents then and I tell them now I would not always take the popular side of an issue if I felt it was meanspirited. For me to do that