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Senate

(Legislative day of Thursday, November 16, 1995)

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

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, Sovereign of this land, our help in ages past and our hope for years to come, we enter into the season of thanksgiving with a great need for the spiritual renewal that takes place when we return to an attitude of gratitude. In the midst of the problems that we face at this time, we need that refreshing rejuvenation that comes when we turn from our trials and focus on thanksgiving for all of Your blessings. You have shown us that gratitude is not only the greatest of all the virtues but the parent of all others. Any achievement without gratitude limps along the road of life; anything we accomplish without giving thanks becomes a source of pride. You desire our gratitude because You know it helps us to grow; other people never tire of feeling the affirmation that is communicated when we express our thankfulness for them; and we know that we require gratitude to avoid being self-serving and arrogant.

O God, we praise You for this Nation of freedom and democracy. We repent of our pride that entertains the idea that we are in charge of the destiny of this land. Grant us the true humility that comes from acknowledging that You are the source of all that we have and are. Now, Lord, we are ready to thank You in advance for Your help in the resolution of the problems we face in this present crisis. In the name of our blessed Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. WARNER. Mr. President, I thank the distinguished President pro tempore.

SCHEDULE

Mr. WARNER. Mr. President, the majority leader wishes to advise the Senate that this morning the Senate will immediately begin consideration of the conference report to accompany S. 440, the National Highway System bill. There is an overall time agreement of 2 hours and 45 minutes on the conference report. A rollcall vote is expected on the conference report, and Senators should be aware that some of the debate time may be yielded back.

Also, for the information of Senators, the majority leader has announced that we expect to receive from the House this afternoon the Balanced Budget Act of 1995 conference report. There is a 10-hour time limitation on that conference report. All Senators can, therefore, expect votes today, and the Senate is expected to remain in session late into the evening to complete action on the balanced budget conference report.

I yield the floor.

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT—CONFERENCE REPORT

Mr. CHAFEE. Mr. President, I am very pleased that the conference on the National Highway System bill has reached agreement on the National Highway System Designation Act of

1995. I am prepared to move to that now.

The PRESIDENT pro tempore. The clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 15, 1995.)

Mr. CHAFEE. Mr. President, the chairman of the conference was the distinguished senior Senator from Virginia, Senator WARNER. He is the chairman of the subcommittee of the Environment and Public Works Committee that deals with these particular highway matters.

Mr. President, I wish to take this opportunity to thank the distinguished Senator from Virginia [Mr. WARNER] for his very able leadership of this conference. Senator WARNER demonstrated patience and persistence and thoroughness and did a superb job. So I think we are all in Senator WARNER's debt for the outstanding job he did.

I also wish to thank the distinguished Senator from Montana [Mr. BAUCUS], who is the ranking member of both the entire committee, that is, the Environment and Public Works Committee, and also the ranking member of the subcommittee that dealt with this matter. He played a vital role in working out this conference agreement.

I also want to thank the other conferees from our committee; namely,

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



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Senators SMITH and KEMPTHORNE, MOYNIHAN, and REID, for their contributions. Because of what they did, we were able to make the progress that is represented by the conference report, which, by the way, emerged from the Environment Committee—the original bill—with a 16-to-nothing vote. Mr. Rodney Slater, Administrator of the Federal Highway Administration, has been very helpful, as was the Secretary of Transportation, Mr. Federico Peña.

The result of the conference on the National Highway System legislation is a compromise, and I know that there will be comments today about dissatisfaction with certain portions of the report, particularly those dealing with the safety aspects. But nonetheless, like all conferences, they are a compromise. We moved ahead in allowing something over \$6 billion in highway funds to now be released to the States.

The purpose of this legislation is to approve the National Highway System which is a network of approximately 160,000 miles of highway in our Nation. The States and localities have chosen these roads as some of their most important ones. The National Highway System represents only 4 percent of the highways in the United States of America but on those 4 percent of the highways 40 percent of the Nation's traveling is done. In other words, these 4 percent of the roads handle 40 percent of the total vehicle miles traveled in our country. These roads connect strategic facilities including our ports, airports, train stations, and military bases. The process to designate the NHS worked well. It is a cooperative process that produced a high degree of consensus among Federal, State, and local officials.

The conference agreement approves the map as submitted by the Secretary and recognizes that this is a changing, dynamic process. And so there will be other changes in the future as State and local officials work with the Secretary of Transportation. The conference agreement preserves the important principles of flexibility that came from the basic highway act that we have which was passed in 1991, called the Intermodal Surface Transportation Efficiency Act, with the pleasing acronym of ISTEA.

In this legislation we passed, paperwork and regulatory burdens have been reduced, additional flexibility has been provided including management systems; metric signing requirements; implementing the transportation enhancement program; designing highways to allow for the preservation of environmental and scenic values; the use of Federal-aid funds for preventive maintenance; and the use of Federal-aid funds for roads that provide connections to intermodal facilities.

What is an intermodal facility? It is a facility that has surface transportation, air transportation, and sea transportation, all blended together and from that some goods move by

truck, some move by rail, some move by sea.

Specifically regarding what is called design standards, I believe this provision provides significant new flexibility for the States and new opportunities for public participation. I hope that the Secretary will, in the development of design criteria, make every effort to ensure the full participation of organizations and individuals representing scenic, aesthetic, community, environmental, historic, bicycle, and pedestrian interests. I urge the Secretary of Transportation to make certain that State and local transportation officials are aware of this new flexibility that is provided so that they can take full advantage of it.

This legislation also provides the States with additional financing options to address the needs of the transportation system recognizing that the Federal, State, and local governments' resources are limited.

This conference report includes provisions that address problems that have occurred in the implementation of the Clean Air Act.

One of the most effective measures to reduce air pollution is inspection of the vehicle that are already on the road to make sure that the pollution control equipment on the vehicle is working properly. This vehicle testing program is called inspection and maintenance in the Clean Air Act. Many Americans are familiar with this program because they are required to take the family car to the service station or repair shop once a year to get an emissions inspection. Inspection and maintenance of existing vehicles is now required in more than 60 major urban areas across the country.

The 1990 amendments to the Clean Air Act directed EPA to develop an enhanced vehicle inspection and maintenance program to be carried out in the cities with the worst air pollution problems. Congress mandated that the existing testing programs in these areas be upgraded to get even greater pollution reduction.

EPA issued regulations to implement this part of the 1990 law in November 1992. However, those regulations went farther than Congress had expected or intended. The regulations required that testing be done with expensive, new technology called I/M240. Furthermore, the regulations imposed a penalty on testing programs that used service stations or automobile dealerships or other auto repair facilities to conduct the tests.

In the past, vehicle inspection and maintenance in most States has been carried out through a decentralized network of service stations and repair shops. But these new EPA rules virtually precluded a continuation of that approach. The testing technology is too expensive for most service stations to afford. Any any program based on a so-called test-and-repair system faced an automatic 50-percent penalty in the

emissions reduction credits EPA would allow.

The States have aggressively resisted these EPA regulations for enhanced programs. Many States have refused to implement it. Other States that initially tried to implement the program are now pulling back. Earlier this week the Governors of five of these States—California, Texas, Virginia, New York, and Pennsylvania—wrote to the majority leader of the Senate and asked for legislative relief from these EPA regulations.

Mr. President, I would ask unanimous consent that the letter from the Governors be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CHAFEE. I am pleased to say that the conference report now before the Senate makes the specific changes in the inspection and maintenance program that the Governors recommend. First, the bill prevents EPA from requiring any State to use the expensive testing technology.

Second, EPA is barred from applying an automatic 50-percent discount to the decentralized, test-and-repair programs that some States have adopted.

And third, the bill allows States to develop innovative programs based on their own estimates of the emissions reductions that will result. As the Governors suggest, the conference report allows these innovative approaches to be put into effect on an interim basis to determine whether they work. If they do, the States can get permanent approval. If not, States will be required to make adjustments to assure that the emissions reductions needed to reach health standards will be achieved. This conference report gives the States a green light to develop programs that will work for their citizens. But it also requires that the States prove that the programs are working before permanent approval is granted.

This conference report addresses all of the issues raised by the Governors in their letter. We have discussed this legislation with EPA and based on those discussions, we are confident that these changes to the program are workable and will provide a sound basis for enhanced inspection and maintenance programs.

This legislation resolves the problems with inspection and maintenance that the States have raised and should move us rapidly to the day when vehicle testing is an even more effective way to reduce air pollution in the Nation's urban areas.

I am pleased that this legislation continues the ban on new billboards on scenic byways. The conference agreement codifies the Department of Transportation's implementation of the law which prohibits new billboards on scenic byways in scenic areas.

Consistent with Congress' intent in passing ISTEA, the Department of

Transportation has prohibited new billboard construction along scenic byways on the interstate and primary systems. In some unusual circumstances, a scenic byway may pass through a heavily industrial or commercial area which does not possess any scenic, cultural, historical, natural, archaeological, or recreational characteristics. In such cases, the Secretary may continue to permit the States to segment those areas out of the designation and to allow new billboards in those undesignated areas.

Where segments are proposed for exclusion, the Secretary has the responsibility to examine these exclusions to ensure that exclusions are, in fact, made on a reasonable basis.

The Secretary of Transportation continues to have the authority to prevent the circumvention of the requirements of section 131(s) and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991.

The Secretary has used his authority and intervened in the past when States have proposed actions that evade the Federal law banning billboards on scenic byways. The Secretary continues to have this authority and has the responsibility to exercise it in those cases where the States are not complying with the billboard ban on scenic byways. The Secretary's authority is described in a legal memorandum from the deputy chief counsel to the Federal Highway Administrator. I ask unanimous consent that this memorandum be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. CHAFEE. I regret that this legislation repeals several Federal safety requirements, including the speed limit and the motorcycle helmet requirement and weakens certain truck safety requirements.

Why did that come about? It came about because we had votes in the Chamber of this Senate by some substantial majorities. The body spoke and said they wanted these safety requirements in the hands of the States rather than in the Federal Government—the speed limits on the highways, the requirement that we presently have that motorcyclists wear helmets or that the States will lose some funds. All of that has been turned back to the States. And so now they are responsible for the health and safety of the public traveling on our transportation system. I certainly hope that the States will exercise extreme caution when using these new authorities.

The conference agreement directs the Department of Transportation to collect data and report to Congress regarding the costs of deaths and injuries resulting from motor vehicle crashes in those States that raise the speed limit or change their motorcycle helmet laws. The Department of Transportation collects important safety data and it is more important than ever

that this data is collected and analyzed so that information is available to determine the impact of the repeal of the Federal speed limit and motorcycle helmet laws.

The Federal safety laws were repealed on the basis of State's rights. I am certain that State officials are concerned for the safety of the residents of their States. I hope the States that have good safety laws will keep them, and that those who do not will pass effective safety laws recognizing the tremendous benefits of these laws in saving lives and reducing costs.

Finally, I very much regret that we were not able to include the Senate provision which passed by an overwhelming vote of 64 to 36 regarding Amtrak. The NHS bill passed by the Senate would have permitted Governors to use some of their highway money for Amtrak if they desired to do so. It was completely voluntary and would have given the Governors additional flexibility to sue their transportation funds within their own States on Amtrak service. Millions of people around the country rely on the transportation service that Amtrak provides. I believe the flexibility that the Senate provision provided should have been given to the Governors and would have benefited our country's transportation system.

Mr. President, Senator WARNER will be managing this bill with me. He has done such a splendid job in connection with this legislation. So I would like to turn the podium over to Senator WARNER at this time.

EXHIBIT 1

NOVEMBER 13, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate Capitol, Washington, DC.

DEAR SENATOR DOLE: We are writing to respectfully request your assistance on a matter of great importance to our States—the implementation of the Clean Air Act. We agree that all Americans want and deserve clean air and that the goals of the 1990 Clean Air Act Amendments are commendable. Unfortunately, EPA's implementation of the Act has been particularly burdensome to our States, especially in the area of inspection and maintenance (I/M). Without legislative changes by the Congress in this area, our States will be faced with sanctions, including the withholding of highway money, over the course of the next year to year and a half.

EPA has a bias in favor of bureaucratic test-only programs in granting only 50 percent credit for test-and-repair I/M programs. Rather than encouraging States to develop innovative, creative and effective I/M programs, EPA is forcing States into a one-size-fits-all program by virtue of its arbitrary 50 percent reduction in emissions credit for test-and-repair programs. States need the flexibility to design effective I/M programs that meets the unique needs of their citizens while meeting the goals of improved air quality. The federal government should set the goals; the States should have the flexibility to meet those goals in a way that makes sense for their citizens.

Unfortunately, it appears unlikely that the congressional authorizing committees will have enough time this session to complete action on legislation addressing implementa-

tion problems with the Clean Air Act. Because our States face the threat of sanctions by the end of next year, it is critical that Congress address the I/M issue this session on any appropriate legislative vehicle.

Specifically, our States support language which satisfactorily addresses the EPA bias in granting only 50 percent credit for test-and-repair I/M programs and places the burden of proof on EPA to document any alleged shortcomings it perceives in a test-and-repair I/M program. States need the opportunity to get their proposed emissions inspection programs up and running. If, once in place, the real-world data proves that a program is insufficient, then EPA could require that the State submit a new plan. States should not, however, be prevented from implementing their proposals on the basis of an arbitrary formula.

Thank you for your consideration of our request.

Sincerely,

GEORGE ALLEN,
Governor of Virginia.
PETE WILSON,
Governor of California.
GEORGE W. BUSH,
Governor of Texas.
TOM RIDGE,
Governor of Pennsylvania.
GEORGE F. PATAKI,
Governor of New York.

EXHIBIT 2

DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
Washington, DC, November 2, 1995.

Subject: Authority of the Department of Transportation to prevent abuses of 23 U.S.C. 131.

From: Deputy Chief Counsel.

To: Rodney E. Slater, Administrator.

FHWA has indicated to three States that proposed legislative or administrative actions are inconsistent with 23 U.S.C. §131(s). In each case, the State was considering a statute or administrative action which would have removed from their scenic byways all commercial and industrial areas. The blanket exemption of commercial and industrial areas required no judgment about the scenic quality of excluded segments. In each case, we based our action on our general authority to prevent outright circumvention of the requirements of the Highway Beautification Act (HBA). In our judgment, nothing in the language proposed by Senator Warner, either on October 26, or more recently, would impair our authority to prevent such action in the future. For clarity of reference, both draft proposals are attached.

The Department of Transportation has asserted its authority to prevent deliberate circumventions of the requirements of the HBA since 1971. At that time, we asserted our authority to challenge strip zoning undertaken solely to allow for the erection of billboards. We did so in the face of a specific clause in 23 U.S.C. §131(d) asserting that States have full authority under their zoning laws to zone areas for commercial and industrial purposes, and that State action must be accepted for such purposes. Our standards for adequate zoning, which specifically prohibits zoning solely to allow outdoor advertising, are contained in our regulations at 23 C.F.R. §750.708, promulgated in 1975. We have also asserted our general authority to prevent abusive practices on any number of occasions. As early as 1976, the General Counsel prepared an extensive legal opinion to this effect. Our authority to fashion appropriate remedies to accomplish the HBA purposes has been upheld by the Courts on several occasions. See, for example, *South Dakota v. Volpe*, 353 F. Supp. 335 (D.S.D. 1973), and

South Dakota v. Adams, 587 F.2d 915 (8th Cir. 1978).

Looking at the language proposed in the two drafts being considered by Senator Warner, we note that the general prohibition of new signs (except those allowed by §131(c)) adjacent to scenic byways on the Interstate or primary system is unchanged in either version. In each case, a qualifying sentence is added which would permit states to exclude from a state designated scenic byway those sections it determines not to be scenic. This language, in itself, contains the basis for exclusions. While it is clear in adopting such an amendment Congress would allocate considerable discretion to the States in making determinations about whether a particular section of highway is or is not scenic under State law, it is not a blanket exclusion. This is similar to the provisions of the provision of §131(d) mentioned above. In both cases, the Department would continue to have the authority to prevent actions which plainly are not related to the purpose of the legislative exemption. Thus, we can now prevent abusive zoning practices, and we will continue to be able to prevent inappropriate exclusions of scenic segments of a scenic byway. The language which provides both the purpose of the exemption and the scope of State discretion is the same in both versions proposed by Senator Warner.

It must be noted that even under §131(s) in its current form, the provision to prevent the erection of new signs applies only to Interstate and Federal aid primary highways that are on State designated scenic byways. No definition or limitation as to what is a State scenic byway is contained in the law. Implicit in its formulation, however, is a reliance on State law definitions. In spite of this implication, we have asserted our authority to prevent abusive interpretations of or amendments to State law in how the State scenic byway program should operate under §131(s).

The ability to intervene to prevent potentially abusive State actions, as we did in Louisiana, Tennessee, or New Mexico, is unchanged under either proposed amendment. These amendments neither add to nor detract from our current ability to generally prohibit abusive practices which have as their purpose the circumvention of the HBA, rather than legitimate exclusions of non-scenic segments of a State designated scenic byway.

EDWARD V.A. KUSSY.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, before the distinguished chairman leaves the floor, first, I want to thank him for his kind remarks on my behalf, and, indeed, on behalf of our staff. I know that the Senator shares my view that this staff here, Jean Lauver and Ann Loomis, are absolutely superb. Rather than thank them at the end, let us thank them at the beginning.

Mr. CHAFEE. I would like to include members of the Democratic staff likewise. I know Senator BAUCUS will touch on that, but we appreciate everyone.

Mr. WARNER. Knowing the chairman's time is short, I think we should address here in a brief colloquy the question of the billboards. I know this is a subject on which the chairman has spent many, many years of hard work. It is the opinion of this Senator that the Senate held firmly throughout these negotiations with respect to the

provisions in ISTEA, which established the landmark legislation on the billboards. And at no time did we yield in any way to the House on that.

Mr. CHAFEE. The Senator is quite correct. In the ISTEA legislation of 1991, we had passed a provision dealing with scenic byways. And the provision was that on scenic byways there could be no new billboards; there could be the existing billboards, but no new ones.

The House wanted to greatly weaken those provisions. One of their problems, they said, was that they required segmenting. In other words, a scenic byway might last for 30 miles and then there would be a 3-mile segment that would not be scenic and then there would be another 20 miles. They thought that should be taken care of. That was a legitimate problem, and we addressed that. But in no way was the billboard provision gutted in this legislation.

Mr. President, I want to say to the distinguished Senator from Virginia, I greatly appreciate the way he stood firm, and, indeed, this was the provision that held up this legislation right from the beginning. We were on this legislation for, what?—3 weeks, the conference. The bulk of the matters were settled in the first week, but it was this billboard provision that held things up. We stood our ground and came out with a measure that I believe everybody interested in scenic byways can be pleased with.

Indeed, I would like to just state here the report language, the last sentence in this particular area:

The Secretary of Transportation has the authority to prevent actions that evade Federal requirements.

In other words, we have not given up the authority of the Secretary in any fashion here.

Mr. WARNER. I thank my distinguished colleague, Mr. President. I ask unanimous consent to have printed in the RECORD at this point an editorial from the New York Times which inaccurately states the matter in which this conference was concluded.

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

[From the New York Times, Nov. 14, 1995]

BILLBOARD BLIGHT

Billboards bring blight to the highways, but the billboard industry brings cash to members of Congress. That is why Congress is close to undoing a modest achievement in the long struggle to limit the spread of roadways signs. Billboard lobbyists have held up \$6 billion in highway construction funds while pressing to repeal a ban on new billboards on roads designated as scenic byways.

Their strategy may be working. The Senate whose highway spending bill did not mention billboards, is yielding to House conferees who insist on gutting a billboard ban enacted only four years ago. At stake is a 1991 Federal program that has encouraged 42 states to designate a modest 15,000 miles of highway—less than 1 percent of all American roads—as scenic byways. Under the program, new billboards are banned. In exchange the states are permitted to advertise the roads as "scenic," which helps attract tourists.

They also received Federal funding for roadside cleanups and beautification.

From time to time, the Federal Department of Transportation has granted exemptions for new billboards in commercial or industrial sections—but not nearly enough exemptions to suit Representative Bud Shuster of Pennsylvania, chairman of the House Transportation Committee. Re-elected in 1994 with the help of \$67,000 from billboard interests, Mr. Shuster persuaded the House to insert in the transportation spending bill a provision giving states complete discretion.

Senator John Warner of Virginia, negotiating for the Senate's version of the bill, asked Mr. Shuster to drop the billboard provision in return for the Senate's dropping a measure allowing states to use some highway money for passenger railroads. Mr. Shuster rejected that offer and Mr. Warner gave in, saying the highway funding was too important to allow further delay.

Mr. Warner asked only for House agreement on a largely meaningless gesture, language that would show Congress's approval of the way the Transportation Department has been dealing with proposed exemptions. But Chairman Shuster wants even this parliamentary stroking toned down.

The fragile scenic byways program, which depends on Federal-state cooperation and sensitivity toward the environment is now in danger of being picked apart, state by state. The Senate needs to reject this threat to the landscape.

Mr. WARNER. I think the orderly way to proceed would be to now have our distinguished ranking member, the Senator from Montana, who likewise kept a firm hand on this conference as we proceeded to resolve it together with his colleagues. And I want to thank him. He looked after the interests of this bill from its very inception.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank the Senator from Virginia for those kinds remarks.

Mr. President, I am very pleased today that finally the Senate is considering the conference report on the National Highway System Designation Act of 1995. This has been long in coming and, I might say, a bit too long because the deadline for Congress to pass this legislation was October 1, some 6 weeks ago. Since that date over \$6.5 billion in Federal highway funds have been withheld, that is, they have been withheld from the States, very simply because of our failure, congressional failure, over the past 6 weeks to get this bill passed. It has been around for a couple years.

This has meant delayed contracts. It has meant postponing jobs. Passing this bill today, however, means the States will soon be receiving those funds. That is good news for the States, good news for the thousands of construction workers and others who will benefit from new jobs.

The delay has been the result of some major differences between the House and the Senate-passed bills. It was not easy to reconcile them, but the leadership of the chairman of the Environment and Public Works Committee, Senator CHAFEE, and the chairman of

the conference, Senator WARNER, finally bridged the distance and brought the conference report to us here today.

The report includes a number of important provisions. I will very briefly touch on some of them. But, first, let me put this bill in context. The National Highway System, or NHS, is a network of over 160,000 miles of the Nation's most critical roads. Although they account for only a small part of the total public road miles, these roads carry the bulk of our commerce.

Most importantly, the NHS is really the key to a seamless network that uses all modes of transportation, linking roads to airports, seaports, and rail yards. It will expand economic opportunities in big cities and in small communities. And it will make our businesses more competitive in the global marketplace.

The National Highway System is especially vital, I might say, to rural areas, areas where highways are the only method of transportation. Whether it is the transport of goods and services, traveling for family vacation, or business or taking the kids to college, highways play a vital role in our lives and our jobs, most particularly in rural areas.

For Western States like Montana, we have few alternatives to roads. We do not have the mass transit and water transport systems that many other States depend on. And we will never have them. We are a large State with no big cities. To make matters worse, we have very limited air service. So designation of the National Highway System is vital. Montana has more miles of roads per capita than any other State, and over 3,800 miles of them are included in the NHS. This is about 800 miles more than proposed by the Bush administration.

The additional routes include highway 200 between Great Falls and Missoula and Lewistown going west to Winnett, Jordan, Circle, Sidney, and Fairview; highway 12 from Helena to Garrison Junction; highway 59 from Miles City to Broadus, a very rural part of our State; highway 87 between Billings, Roundup, and Grassrange—you can imagine those are not metropolises—highway 212 from the Crow Agency to Lame Deer and Alzada, even more rural.

These NHS roads link Montana farms and ranches to the Great Lakes and to the Pacific Ocean. These roads get our wheat to Russia and our beef to Japan. In short, they are our economic livelihood.

What is the practical effect of NHS? Most importantly, by identifying these critical roads, States will be able to target their highway dollars to make sure the roads that get the most use are also the safest and most efficient. So the NHS really does set the stage for our transportation future, both in Montana and in the country.

Mr. President, in addition to designating the National Highway System, the conference report also reduces

a number of very burdensome regulations and repeals several highway fund sanctions. For example, the conference report repeals the national maximum speed limit. This means that the States can now decide for themselves what the appropriate speed limit should be on their roads without the threat of losing Federal highway funds.

I support the repeal of the speed limit. I strongly believe that the State and local officials are just as deeply concerned about the safety of their citizens as those of us here who serve in Washington. State and local officials will take safety into consideration when deciding the appropriate speed limits. This provision simply recognizes reality, Mr. President; namely, that what may be the appropriate limit in Montana will probably not make sense in New York City.

Let me also point out that the conference report gives Governors a say as to when the repeal goes into effect. Governors will have 10 days after the enactment of the conference report in which to decide whether they want the proposal to go into effect immediately or to be reviewed by the State legislature. If he or she chooses the latter course, the repeal of the speed limit would not take effect until the legislature takes action, otherwise, the repeal would become effective at the end of 10 days.

Another major accomplishment of this bill is the reduction in burdensome paper requirements for the States. For example, States will no longer have to develop six separate management systems or exhaustive planning documents.

These management systems have become a worthless paperwork exercise, particularly for rural States. Yet, failure to develop these systems mean a 10-percent sanction of highway funds. This conference report repeals these requirements and will relieve States of this unnecessary burden.

Mr. President, it has taken the conference almost 2 months to reach this agreement. As I said earlier, this has left the States without highway trust funds for that amount of time. That has been unfortunate and I think unnecessary. However, the Senate will shortly begin the process to resume the flow of highway dollars to the States, and with quick action by the House and the President, States will soon see not only a restoration of highway funds, but the elimination of unnecessary regulations.

So this is a good bill. It is a jobs bill. It is a reform bill. It will be good for Montana and for the country. I urge all my colleagues to support the conference report.

Let me close by, again, thanking my good friends, Senator WARNER and Senator CHAFEE, for their leadership. Without their skill and, I might say, determination, we would not be here today.

Finally, let me add a few words of thanks to the Montana Department of

Transportation and the Montana Highway Commission. The advice of people like highway commissioner Tom Forseth, transportation director Marvin Dye, Sandy Straehl, his assistant, and John DeVierno have all been invaluable, and I thank them very much. Most importantly, Mr. President, I thank the people of Montana for their very good advice and help in crafting this legislation.

I also wish to thank the staff for the majority, Jean Lauver and Ann Loomis, for their hard work and dedication on this bill. And, of course, Kathy Ruffalo of my staff who has put in countless hours to bring this bill to where it is.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I again commend the distinguished ranking member, our former chairman of the Environment and Public Works Committee. He had a firm hand on this legislation from its very inception. I certainly join him in acknowledging that many outside groups did make valuable contributions to the formulation of this piece of legislation—in my State, Governor Allen and Secretary Martinez. Indeed, we incorporated into this bill the flexibility of States to look for other means, which I will address later, of financing highway projects. Now that the Federal funding could well be diminished in the years to come, we have to look to alternative methods of financing.

Mr. President, I note the presence of the President pro tempore on the floor. He asked to make a brief statement, and then I will resume mine. At this moment, I yield the floor.

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

Mr. THURMOND. Mr. President, this bill is one of the most comprehensive and important bills for our Nation. It means a lot to all the States in this country. I want to commend Senator CHAFEE, the chairman of the Environment and Public Works Committee, for his good work on this bill, and I want to especially commend the able Senator from Virginia, Senator WARNER, for his great work. He is chairman of the Subcommittee on Highways.

This means a lot to our entire country, and what they have done here is going to improve the highway system of America. I just want to extend my highest commendation to them.

Mr. WARNER. Mr. President, I wish to thank the distinguished senior Senator from South Carolina. I also wish to note that in this bill is a new corridor, a new interstate corridor known as I-73/I-74. The distinguished senior Senator from South Carolina participated, together with his Governor and State highway transportation authorities, in a critical decision as to how this highway, as it exited North Carolina, then traversed the South Carolina road system.

So I wish to thank him for that help in designating exactly how that very

important new arterial highway will pass in his State.

Mr. THURMOND. Mr. President, I wish to express my appreciation for the way this worked out. I think it is satisfactory now to North Carolina and South Carolina. With the help of the able Senator from Virginia, this was able to come to pass.

Mr. WARNER. Mr. President, I thank our distinguished colleague.

I am going to start again by acknowledging the absolute superb professional assistance given by Jean Lauver, Ann Loomis, and Kathy Ruffalo, who are present in the Chamber this morning.

I also wish to thank Steve Shimberg, Tom Sliter, Gary Smith, Chris Russell, Alex Washburn, Greg Daines, Larry Dwyer, Linda Jordan, and Ellen Stein for their valuable contributions to this legislation from its inception through this conference report.

As stated by the distinguished chairman and ranking member, with approval of this conference report, we release \$6.5 billion in National Highway System and interstate maintenance funds from the Highway Trust Fund to all States. This is not new spending, Mr. President. We are here today and tomorrow addressing spending, but I want to make it very clear, this funding comes from gasoline taxes and other user fees the motoring public—that is when you drive up in your automobile or your truck or other vehicle to that particular gas pump, you pay that Federal gas tax. It goes into this Highway Trust Fund, and that public pays into the fund. It is really their dollars that we are redirecting back to the States such that their Governors and their appropriate highway officials in the State can designate how best to spend those funds on their behalf.

Again, it is funding their citizens have provided for the direct purpose of maintaining a first-rate transportation system. That is my first point, Mr. President.

Throughout this, we preserve the integrity of the Highway Trust Fund. It was a decision in this Chamber relating to the authority of Governors to use part of those funds for the purpose of the Amtrak system. It was the decision of the conference, over which I was privileged to chair, that we would reject that provision, again preserving the integrity of these funds to be used just for the highways, bridges and associated needs connected with road transportation.

Mr. President, I want to commend, again, all who participated in this legislation and proceed now to state that this is a report which is a bipartisan effort on behalf, again, of the minority and majority and also within the administration. There was very valuable participation by Secretary Peña and the Administrator and Deputy Administrator of the Federal Highway Administration.

Rodney Slater, the Administrator, came to my office on many occasions

and, indeed, on other occasions, I had to call him late into the night, but he was always there quickly to respond, together with a very well-qualified professional staff, to deal with the many technical issues involved.

I also acknowledge that my working partner in the conference was Congressman SHUSTER, the chairman of the House committee. He has a wealth of knowledge with respect to these issues and, as I said, neither of us blinked. We worked together constructively, recognizing that there were differences between the two Chambers, but in the end, I think we reconciled those differences in a manner that is in the best interest of our Nation's transportation system.

I certainly join Senator CHAFEE in acknowledging that I was disappointed, as was he, with reference to the will of the Senate and the will of the majority, likewise, in the House to take certain measures relating to highway safety and transfer them from Federal decisionmaking authority down to the Governors and the various highway transportation authorities in the States.

I only urge them to look upon the safety considerations very carefully, and particularly those considerations as relate to senior citizens. Senior citizens are finding it increasingly difficult to cope with these modern highways and high speeds, and the differential between car speed and truck speed which occur in some instances.

I hope, and I must say I pray, that the Governors will be ever so careful as they address this new authority as it relates to their several States.

Mr. President, this legislation will move America's transportation system into the next century. It will ensure our competitiveness in a global marketplace by providing for the efficient movement of goods and people.

I want to take a moment to talk about the history of highway legislation in our United States. I found it of great interest, as I went back and read, frankly, the biographies and other writings relating to General Eisenhower.

This bill today is really a reaffirmation of his vision and his early work. It goes way back to 1919, in the aftermath of World War I. Eisenhower did not get to France. It was a matter of great personal disappointment to him. But his then Chief of Staff of the U.S. Army was "Blackjack" Pershing, the general that led the AEF in France in World War I. Pershing, having been elevated to the top job in the U.S. Army, began immediately to look into the future, and he recognized that America, at some point in time, might have to move swiftly military equipment from the east coast to the west coast, or indeed in reverse direction. So he called on a young lieutenant colonel by the name of Eisenhower and said, "Take a convoy of this military equipment," heavy equipment, the very equipment that was used in France, the equipment

that the people in our country had not seen, other than through just pictures, "and move it from the east coast to the west coast."

Eisenhower embarked on this mission, and he wrote about it extensively—about the difficulty of maneuvering through certain areas and the limitation of certain bridges. The trip took over 60 days to transit this equipment, and often, on some days, he only managed 5 miles per day.

That left in Eisenhower's mind an indelible need for America, some day, to modernize its road system.

The next chapter occurred when he was Commander in Chief of Allied Forces in Europe. When he, after D-day, first arrived on the European Continent to direct, hands on, his forces, he was amazed, as he would study the maps late into the night, about the rapid movements of the Third Reich forces to reposition themselves to confront the Allied Forces, utilizing the Audubon system which had been laid down over a period of many years by the Third Reich. I think at that point in time he said we must move America forward. Of course, as we all know, that came about when he ascended to the Presidency.

At that time, he started the National Highway System—55,000 miles. This bill now adds to that original system, which, in large measure, is completed in the bill. The new highway system was designated by the several Governors and the highway boards to make up this modern system we are fortunate to have in our country today. It is perhaps the best to be found anywhere in the world. This system map, which this legislation is approving today, consists of 160,000 miles. States, with the approval of the Secretary of Transportation, have authority to modify these routes, reposing in the Governors and the States the authority to modify these routes for additional miles, as provided in the ISTEA legislation of 1991—without further congressional approval, Mr. President. In other words, we have taken Congress out of some of the traditional roles that we have held onto in past years and given it to the Governors and the States, to give flexibility.

This total mileage of 160,600 miles consists of 44,000 miles of the interstate system, 5,000 miles of high-priority corridors, 15,000 miles of noninterstate strategic highway network routes, and 1,900 miles of strategic highway network connectors.

The remaining 91,000 miles were identified by our States and the Federal Highway Administration. The product of a 2-year dialog between the Federal Highway Administration and the Governors resulted in this map.

The National Highway System ensures a Federal commitment to a limited network of America's most heavily traveled roads. Although representing only 4 percent of the Nation's total highway miles, these roads carry 40

percent of all highway travel and 75 percent of all commercial travel.

One of the most compelling reasons for this map and the NHS is the link it will provide for our rural communities. Listen carefully, Mr. President. I am fascinated with this statement: Ninety percent of all households in America will now be located within 5 miles of an NHS road system.

Mr. President, this conference report is the product of compromise on many issues. "Compromise" is not a word that is in great favor these days on Capitol Hill, but it certainly was utilized in bringing together this conference report. I am proud of the modest achievement that I had in participating. I am pleased that both sides wanted this legislation to reduce regulatory burdens on our State transportation partners. This conference report repeals the requirement to use crumb rubber in asphalt, to convert transportation signs to metric measurements, and to implement management systems. Again, this is a transfer of power from the Federal Government to the State governments.

In responding to the need to increase State flexibility in using these transportation funds, the conference report did, among other things, the following:

It allows States to use NHS funds on intermodal connectors.

It establishes a pilot program for State infrastructure banks.

It adopts all of the Senate provisions on innovative financing to attract private resources to transportation projects.

It addresses the budget shortfall resulting from section 1003 of ISTEA. States can spend unobligated balances as a means of offsetting reductions that will occur from this provision.

The conference report does not provide any funding for new demonstration projects.

I would like to digress a moment on that, Mr. President.

One of the distinguished Members of this body came to me, in a very polite way, and was quite critical. He felt we had put a lot of pork in this bill. I would like to state my view of what this bill has and has not. First, when I initiated the hearings on the Senate side, I took a stance that we would, in the Senate, try to resist pork and any new projects. This is in contrast to the 1994 House-passed NHS bill—last year's bill. That bill was stopped by the Senate. But in that bill, the House had 283 new demonstration projects. I think that was the reason that bill never saw signature from the President. And then, in 1991, ISTEA, that bill provided \$6.2 billion in contract authority for 539 projects. I repeat, 539 projects, Mr. President.

That highway trust fund money is distributed to those projects before States receive transportation funds, based on the formula calculation. ISTEA also provided for \$8.9 billion in general fund authorization for 41 projects. This is not funded from the Highway Trust Fund.

Now, Mr. President, we changed that. We did quite a different thing in this bill.

Mr. President, I repeat, the conference report does not provide any new funding for demonstration projects. We did accept the House provisions that redefine some previously authorized projects to permit States to use existing funds for revised priorities.

For example, Mr. President, in ISTEA, I will hold this chart up. I will not burden the RECORD with it. But this is how, in a very complicated formula, we allocated all of those funds in ISTEA. But a State got an allocation, and the conference felt that since a State had gotten it under ISTEA and had made a number of plans for expenditure of those funds, we should allow them the flexibility—each State—to retain those funds, which can no longer be applied to a specific project in that State, but could be transferred to another project, clearly identified with their highway system. I think that is a proper flexibility given to the Governors. But, again, there is no new money in this bill.

On the matter of outdoor advertising on State-designated scenic byways, the House provision was significantly modified. It was my view that it was appropriate for the conference to simply codify the current policies and procedures now being implemented and through the intervening years since ISTEA, through today, by the Federal Highway Administration. Since ISTEA, in 1991, States have been permitted to designate noncontiguous scenic byways.

Those segments of a scenic byway that are not designated must be based on a State's criteria. The effect of this provision will be that States are allowed discretion in segmenting these routes, but the Federal Government's authority to protect truly scenic byways is preserved.

I think I can characterize that as follows: This was a highly contentious issue between the House and the Senate. I respect the views of those on both sides.

That issue, in my judgment, most properly should be addressed next year in 1996 when the Congress again exercises oversight and indeed perhaps other authority with respect to ISTEA. That is the time to readdress the issue of the billboards.

Therefore, my challenge was to draw a provision in this bill which left the compass, so to speak, at point zero. It does not move one degree toward more billboards or one degree toward less billboards. It leaves both sides in status quo, preserving the right for both sides in the context of hearings on ISTEA in 1996 to bring forth the witnesses and state their case for or against a change in the current billboard policy as it relates to the scenic highways.

I think that was fairness. I regard it as a major achievement by the Senate conferees.

The conference report also reflects the will of both bodies on the speed limit issue. While the Senate maintained the Federal speed limit on commercial vehicles, this conference report fully repeals the national maximum speed limit law. States now have the choice and the responsibility to set a speed limit that responds to their specific highway conditions.

This is an area in which I personally disagreed, but again it was the will of both Chambers and therefore it was not, in a technical sense, a conferenceable item.

I remain concerned, personally, speaking for myself, deeply concerned about changing the 55-miles-per-hour speed limit and strongly urge our States to recognize the 20 years of safety benefits that we have received from a responsible speed limit. I want to thank a number of outside organizations that intervened on this issue. I join in expressing my disappointment that we were not able to continue in certain areas Federal supervision over the safety measures as it relates to speed, helmets, safety belts, and other issues.

I am pleased to report that a provision is included requiring States to enact a zero alcohol tolerance level for persons under the age of 21 driving a motor vehicle. Mr. President, that has not received much attention as of yet. I urge Senators to look at that provision. Day after day there are news reports of young persons involved in tragic, senseless traffic fatalities caused by alcohol and speed. Lowering the blood alcohol content for driving-while-intoxicated offenses is a small but a constructive step we must take.

Mr. President, the goal of the NHS is to leave a legacy for the next generation. That legacy is an intermodal transportation system, a system that is not fragmented into separate parts, but rather one that works in sync to serve the many diverse interests of Americans.

I yield the floor.

Mr. WARNER. This matter is under a time limitation. The chairman has returned to the floor. There is a Member seeking recognition.

Parliamentary inquiry; how much time remains under the chairman of the committee?

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

Mr. BAUCUS. Mr. President, I yield 5 minutes of our time to the Senator from Washington.

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

Mr. GORTON. Mr. President, while I believe this bill to be extraordinarily progressive from the point of view of engineering and the designation of highways and the degree of flexibility allowed the States in construction projects, I nevertheless am constrained to vote against the bill by reason of a number of its other provisions.

First, again, while the Senator from Virginia particularly is to be congratulated on at least severely limiting the damage to billboard control contained in the bill, it is ironic that while there is a provision in this bill to grant States greater flexibility to get out from under billboard controls, nothing is done in this bill to allow States to enforce their own laws with respect to billboard controls if they wish to do it in a different way than present Federal law requires.

Mr. President, a great deal has been said about the delegation of responsibility to the States, but the bill denies States the right to use their trust funds to support Amtrak, to support rail transportation as an alternative if they wish to do so.

Neither of these provisions, however, Mr. President, would be sufficient to vote against the bill, but the safety provisions are. The collection of provisions relating to safety in this bill are simply going to kill hundreds or thousands of Americans over the next few years. The combination of the removal of any Federal control whatever over speed limits, the removal of any Federal requirement with respect to motorcyclists' helmets, the easing of restrictions on certain trucks, in combination, Mr. President, are going to make our highways less safe to drive on. It is just as simple as that.

The 55-mile-per-hour speed limit is, of course, an anachronism. It is not abided by 80 or 90 percent of the drivers on our highways and not enforced by State patrols, but that does not mean that some control over speeds on highways which are interstate or Federal in nature are not appropriate. Far too many States will set either no speed limits at all or speed limits that are far too high.

The society is going to end up paying an increased set of health care costs as a result of the absence of motorcycle helmets. We may also lose people and lose time as a result of some of the truck safety provisions in this bill.

In short, Mr. President, more people will be killed, more people will be injured, health care costs will be greater, all in the guise of delegating responsibilities to the States where in certain other areas, appropriate delegation has not taken place.

I regret this. I believe the Senate conferees did a wonderful job, the best job they possibly could have under the circumstances, but overall this is an unsafe bill.

Mr. CHAFEE. Mr. President, I ask unanimous consent for 4 minutes.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Rhode Island.

Mr. CHAFEE. I ask the distinguished Senator from Washington—first, I concur in everything he said about the speed limit. As he remembers, I fought to preserve those speed limits on the floor here. There were overwhelming votes against this, as the Senator recalls—I think something like 66-32. We got nowhere.

I would just like to, if I might, ascertain from the Senator what he was saying about weakening billboard controls. I did not quite understand that.

Mr. GORTON. The billboard provisions are relatively minor, but for some reason or other caused a great deal of discussion on this floor a little earlier with appropriate congratulations to the Senator from Virginia for at least subverting some of the House provisions which really would have gutted the billboard control.

I simply wish to point out that while most of that damage was contained, if, in fact, it is appropriate to delegate responsibilities to the States as in some minor way this does, why was not the proposition to delegate to the States the right to set billboard controls without having to pay for that billboard controls approach? It seems to me we have a very selective view in this Congress of what powers ought to be delegated to States.

I heard, I believe, the Senator from Virginia say he hopes the subject will be taken up next year. I must say I fear they will take it up next year and we will have further weakening rather than any strengthening of those rules.

Mr. CHAFEE. Mr. President, I say to the distinguished Senator from Washington that he is right, there is a selectivity about flexibility in the States, and the Senator wisely pointed that out. Flexibility is wanted as far as speed limits and helmets go and all that, but when it comes to flexibility and spending funds for Amtrak, State funds, that flexibility cannot be granted. But those are what we run into, even though we had, on Amtrak, a very favorable vote here on the Senate floor.

But on the billboard matter, I would like to stress that the billboard section solely dealt with scenic byways, not the overall billboard control. And, second, we feel confident, and we spent a lot of time on this—I personally spent more time on this part than anything else in the conference—we feel that we have not given away anything in connection with the billboard control and that what we have codified is the exact practice that the highway administration is currently following.

So I think we came out well on the thing, particularly in the final line in the conference report which I read earlier, which stated that "The Secretary of Transportation has the authority to prevent actions that evade Federal requirements."

So I am satisfied with how we came out.

Mr. GORTON. I thank the Senator from Rhode Island for his explanation, and I wish him good luck.

Mr. CHAFEE. I thank my colleague. The PRESIDING OFFICER. The Senator from Montana continues to control the time.

Mr. WARNER. Mr. President, I understand that the time on this side of the aisle, so to speak, even though the distinguished ranking Member and I are both proponents of the bill, has ex-

pired. I ask unanimous consent 15 minutes could be added to the time allocated to the Senator from Virginia.

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

Mr. WARNER. Mr. President, I say to my good friend from Washington, I voted vigorously against the raising of the speed limit. But I bring to my colleague's attention, the Senate voted 65 to 35. That is nearly two-thirds of the Senate. Therefore, there was really no issue before the conferees that we could go back and readdress such a powerful vote. The vote in the House was basically just as strong.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAIG). Who yields time?

Mr. LAUTENBERG addressed the Chair.

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

Mr. LAUTENBERG. Mr. President, I ask, what is the situation with respect to time? I believe I have an hour available.

The PRESIDING OFFICER. The Senator is correct, he has 1 hour.

Mr. LAUTENBERG. What is the time constraint or the structure right now?

The PRESIDING OFFICER. There is 14 minutes and 33 seconds left with the majority and 14 minutes and 29 seconds left with the Senator from Montana.

The Senator from Ohio has 15 minutes.

Mr. LAUTENBERG. Could the Chair tell me whether the Senator from Delaware, Senator BIDEN, is scheduled for some time?

Mr. WARNER. He was to have time.

Mr. BAUCUS. It is in the order.

The PRESIDING OFFICER. The Senator from Delaware has 30 minutes, if he chooses to make a motion to recommit.

Mr. LAUTENBERG. Mr. President, I find myself in a kind of awkward position, because I really believe we ought to make the investment in highways that is called for in this bill. I will talk in some detail about that. But I have some very serious concerns about the abandonment of safety in the interests of getting from here to there.

That is what I see happening with this bill. It is kind of a "safety be damned, go ahead with the Toronados," and whatever the names of the other vehicles are. So, therefore, Mr. President, I rise in opposition to the conference report on the National Highway System bill.

As one of the Senate's primary advocates for infrastructure investment, I strongly support passage of legislation to designate the National Highway System. In fact, I was an original cosponsor of legislation in both the 103d and 104th Congresses to accomplish this. This \$6.5 billion for the fiscal 1996 year that this conference report authorizes, is sorely needed. If we need any proof of that, just consider these few grim facts.

Almost one-fourth of our highways are in poor or mediocre condition.

This, in our wealthy, great country, America. One-fourth of our highways are in poor or mediocre condition, while another 36 percent are rated only fair. That is a total of 61 percent between the two that are fair or poor. One in five of the Nation's bridges is structurally deficient, meaning that weight restrictions have been set to limit truck traffic. On urban interstate highways, the percentage of peak-hour travel approaching gridlock conditions increased from 55 percent in 1983 to 70 percent in 1991. The cost to the economy for that is \$39 billion.

Experts indicate that an additional investment of \$32 billion is needed to bring our highway and bridge infrastructure up to standard. Failure to make these investments increases costs in both the short and the long term. For example, failure to invest \$1 today in needed highway resurfacing can mean up to \$4 in highway reconstruction costs 2 years hence.

The ability of our country to sustain higher productivity is the key to economic growth and a higher standard of living. Higher productivity is in part a function of public and private investment. That is not just my view. Over 400 of our Nation's leading economists have urged Government to increase public investment.

These economists have urged us to remember that public investment in our people and in our infrastructure is essential to future economic growth, and clearly the National Highway System is a critical element of our public infrastructure. It is essential that we maintain that investment and increase our commitment in this area.

Unfortunately, as much as I support the provisions in this legislation that would designate the NHS, I feel compelled to vote against this conference report. I do so for one simple reason, and that is that this bill undermines public safety.

The bill will cost thousands of people their lives. It will mean that thousands of others will suffer serious injuries. It will mean that countless citizens will lose loved family members, be they their wife, mother, husband, father, son, daughter, brother, or sister—someone close, where the pain is extensive.

There is no question that this bill will, unfortunately, end some lives and ruin others. I do not want the blood and the pain of these innocent Americans on our hands.

I am concerned about what I see as a sense of complacency about highway safety in this Congress. It is disturbing. Maybe it is understandable. Maybe we have lost a sense of urgency about safety because we have made really good progress in the past. For 20 years, the motor vehicle death rate decreased steadily from a high in 1972 of 56,000 to 41,000 in 1992, a significant decline in that 20-year period. It is roughly 16,000 persons. That happened while the population of vehicles grew by 50 million. So we have done a good job.

Unfortunately, according to a recent report by the National Safety Council,

the 20-year trend of improvements has now been reversed. In 1993, traffic deaths rose to 42,200, and we learned that 43,000 died on our highways in 1994. This translates into a 5-percent increase over a mere 2-year period.

Where is the increase in deaths occurring?

A recently released DOT study showed that during fiscal year 1993, the latest year of the study, fatalities on roads posted at 55 miles an hour fell while fatalities on roads posted at 65 miles per hour rose. The study substantiates what we learned in 1974; that is, that speed kills. If we set reasonable speed limits, we will save lives.

Mr. President, I heard one of our colleagues before say that nobody is obeying—or few are obeying—the speed limit laws. I do not quite know what that means in terms of this debate. Does it mean that people do not obey the law at 55, assuming, of course, that therefore enforcement is weak, and they therefore will obey the law at 75 miles an hour?

That is a little hard to understand. I believe that if they go 65 when it is 55, they will go 85 when it is 75, thereby increasing the risk to life and limb. That is why I am so concerned about the provisions in this conference report that would eliminate entirely all Federal speed limits.

Mr. President, whether it is one of my children or one of the children of others in this Chamber, if you live in New Jersey and your kids or your grandchild is in a car traveling in Montana or Colorado, or what have you, I would like to know that family member of mine and of others here and of people across this country are protected to the fullest extent possible. That is why, when we say let the States decide when there is Federal money being put into these systems, that I think the Federal Government has an obligation. We are responsible for the lives and well-being of our citizens.

One-third of all traffic accidents are caused by excessive speed. So common sense tells us that increased speed will lead to more fatalities. But, Mr. President, the magnitude of this increase is greater than many realize.

According to the National Highway Traffic Safety Administration—known as NHTSA—total repeal of Federal speed limit requirements will lead to the deaths of an estimated 6,400 Americans each year. That is 6,400 more each year. Think about that for a second: 6,400 Americans will die each year because of the provisions in this bill that lift the Federal speed limits. These Americans will have typically family members left behind. It could be small children without a parent, or wives or husbands left to live their lives alone.

Mr. President, those 6,400 Americans do not even include the thousands of others who will suffer disabling injuries in highway accidents. It does not include the people who will never again be able to walk or who will never again be able to work.

Then, beyond these human costs, there are the financial costs. Lifting Federal speed limit restrictions will cost taxpayers over \$19 billion annually in lost productivity, taxes, and increased health care costs. This loss is on top of the \$24 billion that we already lose as a result of motor vehicle accidents caused by excessive speed.

To give you an idea about what that \$19 billion in additional costs would mean for some States, consider this. For taxpayers in California, the additional cost would be \$2 billion. For taxpayers in Texas, the cost would be \$1.7 billion. These are additional costs as a result of the additional deaths and injuries that will occur.

Mr. President, the same arguments about safety apply to the helmet provisions in this bill. More than 80 percent of all motorcycle crashes result in injury or death to the motorcyclists. Head injury is the leading cause of death in motorcycle crashes. Compared to a helmeted rider, an unhelmeted rider is 40 percent more likely to incur a fatal head injury. That is enormous difference—40 percent. That is one reason why NHTSA estimates that the use of helmets saved \$5.9 billion between 1984 and 1992.

Mr. President, repeal of mandatory helmet requirements is projected to lead to an additional 390 deaths every year, and it will also increase the annual cost to society by about \$390 million.

So, Mr. President, when you combine the effects of the speed limit removal and the motorcycle helmet provisions in this conference report, the legislation is likely to cause 6,800 deaths every year. That will mean more than 50,000 innocent people, men, women and children will lose their lives in traffic accidents in 1996.

Mr. President, 50,000 deaths are simply unacceptable. The Nation was in mourning for many years after the close of the Vietnam war when we lost over 50,000 of our young, brave soldiers. Many of these deaths would have been preventable.

Mr. President, I know that many of my colleagues believe strongly in the principle of States rights, and I respect their commitment to that view. But surely all of us believe in protecting innocent lives wherever possible. Who among us would intentionally withhold a cure for a young person dying of cancer, or AIDS, or some other terminal illness? Who could stand by a bedside and say, "No, we can cure your condition, but we are not going to be able to give it to you. We are going to let you die." It would be unthinkable. Yet, in effect, Mr. President, that is exactly what we would be doing to thousands of Americans if we insist on weakening our highway safety laws.

We will not know the faces of the innocent people who will die because of this conference report. But we know that there will be thousands and thousands of them. And I would suggest to

my colleagues to look around at your constituents, at the people you know. Many of these, maybe some of these nameless and faceless casualties are even near us today. But we will not know it until it is too late.

The vote that you cast in favor of increasing speed can cause excruciating pain and grief for families and friends that come from one's hometown or one's State.

Mr. President, next time my colleagues are back home I encourage them to visit a trauma hospital. I have done it. It is an unfortunate, memorable experience. It is a terrible sight. The result of a serious accident often leaves a person in the condition that perhaps death might be a better outcome. Many cannot be recognized, or recognize their visitors.

About a year ago, Mr. President, three young men in the State of New Jersey, ages 15 to 17, were waiting to make a turn off a road. The car they were driving was struck by a car from the rear. The force of the accident pushed this car into the oncoming traffic, where it was struck by a vehicle going in the other direction. Two of these young men died at the scene, and the third was rushed to the hospital in critical condition.

That weekend I went to the hospital to visit the boy and his family, who are people I know. It was a terrible experience. This young man—his name was Kenneth Agler—was in bed in a coma. His family did not know whether he would ever wake up again and, if he did, doctors were not sure what permanent damage he might have sustained. I held his hand, and I looked in his eyes, and he stared right through me. His body was there but his soul, his mind, his vitality were absent.

Kenneth did eventually come out of his coma, but he has many years of tough, painful, and expensive physical therapy ahead of him. At the time of the accident Ken and his friends were obeying the law. They were doing everything they were supposed to in that situation. However, they were in what could be called the right place at the wrong time, and it was the car that came upon them moving at a high rate of speed that did the damage.

Mr. President, we have a cure for this pain. The question is, do we have the will to use it? And we will not have if we refuse to set reasonable speed limit laws, and we will not if we refuse to encourage States to enact motorcycle helmet laws.

We have had votes in this body on both of these issues, and in both cases, unfortunately, we lost. The vote on speed limits was 36 for maintaining them, 64 against. That was, I believe, a regrettable outcome. I fought hard to get the legislation passed.

The debate for helmets was similarly decided. I do not know what the exact vote count was there, but the majority prevailed and helmets were no longer required.

I will say, Mr. President, at this point that this conference report does

have a prosafety provision which I support, and that provision establishes a zero tolerance policy for young people who drive after drinking under the age of 21 particularly. This provision is a positive step, and I commend our distinguished colleague, Senator BYRD, and the managers of the bill for including it.

I authored the bill that set the drinking age at 21 across this country back in 1984, and it is believed that we have saved over 10,000 young people from dying on the highways—10,000 families that did not have to mourn, 10,000 families that were exempted from the grief of losing a young family member. So this is a positive thing.

Unfortunately, the benefits of this provision are far outweighed by other provisions that undermine highway safety. As a matter of fact, in this bill, we exempted a particular truck, a single-unit truck that weighs between 10,000 and 26,000 pounds gross weight, from routine inspections that are now required.

That is terrible news. There are about 3.25 million of these vehicles. There are some horrible "factoids" that accompany this exemption. Single-unit truck crash fatalities have risen nearly 50 percent in 4 years. Nearly 40 percent of all truck crashes involve single-unit trucks which fall within the class of vehicle eligible for the exemption program. In 1994, single-unit trucks were responsible for nearly 1,400 deaths. Ninety percent of these deaths were to the occupants of small passenger vehicles and nearly half of these deaths involved trucks that fit in this weight category.

So we see another example of the abandonment of sensible safety rules included in this bill.

I ask unanimous consent that a Washington Post editorial dated October 12, 1995 be printed in the RECORD. It is entitled "Trucks Amok," and it talks about the risk that is posed by the exemption of these trucks from routine safety inspection.

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

TRUCKS AMOK

Congress is doing a bang-up job of making this country's highways more lethal than ever. It's all done in the name of states' rights—on the grounds that 51 different sets of laws, complete with higher speed limits and fewer incentives for motorcycle helmet requirements—are the way to go. But before the law-looseners send their big bill rolling down the fast lane from Capitol Hill, there's one singularly terrifying proposal that House and Senate conferees should reject outright. It's a real killer, approved by the House without a split-second of public debate or even a day of public hearing: It could exempt a whole category of trucks—about 4.75 million of them—from all federal motor carrier safety regulations of drivers, vehicles and equipment.

This reckless provision is brought to you by your friendly neighborhood fleets from Frito-Lay, U-Haul, FedEx, Pepsi-Cola, Kraft Foods, Eagle Snacks and other groups with single-unit trucks under 26,000 pounds. It

just so happens that this category of trucks is already exempted from requirements for federal commercial drivers' licenses as well as from drug and alcohol testing. The newest proposal makes it pretty simple: This category of trucks would not be covered by federal safety regulations of any kind.

Why worry? Just don't think about the facts—that from 1991 to 1994, deaths involving single-unit trucks rose nearly 50 percent; or that their involvement in fatal crashes last year resulted in 1,400 deaths, only 164 of them occupants of the trucks. After all, new regulations can always be added if found to be necessary for public safety. Or the states can worry about it and set different standards for the same truck—and different odds on your chances of living when you're with them on the roads.

Federal one-size-fits-all regulations may not make sense in certain fields, but highways are killing fields as it is. Conferees with consciences should see to it that the truck exemption is rejected.

Mr. LAUTENBERG. Mr. President, this conference report authorizes \$6.5 billion in infrastructure investments which we need, but while it gives on the one hand, it takes with the other. The antisafety provisions of this legislation will add almost \$20 billion in additional costs on our society, so it is \$6.5 billion in infrastructure investment more than offset in fact by three times with the extra \$20 billion in additional costs on our society.

The difference is that one is perceptible, can be seen, \$6.5 billion in grant money from the Federal Government, as contrasted to people contributing in all areas of life, whether it is business or families or emergency medical and health care services—\$6.5 billion in and \$20 billion out and with that 6,800 lives annually. So if one judges only from a financial perspective, this legislation is clearly counterproductive. But more important than the money, I repeat, will be the lives lost and the lives ruined as a result of the drawing of this legislation—6,800 lives annually at stake, tens of thousands more injuries, \$20 billion in lost productivity, increased health care, and other economic problems.

Opponents of the speed limit and motorcycle helmet laws argued that decisions in these areas should be the responsibility of the States, and while I am not against giving States more flexibility in using their Federal transportation dollars, I do not, frankly, understand how this decision is abandoned by the Federal Government.

We made that decision here again. So I support the concept of more flexibility in ISTEA, again, in the debate over allowing States to use their highway funding to support inner-city rail service. Unfortunately, I understand that that provision was taken out in conference as it applies to Amtrak, which I believe is a serious error as well.

Simply put, Mr. President, saving human lives ought to be our top priority. And while I support the provisions in the bill that would facilitate investment in our highway system on the zero tolerance provision, overall I see the bill as a major step backward, and I cannot support it.

I would like for a moment, Mr. President, to talk about what we show here on this chart about what higher speed limits mean. It shows 6,400 deaths here, plus those that result from removing the helmet requirements, amount to 6,800 deaths a year, \$20 billion roughly in higher costs. And it shows the distribution of costs as it occurs through the country.

In a State like California, almost \$2 billion; a State like Texas, \$1.7 billion; in the State of Virginia, \$480 million. That is all lost as a result of the increases in speed limits. That is not a very positive decision, certainly not from the standpoint of the lives lost and the extra dollars involved. That is just one example.

Mr. President, the best demonstration of what happened with our change in speed limits goes back some years—1974, to be precise, 20 years ago. These were the State speed limits that existed prior to 1974, and they scattered around the country. Montana had no speed limit at all; many were 70 miles an hour or over.

From what we hear on the floor, what we hear constantly is that people do not obey these laws anyway, and you can add 10 miles an hour to that or 15 miles an hour to that. So if there is a 75-mile-an-hour speed limit, woe be to that person driving on that highway at 55 miles an hour, because they are concerned about their safety to handle a vehicle when someone comes behind them going 85 miles an hour. One does not have to be a physicist to know of the result of the contact between those vehicles.

So we are kind of abandoning ship at this point without the traditional lifeboats available, and saying, "Go, go as fast as you want." The automobile companies are—you see it subtly advertised: "more power," "get from there to here in 30 seconds," "you can get there faster if you buy brand X or brand Y," "for 60 seconds maybe you are better off with brand A or brand B or C." So there is an effort to go faster to get someplace, and maybe pay for that luxury with one's life or the life of one's loved one.

So that is the situation, Mr. President. I think that I am probably a lonely minority on this matter. I just cannot, in good conscience, vote for legislation that will cause the kind of injury and pain that this bill will cause. I am going to vote no and strongly encourage my colleagues to do the same. And, Mr. President, I repeat once more, that I am for the investments in our infrastructure.

I do not think that there have been stronger advocates than this Senator from New Jersey. I was chairman of the Transportation Subcommittee in Appropriations for some years and was always looking for ways to increase investment in infrastructure, get rid of the congestion on our highways, help clean the air that we breathe, invest in all types of transportation systems, rail and aviation and highways, to try

and help our country be more efficient, improve the productivity in this very competitive world in which we live. But I could never, never participate in decisions that say, "OK, perhaps we'll get there faster, perhaps we'll be able to move our missions from one city to another in a little more rapid fashion. There may be some life and limb lost along the way, but we'll get there faster." That is not, in my view, the way to make progress.

I yield the floor, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to say to our distinguished colleague that I am very sympathetic to many of the points he expressed here today. As I said earlier on the floor, I was not in favor of the speed limit provision. Indeed, at each juncture I feel that I cast my vote on the side of safety. But, of course, as the manager of the conference I feel the bill has many vital provisions for the United States transportation system. I must go forward as vigorously as I can and support it. And I am sure my colleague understands that.

But, Mr. President, I thank the distinguished Senator from New Jersey for taking his time here to come over and really address these issues very carefully, very thoroughly.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to say to my friend and colleague from Virginia, few have the respect that he engenders in this body because he is very serious about the things that he does. I really enjoy working with him on so many issues. Here we simply have a kind of a divergence, if I might use the expression, of the road because, while I agree it is a good bill, it has many, many advantages to it in terms of the size of investment in our infrastructure, in terms of making certain that there are conditions met in the engineering and the construction of these roads that help achieve some measure of safety, of improving our bridges and the infrastructure of our vehicle transportation system—and I know very well that the Senator from Virginia has no less a concern about life and safety than do I. It is perhaps a change in perspective.

I remember so vividly that horrible accident that took place with an intoxicated driver, a little girl and her mother waiting for a school bus not too long ago in Virginia. I know we have had his cooperation on all measures related to driving while intoxicated, getting rid of the drunk driver, getting them off the road. So we differ here, but we differ with respect to an evaluation that each of us has to make. And I thank the Senator for his ever-abiding cooperation on matters that we work on together, serving on the same committee.

Mr. WARNER. I thank the distinguished Senator from New Jersey. Indeed, it is a matter of grave concern to this Senator as well as others. The simple fact of the matter is, 65 Members of the U.S. Senate voted to make a decision as to the 55-mile speed limit. Many of them—for example, the Presiding Officer comes from a State which has vast, vast distances with a very low habitation rate on those routes, very low traffic. Indeed, I think his State is one that can fairly argue in favor of some flexibility for Governors as it relates to speed limits.

I hope the Senator from New Jersey would join me in making an appeal to the Governors to take into consideration all aspects very seriously as they begin to make the adjustments in the several States.

Mr. LAUTENBERG. I say to my friend from Virginia, who knows this country so very well, I know he has traveled through and to New Jersey on occasion, the most densely populated State in the country, my precious home, and also has a major north-south highway called the New Jersey Turnpike.

I am pleased to note that our Governor has made a statement that she intends to continue having the speed limits generally in the area that they are, given the need to make a choice. But anyone on that highway who sees these giant trucks bearing down on them, I do not care how steady one's nerves are, the fact of the matter is that it is not pleasant to be caught in the wind tunnel that these trucks make sometimes as they pass at 75, 80 miles an hour.

So, whether it is in Wyoming with its beautiful mountains and spaciousness, or the State of New Jersey, the fact is that speed is something that concerns us all, whether it is marginally higher in the State of Wyoming—I note here it has a higher level of speed on its highways—the fact of the matter is, whether it is a far western sparsely populated State, they treasure lives just as much as any of us in the more crowded, densest parts of our country.

But we are in a situation now where we are making a decision about a bill. I am not unrealistic when I look at the vote count that took place and saw that we lost the vote on this by 64 to 36. You might call me a sore loser in this case, but I believe in the fight that I took up and I hope we can do something about it. This is, after all, a conference bill. This was a meeting of the House and Senate conferees and they agreed to the policy that exists in the bill.

Perhaps the Senator from Virginia offers a point of some salvation here in that he urges Governors to be as mindful of safety as they can be as they review their speed limits on their roads.

Mr. WARNER. Mr. President, I thank our distinguished colleague and member of the Environment Committee,

and I take note he is the ranking member on the Transportation Subcommittee of Appropriations. As such, he has invested a great deal of his Senate career in the area of transportation and can speak with considerable authority on this matter.

We do, indeed, urge Governors, and I repeat again and again, the need for senior citizens' concerns to be taken into consideration when these highway issues are decided by the several Governors.

I would like to turn to another matter now. Yesterday's Washington Post carried a report about this bill, and in the last paragraph, there was reference to the Woodrow Wilson Bridge.

Mr. President, I wish to provide a clarification, which I think is needed for that report yesterday. And that is this conference report response to the urgent Federal—may I underline Federal—need to move forward on a replacement facility for the Woodrow Wilson Memorial Bridge.

That bridge links Virginia and Maryland. It is the only bridge—and I repeat, only bridge—in the United States of America, so far as I know, absent a military facility or other Federal property, owned by the Federal Government. It is an absolute essential connector between the two States, and particularly as it relates to that connector facilitating commercial traffic. An enormous number of trucks pass over that bridge every day.

I cannot emphasize too strongly the importance to this entire region to have that bridge in first-class operating condition and safety otherwise, because if for any reason that bridge became unusable prior to its projected lifespan—and I will address that momentarily—it would cause gridlock, traffic jams in the Washington metropolitan area unlike anything we have ever seen before.

So that is why this Senator took it upon himself to work towards laying a foundation to solve the problems associated with that bridge. It certainly should not be put in any category of pork. As a matter of fact, I carefully put it in the bill so that what funds would be available come from another source rather than any specific earmarking of funds in this bill.

The proposal that I drafted and placed in the conference report puts forward and accomplishes three major objectives. First, it offers an opportunity for the Federal Government to transfer ownership of the bridge to a regional authority established by Virginia, Maryland, and the District of Columbia, thereby relieving the Federal Government of sole responsibility for this facility in future years.

Second, it provides a framework that will stimulate additional financing to facilitate the construction of the alternative identified in an environmental impact statement which is still in the process of being worked on.

Third, with less than 10 years of useful life remaining on the existing

bridge, this approach addresses the need to provide for the safety of the traveling public and for the efficient flow of commercial traffic.

Now, I said 10 years. I have knowledge of an engineering report that is now being reviewed in the Department of Transportation, and that engineering report may, once it passes its final review and made public, it may have an impact to reduce those 10 years. That is of grave concern.

Further, this conference gives authority to the Federal highways to use existing administrative funds to continue rehabilitation of the existing bridge. That was absolutely essential, Mr. President, for parts of the bridge which from time to time become unworkable, and to complete the environmental work preparing for decisions which will eventually result in a new bridge or a tunnel or whatever the experts come up with.

As I said, recent safety inspections reveal conditions of the bridge are much more severe than the earlier reports. We will await the public disclosure of that engineering study and safety study which is working its way through the Department of Transportation at this time.

Mr. President, I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I ask that such time as the distinguished Senator may require—I see 5 minutes—be drawn equally from that time under the control of the distinguished Senator from Montana and the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair, and I particularly thank my good friend and colleague from Virginia. On February 16 of this year, I joined with Senator WARNER, my distinguished colleague, with Senator BAUCUS, Senator CHAFEE, and others in introducing S. 440, the National Highway System Designation Act of 1995.

From my standpoint, the NHS is a key component of the changes for which we fought so hard in the Intermodal Surface Transportation Efficiency Act. The NHS will demonstrate our commitment to a modern national system of high quality interconnected highways, the step beyond interstates, the next phase, the future for transportation in America.

The good thing about NHS is that it was developed from the bottom up. It was developed with input from those agencies at the State and local level who best know the traffic needs in their area. In my case, obviously, the State of Missouri, that was the Missouri Highway and Transportation Department. They coordinated with metropolitan planning organizations, regional planning agencies, highway groups and local officials to determine the highway priorities of the State.

Mr. President, if you have ever followed the process of determining where a highway should go, telling one city that it will get it and two other cities they will not get that particular highway, you know how much work that is. But it is work best done by the State and the locally responsible agencies. Frankly, it saves the Federal Government a lot of headache and keeps them out of a job that they probably do not know how to do as well as the Federal Government and cannot do as well.

I think this is a great example of cooperation between Federal, State, and local governments. We ought to encourage and continue this priority.

There are also some things that we have in the measure that are very important, I think, to all Americans who are concerned about good transportation—the intermodal connections. And we will be presenting a colloquy on the floor. It is vitally important, if we have these wonderful new highway systems, that they be able to plug into the airports, the ports, the rail facilities. Let us make sure that our entire transportation system works together.

Now, as you take a look, on a State-by-State basis, I am sure that every Member who has any kind of highway transportation—and this is almost all States—some have more, some have less. In Missouri, we have great need for highways, as do other States like ours. It is particularly important because Missouri and Missourians need access for every community of any size to a modern, safe highway designed for high-volume traffic. We need high-quality roads that connect communities within our State in a grid and connect up similar roads in States adjacent to us, all the way to the markets which others now dominate because they already enjoy such access.

For my State, the National Highway System is about 4,500 miles of our most economically important roads, which carry almost half of all motor vehicle traffic and the vast majority of heavy truck traffic. It is our map to future economic development. On its signing into law, this measure will bring an estimated \$156 million for Missouri in this fiscal year—a first step in building for the future, and a vitally important economic development project in and of itself.

I extend my very special and most sincere thanks to Senator WARNER, Senator CHAFEE, Senator BAUCUS, and their staffs, who have worked with my office very closely, and with me, not only providing leadership on this whole measure, but providing a response to particular needs that we have identified—and I mentioned intermodal connectors, inspection and maintenance, and designating I-35 as a high priority corridor. The assistance of these leaders of the Senate and their staffs was invaluable.

Now we ought to urge the President to sign this legislation as soon as possible, so that my State, Missouri, and other States will no longer have to

wonder about their highway funding. Senator WARNER and I have fought for a long time to make certain that everyone understands the importance of highways. The legislation that he championed and which he has brought to the floor today will be the backbone of the national transportation network in the 21st century. It will affect every American, directly and indirectly, by increased economic growth, job creation, and reduction in congestion levels. I offer my sincerest congratulations to you for not only meeting the obstacles you confronted in accomplishing this legislation, but in overcoming successfully those obstacles.

Mr. President, I reserve the remainder of my time, and I yield the floor.

Mr. WARNER. I thank the distinguished Senator from Missouri. I think those of us that serve with him on the Environment and Public Works Committee, where he is a very valued member, recognize that he is the foremost expert on intermodal connectors—a subject that defies a lot of our imaginations as to how some of these things are laid out and work. But they are very essential, Mr. President, to the modern highway system. He has taken the time to become an expert.

Mr. President, I also note the presence on the Senate floor of the distinguished chairman of the House committee, Mr. SHUSTER from Pennsylvania, who was my working partner throughout the conference. As I said earlier, neither of us blinked. We both worked in a very constructive way to reach a compromise, which was essential between the two Chambers. I am confident that, in a fair and objective view of this conference report, it will be regarded as a step forward in the interest of this country.

Mr. SIMPSON. Mr. President, I wish to make a few remarks about the Highway Bill conference report we are considering today. The Highway Bill is so very critical for my State of Wyoming. We need to complete action on this legislation very soon in order that funds can be released for badly needed projects in all the States.

In the west our highways have become more and more important as we have observed the effects of airline deregulation and the reduction in rail service in our rural States. Airline deregulation has led to a dramatic decrease in the number of carriers and flights into Wyoming and we have nearly lost all Amtrak service. So the interstate and State Highways System was and is—and always will be our great lifeline.

Because highways are so very important to us the State of Wyoming has proposed to add three significant road segments to the National Highway System in order to link several other primary and secondary highways. The Wyoming delegation has contacted the Federal Highway Administrator regarding this proposal and we trust he will give it every proper consideration.

When people travel in Wyoming, for the most part they drive—and they usually drive for long distances. We have highways that stretch for miles with no habitation at all in between. It is understandable that we are so “put off” by a national speed limit. I am so pleased to see that the conference agreement repeals the national speed limit. I think that the individual States are quite able to set speed limits that provide for a safe speed given local conditions. The same holds true for seat belt laws and helmet laws. I believe the States are able to determine on their own if they want these laws and how they should be administered without the intrusion of the Federal Government and the threat of Federal sanctions.

I trust we will swiftly pass this legislation and get it onto the President's desk so that we can get about the business of maintaining our present National Highway System and constructing the additional mileage as we require it. Those of us from the western States of high altitude and low multitude understand the real necessity of passing this important legislation and I would urge my colleagues to support it.

Mr. HOLLINGS. Mr. President, I support the purposes of this bill, but oppose the unnecessary provisions not connected to its purpose.

This bill is intended to designate a National Highway System map, and it does that. So far, so good.

Particularly, it makes a necessary designation of a route for I-73 and I-74 in South Carolina. I am very glad that we were able to work this out, and thank, my colleagues from Virginia, North Carolina, and Senator THURMOND for their cooperation on this point.

However, there are unwise provisions in this conference report that have nothing to do with designating a map and everything to do with the safety of citizens using the roads. It is neither necessary nor wise to pass these provisions in order to do the basic designation jobs we need to do, and I will therefore vote against the conference report.

First, this conference report creates a new pilot program that actually encourages trucking companies and companies that use trucks to deliver their goods to seek exemptions from Federal safety standards. These standards guarantee that drivers get enough rest, that basic equipment such as brakes and lights are functional, and that trucks are prepared with safety equipment like fire extinguishers. Senators may not realize that the page-one story on the most recent issue of “Transport Topics” is the major contribution of driver fatigue to transportation accidents. In this environment, rolling back truck safety regulation is extremely unadvisable.

Second, this bill invites States to roll back national speed limits. I understand that State officials are conscientious with regard to safety. I under-

stand that speed limits are not always popular. However, we are sticking our heads in the sand if we think lifting Federal protections in this area will not kill people. Admittedly, we did not implement national standards with safety foremost in mind. Congress implemented a 55 mile per hour national speed limit in order to save fuel during the energy crisis. However, the record shows that death rates fell 16 percent. When we voted to raise speed limits in some areas to 65 miles per hour, death rates rose significantly. How much more experience do we need to determine whether lives are at stake? Again, we don't need a provision to roll back speed limits to designate a map, which is the purpose of this bill. It is an extraneous provision, and probably a popular one, except for those families that will end up getting a call from the emergency room due to our vote today.

Mr. WELLSTONE. Mr. President, I speak today in support of the conference report for S. 440, the National Highway System (NHS) Designation Act. With passage of this legislation over \$95 million will be made available to the State of Minnesota for much needed highway renovation and construction work on the State's NHS roads.

Many rural and urban intermodal routes are included in Minnesota's nearly 4,000 miles of NHS roads. Highway 2 runs from East Grand Forks on the North Dakota border to the port city of Duluth. Highway 53 runs from International Falls on the Canadian border to Cloquet, MN. Highway 52 runs from Rochester to the Twin Cities. These are just some of the routes that will be eligible for funding under NHS. These are important trade and commerce routes throughout the State.

Some of my colleagues have voiced their opposition to this bill because of its motorcycle helmet language. I was pleased to support the amendment to eliminate the penalties on States like Minnesota that do not require the use of motorcycle helmets that passed during consideration of S. 440 in June. The State of Minnesota has not had a helmet law for the last 10 years. However, since the inception of Minnesota's Rider Education and Public Awareness Program, motorcycle fatalities have actually decreased. This motorcycle safety education program has been essential in my State.

I do have reservations about the language in this bill that eliminates a national speed limit. However, this is a conference report and in this body we are sometimes faced with taking some provisions we don't like in order to pass a bill that on the whole is a good one. The NHS bill is a good bill. It will free up funding that is greatly needed for roads all over our country.

Mr. KERRY. Mr. President, the National Highway System (NHS) that would be designated by the conference report before us today is an important

piece of our Nation's highway transportation system. I wholeheartedly support enactment of legislation to designate the National Highway System as directed by the Intermodal Surface Transportation Efficiency Act (ISTAE). The \$6.5 billion authorized by this legislation is a needed investment in our Nation's transportation infrastructure. Just look around. There is a clear and pressing need for maintaining and upgrading our roads. In Massachusetts, for example, two-thirds of our bridges need replacement or repair.

But as important as this investment is, it has been overshadowed in this legislation by other policy changes. The final product has strayed too far from the bill I supported when it passed the Senate, and it is therefore with regret that I am unable to support the conference report.

One of the most important components of the bill that passed the Senate was the so-called Roth-Biden provision relating to our Nation's passenger rail system. Without the funding necessary to sustain Amtrak and without giving States the flexibility to spend their NHS funds to maintain passenger rail service, it is almost certain that many critical passenger rail routes—routes that offer important environmental, energy and traffic congestion benefits—will be eliminated permanently. The conferees did not include this provision in the report.

Another provision that was included in the conference report but was not in the Senate bill relates to billboards. This matter was not considered in the Senate and reflects the worst type of special interest lobbying. It has no place in this bill.

Yet another provision included in the conference report that was not part of the Senate's bill is the exemption for some three and one-quarter million so-called "unit trucks" and their drivers from all Federal motor carrier safety regulations. The regulations cover activities ranging from driver hours-of-service restrictions and driver medical qualifications to safety equipment and maintenance requirements and roadside driver and equipment safety inspections. An exemption from safety regulations for these trucks, which are used frequently for delivery services, will seriously threaten safety on our roads. This class of truck is involved every year in 15,000 injury-producing accidents, and in 1994, was responsible for nearly 700 deaths. I fear we will witness more accidents as a result of the changes proposed in the conference report.

Of equal concern is the repeal of the nationwide maximum speed limit, and the elimination of the Senate provision that sought to retain the limit for trucks. The National Highway Traffic Safety Administration expects this action will increase the number of Americans killed on our highways by about 4,750 each year, and cost taxpayers \$17 billion annually in lost productivity, taxes and added health care costs. Max-

imum speed limits also produce important environmental benefits and savings in fuel consumption.

There are several other provisions that concern me, including the repeal of the requirement that Federal highway contractors pay their workers the prevailing local wage. While some reasonable reform of the Davis-Bacon requirement should be explored, this legislation is not the appropriate venue.

Mr. President, it is not clear whether the President will accept or reject this legislation. It is my hope that the President will allow us to revisit the designation of the National Highway System so that we may proceed with a simple designation that many members support and eliminate the controversial provisions that detract from the significance of this legislation.

I am aware that the conference report is the product of many long hours of negotiation and I want to recognize the effort put into developing this legislation by Chairman CHAFEE and Senator BAUCUS, who serves as the ranking minority member on the Environment and Public Works Committee. I appreciate the hard work they put into this legislation and would hope we have a chance to reconsider the Conference Report so that I might support it.

Mr. PELL. Mr. President, I reluctantly opposed the Conference Report on the National Highway System Act, S. 440.

Back in February, I was pleased to join as an original cosponsor of S. 440 since it would designate a National Highway System [NHS] to improve the Nation's key roads, comprising some 159,000 miles. The tenets of this bill were exemplary. In addition to providing some \$6 billion in highway funding to the States, S. 440 was intended to improve safety through our highway system, as well as increase mobility and economic productivity. As for my State of Rhode Island, this measure would bring more than \$31 million in Federal highway funding to help upgrade 267 miles of key roadways, including all 70 miles of interstate highways.

When the Senate debated S. 440 earlier this summer, I was pleased to strongly support the amendment offered by my colleagues from Delaware which would have enabled States to provide a small portion of their funds to assist passenger rail services. I am disturbed that that amendment, which was overwhelmingly approved by the Senate by a 64-36 margin, did not emerge from the Conference Committee.

I am also deeply disturbed, Mr. President, by the fact that the Senate provision to require a national maximum speed limit for trucks and buses was also dropped from the conference report. As an original cosponsor of S. 440, I am further disturbed that the final version which emerged from conference repeals Federal regulations on motorcycle helmet laws, while also allowing

States to erect new billboards on scenic highways.

Mr. President, I am aware that this was an exceptionally contentious conference with the House and do not in any way criticize the actions of my Senate colleagues. Indeed, Senators CHAFEE and WARNER, longtime champions of highway safety provisions, fought hard to negotiate a fair compromise between the two divergent bills. I commend them for their tenacity and huge efforts to craft a good bill which would enhance our safety standards.

I fully recognize the overall importance of this bill and the need to get the necessary funding back to the States. However, given the substantive changes that occurred in conference, my earlier enthusiasm has waned as my concern about safety provisions increased. Mr. President, my preference would have been for a leaner, cleaner NHS bill, something we in this Chamber supported with vigor. I am certain that we will attempt again to deal with the issues important to the Senate such as the Amtrak trust fund, speed limits on trucks and buses, and other motor vehicular safety laws.

Mr. President, I ask unanimous consent that my statement appear in the RECORD prior to the vote on S. 440.

• Mr. MCCAIN. Mr. President, I want to express my strong disagreement with this conference report. Although the bill does much good and is certainly necessary, it unfortunately contains numerous earmarks.

While I understand that this is an authorization bill, the practical effect of these earmarks is to mandate spending on certain specific projects. It is as wrong here as it is when similar earmarks appear in appropriations legislation.

I want to bring special attention to section 335, the innovative projects section of the bill. This section appears to be rife with earmarks.

What are innovative projects? Well, Mr. President, they are nothing more than demonstration projects with a new—more innovative—name. The name, I would venture, has been changed because passing demonstration projects is no longer considered appropriate. I have introduced many amendments in this body to end all highway demonstration projects. Most recently, I offered an amendment that would ban any future demonstration projects. That amendment overwhelmingly passed the Senate.

Mr. President, this section entitled "Corrections to Innovative Projects" would change existing law regarding numerous demonstration projects so that money can continue to be spent on projects in a certain select few States. For far too long, tax dollars sent to Washington by the citizens of most States are not returning to those States, but instead going to fund pet projects in other States. That is wrong, it is not fair, and it must be stopped.

The problems associated with diverting highway trust fund money to pay

for congressionally earmarked highway projects are well documented and have been debated before. I do not intend to belabor this point again now, except to note, however, that the practice continues.

Mr. President, I would like to know what these so-called technical corrections actually entail. The report that accompanies this bill states the following:

Senate Bill: The Senate bill makes a technical correction to an innovative project in ISTEA.

House Amendment: This provision makes a series of technical amendments to innovative projects in ISTEA.

Conference Substitute: The conference adopts the House provision with additional modifications.

Mr. President, to this Senator—someone who is not an expert in these programs, but who is expected to vote on this matter—this clarification is not sufficient.

Mr. President, again I want to repeat, this is an important bill and I am sure passing it is vital. But what is more vital is balancing the budget and paying down the debt, and continuing the practice of earmarking demonstration projects is exactly the wrong thing to do at this time.

In Reinventing Government, Vice President GORE stated:

GAO also discovered that 10 projects—worth \$31 million in demonstration funds—were for local roads not even entitled to receive federal highway funding. In other words, many highway demonstration projects are little more than federal pork.

The Reinventing Government report went on to say:

Looking specifically at the \$1.3 billion authorized to fund 152 projects under the 1987 Surface Transportation and Uniform Relocation and Assistance Act, GAO found that "most of the projects . . . did not respond to States' and regions' most critical federal aid needs.

Unfortunately this bill demonstrates that the Congress continues to find innovative ways to promote its most favored projects.

If a project has merit, it should be a priority under the individual State's transportation plan. Highway funding should be distributed fairly according to establish formulas so that taxpayer's dollars can be spent according to the priorities established with such great care and expertise by those best qualified to do so—the individual States.

Mr. President, I hope that we will end the practice of earmarking money for demonstration projects or innovative projects or any other similarly earmarked projects. The time has come to change our ways.

I thank my colleagues for their indulgence.●

Ms. MIKULSKI. Mr. President, I rise in support of the conference report accompanying the National Highway System bill but I do so with reservations. While I support the need to move forward with badly needed construction funds for our Nation's highways

including the Woodrow Wilson Bridge, I am greatly disturbed by the weakening of highway safety laws.

Our Nation's highways are absolutely vital to our infrastructure. This legislation will release approximately \$100 million in badly needed highway funds for my own State of Maryland. These funds have already been factored into Maryland's highway program and need to be released in order to avoid slowdowns in construction. These funds will create construction jobs and help States meet the increasing costs of maintaining our highways.

This legislation also authorizes the creation of a new interstate authority for the Woodrow Wilson Bridge and authorizes funding for ongoing maintenance of the bridge. As a major artery serving Maryland and the entire National Capital region, the maintenance and eventual replacement of the Wilson Bridge must proceed without delay.

However, I fail to see the justification for weakening highway safety laws, including motorcycle helmet laws. I believe that the Government's primary responsibility is to protect public health and safety. Delegating this responsibility to the States is not consistent with the Federal Government's role in regulating interstate highways or protecting public safety. How else can we guarantee that Marylanders will be safe driving in other States? The Federal Government should maintain its role in public safety matters, not delegate it to the States.

While I am disappointed with the decision to weaken safety laws, I believe that we must move forward with the construction funds that Maryland and other States need to maintain and improve our highways. A reliable and well maintained infrastructure is a vital element in our ability to sustain economic growth and job creation into the next century. So, I will vote in favor of this legislation despite my opposition to weakening highway safety laws.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the conference report on the National Highway Systems bill. As my colleagues know, I am a strong supporter of infrastructure development, and am an especially strong supporter of the transportation infrastructure provided for in this bill which is so vital to my State. I appreciate the hard work of the Senators from Virginia, Rhode Island, and Montana, and I want to thank them and their staffs for their work in the difficult crafting of this legislation.

This conference report will provide California with \$569 million in much needed and long overdue Federal highway funding for essential transportation projects. Unfortunately, however, the public safety measures included in the legislation compel me to oppose this conference report.

My specific concerns are with the repeal of the 55 miles per hour speed limit for automobiles, the lack of a national speed limit for trucks, and the

repeal of Federal motorcycle helmet laws.

REPEAL OF NATIONAL SPEED LIMIT

According to the National Highway Traffic Safety Administration, one third of all fatal crashes are speed related, and 1,000 people are killed every month in speed-related crashes.

The National Highway Traffic Safety Administration predicts elimination of the national speed limit on nonrural interstates and noninterstate roads will increase deaths by 4,750 annually at a cost of \$15-\$19 billion in additional insurance costs. This amounts to an increase of \$2 billion per year in California.

Almost 25 percent of all accidents in California are speed related. In California, the Highway Patrol reports that in 1994 there were 436 fatal accidents and 48,877 injuries that were speed related.

SPEED LIMIT FOR TRUCKS

During initial consideration of this bill, Senator REID offered an amendment to retain a national speed limit on trucks. I supported this amendment because, according to the California Highway Patrol, the State of California has seen a steady reduction in the number accidents, injuries and fatalities relating to accidents involving trucks since 1989.

In 1989, 647 people lost their lives and 17,703 people were injured in California as a result of 12,159 truck-related accidents.

By 1994, 451 people were killed and 13,512 injured in California as a result of 9,225 truck-related accidents.

I look forward to working with the administration and my colleagues in the Senate to address the growing problems associated with making these big rigs safe.

MOTORCYCLE HELMET REPEAL

Since enactment of California's motorcycle helmet law in 1992, the California Highway Patrol estimates that motorcycle fatalities have decreased by 41 percent and motorcycle injuries have decreased by 35 percent. I believe helmets save lives, and our Nation's highways will be a little less safe for all of us without their use.

In closing, let me say that I cannot support legislation that will very likely put greater numbers of traveling public at risk. Were this only an infrastructure bill, it would very likely have my support. Only time can tell if my concerns will be realized. If they are, I hope this body will take immediate action to remediate some of the changes this bill makes.

Mrs. MURRAY. Mr. President, I rise today to support the National Highway System Designation Act. I add my support to this conference report though, with serious concerns. Concerns over the safety provisions I originally voted for in the Senate legislation have now been replaced by changes to the bill that could threaten the safety of our Nation's highways.

Of foremost concern is the Senate provision to require a national maximum speed limit for trucks and buses.

This important mandate was dropped from the conference report and will not only increase speeds for the oversized vehicles, but also increase their stopping distances.

I am also concerned over a House provision that could exempt trucks weighing 10,000 to 26,000 pounds gross vehicle weight rating from Federal safety rules including driver hours-of-service restrictions, driver medical qualifications, safety equipment and maintenance requirements, and roadside driver and equipment safety inspections.

Mr. President, I am hopeful that our State legislatures will step up and seek solutions to these shortcomings in an otherwise well intentioned piece of legislation. I was hesitant to support a conference report that retreats on issues of safety such as these, however the passage of this national highway system designation is essential to our Nation's very livelihood. A delay of implementation of this act will begin to cost my State of Washington approximately \$120 million over 2 years.

The time to move this bill is long overdue. We can not lose this valuable opportunity to support 4 percent for the Nation's four million miles of public roads. This National Highway System will carry 40 percent of the Nation's highway traffic and 70 percent of the truck freight traffic. One behalf of my State's Governor and secretary of transportation, I urge my colleagues to pass this conference report and continue our Nation's strong commitment to interstate commerce and mobility.

FLEXIBILITY FOR AMTRAK

Mr. HATFIELD. Mr. President, it is unfortunate that the National Highway System conference report does not include the Senate-passed Amtrak passenger rail provision, which provided States the flexibility to use their Federal transportation dollars for passenger rail service. This proposal would have given States the ability to decide what transportation system best meets their needs and allocate their transportation funds accordingly. In a time of severe budget constraints at all levels of government, this provision would have empowered State and local officials to make the best use of the Federal resources provided to them.

Sixty-four Senators supported the Amtrak passenger rail amendment when S. 440, the National Highway System designation bill, was debated on the Senate floor. Sixty-four Senators—from both sides of the aisle, representing both very rural States and congested urban States; chairmen of the committees who oversee aviation, highways, and mass transit—supported the provision, recognizing that States need more flexibility in the use of their transportation funds.

The State of Oregon is currently involved in a situation requiring ample flexibility to retain an important element of Oregon's transportation infrastructure system. Governor Kitzhaber, Secretary Pena, Amtrak president

Downs and I are working together to develop a plan to keep the *Cascadia* train, which runs between Portland and Eugene, operating. The *Cascadia* has been an extremely successful passenger rail provider for Oregon and, unfortunately, it is scheduled to be terminated on December 31, 1995. Innovative proposals, such as the Amtrak passenger rail provision, would be extremely helpful in allowing Oregon and other States to meet their respective transportation needs.

According to the most recently compiled U.S. Department of Transportation statistics, more than \$15,800,000 in CMAQ funds were subject to lapse at the end of fiscal year 1995. It makes absolute sense to make these lapsed funds available to States for the operation of intercity passenger rail. Many other Federal programs that provide State allocations pool all unobligated funds at some point during the fiscal year and redistribute them to States who have projects cleared and awaiting funding. This would provide a solution to transportation challenges in many States and it is consistent with the Intermodal Surface Transportation Efficiency Act (ISTEA) funding priorities.

The CMAQ program, created in ISTEA, provides an incentive to focus on transportation alternatives that reduce traffic congestion, improve air quality, and lower fuel consumption. These funds can be used on transportation programs, projects, strategies, or methods which will contribute to the attainment of a national ambient air quality standard, whether through the reduction of vehicle miles traveled, the reduction of fuel consumption, or other means. Amtrak passenger rail service clearly meets this definition, and should be deemed an eligible use of CMAQ funds.

Mr. President, although I am disappointed that the NHS designation conference report came back without the Amtrak passenger rail provision, I do not support a potential motion to recommit this conference report. However, I do want to express my sincere regret that the conference agreement does not include this important provision that would provide my State, and many others, with the needed flexibility to use their Federal transportation dollars in the most effective way possible.

Mrs. BOXER. Mr. President, I support final passage of S. 440, the National Highway Designation Act. This legislation includes provisions that I had requested to help my State in the area of traffic congestion relief, air quality, and international trade.

I wish to thank my chairman, Senator CHAFEE, our subcommittee chairman, Senator WARNER, and our ranking minority member, Senator BAUCUS, for preserving the California provisions that I requested in the Senate bill.

The most significant provision is the assistance provided for the Alameda transportation corridor, a project to

consolidate three rail lines into a single 20-mile high-capacity highway and rail corridor serving the ports of Los Angeles and Long Beach. The project is expected to generate 10,500 direct construction jobs. Today, more than 25 percent of all U.S. waterborne, international trade depends on the ports of Los Angeles and Long Beach to reach its market.

The National Highway System Act will provide the Alameda transportation corridor the financing tools it needs to become southern California's linchpin to increased Pacific rim trade.

Once the House passes this NHS bill, as expected, for the first time Congress will have recognized the corridor not as a series of individual intersection improvements, but as a single, high priority infrastructure project. The Alameda project will speed cargo along a corridor of uninterrupted rail and highway traffic between our national transportation network to the ports of Los Angeles and Long Beach.

Federal highway funds can now be spent on a single program to eliminate 200 street and rail intersections.

The NHS bill also designates the corridor as a high priority corridor under the Intermodal Surface Transportation and Efficiency Act [ISTEA]. That will make the project eligible for guaranteed Federal loans or other innovative financing options available to the Secretary of Transportation.

Secretary Pena wrote to me last month, acknowledging that the Alameda corridor "is an extremely important project that will benefit the entire Nation" and committing to work with us "to make the Alameda transportation corridor a reality."

Now that we have made the project eligible for the Secretary's revolving loan program, we are working closely with the administration to obtain seed money in the President's fiscal year 1997 budget in order to initiate this innovative financing program.

This bill also ensures that California will continue to receive its share of transportation funds used to enhance air quality under the Congestion Mitigation and Air Quality Program, despite the improvements to air quality in the San Francisco Bay area.

The San Francisco Bay area was recently upgraded from a non-attainment area to a maintenance area for its air quality. Although the improvement is welcome news, under current law the area and the State would lose its CMAQ funding. The program provides funding to the States for local traffic improvements to relieve congestion and reduce air pollution in urban areas with poor air quality.

I believe we should not penalize communities that improve air quality by eliminating much-needed funding. The air quality funds provide \$15 million each for BART rail car rehabilitation and Santa Clara County's light rail construction in the Tasman corridor, among other projects to reduce traffic emissions.

Another part of the bill that I requested would assist the seismic retrofit project for the Golden Gate Bridge. This language allows the Golden Gate Bridge, Highway and Transportation District to begin spending local funds now for the \$175 million project to protect the famous bridge from earthquakes. When Federal funding is available in the future, the Federal Highway Administration will apply those funds spent now toward the 20 percent local match required for Federal funding.

The NHS bill also includes two provisions that would redirect previously authorized spending for high-cost projects in Los Angeles and Long Beach to more practical projects that can be completed sooner.

The first measure would help alleviate the gridlock that has occurred along Sepulveda Boulevard near the Los Angeles International Airport. In 1991, Congress authorized \$8.95 million to develop alternative approaches to expanding the Sepulveda Boulevard Tunnel that runs underneath the airport. However, an analysis completed last year indicated expansion of the tunnel would require considerable more funding. Less costly, short-term measures were sought to reduce the commuter and airport traffic using the tunnel.

The final conference agreement includes my provision to redesignate the funds for the following projects: \$3.5 million for the airport's central terminal ramp access project, \$3.5 million for Aviation Boulevard widening south of Imperial Highway, \$1 million for Aviation Boulevard widening north of Imperial Highway and \$950,000 for transportation systems management improvements near the tunnel.

A second provision would use \$7.4 million previously authorized to construct carpool lanes on Interstate 710 in Long Beach for downtown Long Beach access ramps to separate city traffic from the heavy trucks carrying port cargo. This project will enhance safety at the terminus of I-710.

There are provisions in this final bill that I do object to. I am very concerned and disappointed that this bill rolls back gains we have made in this Nation to curb the carnage on our highways. The bill ends the maximum national speed limit for all vehicles. After the national maximum speed limit was established in 1974, we saved 9,000 lives.

The final bill also would effectively exempt small to mid-sized trucks from safety regulations, a House provision on which the Senate never held a hearing.

Finally, the bill was stripped of the Senate amendment to grant to States the option of using its flexible category of highway funds for Amtrak operations. I am surprised at the House opposition to this amendment to grant States more flexibility in funding transportation programs. These funds already can be used for mass transit and bike paths. Including Amtrak only

makes sense and at a time when Amtrak service cutbacks are leaving commuters and intercity passengers stranded on station platforms. This modest assistance could be nothing but helpful.

I have a long record in support of strong transportation safety measures, from highways to runways. However, realistically, a vote opposing final passage of the NHS would not change the outcome. I know Senator CHAFEE shared my concern about the safety provisions and the loss of the Amtrak amendment. About two-thirds of the Senate had voted to eliminate the national speed limit, and if Senator CHAFEE could not win on the Amtrak amendment in conference, then it could not be saved.

Nevertheless, despite these flaws, passage of the National Highway System Designation Act is crucial. About \$6.5 billion in highway have been withheld from the States since October 1. California will receive \$569 million once this act is passed. This money is urgently needed to help relieve our backlog in road maintenance projects.

We will be reauthorizing the highway bill in 2 years. At that time, I hope we can reconsider these issues important to preserving the safety of our traveling public.

Mr. NICKLES addressed the Chair.

Mr. WARNER. Mr. President, I yield such time to the distinguished Senator from Oklahoma as he may require, drawing it jointly from that under the control of the Senator from Montana and myself.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to thank my colleague from Virginia, as well as my colleague and friend from Montana, for their leadership in bringing this bill to the floor.

Mr. WARNER. If the Senator will yield for a moment, I wish to advise the Senator from Delaware and the Senator from Ohio that, in all likelihood, following the remarks by the one or two Senators now joining us on the floor, we will turn to those allocations of time under the time agreement. In their absence, a quorum call would have to be charged against those time periods.

I yield back to the Senator from Oklahoma.

Mr. NICKLES. Again, I thank my friends and colleagues from Virginia and Montana for bringing this important bill to the floor. I hope our colleagues will strongly support it and that the President will sign it. It will mean jobs in our States. It will help rebuild our national road infrastructure. I compliment them.

The reason I come to the floor today is to speak specifically on the issue on speed limits, because I have heard some of our colleagues imply that this bill increases speed limits. It does not do that. What this bill does do is insert a provision that myself, Senator BURNS, and others, support. It would

eliminate the Federal penalty mandating a national limit. It does not say we eliminate speed limits.

I happen to favor speed limits. But I favor States setting them instead of the Federal Government. Some people assume that we are automatically going to have higher speed limits all across the country. I do not know that that will be the case. Undoubtedly, in many cases, you will have increased speed limits, if the State legislatures, working with their Governors, make that decision.

So it is really not a question of whether or not we are going to have speed limits or what the speed limits will be. It is a question of who defines what the speed limits will be. What many of us are saying, and what this legislation says, is we are going to repeal the Federal penalty. This Federal penalty says if you do not comply with the national speed limit, we are going to withhold some of a State's funds—funds which rightly belong to the State.

I am amazed sometimes that some people think the Federal Government knows best, so the Federal Government is going to set speed limits. I disagree. The Federal Government is going to set other criteria. What we are saying in this legislation is that the proper body or electorate to make this decision is at the State level. We have heard a few people talk about the 10th amendment, but the 10th amendment states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

That is exactly what we are doing in this legislation—reserving to the States the power to set the speed limits in their States. The appropriate speed limits in Oklahoma or Montana may be quite different than the speed limits in Delaware or Rhode Island. So it makes sense if the elected representatives of those individual States would set those speed limits. They know the road conditions better than we do on the Federal level. And 55 may be too fast. That is the national speed limit. It may be too fast, or it may be too high in some areas. The State should have the authority to set it. Maybe 55 is not high enough in some other areas. Let the States decide.

Some of my colleagues assert that it is going to result in a large increase in fatalities. That, I think, misses the question. I think the States, and the elected officials in the States, are just as concerned about the safety and health of their constituents—maybe more than we are on the Federal level. They are concerned. They know those stretches of roads that have a higher number of fatalities, and they are the ones responsible for fixing them. It may be that, on a rural interstate, 55, 65, or 70 miles an hour may be safe. But it may have some winding areas that maybe should be set at 40 miles an

hour. The State should know that, and they should make that determination.

We should not have a Federal law that says nowhere in the country can it exceed 55. We passed a law in 1987—and I was a sponsor—that on rural interstates limits could go to 65 miles an hour. Even when we passed that, my argument was, really, it should not be set by the Federal Government. It should be set by the State governments. This is an area where, really, State and local governments should have priority.

Again, I want to take issue with the fact that some people say there are going to be thousands of more deaths or fatalities if this bill passes as it is. I take issue with that. One, I believe they are looking at a study that assumes that all roads that are now 55 will be going to 65 or 70. I do not think that is the case. You have a lot of States that probably had higher speed limits that now are at lower speed limits. They may leave them there. That is fine. I could really care less. I think it should be their responsibility, the State's responsibility. And to assume that all of the highways in the country that are now at 55 will be increasing to 65 or 70 would be a mistaken assumption. But the States should be the ones that would have that responsibility. I just happen to believe that Governors and legislators in those States are just as concerned, maybe even more than we are for their constituents' safety.

I think they will keep safety in mind when they make those decisions. They are the duly elected body of the people from that State and hopefully will be responsive to their wishes and to their safety needs.

I am delighted that this legislation finally takes away this Federal mandate, this Federal law that says if you do not comply with "Government-knows-best, Washington, DC," we will withhold some of your money.

I am delighted we finally have repeal of the Federal mandate. We did not repeal speed limits, we had the repeal of the national Federal speed limit, and now we will be returning speed limit decisions to the rightful level of Government, and that is to State and local authorities.

Again, I compliment my friends and colleague, and I wish to compliment the Senator from Rhode Island for his leadership in passing this bill as well. I am delighted it is on the floor. I hope the President will sign it.

Mr. WARNER. Mr. President, I thank the participation of the able Senator from Oklahoma. We may have some differences of view on this particular subject, but we hope that the accident rates do not dictate the Federal Congress will once again have to intervene and readdress this issue.

The Senator from Wyoming, a distinguished member of our committee, seeks recognition, and at such time as he gains the floor Senator BAUCUS and myself yield such time as the Senator from Wyoming may require.

The PRESIDING OFFICER. The Senator from Virginia and the Senator from Montana jointly have 9 minutes remaining.

Mr. WARNER. I thank you for that advisory.

For those Senators during the course of the vote that might wish to acquaint themselves with the national highway map, we have arranged for it to be placed in the Vice President's office just off the Chamber. I urge Senators to take a look.

I yield such time to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I listened carefully to what the distinguished Senator from Oklahoma had to say. He has been a long battler for the States being able to set these speed limits. He prevailed overwhelmingly on the floor of this Chamber.

I did not agree with him, but the vote was clearly in his favor. I just hope he is right. I hope he proves the rest of us to be absolutely wrong. I hope that the speed limits will be monitored carefully by the States.

I think there is a lot in what he says in that the States are concerned about highway deaths. I know when I was Governor, every year I paid a great deal of attention to the deaths on our highways and sought to bring it down. Whether all the Governors spend time on matters like that, as I did, I do not know. I just hope he is right. I hope a year from now we can say to the Senator from Oklahoma, "You were right and we were wrong." If so, I would be very, very pleased. Here is a case where I would be glad to be proven wrong.

Mr. WARNER. Mr. President, I join the distinguished chairman in his observation.

I think, in fairness, we should put in context here that the Federal highway limits were put on as a consequence of a very severe energy crisis that faced the United States. It was viewed then as an energy conservation measure.

Once they were placed as a matter of law, we did see, fortunately, a very rapid reduction in accident rates across America. So that was an unanticipated fallout of this.

I see the distinguished Senator from Wyoming and yield such time as he may require, bearing in mind that the managers have about 7 minutes left.

The PRESIDING OFFICER. The time of the Senator from Virginia is up and the Senator from Montana has 7 minutes remaining.

Mr. LAUTENBERG. I wonder if I might just take a couple minutes off my time while the time allocation for the Senator from Wyoming is being considered.

Would the Senator from Wyoming indulge us?

Mr. THOMAS. I am happy to. I am not sure we have any time.

Mr. WARNER. Mr. President, we will find the time for the Senator from Wyoming if he would be gracious enough to indulge the Senator.

Could I inquire how much time the Senator from New Jersey has remaining?

The PRESIDING OFFICER. There are 22 minutes remaining.

Mr. WARNER. Would the Senator from New Jersey be willing to take from his time and allocate 5 minutes to the Senator from Wyoming?

Mr. LAUTENBERG. I would not object to the unanimous consent to allow an extra 5 minutes.

Mr. WARNER. I will place that in the form of a unanimous-consent request.

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

Mr. LAUTENBERG. Mr. President, I just wanted to respond to some of the comments that have recently in the last little while been made. I do not want to be harsh. I think we know around here despite the fact that occasionally this does look like fantasy land, wishing never makes it so. Law makes it so, votes make it so.

That is what happens. Reality takes over. Thus, when we talk about no assurances that the States will rush to bump up their speed limits the minute they have this permission, I point out something to those who would believe it, that there are several States—nine in particular—that have already in law a requirement that once the Federal speed limits are removed, and I address this to my distinguished colleague, the chairman of the Environment and Public Works Committee, Senator CHAFEE, once the law is removed, the Federal speed limit is removed, there are nine States that immediately bump up by virtue of existing statutes.

I am pleased to name them. It does not matter. Just for edification, I will: Montana, Kansas, Nevada, Wyoming, Oklahoma, South Dakota, Missouri, Texas, and California. These are States that already committed that once the rules are off from the Federal Government, they immediately move up. There are 28 other States that are States that have bypassed actions, indicate that they are anxious to get the speed limits moved up. They are States which increase the maximum speed limit on rural interstates within 6 months of the 1987 congressional enactment allowing 65 miles an hour.

It is fairly easy to recognize, Mr. President, because the States that are outlined in blue, it is a fair number, and when combined with the nine States, gives us a total of 37 States that are likely to move ahead with their speed limit increases.

I just put that in the RECORD, Mr. President, to indicate that as much as we hope, as much as we wish, we would like to see constraints on speed limits, it "ain't" going to happen, to put it crudely. So the mayhem that will follow that I projected—and I do not want to be the forecaster of gloom and doom around here, but I want to be realistic about what is going to happen when this bill becomes law.

I yield the floor.

Mr. THOMAS. Mr. President, I am particularly pleased that the Senate

today is considering the conference report on Senate 440, a bill that will designate the highway system. The States have been waiting for a good long time now, waiting since October 1, for this bill to pass, so that the \$6.5 million in highway funds—which, of course, belongs to the States—can be distributed and used for the purpose for which the drivers and purchasers have paid.

I particularly want to recognize Senators WARNER, CHAFEE, BAUCUS, and others who have worked very hard to bring this bill to the floor. I appreciate their leadership and appreciate the opportunity to have served on that committee.

I support this bill for a number of reasons. Not only is the bill important, of course, to all of us in our highway systems, but particularly important from the economic and job creation perspective. It also, it seems to me, sets a direction for the transportation needs of our country and does so well into the next century.

In addition, I am pleased with some of the philosophical changes that are found in this bill. This proposal increases State flexibility in a number of areas.

Let me just say, philosophically I agreed with that and I find it difficult to hear people constantly talk about the fact that we really ought to run it from here because we do not trust those rascals in the State. I do not understand that. I have a hard time with that.

This bill permits a State to increase the transfer of funds from bridge accounts to the National Highway System and Surface Transportation Program categories, eliminates the Federal mandates that the States adopt Federal management systems, repeals some of the Federal mandates requiring the use of crumbed rubber asphalt—I happen to favor the idea—and to transfer to the State the question of mandatory helmet laws and certainly the maximum speed limit.

I come from a large rural State, quite different from New Jersey, quite different from Rhode Island, in terms of our obligations to provide for transportation. I also served in the Wyoming legislature, and I have great confidence in that body's ability to determine and have as much interest in the safety of Wyoming drivers and others who drive through our State as does this body. That is really what it is all about. It is not a question of doing away with speed limits. It is a question of having the opportunity to tailor needs to different kinds of places, the opportunities to deal with the differences in the needs of New Jersey and the needs of Wyoming.

So, there is a principle involved here. Obviously, our 100,000-square mile State with 450,000 people is quite different from New York, quite different from Connecticut. So we need to have the flexibility, in a union of this kind, to do that. This is a clear step away from the Washington-knows-best ap-

proach and I strongly endorse it. State leaders in Departments of Transportation do not need this constant oversight that we have had here.

So, this is a good bill and one that needs to be passed in a timely fashion. It deserves strong support. It has had a great deal of input, a great deal of conversation from States, a great deal of communication with State Highway Departments and others. So I encourage all my colleagues to vote for the bill. I hope the President will sign it promptly so that the States can finally receive the money that does, indeed, belong to them.

Mr. President, I urge quick passage of this bill and its quick movement through the White House and I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. CHAFEE. Mr. President, we are ready for the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to speak to the motion—I will withhold sending it to the desk at the moment—that I intended to offer.

Mr. President, I rise today to express my deep concern and, quite frankly, disappointment that this conference report comes back to us without an important Senate provision that enjoyed very strong, bipartisan support in the Senate.

On June 21, by a vote of 64 to 36, the Senate voted to give our State Governors the option to use some of their Federal highway funds on intercity rail, that is for Amtrak. It was a proposal that Senator ROTH and I introduced, along with Senators BOXER, CHAFEE, COHEN, JEFFORDS, KERRY, LAUTENBERG, LEAHY, MOYNIHAN, MURRAY, SPECTER, PELL, SNOWE, and D'AMATO.

I point out to my colleagues that these are States with varying degrees of Amtrak service. As a matter of fact, the Governors of those States which have a limited amount of Amtrak service, have the greatest concern about being given this additional flexibility. The bottom line here is Amtrak has, as the distinguished chairman of the committee knows, out of necessity made some significant cuts in its operations over the last couple of years, in a sense downsized the number of trains it runs as well as the number of personnel that it has. The result of that has not affected, much, the Northeast corridor, where people have significant access to rail. But it has affected States like Montana, it has affected States like Vermont, it has affected States like Mississippi, because they have lost trains because we could not justify their cost based on these new, incredible restrictions placed upon Amtrak.

I might note, by the way, although the reigning expert is on the floor—the Senator from Rhode Island—that I do not know of any national rail system in the world, as a passenger rail system, that runs on operating costs, on the money that it takes in. Everybody

comes over and my conservative and liberal colleagues—there are not many liberals left—but my conservative colleagues come back from Japan and Germany or Europe and they say, "Boy, we rode on these trains and they were something else. Why do we not have trains like that?"

They subsidize them, like we do the airlines. They subsidize them, like we do the highways. None of them make it based on the fare everyone pays. There would not be any airlines running, we could not afford any ticket, if the fare we paid did not cover the air traffic controllers, covered the runways, covered the towers, covered the places we land. They are subsidized. But, somehow—I am not speaking to anybody on the floor here in particular, because I know the Senator from Rhode Island is a champion of rail as well as highways—somehow, we look at the Amtrak ticket and say, "Boy, they are really subsidized," because we have a direct appropriation and everybody can see it.

At any rate, what happened was in a number of States, like the State of Montana, officials said, "Look, there are one or two trains that run across Montana, that go across the Northwest to the State of the Presiding Officer, and we cannot justify, based on passenger load, keeping that train going." Or the Vermonter, that goes up into Vermont, or the Crescent, that goes down to New Orleans and goes through Mississippi. It is kind of hard when you say you have to go out and cut—they are the ones which are cut.

So all of a sudden Republican and Democratic Governors, like the Republican Governor from Pennsylvania, Governor Ridge, a former Congressman, said, "Wait a minute, we need these trains going across. Not the ones going to Harrisburg and Pittsburgh and so on and so forth," the Governors of these other, various States agreed. So what we did was we came along with nothing particularly radical here. The amendment I am talking about, the flexibility amendment, was not designed to fix every problem that Amtrak has. It was not designed to make Amtrak solvent. It was not designed to solve any intercity rail problem that is going to exist because there are larger problems and there are larger costs. But, by providing the States some flexibility in allocating their Federal transportation funds, although not intended to be a final solution to Amtrak's problems, it was a partial solution to the problems the States had, the Governors had. So, increasing the State flexibility was an important goal.

By the way, under the leadership of Senator CHAFEE and Senator MOYNIHAN and the votes of the vast majority of Members here, we made a significant departure, a necessary but significant departure a couple of years ago when we passed the new highway bill, the so-called ISTEA.

What that said was basically this. If, in a State, you decide to abate the air quality problems you have, or to deal with congestion, or to deal with rural transportation problems, out of your Highway Trust Fund moneys that you get you can go out and you can, instead of building a new lane of a highway, you can subsidize a bus or you can subsidize a bus route from Dover, DE, to Dagsboro, DE, instead building a new highway. It is cheaper and makes more sense.

The leaders on this have been Senators CHAFEE and MOYNIHAN. They said it does not make any sense to insist that States have to pour more concrete. They can say, "OK, we want to put a bike path in. We can spend money for that, or for buses, if it is going to improve the air quality, instead of more lanes for cars."

It gave flexibility to the States. It was only a portion of the highway money they received. So all this amendment did, and I think the reason why it enjoyed such wide support, was to just logically extend that flexibility. The goal of the Senate amendment, which was dropped in conference, was not to shift the burden of passenger rail services in the States. It was to allow the States to have another alternative to deal with their problems.

For some, this means a small portion of their highway money—I say that because to use the vernacular the cement and asphalt guys out there said, "Oh, my. They are going to be able to spend money on something other than laying concrete or laying down asphalt." They can still lay billions of dollars worth of concrete and asphalt across this Nation under the flexibility amendment.

This is not a backdoor to do away with the highways. This is a provision to give flexibility to the States. And it does not require an additional penny. It just says the States can use some of it. Instead of building a bicycle path, they can say in Vermont, we want to keep that train that comes up into Vermont from the Northeast corridor, and brings us millions of dollars worth of skiers every year, improves our economy, and has a significant impact on health of our State. We want to use some of our highway money to pay Amtrak to say, "Look, put that train back on. We will pay for it. The rails are already there. We will pay for it."

Because they understand this, the Governors of our States are actively seeking to keep Amtrak running. The Republican Governors from Wisconsin, Michigan, and Pennsylvania, and the Democratic Governors, also, feel very strongly about this.

The Senate language dropped in conference would have provided those Governors the means, if they chose, to support Amtrak routes important to their States. Specifically, it would have made Amtrak an eligible use for funds from two areas—the so-called STP fund, Surface Transportation Program, which is known as STP around here; funds to be used for most kinds of

roads and highways, as well as capital costs for bus terminals, car pool projects, bicycle and pedestrian facilities, hike and bike trails. Right now, under the Surface Transportation Program, you can expend money, if you are Governor, from your highway trust fund to build a bus terminal. You can spend your money from the highway trust fund to build a bike or hike trail, a bicycle path, or a pedestrian path. You can do all of that. You can even spend the money for promoting car pooling, all of which makes sense.

But the one thing you cannot do is you cannot say—even though you have a railroad track running through your State where you want it to go—Amtrak, if you can put an extra train on there, we will pay you for that. Why? It makes no sense.

So the Senate language added intercity rail—translated, Amtrak—to that list of things that Governors can do consistent with the aims of the program to support and fully fund an integrated transportation system. Integrated means highways. It means buses. It means subways. It means Amtrak, if this were to prevail. It gives them flexibility.

The second thing the Governors could do, in addition to going to the so-called STP fund—is go to the congestion mitigation and air quality fund, or, the so-called CMAQ fund. CMAQ is an innovative program designed by Senators MOYNIHAN and CHAFEE which supposed to help urban areas come into compliance with the Clean Air Act.

Mr. President, we all know in most of our States where we are told that, if the air quality is not particularly good, the Governor is told to take the necessary steps in order to meet the Clean Air Act standards. This gives the Governor an opportunity when managing a growing State, a growing community and a growing urban area, to say, OK, one of the ways I can deal with increased congestion is, instead of putting more cars on the highway, to increase intercity rail.

Let us imagine what would happen if we shut down Amtrak in the Northeast corridor? Those of you, the tourists here today, traveling I-95 from here up to Boston through the States of Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, can you imagine? How many more lanes can we add on to I-95 in order to just transport people up and down? How many more airplanes can we add? We are having problems with airports. There is so much traffic on the east coast they are talking about the State of Delaware and the Wilmington airport becoming an overflow facility for the Philadelphia airport.

Mr. LAUTENBERG. Mr. President, will the Senator yield for a question?

Mr. BIDEN. Sure. I am delighted to.

Mr. LAUTENBERG. The Senator mentions aviation and the problems, if we did not have Amtrak operating. The projection is that, if Amtrak were not operating, we would have 10,000 DC-9

flights a year more to accommodate the traffic that would come off of Amtrak.

Mr. BIDEN. I say to my friend from New Jersey, Mr. President, that statistic makes the point. Two of the three people who know most about the transportation problems in this country are right here in the Chamber now, and the Senator from New Jersey is one of them. Ten thousand additional flights. We are having trouble keeping airports open during certain hours so people cannot have them interfere with their living standard and the quality of life. Where are they going to go, and why are we doing this? Why are we failing to make this small change in flexibility?

I never impugn the motive of anybody on this floor. But I must tell you in my 23 years here I have not run across many lobbies that are more powerful than the highway lobby, than the cement folks and the asphalt folks. There is nothing bad about them. But I think they are being incredibly shortsighted here in terms of not allowing this flexibility. I think in the long run, in 2 years, or 10 years, the public is going to say, "Enough, I do not want a 17-lane highway running by my house."

To combat this growing concern, Mr. President, these CMAQ funds, that the States receive as part of their highway funds, could be used for Amtrak, at the discretion of the Governors, if they chose to mitigate congestion and to carry the same number of people with less pollution and cars on the highways. Surely, this would be an appropriate use of those funds, a use currently denied the States.

In addition to those provisions, Mr. President, this amendment would permit States to enter into interstate compacts to support the Amtrak services. For example, the Presiding Officer is from the great State of Washington. You cannot very well get a train to go to Washington coming from Chicago unless you get the folks in the Dakotas, Montana, and Idaho to let it get there. There is no other way to get it there. If they do not have the ability to come up with the funds to provide for that train coming through, then it is a problem.

So it allows, if they so choose, the States in the Northwest to enter into a compact if they want those trains to move from Chicago to the State of Washington with more frequency. States come up with their own money, come up with the money they want out of their highway funds, if they decide to do so.

In the long run the answer to Amtrak's financial problems are not solved by this amendment. It will come from clearly defined, dedicated sources of funds supporting capital means. That is the only way out for Amtrak.

I must say that I am pleased to note that Senator ROTH has taken an amendment that he and I supported, and has drafted just such a bill which

has come out of the Finance Committee which he chairs. I look forward to working with him, and dealing with that bill on another occasion in the near future. It has to do with setting up a trust fund, a very small one, so that Amtrak will have the funds it needs for necessary capital improvements. The Senator from Montana supports that as well.

But, Mr. President, this flexibility proposal was taken out I think for very shortsighted reasons—not for lack of support of Senator CHAFFEE, who stood his ground as long as he could in this conference. It was dropped because the House was adamant in refusing to give the States the needed flexibility to manage their transportation needs the way they should do best. As a matter of fact, the chairman in the House on this committee, a gentleman from Pennsylvania, a very, very tenacious, very good Congressman, works very hard, even resisted to consent to the entreaties of his Governor telling them he needed this. And so I in no way am suggesting that the Senate did not try its best to hold this provision.

The House just adamantly refused to give the States flexibility. So much for the revolution. So much for the devolution of power away from Washington to the States. Here we have an example on the limits of revolutionary fervor; it ends when the committee is threatened with a tiny, marginal loss of authority or it ends where important interests to the highway community decide they want it to end.

The Senate language that was dropped would not spend one dime of additional State or Federal money—not one dime of additional money. It would not require the States to spend any funds on Amtrak, not a single penny, if they did not want to. It would not change any formula for distributing or allocating transportation funds among the States. It would not affect the amount of annual Federal transportation funds States now receive individually or in total.

The bottom line is the Senate amendment simply permitted States to use funds they already qualify for in a way that is not currently permitted. Current restrictions on the use of Federal transportation funds would be removed and Governors around the country would be able to use those funds as they see fit, including in support of intercity rail services provided by Amtrak, if this amendment were to prevail. In very congested areas, particularly in urban corridors along the east and west coasts, but in other areas as well, adding more highways in certain areas is simply not an economic or environmental option. Keeping an Amtrak route open on existing rail right-of-way, which is much more cost effective and safer and cleaner than buying land to construct even one more lane on a major interstate highway, is the way to go. The increasing flexibility provided by the Senate amendment is fully consistent with the major goals of

the national highway safety bill before us today and with ISTEA, the landmark legislation that calls for a National Highway System designation.

The need for enhanced State flexibility is clear. I find it fascinating that my colleagues, some of whom spoke today, colleagues who I have great respect for from wide open spaces of the West, from Montana and Wyoming, talk about the need for us to consider their specific needs and afford them flexibility, allowing them to have a highway speed limit higher than might be appropriate in the middle of Philadelphia County in Philadelphia, PA, or in the middle of Newark, NJ.

I understand that and appreciate that, but I have always found it difficult to understand how they cannot appreciate the problems of urban States where it makes much less sense for us to go out and build additional highways than it does for us to allow the States to have flexibility to use some of those moneys, designated portions of them, for the purpose of making sure we meet air quality standards, safety standards, and the transportation needs of the people of our State.

Let States decide. Let States decide. This is the mandate set out in both the House and Senate budget resolutions which we are going to hear a lot about today. Let the devolution of power occur; send it back to the States.

This whole thing is also a mandate that sets out for Amtrak authorizing legislation that we are going to take up very soon.

The first stage of this new authorizing legislation for Amtrak was announced last December with major routes elimination taking place effective in April, frequency reductions in the selection of routes throughout the country that will be completed this coming October.

The bottom line is more States will have less service in areas that they need and that they could very well be willing to use highway funds to keep. As a result, many communities across the country find themselves with little or no interstate rail service, and the Governors of those States know that intercity rail is an important option for small towns without air service as well as for congested commuter corridors. They know that intercity rail supports commerce and is an important component of the modern national transportation system.

Last June, I entered into the RECORD a letter from Governor Dean of Vermont, Governor Thompson of Wisconsin, Governor Engler of Michigan, Governor Carper of Delaware, and subsequently Governor Ridge of Pennsylvania, Democrats and Republicans alike, asking for this flexibility.

Among the authors of that letter were Governors who had already committed their own State general revenues to support intercity rail routes and at the same time they had surpluses in their Federal transportation program that they are prohibited from

using, that is, money that went back to the States they could not use because they did not want to build more highways. I said, "Can't we use that for this?" They said, "No, you can't." So they are required to go into the general funds of their States. That seems to me to be counterproductive. Many States have confirmed the importance of Amtrak.

Today, Mr. President, I have a letter from those same Governors, joined by Governor Allen of Virginia, another Republican, along with additional letters from Governor Whitman of New Jersey, reinforcing their support for the Roth-Biden amendment in the Senate version of the National Highway System bill. These letters were sent in October, unfortunately to no avail. They were sent to Congressman SHUSTER, chair of the House Transportation Committee and leader of the House conferees. I ask unanimous consent these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 20, 1995.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN SHUSTER: As you continue to work with the Senate towards completion of the National Highway System bill, we want you to be aware our strong support for the right of states to use their federal transportation funds for rail passenger service. The so called "Roth-Biden" provision which was included in S. 440 by a vote of 64-36 has our full and enthusiastic support, and we urge you to support its inclusion in the final NHS bill.

As you are aware, under present law, we are not able to make use of our federal highway or transit funds for rail passenger service. Enactment of this provision will provide states with the ability to decide what transportation system best meets their needs and to allocate their federal funds accordingly. In this time of severe budget constraints at all levels of government, it is essential that we empower state and local officials to make the best use of scarce federal resources.

We view this inclusion of the Both/Biden provision in the final version of the NHS bill as an extremely positive step in the direction of achieving a higher level of state choice and a more balanced transportation system. We look forward to working with you to ensure this result.

Sincerely,

GOV. HOWARD DEAN.
GOV. GEORGE ALLEN.
GOV. GASTON CAPERTON.
GOV. JOHN ENGLER.
GOV. TOM CARPER.

STATE OF NEW JERSEY,
Trenton, NJ, October 20, 1995.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

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The inclusion of the Both/Biden provision in the final version of the NHS bill is an extremely positive step in the direction of achieving a higher level of state choice, and a more balanced transportation system. I look forward to working with you to ensure this result.

Yours sincerely,

CHRISTINE TODD WHITMAN,
Governor.

Mr. BIDEN. Mr. President, because the support is still out there and because the need for Amtrak services must still be met by the States and because the principle of increased State flexibility is still valid, I will continue to fight for this Senate language that has been dropped from the conference report. But because I do not want to waste more time on this proposal and tie up my friend, the chairman of the committee, who I again thank for his dogged support of this proposition at a time when so much of our legislative business is yet to be done, I will not introduce this motion to recommit. But I consider the loss of important Senate language a clear reason for me to vote against this conference report.

I also want my colleagues to know that I will seek another means by which to accomplish the goals of the Roth-Biden amendment, and I will continue to fight to get it put into law.

To put it to you very bluntly, Mr. President, the reason I am not going to pursue this right now is if this prevails and gets sent back to committee, these States that are looking for the flexibility will also in the meantime have additional moneys tied up. They will not be able to get moneys that are in this bill that they need now. So I am in kind of a catch-22 position. My purpose here is to help Amtrak and to give Governors of States flexibility to decide what their transportation network should look like. But if I succeed, it goes back to the House again and goes back into conference, and I am not at all sure, to be very blunt about it, whether or not my friend from Rhode Island, notwithstanding his Herculean efforts, would be able to prevail were we to send him back. So that is why I am withholding this motion. So I will yield.

I saw my colleague from Delaware, who is the lead sponsor on this amendment. I do not know whether he wishes to speak on this right now. But for the time being—is there any time under the control of the Senator from Delaware?

The PRESIDING OFFICER. The Senator from Delaware has 3 minutes 40 seconds.

Mr. BIDEN. Mr. President, I will reserve the remainder of my time and yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I believe that I have some time remaining.

The PRESIDING OFFICER. The Senator from New Jersey has 18 minutes 40 seconds remaining.

Mr. LAUTENBERG. Eighteen?

The PRESIDING OFFICER. Eighteen minutes forty seconds left.

Mr. LAUTENBERG. Thank you, Mr. President.

I just want to stand up and announce my support of the comments and the program that the distinguished Senator from Delaware outlined in terms of where he would like to see things go for Amtrak. I, too, am an active proponent of Amtrak because its part in our intermodal transportation system is so significant.

I note, Mr. President, that when I was chairman of the Transportation Subcommittee of Appropriations—and that was the situation until the beginning of this year—that whenever there was an opportunity to review another transportation bill, invariably colleagues would come and plead with me for continued service by Amtrak to their States, even those States that had a couple of trains a week going through there.

They all loved the notion that Amtrak, the intercity rail system, the national passenger rail service, was going to continue providing service. Well, we have seen cutback after cutback, narrowing this thing down. And in these days of spare resources, I think it made sense to review very closely what was taking place there and to avoid as much as possible the continued costs for the operations of Amtrak.

However, Amtrak stands alone in terms of the percentage of the fare box that is received among railroads across the world. Amtrak has the highest share of revenues per fare box of any railroad in any country on Earth.

So, I fight very hard to protect the ability of Amtrak to function. And I know that is true of my colleagues from Rhode Island, including the distinguished chairman of the Environment and Public Works Committee, as well as other colleagues who see the value of Amtrak as part of the transportation system and who look at the possibilities that might exist if Amtrak was not functioning.

The distinguished Senator from Delaware talked about aviation. I point out that we would need 10,000 flights a year, additional flights a year, DC-9 size, just to service the volume of traffic that Amtrak now handles. If Amtrak can improve its service, get higher speed service, make the capital investments to bring that system up to the level that it ought to be, it would carry even more passengers. A computer permutation shows exactly that.

Here we are, when we have a chance, when we give the Governors—we talk about States' rights, and we talk about giving the States the chance to make their own decisions. Here we have a chance to do it. When it was supported in the Senate by a vote of 64-36, we lose it in conference. Frankly, I think that is a terrible condition. I was disappointed that it was believed that we could maintain the integrity of the highway trust fund by receding from the Senate position on Amtrak flexibility.

Simply, this provision would have allowed the States the discretion to use a small portion of their highway formula funds for Amtrak expenses. I sponsored this same amendment when ISTEA was being developed and when it passed the Senate. So, when it comes to Amtrak, when it comes to motorcycles—when it comes to Amtrak, we do not say that the States know best. We say Washington knows best. And that is an anomaly that, frankly, I do not understand.

Mr. President, I feel that we have lost an excellent opportunity here. I hope that we will be able to recapture it along the way with other legislation, as indicated by the Senator from Delaware. As the ranking member of the Transportation Appropriations Subcommittee, I can tell my colleagues that the appropriations bill that the President signed the other night included a 25-percent cut in Amtrak's operating subsidy; \$137 million in a single year will be cut.

Without having to be a rocket scientist, it is obvious these cuts will cause another round of service cuts, another round of layoffs. Amtrak just completed the largest round of service cuts and layoffs in its history. Now we are going to look again at another round of service cuts, another round of layoffs.

This NHS bill was held to be minimizing these cuts, to allow the Nation's Governors to use their discretion, to enter into cost-sharing agreements with Amtrak and keep certain of these trains running. I am sure that those Members that insist that we deny the Governors this form of flexibility will be the same persons who complain when they endure additional losses in Amtrak service and additional losses in Amtrak employment.

Mr. President, while I have the floor, I just want to reiterate—and I will not be long in deference to my colleagues who are waiting for the floor—that I think the NHS bill is a very positive piece of legislation in general, that it provides additional investments in infrastructure, which I repeat that I strongly support, but as we look at the abandonment of safety, we have to also consider what happens in terms of not only the loss of limb and life, but the additional financial costs that are associated with it. We also have to look at the fact that we will help create more air pollution as we load up further highway travel. We will be looking

at depending more on imported oil from the Middle East. That is a tragic situation for us.

More danger to law enforcement people. Put a patrol car out there having to enforce the law with someone going 90 miles an hour. I assure you that no policeman's family is going to like that assignment. But here we are. We are abandoning all other good judgment to save minutes a day. It is a regrettable thing, again, because this is tagged onto a good piece of legislation. But those who believe that safety is not a significant factor have abandoned that at this juncture. And I sincerely regret it.

Mr. LEAHY. Mr. President, I was deeply disappointed that the conferees dropped the provision that would have let States invest limited amounts of highway funds for intercity passenger rail service. This reasonable amendment would have given States like Vermont some flexibility to start or continue Amtrak service.

Last December, Amtrak made the painful decision to terminate the Montrealer, Vermont's only passenger rail service. Over the ensuing months, a unique partnership developed between the State of Vermont and Amtrak that resulted in an improved, cost-effective train, the Vermonter. The Vermonter has become a success story for Vermont and for Amtrak. Ridership has dramatically increased since its inception, a new baggage car has made the train more attractive to skiers and bicyclists, and the train operates at less than half the cost of the Montrealer.

The Vermonter's existence is largely due to the State of Vermont, which agreed last spring to pay up to \$750,000 to subsidize the route for 1 year. This subsidy represents a heavy commitment for my small State. As the Congress continues to cut Amtrak's budget, reallocated Amtrak costs are going to be passed on to Vermont in the form of a higher subsidy, which could well make the Vermonter unaffordable for Vermont.

This is why this amendment was so important for Vermont and other States. We subsidize highway construction with billions of taxpayer dollars every year. This modest provision would have allowed States some flexibility to use a small portion of those funds for Amtrak service. I am disappointed that the Senate conferees allowed this provision to be dropped in conference.

Mr. LAUTENBERG. Mr. President, I ask how much time I have left?

The PRESIDING OFFICER. The Senator has 9 minutes 55 seconds.

Mr. LAUTENBERG. I thank the Chair, and I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first, I see the distinguished Democratic Senator from Delaware here. I want to say everything he said was exactly right. It

was an overwhelming vote on the floor to permit the States to give money to Amtrak, that this was the ultimate of flexibility, which is the big war cry around this place. But we have discovered when it comes to flexibility, there is a great deal of flexibility in interpreting what is flexible. There was no movement in the House on this. It was very, very—they were adamant.

All I can say is I think what this country needs is a transportation trust fund, not a highway trust fund. I know that the distinguished chairman of the Finance Committee is going to speak in a few minutes, and I believe he has thoughts in the same manner.

But clearly we have to do something about Amtrak. We cannot just make the cuts that the distinguished Senator from New Jersey was talking about, \$137 million. As the Senator from Delaware said, every railroad transportation system in the world is subsidized, and for us to think that we can get away without subsidizing Amtrak is nonsense. However, we would not have a bill here today if we hung to our position that was voted here on the floor.

Mr. BOND. Mr. President, I thank Senator WARNER, Congressman SHUSTER, and the other conferees for agreeing to include a provision in the National Highway System bill ensuring that public highways connecting the NHS to ports, airports, and other intermodal transportation facilities will be eligible for NHS funds without further delay.

One of the main reasons for creating the NHS was to establish intermodal facility connections. But few of the connectors are included on the current NHS map and the Department of Transportation is not expected to have a list of additional connectors ready until after enactment of this legislation. To ensure that NHS funding for the connectors on DOT's list is not further delayed, the bill makes them eligible for such assistance on an interim basis. While I would have preferred the Senate passed bill language, this provision represents a reasonable compromise and should achieve the same results.

There is one matter dealing with the interim eligibility provision on which I would appreciate the chairman's clarification, however. The provision refers to a project to construct a connector to an intermodal transportation facility. It is my understanding that the word "construct" is to be read very broadly to include not only construction and reconstruction projects, but also ones involving resurfacing, restoration, rehabilitation, and operational improvements, such as the installation of traffic surveillance and control equipment and computerized signal systems.

Mr. CHAFEE. The understanding of the Senator from Missouri is correct. The word "construct" is to be read very broadly to include the types of projects the Senator have just described.

Mr. BOND. I thank the chairman for this clarification.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, this has been cleared with the Democratic leader. I ask unanimous consent that the vote on the adoption of the conference report to accompany S. 440 occur at 1:15 p.m. today, with paragraph 4 of rule XII waived; and further, that immediately following that vote, notwithstanding receipt of the conference report to accompany H.R. 2491, that the time consumed then be counted against the statutory time limit provided for in the conference report and each statement only occur as time is yielded by the managers or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LAUTENBERG. No.

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

Mr. LAUTENBERG. I ask the question again—I am sorry—are the yeas and nays ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. LAUTENBERG. 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. CHAFEE. Mr. President, I yield 7 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Rhode Island does not have 7 minutes.

Mr. CHAFEE. I was wondering if the Senator from New Jersey would give me a bit of his time.

Mr. LAUTENBERG. How much time do I have?

The PRESIDING OFFICER. Nine minutes fifty-two seconds.

Mr. LAUTENBERG. I wanted to offer 2 minutes to the distinguished Senator from Arkansas. I will be happy to yield 7 minutes from my time to the distinguished Senator from Delaware.

Mr. CHAFEE. I have 5 minutes. Why do we not give him—

The PRESIDING OFFICER. Four minutes remain for the Senator from Rhode Island.

Mr. CHAFEE. Three from you.

Mr. BUMPERS. I wonder if the senior Senator from Delaware will allow me 2 minutes to ask the manager a question.

Mr. CHAFEE. And the Senator has the time.

Mr. BUMPERS. This morning, I heard the Senator from Rhode Island talking about the provision in the bill that changes the law that prohibits States from putting new billboards on scenic highways. I was adamantly opposed to the section of the bill that would turn this authority back to the States. We have a magnificent highway

in my State. When complete, it is going to be one of the most beautiful—if not the most beautiful—scenic highways in America.

I am not sure what the distinguished floor manager said this morning on that provision about the Secretary's right to override the States on this. Could the Senator clarify that for me?

Mr. CHAFEE. Here is the situation. As the Senator knows, I very strongly supported the provision that we have in the law that says on scenic byways—and by the way, a scenic byway is designated by the State. It is not Big Brother from the Federal Government that designates them. The States designate the scenic byways, and then the Federal Government gives some moneys to help them.

By the way, the provision we have is no new billboards on scenic byways, no new billboards. The question came up on segmentation. You could have a 40-mile scenic byway, then a commercial section of 2 miles maybe, and then 30 more miles of scenic byway. The question was, could you segment these things?

The answer was, we included a provision that you could segment it without getting ridiculous; in other words, having a 2-mile stretch and then 4 miles of billboards and then another 2-mile stretch. So we believe that what we came up with protects the existing situation.

The words that the Senator was referring to was permitting the Secretary of Transportation to have the authority to prevent actions by the State that overrode the Federal requirements that prevented billboards. In other words, this was something to ensure that these States cannot set claim it is a scenic byway and instead it is a billboard alley.

Mr. BUMPERS. Does the Senator from Rhode Island feel that this sufficiently protects existing law?

Mr. CHAFEE. I do. We spent a lot of time with the highway administrator and with his folks. We believe that what we have written into the law now is exactly the way the situation is interpreted currently.

Mr. BUMPERS. I thank the Senator very much, and I thank the Senator from Delaware for allowing me to speak.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, as the author of the Amtrak amendment, I cannot overemphasize my extreme disappointment that the National Highway System conference report does not include this amendment. This amendment passed overwhelmingly in the Senate by a vote of 64 to 36. In April, when I introduced the Intercity Rail Investment Act with 13 cosponsors, I thought I had an approach that would be acceptable to all parties. I find it difficult to understand the objection to this proposal. As others have pointed out, in other countries, a viable rail system has always depended upon Government aid.

Frankly, when I offered the Roth-Biden amendment to the National Highway System bill, it was overwhelmingly approved, as I thought it would be. While my amendment received strong support in this body, it, unfortunately, ran into difficulty on the House side in the conference.

Mr. President, my amendment would have given States the flexibility to use a portion of their Federal transportation dollars for passenger rail service, and it would have provided States with the ability to decide what transportation system would best meet their needs and allow them to allocate their Federal funds accordingly.

In a time of budget constraints, my amendment would have empowered State and local officials to make the best use of their Federal resources and, as has been pointed out, one of the things that we have been seeking to do in bringing about change in Government is to provide flexibility to State and local officials to make the best use of the Federal resources that they have available.

Sixty-four Senators agreed with me and voted in favor of my amendment. Sixty-four Senators went on record for State choice, for a more balanced transportation system. These Members know that Amtrak is a vital and absolutely essential part of America's transportation network. While the Senate position did not prevail in conference, I know that Senator CHAFEE and other Members worked hard to convince the House how important this legislation is to our State Governors and to the intermodal transportation system. I want to express my appreciation to Senator CHAFEE, and others, for what they did.

I appreciate their strong support for my amendment and we shall be back. We shall be back until we provide this kind of flexibility to our State officials.

Mr. President, the need for passenger rail service is clear. All one has to do is look at our congested areas, particularly in the urban corridors along the east and west coast. Adding more highways simply is not an economic or viable option. In this part of the country, the Northeast corridor alone, annual Amtrak ridership between New York and Washington, DC, is the equivalent of 7,500 fully booked 757's, or 10,000 fully booked DC-9's.

If Amtrak were to shut down, adding more highways simply would not be a viable option. Just in the last year, Delaware alone had 607,000 riders.

We simply cannot have another system with that kind of capacity without adversely affecting our air quality and our land resources.

Mr. President, I know that my amendment would not have solved Amtrak's financial problems. Amtrak will need to continue to do its own internal restructuring. It will also need a dedicated trust fund to support capital needs the way we provide capital for highways and airports.

As chairman of the Finance Committee, I recently reported out a bill that would dedicate a half cent from the mass transit fund to Amtrak. This measure would dedicate over \$2 billion to Amtrak. As with the Roth-Biden Amtrak amendment, I am also eager to see this legislation enacted this year.

While I had hoped that my amendment would have been included in the conference report, I understand, having experienced some of them myself, the constraints that Members must operate under in conference.

Mr. President, I will conclude by saying that if Congress hopes to privatize Amtrak in the next 5 years, and if we support continued intercity passenger rail service—service that is vital to both rural and urban areas—we will vote in favor of a dedicated trust fund for Amtrak and for flexibility for State transportation spending on passenger rail service.

Mr. President, I am eager to work with my colleagues in the House and Senate to achieve this goal. Again, I thank Senator CHAFEE for his cooperation.

Mr. CHAFEE. Mr. President, I have the remainder of Senator LAUTENBERG's time.

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. CHAFEE. Mr. President, I want to say to the distinguished Senator from Delaware, the chairman of the Finance Committee, that I agree with everything he said. I think that it was terribly unfortunate that we could not get the House to budge. This was an absolute immovable position that they had. I hope that we can set up this Amtrak trust fund.

Frankly, as I said before, I would like to see a national transportation fund instead of a highway trust fund. Amtrak deserves every bit of support we can give, for all the reasons that the distinguished Senator from Delaware so ably set forth.

Mr. President, we are going to vote at 1:15.

I suggest the absence of a quorum at this time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, the hour of 1:15 having arrived, I believe, according to the prior agreement, we commence the vote on the National Highway System conference report. Am I correct?

The PRESIDING OFFICER. The question occurs on agreeing to the conference report to S. 440. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. MCCAIN], and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

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

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 582 Leg.]

YEAS—80

Abraham	Faircloth	Lugar
Ashcroft	Feingold	Mack
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Bingaman	Glenn	Moynihan
Bond	Graham	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brown	Gregg	Nunn
Bryan	Harkin	Pressler
Bumpers	Hatch	Pryor
Burns	Hatfield	Reid
Byrd	Heflin	Robb
Campbell	Helms	Rockefeller
Chafee	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Shelby
Cohen	Jeffords	Simpson
Conrad	Johnston	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kennedy	Thomas
Daschle	Kerrey	Thompson
Dole	Kohl	Thurmond
Domenici	Kyl	Warner
Dorgan	Levin	Wellstone
Exon	Lott	

NAYS—16

Akaka	Gorton	Moseley-Braun
Biden	Hollings	Pell
Bradley	Kerry	Roth
DeWine	Lautenberg	Simon
Dodd	Leahy	
Feinstein	Lieberman	

NOT VOTING—3

Gramm	McCain	Smith
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So the conference report was agreed to.

Mr. CHAFEE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

THE 7-YEAR BALANCED BUDGET
RECONCILIATION ACT OF 1995

The PRESIDING OFFICER. Under the previous order, there will now be a period of debate on the conference report to accompany H.R. 2491, the Balanced Budget Act of 1995. Debate consumed during this period will be counted against the 10-hour statutory time limit under the Congressional Budget Act.

Who yields time?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I can indicate to our colleagues what the program is for today. We have a consent agreement that the time, as of 5 minutes ago, the 10-hour statutory time on the conference report on the Balanced Budget Act of 1995 started to run. We will not receive that from the House until about 3 o'clock. In any event, the

time has started running, and if we use all the time, we will vote about sometime after 11 o'clock tonight. If we do not use all the time, obviously, we will vote at an earlier time.

Anybody who would like to debate this particular subject, now is a good time to start. If there is no indication of debate, why, we can be in recess subject to call of the Chair, whatever.

And on tomorrow, it will be HUD-VA, if available, and there may be another CR tomorrow coming from the House, which will be a narrow CR dealing with Social Security, veterans, and Medicare, those three topics. But we have to have consent over here before we can bring that up. If we put in a lot of amendments, we will not get it passed. These are subjects the President mentioned in his statement yesterday. That will probably come over tomorrow.

I am somewhat doubtful the HUD-VA is going to make it. I do not think they will finish in the House in time. That is sort of where we are. I hope we can have some resolution of the continuing resolution. I understand there are different people talking to different people about different things.

[Laughter.]

I do not know whether they are going to get it resolved or not. Mr. President, I ask the minority leader if he has anything to add?

Mr. DASCHLE. Mr. President, I share the majority leader's view that this is a good time to begin the debate on the reconciliation bill. I know a number of our colleagues have expressed an interest in beginning the debate and have statements to make. I think we can proceed with that and try to give them an update from time to time on what, if anything, the negotiations may be producing with regard to an agreement on the CR.

Mr. DOLE. The time will be under the control of the Senator from New Mexico and the Senator from Nebraska, or their designees.

Mr. LEAHY. Will the leader yield for a question?

Mr. DOLE. Sure.

Mr. LEAHY. Mr. President, the Senator from Kansas [Mrs. KASSEBAUM] and I were going to introduce legislation, Kassebaum-Leahy legislation. I wonder at what point it will be an appropriate time.

Mr. DOLE. Right now.

Mr. LEAHY. I cannot speak for the Senator from Kansas on how much time she needs, but I know I only need about 4 or 5 minutes.

Mrs. KASSEBAUM. Mr. President, I do not need any longer, maybe even less than that. It is just to introduce some legislation.

Mr. DOLE. As far as I know, if there is no objection by the managers, it can be done right now.

Mr. EXON. I will be pleased to yield whatever time is necessary equally off the 10 hours.

Mrs. KASSEBAUM. I thank the Chair.

(The remarks of Mrs. KASSEBAUM, Mr. LEAHY, and Mr. FEINGOLD pertaining to the introduction of S. 1419 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. DOMENICI. Mr. President, this is a historic day, in my opinion, in the life of our country. While we do not have the resolution, a balanced budget amendment of 1995, over here from the House, yet I am holding the text of it in my hand.

Essentially today, in my opinion, we have finally cast aside years of irresponsibility. Today, we will keep our word to the American people. Today, for the first time in 25 years, the Congress of the United States will approve the first balanced budget in more than 25 years.

Today, we will act like adults and give this Nation the grown-up leadership needed to protect its future and allow our children to prosper.

Leaders, it has been said, are the custodians of a nation, of its ideals, its values, its hopes, and its aspirations—those things which bind a nation and make it more than a mere aggregation of individuals. By governing for today, it is obvious that it is much easier to just govern for today than leading for the future. It does not take a great deal of talent or courage to solve an immediate need. It is a lot harder to pave the pathway for the future.

Yet, we who serve in public office and those of us who do have a high responsibility to protect a great nation's future, we must work on behalf of those who will follow us, our children and our grandchildren. When the facts are clear, we must act in their behalf or we are not leaders. We are the trustees of the future and of their future, of their legacy, of their opportunities. Leadership requires courage. It requires boldness and foresight to safeguard a nation's ambitions and comfort and to confront its challenges.

We have tried to provide the leadership needed to throttle runaway Federal spending and give the American people the first balanced budget in more than a quarter century. That might not be much in the life of this Nation, but essentially what we have rung up on the credit card is now approaching \$5 trillion.

So during that 25 years since we last had a balanced budget, we have mortgaged our future in a rather almost irreparable way. We better fix it, and fix it now.

So, for many of us who have thought this was the biggest socioeconomic issue that our Nation has, this is a red-letter day. It is a day of great pride.

Now, there is no use kidding ourselves. What we have done is controversial and difficult. Obviously, the President says he will veto it. But it is also obvious that with that veto pen comes a high responsibility. The shoulders of the President will have a very heavy

load on them as he exercises that veto pen, because the question will be: When will we get a balanced budget, Mr. President? The question will be: What is our legacy going to be to our children once we have placed this in the hands of the President?

For it will now be up to him, sometime this evening or tomorrow when we finish, it will be up to him, not us. But we will pass it here in the Senate as it will pass in the U.S. House.

It has not been an easy road for scores of Senators. It has been a difficult job politically for many Members on our side of the aisle. Yes, we are getting beat about the head and shoulders. It has not been easy, perhaps, for today more people think we are not doing the right thing than think we are doing the right thing. But I believe when you do great things and difficult things you have to take a little bit of the heat for a while until it all sinks in, in terms of what you really have accomplished.

Again, I repeat: Since we have accomplished it, it will be on the shoulders of the President; then, once it is vetoed, to accomplish something of equal value and of equal legacy for our people.

We knew from the beginning this would be difficult. We knew it would require determination and endurance, but we had promised the American people that we would balance this budget and put an end to persistent deficit spending that has been bleeding our Nation dry and leaving our children with less of a future than we had, which is not a good thought, not one we relish very much as adult leaders in the world's greatest democracy and the world's greatest capitalist system, which has produced more goods and wealth for our people and for the world than any group of people living under any kind of government forever.

A deficit that is growing by \$482 million a day, \$335,000 a minute, \$5,500 every second, and growing—our deficit spending is heaping mountains of debt upon our children. It will drag them down. We are irresponsible in shackling our children with our bills. If this pattern is left unchanged, they will be the first generation of Americans to suffer a lower standard of living and less opportunity than their parents.

Yes, if we pass this budget, our budget, we can reverse that tide. We can restore our Nation's fiscal equilibrium, and preserve America as a land of opportunity, not just for the "now" generation, but for future generations of children yet unborn.

Our budget reflects a commitment to responsibility, to generating economic growth, creating family-wage jobs, and protecting the American dream for all our citizens, young and old. A balanced budget does not just mean a better future for our children. It will put more money in the pockets of working Americans today. It will mean lower interest rates, cheaper mortgages, and lower car payments. With our budget

in place, working Americans will have an easier time sending their children to school or buying their first home.

Economists predict a balanced budget will result in a 2 point drop in interest rates. That is a yearly \$200 saving on a typical 10-year loan of \$10,000, or \$2,000. Over the life of a loan, a family will save \$2,500 a year on a \$100,000 mortgage on their home if this budget is balanced. We owe it to the American people, and to those who live in our houses and make them their homes, to make it a little easier for them to live in that style.

Studies conclude that a balanced budget will boost an average family's income. Others say it will create 2½ million new jobs. And, even as we move toward a balanced budget in 2002, under our budget, Federal spending will continue to grow.

We will spend \$12 trillion over the next 7 years; a number that is almost unfathomable to most American citizens, and to many of us. That is only \$890 billion less than we would have otherwise spent—around \$900 billion less.

Also, we balance this budget without touching Social Security. The budget shrinks the Federal bureaucracy, eliminating many Federal agencies and departments and programs. And, over time, to meet the targets even more will have to be changed.

We move money and power out of Washington and back to citizens in their States and communities. This budget reform will also take care of an old, an ancient welfare system, for it, too, will be reformed. But, yet, we will maintain a safety net for those in true need, especially children.

It preserves and improves Medicare and it protects Medicare. In fact, the way it is written in this document, we make the Medicare system solvent for anywhere from 14 to 17 years instead of until the next election, or just a few years.

I want to say to my colleagues who may not agree with every item in this package, there may be some portions you would like to change. That may happen. But I also want to remind you that this is an honest and straightforward balanced budget. In the vernacular of past budget debates, you may disagree but there is no smoke and no mirrors, no rosy scenarios, no cooking the books, just balancing the books. The President says he will veto this budget. As I said a few moments ago, I wish he would not. But I think I understand the game and I think I understand what the White House is up to. He says he is kinder and gentler and he is going to have a kinder and gentler budget, that somehow magically gets to balance while spending about \$300 billion more in domestic programs. He says he can get to balance by spending more and cutting less. It sounds a little bit phony. That is because the President's so-called budget hides about \$475 billion in the smoke and mirrors of different eco-

nomie assumptions from those of the Congressional Budget Office, which dictates our economic assumptions and our costs of programming.

The President's document, in my opinion, is a political one, hastily thrown together last June in response to a Republican determined effort and our passage of the budget resolution which set the path for a balanced budget. Yet, I understand sooner rather than later we will have to work with our President to get a balanced budget. But I think it behooves us here, today, to make sure that the American people understand that we had a real balanced budget and when you look at it in its entirety, it is a pretty fair document. When you look at it, as to what it has accomplished that the people want, it preserves and protects Medicare without any question. And for those who come to the floor talking about increases in the costs, I remind them that even the President has recommended increased costs in Medicare. In fact, some of our experts will take to the floor and will bring to the people of the country the realization that most of the President's talk in the last 4 or 5 days about Medicare and not reducing and not cutting Medicare and not increasing the fees that have to be paid by seniors—that, in fact, the President has already recommended that we do that. Last year he recommended it. This year he recommended it. I think there is only a couple of dollars difference between his recommendations and ours.

So, I understand. We might have made a tactical mistake, assuming that the President would not play politics with Medicare when we sent down our last continuing resolution. But we set that aside for now. We will take that up at another date, if in fact we are able to get to the table with the President, if he makes sufficient commitment in advance so we know we are going to get there. For, obviously, we will not give until the President agrees to accept a continuing resolution that assures us we are going to go to the table, negotiating about a balanced budget at a given time that we can all live with. We believe that time is 7 years.

The reality is that throughout the debate we have had to drag along the White House toward a balanced budget. I will not belabor it, but clearly the President produced a budget earlier this year that ignored the deficit totally. Only after we had our determined effort of many months did he put together a balanced budget—allegedly a balanced budget—put together very short shrift, a 21-page document, nine of which are graphs.

So, now the time is clear and it is right ahead of us. Sometime tonight or early tomorrow we will pass a historic document. It will already have passed the House. And then the President of the United States will have it firmly and squarely on his shoulders. I believe there is hope. I am ready to meet with

budget leaders at the White House any time, so they might join with us in fashioning a budget that gets to balance in 7 years. I am ready to do it any time. But I believe it is far more important that, during the next 24 hours, we pass this one, which is our marker, our marker for this year and for the future. And I think just getting this budget passed will forever change the way we handle our citizens' tax dollars.

I believe we will have shown that excuses for a balanced budget are not justified. Excuses merely mean we do not have the guts to do it, or the courage to do it. But it can be done and it should be done. It may set the pattern for decades to come, that we do not spend—that we do not go in deficit in good economic times, that we pay our bills in good economic times so somebody else does not have to pay them, some other American who did not even vote on any of this because they were not around, or they were too little, or too young, or not born yet.

So with this background, I believe we have before us a real important event in American history. Later on, we will talk in more detail about what we actually did in Medicare and Medicaid and tax cuts. I will rely on others to give their versions of it, but clearly I will be here during the next 12 hours or so to give my version. Since I have

tried as hard as I could to learn as much as I could about this, it is important to me that we get our message across and get it across well. I believe we will.

It is a pleasure working with Senator EXON. We do not agree on a lot of things, but I guarantee you, if Senator EXON and I were locked in a room and told to come out with a balanced budget that was good, we might shock some people. It might be right. For now, we are on other sides of the ledger, and I understand that.

Let me at the end of my remarks insert in the RECORD a document that I was anxious about the last 3 weeks. As we went through our conference and had to change a lot of things, I was very anxious that we get this one document from the authenticator of budgets, the Congressional Budget Office, headed by Dr. June O'Neill, and this was directed to me dated November 16: "Dear Mr. Chairman." In essence, it says this budget reaches a balance in 2002 and has a surplus of \$4 billion. That is the story.

I ask unanimous consent that the letter confirming and ratifying that be made a part of the RECORD.

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

TABLE 1.—CONFERENCE OUTLAYS, REVENUES, AND DEFICITS
[By fiscal year, in billions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Outlays: Discretionary	534	524	518	516	520	516	515
Mandatory:							
Medicare ¹	196	210	217	226	248	267	289
Medicaid	97	104	109	113	118	122	127
Other	506	529	555	586	618	642	676
Subtotal	799	843	881	925	984	1,031	1,093
Net interest	257	262	261	262	260	254	249
Total outlays	1,590	1,629	1,660	1,703	1,764	1,801	1,857
Revenues	1,412	1,440	1,514	1,585	1,665	1,756	1,861
Deficit	178	189	146	118	100	46	-4

¹ Medicare benefit payments only. Excludes Medicare premiums.

Source: Congressional Budget Office.

Notes.—The fiscal dividend expected to result from balancing the budget is reflected in these figures. Numbers may not add to totals because of rounding.

Mr. DOMENICI. I yield the floor.

Mr. EXON addressed the Chair.
The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, I have listened with great interest to my friend and colleague giving his opening remarks in the debate. I would simply thank him for his kind comments, and I agree that we have worked together as friends, not always agreeing on all of the issues but at least we will continue in the future to work together, and eventually that relationship might be the basis for some kind of a workable compromise that obviously is going to have to come about, hopefully sooner than later.

Mr. President, since this budget was unveiled last spring—and we are just now looking at the final details of it that were presented to us for the first time last night as numbers were concerned—we happen to feel that the Re-

publicans are asking the American people a question that was once made famous by Groucho Marx. Groucho said, "Are you going to believe what you see or what I'm telling you?" The American people see a budget that is unfair. They see a budget that showers tax breaks for those living on Easy Street but punishes those slogging it out on Main Street. They see a budget that bestows bucks to the wealthy but passes the buck to working Americans. They see the Republicans pledge to their Contract With America but break the promise of Medicare made to American seniors 30 years ago. They see a budget totally out of tune with the values of fairness and reasonableness that they hold so very dear.

But to this day the Republicans keep trying to spin this budget, blurring its hard edges and test marketing its language as if it were a new brand of cereal. But the American people can see

through it all. The American people see that the Republicans have gone too far, too fast, and the American people are right.

I have spent as much time as any Senator arguing for a balanced budget and working for one. It has been an article of faith with this Senator. It has been an article of faith with this Senator and many others on this side of the aisle who are in general agreement with many Senators on the opposite side of the aisle in this regard.

I must say, though, that one of my biggest disappointments has been our inability to pass a balanced budget amendment to the Constitution. But there is a way, Mr. President, there is a right way to do it and there is a wrong way to balance the budget. Regardless of where it originates, it must be fair, and it must have shared sacrifice. This Republican budget falls flat in that regard.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 16, 1995.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the conference report on H.R. 2491, the Balanced Budget Act of 1995, and has projected the deficits that would result if the bill is enacted. These projections use the economic and technical assumptions underlying the budget resolution for fiscal year 1996 (H. Con. Res. 67), assume the level of discretionary spending indicated in the budget resolution, and include changes in outlays and revenues estimated to result from the economic impact of balancing the budget by fiscal year 2002 as estimated by CBO in its April 1995 report, *An Analysis of the President's Budgetary Proposals for Fiscal Year 1996*. On that basis, CBO projects that enactment of the reconciliation legislation recommended by the conferees would produce a small budget surplus in 2002. The estimated federal spending, revenues and deficits that would occur if the proposal is enacted are shown in Table 1. The resulting differences from CBO's April 1995 baseline are summarized in Table 2, which includes the adjustments to the baseline assumed by the budget resolution. The estimated savings from changes in direct spending and revenues that would result from enactment of each title of the bill are summarized in Table 3 and described in more detail in an attachment.

Sincerely,

JUNE E. O'NEILL.

The ugly truth about this extremist Republican budget is that it has no semblance of balance. The overwhelming majority of the mandatory reductions come from only two areas—the first are the means-tested programs that serve primarily low- and moderate-income Americans. The second is Medicare, where three-fourths of the beneficiaries have incomes under \$25,000 a year.

Under this budget, ordinary Americans will pay more through higher premiums in Medicare, through higher student loan fees, through higher contributions for the GI bill benefits, and through cuts of a major magnitude, through cuts of a major magnitude in the earned-income tax credit. The Republicans keep turning the screws tighter and tighter and tighter on the ordinary Americans while opening the spigot of tax breaks for the wealthy.

The \$270 billion in Medicare reductions are extreme. It is far more, far more than the \$89 billion needed to retain solvency of the trust fund as recommended by the trustees. Obviously, when the Republicans had to make a choice between doing right for our parents and doing right for the rich, they, unfortunately, decided to soak it to our seniors to the benefit of the wealthiest of Americans. That is one of the main points that we are most concerned about with regard to this budget rescission that will be vetoed, fortunately, by the President.

The same is true with approximately \$165 billion in Medicare reductions. How many of our most vulnerable neighbors will lose all of their health insurance? No one knows for sure but estimates have run as high as 12 million Americans will lose.

Rural America's fragile health care system could be shattered through the combined Medicare and Medicaid reductions.

Yes, the fix is in for distribution of the tax breaks. If you are making under \$30,000 a year, your taxes are going to go up. The events of the past week are an absolute disgrace and do not bode well, unfortunately, for the future. The extremists have obviously hijacked the Republican Party, especially in the House, where there is no semblance of reason, fairness, or proportion. The House Republicans bared their fangs and they also bared their souls. No wonder the American people believe that Republicans have gone too far and way too fast. What our Nation needed was a simple extension, just this last week, a simple extension of the continuing resolution and the debt limit, a short-term bridge, one might say. What we got from the House were two bills loaded with so much junk that they looked like a truck from the Beverly Hillbillies. So what happened? The Government, unfortunately, is shutting down and default looms. The Republican majority seemed ready to turn Uncle Sam into a deadbeat dad.

What the Republicans did not tell the American public is that their very own

budget reconciliation bill will require that the debt ceiling be raised from the present \$4.9 to \$6.7 trillion by the year 2002. And one of the biggest reasons for jacking up the national debt by \$1.8 trillion is to help pay for the \$245 billion break in taxes for the wealthy.

Every dollar, every dollar for tax breaks, will have to be borrowed or found from some other source, and the American people will have to cover the ever-increasing cost resulting from it in the form of interest.

Since the Republicans clearly need the debt ceiling to be raised to accommodate their budget, why, oh, why, then, did we have to go through this charade of the last week? The answer is an old one. Unfortunately, it is politics. The Republicans are trying to twist the arm of the President of the United States into accepting an unacceptable budget, which the President will not do. They are willing to push this country over the edge just to gain better purchase in upcoming negotiations. That is unacceptable also to this Senator. And I believe unacceptable to the American people.

In spite of all this acrimony over the past month, I still am not without hope. The essayist C.S. Lewis once said that "Our friends are not necessarily people who agree with us, they are people asking the same questions." I feel that way about many of my friends on the other side of the aisle, especially my friend and colleague for so many, many years, the distinguished chairman of the Budget Committee, Senator DOMENICI. For many years we have been asking the same questions about how to balance the budget.

Our time on the Budget Committee goes way back to those days when I first came here, when Senator Muskie of Maine was here and Senator Henry Bellmon was the ranking Republican on the Budget Committee. And I must say that I think looking back to those days, we both had great respect for Senator Muskie and for Senator Bellmon. And I think by and large during our tenure as the leaders of our two parties on the Budget Committee, Senator DOMENICI and I, with our differences, have had to try and carry on that bipartisan spirit as best we could.

For many years then, we, Senator DOMENICI and I, have been asking the same questions about how to balance the budget. This time we came to different answers. But in the weeks ahead we may come to an agreement because I say to all once again, when all the dust clears, and when all the rhetoric is over, then we are going to have to do the true heavy lifting by getting a budget that can pass the House and the Senate and a budget that will not be vetoed and will be happily signed by the President of the United States. That is going to be an enormous task under the obvious difficulties that face us. But in the weeks ahead, I suggest we must come to agreement.

In closing, Mr. President, we should not view compromise as a weakness. I

have always viewed it as a sign of leadership and a sign of maturity. And I believe that is the way the American people understand it. We know this bill will be vetoed by the President. And in spite of the bullying and in spite of the ultimatums, there is no way the President will sign it. To this Senator the first compromise is clear, and it is compelling. The need is there.

We must get together and respond as quickly as we can. Both sides can continue this trench warfare as long as they want, leaving a scorched and desolate landscape. But in the end the heavy lifting, the compromise, mutual understandings are going to have to be reached, and I will be a part of that. If we do not do that, Mr. President, we are going to continue the chaos that we see in America today with the close down of the Government.

Mr. President, I will do all that I can, everything in my power, to help facilitate that process. And I am standing ready once again to do whatever I can to bring a measure of understanding to this body and hopefully in the other body to get on with the budget that is not going to be perfect, but a budget that could be workable and a budget that I feel can be formulated to balance the income and the outgo of the Federal Government in 7 years, as the chairman of the committee has so often stated is a necessity.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I yield myself such time as I may use.

Mr. President, in the eloquent and impassioned remarks by my friend, the Senator from Nebraska, outlining his reasons and those of the President of the United States for rejecting this historic proposal, the first proposal which offers to balance the budget in almost 30 years, one two-word phrase stood out, and I believe fairly summarizes his position and that of the President of the United States. That phrase was—and I quote—"simple extension."

Why would not the Republican Party grant to the President, the Democratic Party, a simple extension of what we have already been doing, a simple extension of the policies of the last 30 years, a simple extension of policies which promise us \$200 billion deficits as far as the eye can see, a simple extension of a policy which was phrased elegantly in yesterday's Washington Post as "paying not just for the government we have, but for the government we had and did not pay for earlier?"

The policy of the President, the policy of the minority party in this body is to do just that, not to pay for the Government we have, not to pay for the Government we want, but to consume all of these societal goods and send the bill to someone else, in this case, to our children and to our grandchildren.

GeorgeWillputtinthiscolumn yesterday:

Having sought in 1992 a mandate for an empty idea—"change"—he [that is to say, President Clinton] has come to the arguable conclusion that serious change is more trouble than it is worth. Never a martyr to candor, he will not make that argument. [But] still, he does represent a discernible notion of what the Federal Government ought to do—approximately what it is doing.

And between that idea, simple change, that the Government ought to continue to do approximately what it is doing, and the ideas presented in this budget, there is, Mr. President, a great gulf fixed. We do not stand for a simple extension. We do not stand for a Government which continues to do what it has been doing. We stand for a Government which provides no more in services than it is willing to pay for.

The road to that conclusion, seemingly too radical for our administration or our friends on the other side of the aisle, is, according to them, fraught with great difficulty. But, in fact, of course, Mr. President, it does not mean that we must cut the budget. The budget of the United States will increase by 3 percent in each and every year from now until the budget is balanced. It does not mean that we will cut Medicare. Medicare will grow at almost 8 percent a year—interestingly enough, at a slightly greater rate than it would have grown had we adopted the President's proposals for Medicare that were a part of his health care bill just one short year ago. Yet, this course of action is denounced as inhuman, as impossible, as literally throwing millions of Americans into poverty, principally, I suspect, because to argue its specific content would be to show the shallowness of the opposition to this set of ideas.

Now, is the proposal which has been laid before us by our wonderfully distinguished friend and colleague, the senior Senator from New Mexico, in pursuit of nothing other than some form of ideology that says it is nice to have two columns of figures balanced against one another? If that were the case, arguments against it might have some fairly considerable validity. But that is not the case.

It is this business as usual, this simple extension that caused every American, no matter what his or her age last year, to pay an average of some \$800 in taxes just to cover interest on the national debt; it is this simple extension which causes an American born today to inherit an average debt of some \$187,000 during his or her lifetime just to cover interest on our national debt; it is this simple extension, this love for the status quo that, according to the Concord Coalition, headed by two former Members of this body, one from each party, to report the debt and deficit spending has lowered the income of American families by an average of \$15,000 per year—\$15,000 per year, Mr. President; and it is the fact that the proposal that is before us today is believed, by a very conservative Congressional Budget Office, to have such a positive impact on our economy that

the Government of the United States itself will be \$170 billion better off by the year 2002 than it will be if we grant a simple extension.

That \$170 billion is a small figure compared to the half trillion dollars or more by which the American people will be better off because of better job and career opportunities, higher incomes, lower interest rates on the homes and the automobiles, and the other goods and services that they buy on a time-payment basis.

Those are the reasons, Mr. President, that this proposal is before you. Those are the reasons that this proposal represents such a dramatic change in course, as the Senator from New Mexico reported earlier. In fact, it is perhaps even a greater change in course than he expressed.

He reported, as we have frequently, that the last time the budget was balanced was the year 1969. But balancing the budget in 1969 required only modest changes from budget deficits of the previous years. This deficit and this simple extension does require a degree of political courage and a change of course that has not been matched in the memory of any Member of either House of the Congress of the United States; not matched by my party in the early 1980's; not matched by the other party ever, as far as we can tell.

We are told that this is too much too fast, and the fundamental rationale behind that conclusion is that while a balanced budget may be a good idea in the abstract, not now, not on our watch.

Mr. President, I dredge up into my memory some of my reading in college about St. Augustine, who was reported to have written, and I paraphrase, "Grant me repentance and a new life, O Lord, but not now." That, I think, is the view of those on the other side. The President now, for today at least, holds the belief that maybe we can balance the budget in 10 years, a period of time at least 5 years beyond the end of any term which he could constitutionally hold as President of the United States.

"Lord, let me repent and grant me a new life, but not now, let someone else do it at some later time." That is the difference between the positions represented by this responsible budget which offers a dividend to the American people and their Government of almost a trillion dollars and the course of action advocated by my friend from Nebraska, and I quote, "simple extension." We are not for a simple extension; we are for a new and better course of action.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from California.

Mr. DOMENICI. I wonder if the Senator will permit me 30 seconds.

Mrs. BOXER. Absolutely.

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

Mr. DOMENICI. Mr. President, let me comment for Republican Senators, we

are trying to accommodate everybody who wants to speak. If you could send down your names and give us some idea when you might be available in the next 3 or 4 hours, we very much would like to accommodate you because we do want people to express themselves. We have a lot of time. If you can do that, bring it down to the manager's desk and we will try to work it out to everybody's convenience.

I thank the Senator from California.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you very much, Mr. President. I am glad as a member of the Budget Committee that we have finally gotten to this point where we have the reconciliation bill before us, because if ever there was a difference between the two parties, this is the time and the place for all America to see it. And those people who say there is no difference between the parties ought to listen to this debate, because there is a huge difference between the two parties. Both want to balance the budget. The question is, how do you do it? That is the issue. That is why our President has taken such a firm stand and has not blinked and has not wavered, and has said, in fact, that he could not possibly be President of the United States if these values of the Republicans—these radical priorities of the Republicans—prevail.

It is a tough fight. We are all tired. Many of us are very tired. There are a lot of workers today, American workers, who are not getting paid because of this fight. Of course, every one of the Senators is getting paid. Essential workers, who are working, are not getting their paychecks now. But every Senator is getting a paycheck. This Senate voted twice for the Boxer bill—the no budget-no pay bill. It passed unanimously. But Speaker GINGRICH is stopping it from coming up in the House, and now we are having trouble right here in this Chamber. Senator SNOWE, a Republican Senator from Maine, has a very important bill to treat us like every other Federal employee. She is being blocked from bringing it up, for whatever reason. Senator SNOWE and I are going to continue to try to bring it up because it is very interesting that people around here can dish out the pain, but their families do not have to worry. I heard one colleague say, "I cannot do that, I have a mortgage to pay." That is right. So does every other Federal employee out there. The ones who were told to go home wanted to work. They have kids that they love and they are not getting paid. So, yes, this is a very painful fight. It is painful for a lot of people. I know that every single Senator in the U.S. Senate, be he or she Republican or Democrat, has stated in speeches that America is "the greatest country in the world."

This is the greatest country in the world. Why? Because of the genius of the American people, because of the

strength of the people who would lay their lives down for this country, because of our great democracy, which is the envy of the world. But also because of our Constitution.

I am going to read the preamble to the Constitution. When we get elected to this office, be we Republicans or Democrats, we raise our right hands to uphold this Constitution. I want to read the preamble, which is the reason for our Government:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That is our guidance. That is what we are supposed to do—provide for the common defense, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. That is why we are the greatest Nation in the world because, all through the years, in a bipartisan way, we have worked to ensure those words.

Now, I believe in my heart of hearts—and I do not know whether it is popular or whether it is unpopular—that this budget that is before us—and I tried as a member of the Budget Committee to make it better, along with my ranking member, JIM EXON, and the other colleagues on that committee—is a radical departure from many years of bipartisanship. This budget is a radical departure from bipartisanship. It destroys, in my view, what has made us the greatest country in the world—values. Values, where we say it is, in fact, important to invest in our children and their education; that it is important to invest in environmental protection. Just look at Eastern Europe when they tore down those walls. It was so polluted, they could not have economic development. But, in a bipartisan way, we passed environmental legislation.

This budget guts education, guts environmental protection, guts protecting our senior citizens. I have been on this floor and debated this with my colleagues, and the script that they have over on that side of the aisle is very clever. "We are not reducing Medicare, we are saving it." Well, the senior citizens know better. I ask you, who do you believe? Speaker GINGRICH, who said Medicare should "wither on the vine"? The Republican majority leader, who said, proudly, a month ago, "I led the fight against Medicare?"

If people in this country believe that the Republican Party, by cutting Medicare by \$270 billion when the trustees tell us you have to cut \$89 billion—if the people of the United States believe that is the party that is going to protect Medicare, then I say: Read history—not ancient history. Go back to the sixties when this program was formed. It was the idea of Harry Truman. It passed during Lyndon Johnson's days.

You know what? The last time we had a surplus was when Lyndon Johnson was President. When the Republicans took over from Jimmy Carter in 1980, I remember when President Reagan turned to Jimmy Carter in a debate and said, "There you go again." He said, "I am going to balance the budget in 4 years." They added more to the debt under the years of Ronald Reagan and George Bush than in all the years from George Washington up to Jimmy Carter. They would have you believe that they are the ones who have always been fiscally responsible.

Ask them why they increased military spending \$30 billion more than the Pentagon asked for. Suddenly, their credentials for cutting budgets fly out the window. When it comes to Star Wars, go, go, go—even though the cold war is over. The weapons systems that were drawn up by the Pentagon so we would be prepared to fight with the Soviet Union are not going away, they are coming back.

Fiscally responsible people. When it comes to gutting Medicare, oh, yes, they are fiscally responsible. They gut it. When it comes to cutting Medicaid, education, the environment, oh, we are tough. But not when it comes to the Pentagon.

When it comes to raising taxes on the people who make under \$30,000, they are tough. We will get more money from those people. That is what they do in this budget. If you earn over \$350,000, you get back \$5,600 a year. What is the matter with this picture?

David Gergen, a Republican, says this Republican budget is harsh. Why does he say that? Because 80 percent of the cuts go to the bottom 20 percent of Americans and 80 percent of the benefit goes to the top 20 percent of Americans.

That is the vote we are going to cast here on this reconciliation bill.

Speaker GINGRICH says it was his intuition—I am quoting him—that led him to a 7-year balanced budget. The President says if we go to 8 years, 9 years, we can soften the cuts.

I hope once this bill is vetoed that there will be some compromise. We were sent here to keep the Government going, to pass a budget. We have to get down to doing just that.

Let me give, in closing, because I see other colleagues have come over to the floor, in very quick version, the top 10 outrageous aspects of this GOP reconciliation conference report.

First, the GOP uses about \$270 billion cuts in Medicare to pay for a \$245 billion tax cut for the wealthy. They are taking the Medicare fund, they are gutting it, and taking the money and giving it to the wealthiest of members. That is probably the top outrage.

Second, the GOP increases taxes on working families by \$32 billion. Outrage No. 2. In other words, a majority of people under \$30,000 a year get a tax increase in this budget.

Third, the GOP drastically cuts the corporate alternative minimum tax. Do

you remember the 1980's when we had lists of corporations that paid no taxes? We fixed it by writing the alternative minimum tax. Some of these corporations actually got refunds—got refunds. We fixed it. This budget reconciliation package takes us back to those bad old days.

Next, the GOP permits corporate raids on pension funds. Can you imagine, you save for your retirement, and in this bill corporations can go in and essentially take your money. The money that you put away every month, and you look at it, how is it growing, how is it going, how is it doing—they can go in there and take that money. That should be disallowed. So we outlawed that. It is back.

While giving tax breaks to the wealthy, the GOP cuts child nutrition.

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

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. KENNEDY. Does the Senator find it somewhat amazing that on many of these issues like billionaires' tax cut, over 90 Members of the Senate, Republican and Democrat alike, voted to change that particular provision, and then when it goes over to the closed doors and closets of the Republican conference it comes back in?

Does the Senator remember when we voted 94-5 not to permit the corporate raiders to rob the pensions? We passed that, Republican and Democrat. It goes over to the conference and it comes right back again. We did that on the discounts for drugs for Medicaid and for public hospitals. It went over and came right back again.

Double billing—to try and collect for seniors who are on Medicare from being charged again. Struck out in conference. Our conferees retained the current law. We passed it, it goes over there, and it comes back again.

Does the Senator reach the conclusion with me that our Republican friends, when it is out in the sunlight they respond to the public interest, and when they are behind the closed doors they have the private and special interests? That is what we are dealing with.

Mrs. BOXER. The Senator is exactly right. When it comes to the corporate raids on pension funds he is right. We voted in a bipartisan way to stop that. Guess what happened? In this conference report, corporations would withdraw as much as \$20 billion from pension funds—up to \$20 billion. These provisions were avidly sought by corporate lobbyists, but many pension experts warn it could endanger the security of the pension funds.

In the light of day they all walk the walk and talk the talk but get behind close doors, there it goes. Everything we fought for on this side goes out the window.

I say to say my friend from Massachusetts who fought hard on this, and

my friend from Minnesota, these are issues they brought here.

That is why I am reading these 10 outrages because suddenly things we fixed are back here again. There are 10 reasons—there are many more than that—but these are the 10 outrages in this reconciliation bill.

Here is another one. While giving tax breaks to the wealthiest among us, the GOP cuts child nutrition programs, including school lunches, by \$6 billion. Is it no wonder that this President is taking such a strong stand?

Next, while giving tax breaks to the wealthy, the GOP cut student loan program by \$5 billion, including rolling back direct student loan program to 10 percent of the loan.

My friend from Massachusetts has stood up here on his feet hour after hour, making the point that the direct loan program means more dollars for the students and cutting out the middle man, if you will. It is very important that we not shut down the direct loan program. They keep it going only for 10 percent of the loans. All the hard work my friend put into this is out the window.

Next, in its Medicaid repeal provision, the GOP eliminates the guarantees of nursing home care for seniors who have exhausted their assets. Imagine such a thing—imagine such a thing.

Of course, there is more on that. We know they have weakened nursing home standards as well.

In its Medicaid repeal provision, the GOP eliminates the guarantee of help with Medicare premiums for low-income seniors.

Next, the GOP protects physician fees under Medicare from any actual reductions while at the same time doubling seniors Medicare premiums. We saw that happen. Suddenly the AMA says, "We will back the plan," because they cut a deal at the expense of seniors. Their fees are going to be just fine, but Medicare premiums are going to double.

How about this: The GOP opens the Arctic National Wildlife Refuge to drilling in this bill. Imagine drilling for oil in a wildlife refuge. It is an unbelievable thought. Why is it a refuge if you are going to allow drilling in it? It makes no sense. But it is in this bill.

I just add, as a California Senator, what else is in this bill? They slipped through a provision—follow this one, my friends—that would allow for the transfer of 1,100 acres of land to Pete Wilson in California, the Governor of California, who is going to take it for \$500,000. Mr. President, 1,100 acres of land, what a giveaway, for a nuclear waste dump, and it is slipped into this bill. What an outrage that is, and what another reason for this President to veto this.

While they transfer the land, they say, "Waive all environmental laws. No environmental laws will apply." So imagine, I say to the American people who may be watching this, you wake up one day and the next day you have

a nuclear waste dump next door to you and all the environmental laws have been waived on it. You cannot even go to court. That is another outrage, a particular California outrage that is in this bill.

So, let me say, if ever people wonder why there is a difference between the two parties, it is synthesized in this budget. And I pray the President will have the continued strength to take the heat.

The Speaker of the House said one of the reasons you got such a tough time here is because the President did not talk to me on Air Force One. Unfortunately for the Speaker, there are pictures that show that not only did the President go back there—here is the picture—but he was intently listening to Speaker GINGRICH. And at another time, the same way.

This is Speaker GINGRICH clearly holding court on Air Force One. He complains he was treated unfairly. I say to Speaker GINGRICH and the people who follow his lead around here, you ought to start thinking of the American people, not the fact that you wanted to spend 3 hours with the President instead of an hour and a half, or you went out of another door. You are not the President of the United States of America.

Mr. LEAHY. Will my colleague yield for a question?

Mrs. BOXER. I will be happy to yield to my friend.

Mr. LEAHY. If I might, just for 3 minutes, and I have spoken to the Senator from Minnesota here who I know wishes to speak, but I would ask this question. When I look at this, I look at this vote as being one of the most significant I will cast in the U.S. Senate. Would my colleague not agree, this is a bill that will punish Vermonters?

It will punish the Vermont economy for years to come. It imposes a radical agenda on the American people that will squeeze the middle class, hurt the poor, and reward the rich.

In my State, I would say, we want a balanced budget. I want a balanced budget. Most Vermonters—Republicans, Democrats, Independents—want a balanced budget. Vermonters want a balanced budget, but they do not want it under an agenda that wipes out most of them. They want an agenda that speaks to all of them.

But this balanced budget is NEWT GINGRICH's agenda. It is not Vermont's agenda.

Would the Senator from California agree with that?

Mrs. BOXER. Clearly, it is his agenda. A lot of it is based on intuition, is what he told the press.

Mr. LEAHY. Will the Senator agree this extreme measure forces working Vermonters to pay more in taxes, makes it a lot harder for them to send their children to college, makes it harder for them to have a safe nursing home for their parents, and that average Vermonters will be making these sacrifices, not to balance the budget,

but to pay for tax breaks for the rich because it will give the wealthy \$245 million in new tax money? Will the Senator from California agree with that?

Mrs. BOXER. My friend is so right. He has a small State. I come from a large State, more than 30 million people. So, I say to my friend, imagine, if you took Vermont and put it into California, and you had many Vermonts to make up all of California, that is what this Senator is feeling. Because for each Vermonter that gets hurt, many more Californians get hurt. So I totally agree with my friend.

Mr. LEAHY. Mr. President, I would say I ask this question to the Senator from California because she represents the largest State in the Union while I represent the second smallest in population. The distinguished Presiding Officer, of course, represents the smallest in population, although one that in land area encompasses our State many times over.

I would also say, if I might, I have traveled many times in the State represented by the distinguished Presiding Officer. It is one of the most beautiful places. Were I to live somewhere other than Vermont, it would appeal to me.

I raise these questions because we have a 2,000-page bill and, whether you are from a large State or a small State, you have to ask what it does. The bill will cut Medicare by \$271 billion over the next 7 years; it will cut payment rates to providers and hospitals; it will make seniors pay higher premiums; it will increase deductibles.

In Vermont, 73 percent of our elderly population have incomes of less than \$15,000. These are things—in a small State like ours, I do not know how we could possibly handle it.

Average Vermonters must make these sacrifices not to balance the budget, but to pay for tax breaks for the rich. This bill gives the wealthy \$245 billion in new tax breaks. The wealthy do not need these tax breaks and we cannot afford them.

The bill's unnecessary cuts in Medicaid, Medicare, student loans, and school lunches will send the Vermont economy reeling. This is the wrong way to balance the budget.

At a time when many working Vermonters are struggling to make ends meet, this budget would hike Federal taxes on low- and moderate-income working families by cutting \$32 billion from the earned income tax credit—a program the rewards work and compensates for low wages.

This Federal tax increase also would raise State taxes in seven States, including Vermont, that have a State earned income tax credit. As a result, 27,000 Vermont working families earning less than \$30,000 a year would be forced to pay higher taxes. This is a double whammy for working families.

This budget bill would leave my home State in an economic crisis for years to come.

I would say, as I have been saying since June or July on this floor, let us

come together, Democrats and Republicans. Let us forge a bipartisan consensus that will balance the budget but gives educational opportunities to our children, allows us to have safe nursing homes for parents, gives opportunity for working people.

I thank the Senator from California for doing me the courtesy of making these points. I appreciate it.

Mrs. BOXER. I thank the Senator for his questions, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I yield such time as the Senator from Mississippi requires.

Mr. LOTT. I thank the distinguished Senator from Washington State.

Mr. President, first, I would like to express my sincere appreciation for the great work that has been done on this very important legislation, the Balanced Budget Act of 1995, by the chairman of the Senate Budget Committee, the Senator from New Mexico. Senator DOMENICI has been prepared for this moment by many trials of fire. He has been through the budget battles for 15 years at least now. They have always been tough, but none have been as tough or as important as this one. There is no question, without his experience and without his dynamic leadership, without Senator DOMENICI we would not be here today. I want the record to reflect my sincere appreciation for his work, and also for the outstanding work done by Senator ROTH, who is the new chairman of the Finance Committee. He moved into that chairmanship at a very critical time. He quickly got on top of the issues and has provided genuine leadership in producing a big chunk of what is in this balanced budget bill.

Of course, I want to recognize the majority leader. Senator DOLE has put many, many hours into this effort. As the negotiations on the conference report went forward, he was there and met with the conferees and subgroups and spent literally hours making this possible. So I commend those three gentlemen for their outstanding work.

Many staff people have been involved in it too, and many Members on both sides of the aisle have worked in good faith to try to come up with a genuine balanced budget.

Finally, we are getting to what this whole year has been about. Finally, after missing the target many times, the Washington Post this morning got it right. The Washington Post reported, "Clinton reiterated his opposition on the grounds that it cuts spending too deeply and commits him to balancing the budget in seven years." That sums it up. That is what we have been going through here for the last few days—in fact, all year. The President wants spending increases in almost every program, and he does not really want a balanced budget.

With this bill he is going to get the balanced budget he doesn't want. He

will get an opportunity to sign it and confirm that he in fact means what he says when he says he is for a balanced budget, for changes in Medicare, for welfare reform and even for tax cuts. He has advocated those, too, on occasion. Or, if he vetoes it, then we will have to wonder, what does he really mean when he says he supports those goals?

But, in the end he is going to have to sit down together and talk. We are going to have to come together, and we are going to have to come to an agreement. The agreement will be that we are going to have a balanced budget in 7 years. I think that, finally, Republicans and Democrats alike now acknowledge that is what we are going to do.

The question is: how do we get there? I am sure the priorities will be argued over as we go forward, but we are setting our priorities here today. We are setting out in this Balanced Budget Act of 1995 what needs to be done. I am very proud that we have stepped up to the task, and we are going to achieve it in a responsible, honest and fair manner.

This balanced budget is accomplished by controlling the rate of growth of spending. How many times will we hear from the other side that this program is being cut, that program is being slashed? They keep missing the fact that, in getting the budget under control, what we are really doing is not cutting and slashing programs; what we are doing is controlling the rate of growth.

Mr. KERRY. Will the Senator yield?

Mr. LOTT. The American people would be shocked to find out, as a matter of fact, even with this balanced budget, there will still be an annual growth of 3 percent in Government spending.

Let me say that again. Federal spending will grow at an annual rate of 3 percent.

So how do you call it a cut when you have a growth, even at a time when we are moving toward a balanced budget?

Let me ask the Senator to let me continue. I waited a long time, and I have a meeting I am supposed to attend in just 10 minutes. Let me continue for a few minutes, and I will be glad to yield, get in a dialog with the Senator from Massachusetts, unless he just wants to ask a unanimous-consent request or something.

Mr. KERRY. Mr. President, I did want to ask the Senator a question, but I appreciate that.

Mr. LOTT. Let me continue for a few minutes. We have a time agreement and we want to make sure we keep it even. We are a little bit behind time. Let me go ahead, and I will yield in a few minutes, if the Senator would not mind. I would be glad to get into a discussion with the Senator from Massachusetts because I know he is interested in this, and I know he wants to help find a way to get to a balanced budget.

But let me make some points we have not heard yet in speeches that have been given. And I think it is important we get them on the record.

This is where you put up or you shut up. My friends, this is it. Now, are you for a balanced budget or not? A dozen or more Senators on the Democratic side have voted for a constitutional amendment for a balanced budget. You voted for it. Not all of them this year, but some this year and some in previous years. Maybe they were for it some years and not this year. And every Republican has voted for balanced budget constitutional amendments.

Also, this very week the former chairman, now the ranking Democrat member of the House Budget Committee, stood up and said he was for a balanced budget in 7 years. Many of our colleagues over here on both sides of the aisle have said they are for a balanced budget. Well, when and how? What we hear over and over again is, oh, yes, we are for a balanced budget but not here, not there, not somewhere else.

My friends on the other side of the aisle, you cannot get there unless you are willing to step up to the task of controlling the rate of growth of spending or by raising taxes. Oh, and you have demonstrated that you know how to raise taxes. This is where you get a chance to vote for real spending control that will get us to a balanced budget.

Where is your plan? No, you do not have a plan. All you say is you cannot do it here; you cannot do it there. A few of you did try an alternative. It got, I think, 19 votes in the Senate—19 votes. In the House there were a few remaining Democrats that said, hey, we have to have some alternative. Congressman STENHOLM from Texas and I think maybe even the former chairman of the Budget Committee over there, Congressman SABO, did have a package that got 80 votes. And they had some good proposals in there. At least they had a proposal.

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

Mr. LOTT. Just for a brief comment. As I said earlier, if I start yielding, I am never going to get to make my remarks. I listened patiently while the Senator from California, Senator BOXER, went on at great length.

Let me make my remarks, and then I will be glad to yield.

I believe the Senator is one of the Senators who did have a proposal. I think it got around 19 votes.

Mr. CONRAD. Mr. President, I would just say that we had two proposals. One got 39.

Mr. LOTT. Thirty-seven.

Mr. CONRAD. Thirty-nine out of forty-six Democrats for a balanced budget.

Mr. LOTT. Good. I would like to hear you at least say how you would get there. And, of course, what they always say is, "Cut defense, cut defense, cut

defense." We have been cutting defense. It is going to take a little more than that. So I think maybe it is important I get to the details of how we achieve a balanced budget.

It is achieved by controlling the rate of growth throughout the Government. Every committee in the Senate has had to face up to this task, and it is never easy. Every committee, from the Commerce Committee to the Interior Committee to the Defense Committee, has had to come up with its allocated savings, and we have done it. So it is throughout the Government. We will have a decreased rate of growth in spending on interior, defense, agriculture—something I do not particularly like, but, yes, agriculture had to ante up, come up to the table and kick in a little bit—energy. Everybody has had to participate.

Now, let me talk about education. So many bits of misinformation are being put out in that area. Education is not being gutted. In fact, the Senate language was accepted in this conference report. That language was accepted with an amendment on a bipartisan vote, as I recall. That language prevailed. I wish to emphasize this, too. There will be no direct student impact. Now, some banks will be impacted, maybe some institutions, but not the students. Who are my friends on the other side of the aisle really standing up for? The students will not be impacted.

We do control the rate of growth in Medicare. It needs to be done. You cannot have a program that grows 10 percent or more every year over the previous year. I wonder, is maybe a growth each year of 7.7 percent enough? I wish to emphasize that. Under the MedicarePlus Program in this bill, Medicare will grow at a rate of 7.7 percent. That is an increase in case "grow" is not clear enough. It will go up.

It was alleged a while ago that deductibles will go up. That is inaccurate. Deductibles are not touched in this package. What we do is control the rate of growth.

As a matter of fact, the individual per capita Medicare will increase from \$4,800 today to over \$7,200 in the year 2002. Now, you can only demagog Medicare and scare elderly people so long. But they understand that there are some improvements that need to be made in the program. We must step up to the needs of Medicare so it will not be insolvent or eventually bankrupt. We have to make some decisions that will allow more choice in the Medicare Plus Program, and that is what we have done in this bill.

We have dealt with Medicare's problems; we have preserved it; and in fact, we sincerely believe we have improved it.

With regard to the MediGrant Program, previously referred to as Medicaid, that, too, will grow. As a matter of fact, the MediGrant Program will grow from \$90 billion this year to over \$127

billion in the year 2002—a 5.2-percent average annual increase.

Now, how can you scream and holler that we are cutting the program when in fact it is going to grow from \$90 to \$127 billion—5.2-percent average annual increase. And the same is true with programs serving the needy. Those programs will grow over the period of this balanced budget effort from \$98.2 billion to \$132 billion—a 34-percent increase in the next 7 years for programs serving the needy.

My friends, we are making tough choices, but we are making sure that the Medicare Program is going to be there and will grow to serve the people like my mother and my family, my children I hope. The same is true with Medicare and the programs serving the needy.

Let me talk about another Medicare issue, something that I am sure is going to get neglected. I have seen statistics—and I believe it is true—that as much of the money that we spend for the Medicare Program, as much as 10 percent of it may actually be wasted through fraud and abuse. We all know there is a problem with that. And there is an effort in this exercise to deal with that problem. That is a significant amount of money that we can save or redistribute to the elderly that really need the help.

All through the day I am sure the bulk of the debate will be about the balanced budget effort, and it should be, but there will be a lot of effort to distort—distort—what we are trying to do with giving some tax relief to the working people of America.

It is a novel idea, I know, letting the people who work and earn the taxes keep a little bit of their money. Novel, but it is something that I would like to see happen. There are those who say, "Well, that won't benefit the poor." If you are not working and paying taxes, how can you get a little tax relief? That is what we have the needy programs for, for those who are in that category. But I am worried about the shipyard worker and the paper mill worker and the farmer, the young businessman, young entrepreneur who wants to make a little money and create some jobs; give them a little incentive. But I wish to go down the list and talk about what is really in this bill.

First of all, even with the \$245 billion tax relief in this package, Federal taxes will still increase from \$1.4 trillion to \$1.9 trillion. So we give a little tax fairness, a little tax relief and yet Federal taxes will still grow dramatically, way too much, in my opinion.

I do not guess you talk to the same constituents I do. When I go home, people hammer me and complain about how hard they work and how much they are paying for taxes. They want a little relief.

It is easy to say, "Oh, yes, we can't have these terrible tax cuts, you know, for the wealthy." But let me ask my colleagues on the other side of the aisle, which one of these programs it is

you are really against. You indict it en bloc. But look at the specifics in the bill and tell me what it is you do not like.

Do you not like giving some relief from the marriage penalty? How many of us stood up over the years in the House and the Senate and said, "The marriage penalty, how unfair. How can it possibly be?" You get penalized if you get married. Do you want marriage penalized or not? Are you opposed to that? I do not think you will stand up and say that, not a single one of you.

How about a spousal IRA? Why should the homemakers working in the home be able to have an IRA like everybody else in America? We are all for that. "Oh, yes, we're all for that." Sure. OK. So, we will accept that.

Are you opposed to the adoption credit? Would you not like to give people a little incentive, a little help in adopting children? Oh, yeah, you would like that. How about the deduction for custodial care? You probably like that, too. Do you think that individual retirement accounts are a good idea as a whole, especially if it is the super-IRA that allows you to use, without tax penalty, your IRA for your first home mortgage, for education, or medical expenses? I will bet you like that. And also, by the way, it is limited to the middle-income people, not to the wealthy.

I would like to see everybody entitled to have more IRA's. They encourage something we need in America. It is called more savings. We go over to meetings with parliamentarians from other parts of the world, and one of the things we hear about our problems from economists, and everybody else, is Americans do not save enough. It is because you get penalized in America if you try to save. So we have some additional consideration for individual retirement accounts.

We have in this bill a deduction for student loan interest. Anybody want to stand up and oppose the deduction for student loan interest? No. Even the President wants more than that. He wants us to be able to deduct all of the expenses for education. Frankly, I like that idea.

But as you go down this list, and this tax cut, what we are talking about is putting some fairness back in the code, getting rid of some of these things, like the marriage penalty, and creating some incentives to encourage savings.

And the capital gains rate. If we cut the capital gains tax rate—and we are going to do it in this bill—it will have a tremendous impact on growth in the economy. So many of us now get so deep into argument over spending and the balanced budget that we forget to talk about, how do we get some continued growth in the economy? How do we create jobs? It is great to talk about welfare reform with work required at the end, but what can we do to help ensure that there are jobs being created?

The capital gains rate cut is a little relief by cutting that capital gains rate down to 18.9 percent.

The President says he is for that. And that is not hearsay. He has told this Senator, personally, "Yes. I like the capital gains tax cut." And I believe he still thinks that. Maybe we will not know for sure until later. But if you want to complain about a capital gains rate cut that might go to some people that are making use of it, including people that just maybe want to sell their home and are entitled to a little break there, I do not believe you want to really stand up and oppose that.

We provide some relief in estate taxes. I have never understood how we got into the process of taxing death. Why should a couple that works all their lives when they die have their estate taken away because of ridiculous, excessive, in my opinion, estate taxes that should not exist at all? We provide a little estate tax relief for family-owned businesses and farms.

So if you go through this whole tax cut package, we have a special low-income housing tax credit that is included in this package. Medical savings accounts—I think this is a great idea. Give people some incentive, a little encouragement, to have a medical savings account on their own.

This is a good package. And it is going to provide more fairness to the Tax Code and going to create growth in the economy. It is an important component of this whole package. I really do frankly think that the growth estimates that we are dealing with are low. I think we are going to have more growth.

I think the package is going to contribute to an explosion of activity in the economy. I think there is going to be more growth than we are now projecting. But I do not want to spend it before we get it. Let us see what happens. If we get down the road a couple years and everything is doing great, because we had the courage to pass a real tax incentive package, then we can have maybe another unusual idea—let the people who pay the taxes get a little bit more of their money back.

So my colleagues, I think a good job has been done here. I think it is time to quit whining and growling and pointing fingers. We have been through all of that.

This is a good and balanced package. Let us get it through. Let us go ahead and pass it as we are going to do tonight, and I hope with some Democrat support. I think maybe we will. And let us see what we can do to get it signed into law and have, for the first time in my 23 years in Congress, a balanced budget proposal that will actually get us to a balanced budget in a reasonable period of time, 7 years.

Mr. President, I would be glad to yield to the Senator from Massachusetts at this point. I would like to ask, at the suggestion of the floor leader, at this time that it count against the

other side's time so we can keep a balance. Under these rules, we only have 5 hours each. So, would the Senator from Nebraska yield a little time to the Senator from Massachusetts, if he would like to ask questions?

Mr. EXON. I would not object to yielding. I would simply say that this is a very difficult position that I am in. We have plenty of time, but we have an awful lot of Senators wanting to make a speech that I think is very, very important. Therefore, I do not believe I would be interested in yielding any significant amount of time because there have been several Senators that I have stacked up waiting now.

How much time would it take to ask the question of the Senator from Massachusetts?

Mr. KERRY. One minute.

Mr. EXON. I am pleased to yield 1 minute.

Mr. LOTT. I will be glad to respond.

Mr. KERRY. I simply would like to ask my colleague, how he can persist in the myth that there is not a cut, when you unilaterally take a certain amount of money that is available for a fixed set of benefits and you cut that amount of money, even if it still is only a reduction in the rate of growth? How is it not a cut, if the growth in the population of people expecting those benefits continues at a rate that exceeds what is provided in your budget? How is that not a cut?

Mr. LOTT. The Senator said it himself, "even in those areas of growth." It goes from \$4,800 to \$7,200 over the 7 years. In the Medicare-Plus program that is a growth any way you slice it. But also we are not just dealing with numbers. We are also making programmatic changes.

We are trying to give incentives for people to find ways to maybe get Medicare at less cost. That is the idea behind the medical savings account. And that is the idea behind encouraging people to take advantage of whatever it is, the physicians services organizations, HMO's. A whole variety of new ideas can be pursued through this legislation. And also we believe we can just—and in a bipartisan way—have a process to get at the fraud and abuse. That is 10 percent of the cost of this program that we can then use to help the people that need the help in the Medicare area.

Mr. KERRY. I wish we had time to pursue it. I do not now, but I will when I speak.

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

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I would like to get some order now if we could. We have plenty of time, but we are having difficulty meeting the schedules of the individual Senators. At 3:15 we had this list in their order of appearance on the floor: Senator WELLSTONE, Senator BOB KERREY, Senator KENNEDY, Senator DORGAN, Senator CONRAD, Senator John KERRY and Senator PRYOR.

Senator WELLSTONE will be first. He has indicated to me that he would like 10 minutes. May I inquire of the other Senators about how much time they would take when I yield, so the other Senators would have some idea of time.

Mr. KENNEDY. Fifteen minutes.

Mr. EXON. Fifteen. All right.

Mr. CONRAD. I would like 15 as well.

Mr. EXON. Fifteen.

Senator DORGAN, 15?

Mr. DORGAN. Yes.

Mr. EXON. Does Senator CONRAD ask for 15?

Mr. CONRAD. Yes.

Mr. EXON. Senator JOHN KERRY, 15?

Mr. KERRY. Yes.

Mr. EXON. Senator PRYOR?

Mr. PRYOR. Fifteen.

Mr. WELLSTONE. Can I say to the Senator from Nebraska, I will try to do 10. If I go a little over—why not put 15? Put 15 and I will try to do 10.

Mr. EXON. You bid first. I ask unanimous consent at this particular time, upon recognition from the Chair, that the following Senators be recognized in this order charged to our time: Senator WELLSTONE, 10 minutes; the following Senators 15 minutes each: Senator BOB KERREY, Senator KENNEDY, Senator DORGAN, Senator JOHN KERRY and Senator PRYOR.

Mr. WELLSTONE. Mr. President, true, I was here waiting for a long time. I would like 15.

Mr. EXON. I correct the RECORD. The only change is the Senator from Minnesota gets 15 minutes instead of 10 minutes.

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

Mr. WELLSTONE. I thank the Chair. Mr. President, as I listened to my colleague from Mississippi—and I am really sorry he is not here, and the reason he is not here, he has other work to do. We speak and we leave. He is not here because he is unwilling to be engaged in debate. He certainly is.

In many ways, I think this debate goes way beyond the whole question of a balanced budget, since I think all Senators believe we ought to pay the interest off on our debt. But I am reminded of David Stockman's book in the early 1980's, and I think this Gingrich agenda is not really about balancing the budget. I think it is about overturning 60 years of people's history, because if it was about balancing the budget, there would be some standard of fairness.

If it was about balancing the budget, you would have military contractors that would be asked to sacrifice and would be asked to tighten their belt.

If it was about balancing the budget, you would not have all of these tax giveaways which disproportionately flow to those people at the top of the income ladder.

If this was about balancing the budget, we would have everything on the table and all of those tax loopholes and tax breaks and tax giveaways that the Pulitzer prize-winning journalists

Bartlett and Steele talk about in their book "America: Who Really Pays Their Taxes," all of that would be on the table.

I do not even think this is about balancing the budget, because if it was about balancing the budget, we would be looking at all of those areas, and we would be asking all of the citizens of our country to be willing to be a part of the sacrifice, because they are more than willing to do so.

This is not about balancing the budget. This is about overturning 60 years of people's history, and there is going to be one heck of a debate on the floor of the Senate, but most important of all, there is going to be a huge debate in this country, and let me give but a few examples.

Mr. President, in 1965, we passed the Medicare and the Medical Assistance Program. There was a reason we passed those programs. They did not represent Heaven on Earth, but they made life a lot better for people who were elderly and also low-income people. There are imperfections. We can do better.

But I want to just say to my colleagues that this Gingrich agenda—I have called it very reckless with the lives of the people in our country—let me just tell you that it will have a very serious and a very negative impact on the lives of Minnesotans.

I said it before when I was debating Haley Barbour the other day on a show, he was talking about this agenda—and I will not put words into his mouth, he is not here to debate me; that is not fair—but I kept coming back to him and saying, "You don't know my State: In my State, we have already kept the costs down and now you are penalizing us for keeping costs down?"

I said, "You don't know my State: In greater Minnesota, in rural Minnesota, many of our caregivers, our hospitals, our doctors, our clinics have a patient payment mix where it is 60, 70 percent Medicare."

"You don't know my State." I went on to say, "You don't know my State: Seventy thousand senior citizens in Minnesota are poor. Stop talking about the elderly as if they are affluent."

"You don't know my State: The median income for elderly people is \$17,000 a year and, on the average, every year they pay \$2,500 out of pocket."

"You don't know my State: Many of them can't afford prescription drug costs."

"You don't know my State: My mother and father are no longer alive. They both had Parkinson's disease. Without Medicare coverage—they never had any money—they would have gone under."

I just feel as if the people who designed this agenda do not know my State. I think they have moved way beyond the goodness of people in America. It is too extreme and it is too harsh.

"You don't know my State: 300,000 children are covered by medical assistance. We have done a great job in Min-

nesota using that program as a safety net for children."

"You don't know my State: Many families are able to keep a severely disabled child at home because of medical assistance and now they worry that they may not be able to do that."

"You don't know my State: Two-thirds of the people in the nursing homes receive medical assistance, and we are trying to figure out who makes up that gap."

Mr. President, I heard my colleague from Mississippi say it is about values. He is right, it is about values. And I will tell you something right now. I am confident that Minnesotans believe it is far more important to invest in health care and the health and intellect and character of young people—education—and also to provide children with a chance than it is to give away all these tax breaks to large corporations, to have these tax giveaways, \$245 billion mainly going to people on the top, to have a Pentagon budget that is over what the Pentagon asked. You better believe it is all about choices. That is exactly what it is about.

But this Gingrich agenda is not an agenda to balance the budget. It is an agenda to move our country not into the 21st century but back into the 19th century.

Mr. President, we did not get it right in the last 60 years, but we made gains for people. We developed a safety net. It did not mean that every child had it so good. But at least we made it better for children. We had a safety net that at least gave us some assurance that children would not be so impoverished that they, in fact, would go hungry.

I argue, if we are going to talk about values that I believe as a Senator from Minnesota, I believe as the son of a Jewish immigrant from Russia, I believe as a former college teacher, I believe as a father, and I believe as a grandfather that every infant, regardless of gender and regardless of race and regardless of income and regardless of rural or urban, should have the same chance to fully develop his potential or her potential.

Now we have a safety net program for low-income children slashed by \$82 billion, \$17 billion more than the Senate "welfare reform" bill. Now we have the School Lunch Program cut by \$6 billion.

We have had two studies, one of them by Health and Human Services and one of them by the Office of Management and Budget, and those studies told us something we did not want to know, or at least some of my colleagues do not want to know, which is that these cuts in these programs will mean that there will be more impoverished children in America and more children will go hungry in America.

This is all about values, that is for certain, but it is not about balancing the budget.

I brought to the floor of the Senate an amendment, and it says we could cut \$70 billion by just having some tax

fairness. We have a Tax Code for regular people; we have a Tax Code for privileged people. I looked at a number of different areas. I looked at the minimum tax, retaining the minimum tax for large multinational corporations in this budget bill; that is no longer there. I looked at subsidies for oil companies and coal companies. I looked at subsidies for pharmaceutical companies, and the list could go on and on.

Mr. President, what my colleagues do not tell you about are these tax giveaways, all the cuts in capital gains tax, all the cuts in rapid depreciation allowances, you name it. People in this country do not believe that we ought to at this time of tight budgets, at this time of deficit reduction be doing this in such a way that we ask the citizens to tighten their belts who cannot tighten their belts; that we target the elderly, we target people with disabilities, we target children, for God's sake, we target working families, families with incomes under \$27,000 a year. But, at the same time, we have tax giveaways for the wealthy. We do not take on any of the corporate welfare. We let all these large companies continue with all of their tax loopholes and all of their tax breaks, and the military contractors have it just fine.

Mr. President, this is not about balancing the budget. This is an effort on the part of my colleagues to essentially say that they do not believe in a country where we focus so much on education, and equality of opportunity, and adequate health care for people, health care that is delivered in a humane and dignified way; they do not think the public sector should be involved in this area. As a matter of fact, they think when it comes to some of the most pressing problems of people's lives, there is nothing the Government can or should do.

That is a great philosophy if you own your own large corporation. But if you do not, if you are in the majority in this country, what we are talking about right here is an assault on what is the dearest principle of this country, which is equality of opportunity.

Mr. President, this is not a debate about balancing the budget. This is a debate about what this country stands for. This is a debate about the very values people hold dear.

I will tell you right now, Mr. President, people in this country do not believe in the harshness of this Gingrich budget. They believe it is mean-spirited, they believe it is extreme, they believe it goes too far. And the more people come to understand what is in this budget proposal, the less they are going to like it.

As a Senator from Minnesota, I am very proud to speak on the floor of the Senate on behalf of what I consider to be the vast majority of people in my State. I am proud to speak against this budget proposal. I do not believe that this proposal is good for this Nation. I do not believe that this proposal brings this Nation forward. I think it turns

the clock backward. I think most people in the country believe that.

I think the President, without a doubt, will veto this, and we will have a debate again, based upon substantive work, based upon what I hope will be a set of proposals that will make this Nation all that this Nation can be.

This budget ought not to be accepted. This budget should not pass. It will. This budget will be vetoed by the President. He should do so. As far as I am concerned, we can have a debate about the values. We can have a debate about choices, and we can have a debate about priorities for America, and we can take it right to the 1996 election.

I will be proud to say to Minnesotans that I am the children's Senator and that I fight hard for senior citizens. I will be proud to say to Minnesotans that I am a health care Senator. I will be proud to say to Minnesotans that I am an education Senator. I will be proud to say to Minnesotans that I think some of the heavy hitters and large special interests ought to also be asked to tighten their belts. I will be proud to say to Minnesotans that my vote, my debate, my words, and what I do as a U.S. Senator is based upon a Minnesota sense of fairness. That is lacking in this budget. It should be defeated.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I yield myself such time as I may need. I will be very brief.

Mr. President, I guess two people can look at the same bill and see different things. I have a hard time looking at our Balanced Budget Act of 1995 and seeing the kind of recklessness in values and concerns the Senator has just spoken of. I see a whole different picture in front of America if we do not pass this act.

What I see as reckless is spending the country into the debt we are headed toward, in which children, in their lifetime, will pay \$187,000 just in interest on the Federal debt that will grow during their lifetime if we do not bring this under control. That is the kind of unfairness to children in America we are here to end today. When we are talking about values, I can think of no values more important than the long-sustaining values of this country, and that we pass on to the next generation more than we inherited, not less. Yet, that is the direction in which we would head if we do not balance the budget and pass this act today.

To expand more on that, I now yield 15 minutes to the Senator from Missouri, Senator ASHCROFT.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for yielding time to me.

It is true that different people can look at the same thing and see dif-

ferent things. As the Senator from Michigan has aptly stated, some look at this package and view spending \$4,800 in 1996 per recipient to \$7,000 in 2002 per recipient as a cut. I think you have to be a very substantial pessimist to call an increase of \$2,200 over a base of \$4,800 a cut—but that is how some people are choosing to view it.

I personally do not think it is nor do I see it as a cut. I see it as an increase. It is this precise inability to come to the same conclusion from viewing the same set of facts that sometimes confuses us. However, sometimes—as a single individual—you can look at the same thing—time and time again—and see something different all the time.

For instance, you can look at the President of the United States and try and find out whether he wants a balanced budget at all, or whether he wants a balanced budget in 7 years, or whether he wants a balanced budget in 10 years. You could look at the President of the United States and try and find out whether he wants to use the figures of the Office of Management and Budget, which is the political arm of the Presidency, or whether he wants to balance the budget according to the nonpartisan Congressional Budget Office.

Depending on when you look at our President, you get a different reading. You and I know that he said, when he was a candidate, that he wanted a balanced budget in 5 years. Later on, he came to us with a budget that would never balance. Then he came with one that would balance in 10 years, but only if you use the partisan figures of his Office of Management and Budget. In between times, he said 7 to 9 years.

So looking even at the same President, you might see far different things. It is, in part, because the President has not been firm. He has not reflected the kind of dedication and commitment to a balanced budget that indicates that he has a plan for one. As a matter of fact, the President has not had a budget at all. Well, he did send a budget up here, and it was so unrealistic that it lost 0-99. His second budget, the so-called balanced budget, was voted down 0-96. Not a single Member of the minority party voted in favor of either budget.

As we have been trying to find ways for the President to maintain the operation of Government in the last several days, we have seen the same President, but we have seen something vastly different every time we have seen him. At first, he says it is the Medicare problem. He cannot bear to have spending increased only from \$4,800 to \$7,000 per Medicare recipient per year over the next 5 or 6 or 7 years. That is not a big enough increase.

The truth of the matter is that the provision we are going to send him in the Balanced Budget Act of 1995 has bigger increases in Medicare than he originally requested. He asked for 7.1 percent, I think, and we are sending a budget that has a 7.7 percent. He

threatened to veto our proposals due to both his effectiveness and willingness to scare people over Medicare.

Medicare also was his main concern when trying to pass the continuing resolution. Therefore, we decided to send him a continuing resolution without a Medicare provision. When we ripped off the Medicare mask, what did we see? We saw a President concerned about regulatory reform. He said "I would not want to sign something that has regulatory reform associated with it." I said to myself, is this the same President that, in the past, has said, "We want and need regulatory reform, and we need to free this economy, and we need to unshackle the economy so we can have more jobs, growth and opportunity"? Apparently, not at the moment, because he said, "If you have regulatory reform or the criminal justice system reform in the package****—oh, about 20 years ago, the President and I had the privilege of each being an attorney general. We all know the way in which the criminal element manipulates the criminal appeals, and how the habeas corpus laws are abused. We saw them operate as attorneys general. We saw them operate as Governors. We see them operate now.

I believe he really knows that we need to reform the criminal appeals process, but he said he did not want to sign a continuing resolution containing criminal appeals reform. So we took the criminal appeals and regulatory reform out. We even took the provisions strengthening, protecting and preserving Medicare out of the continuing resolution and sent it to the President. It became clear, after ripping off all the masks—the Medicare, the regulatory reform and the habeas corpus reform masks—the real reason for his veto. His real reason for vetoing the continuing resolution can rest only on the single condition that now attends the continuing resolution, and that is the condition of a balanced budget in 7 years, with honest CBO figures.

A balanced budget is important. It is important that we understand that a balanced budget is not a sacrifice for this country—it is a substantial investment in this country.

We talk about cuts and we use the phony language of Washington to make it a cut. When you have an increase from \$4,800 per year per capita to over \$7,000 per year per capita, only in Washington, DC, does a \$2,200 increase on a \$4,800 base per capita result in the ability of some individuals to call it a cut.

Not only do we not cut spending, we make substantial improvements and give substantial opportunities to the American people.

The benefits have been quantified. The econometric studies have been conducted. The ideas have been distilled. The forecasts have been made. Here is the forecast: Nearly \$11 billion more to our gross domestic product will result from a balanced budget.

That is real growth. That is real increase. An additional \$32 billion in real disposable income to American families will be realized in the time period covered.

More than 100,000 additional new houses will be built over the next 7 years. More than 600,000 new cars will be sold in America over the next 7 years as a result of the discipline, as a result of the priority setting, as a result of this country doing what every family has to do on a regular basis. That is—sit around and say what can we afford, what can we not afford, how can we structure what we are doing—how can we achieve prosperity rather than continuing our decline.

That prosperity is important and it will make a big difference to people who are buying houses. They say \$10,000 less for payments for people on a \$100,000 home loan—a \$10,000 bonus for a family in addition to the tax relief for families in the bill. You consider other areas where the family is borrowing money, such as car loans and student loans. The impact on our culture is not an impact of shared sacrifice. This is an impact of enjoyed benefit.

We balance the budget. Not only are there more jobs, 100,000 new houses, 600,000 more new cars in the country in the next 7 years, but also we have this vitality in the economy that gives us all great opportunity.

Our President, though, is unwilling to make a commitment to join us, to join us in the necessary discipline to balance the budget.

I am afraid we have found ourselves backed into a political corner. He is saying he cannot do it because of Medicare. He is saying he wanted to increase Medicare by 7.1 percent, and this bill increases Medicare by 7.7 percent. This proposal significantly exceeds his own proposal. Yet he holds up Medicare as an attempt to scare the American people.

Not only do we spend substantially more for Medicare but we are going to provide ways for people to use what we spend to be much more effective. All the marketing, all the revolution in the health care professions to restrain costs and to expand service and to improve the product available to the American people and the private sector really has not been available in the public sector. That is why the public sector's costs have soared.

Well, in the private sector for medical costs we have seen a leveling off of those costs, the HMO's, the PPO's, the ability of physicians to join together in order to offer services. All of those things are part of the program in addition to moving people from \$4,800 a year to over \$7,000 a year. That is not just a gross number but a per capita number, taking into account the demographic projections that seem to frighten our colleagues on the other side of the aisle so dramatically.

It is time for us to understand this is a great opportunity. We have come to a

crossroads in American history. We are at a turning point. It is a turning point that we need to recognize and understand.

It is whether or not we will conduct business as usual, whether we are just going to go merrily down the beaten path of massaging the old hot button of acquiescence in the demands of this or that special interest group, and continue to run the printing press which publishes the debt of the United States. It is whether we are going to generate at higher and higher volumes to the detriment of our children, or whether we will make some important decisions about allocating our resources.

There are tough decisions, but they are not impossible by any stretch of the imagination. There are a few areas where there are real cuts, but frankly there are many more areas where we just restrain the growth. We bring Government under control.

This is a question about Government control, whether we will control Government or whether Government—out of control—now will spend so much of the next generation's money that it will control everything that they do.

If kids who are born this year are going to have to spend \$187,000 just to cover the interest costs on the national debt during their lifetimes, their spending will be controlled. They will not have the opportunity to decide to do other things. They will have an obligation which will simply lock them into paying for the excesses of our consumption. We can turn that around, and we can turn it around now. We have not done so since 1969. We have not had the encouragement. We have not had the integrity. We have not had the tenacity.

In 1994, last fall about this time, the American people said "stiffen your spine. Resolve to make a difference. Do something different. Change the way." That is why we are at a turning point. This is about control. We want the future generations to be able to control their own environment and their own communities. We want the future generations to have the control to spend their money on their own priorities, not to have to just pay off the debt which we have been paying.

We must act now if we want to stop this potential of eroding the ability of the next generation, undermining the ability of your children and mine. Hopefully someday I will have grandchildren—and I do not want to shift to them the responsibility to pay for the things that I have done. I want them to have the opportunity to do what every American should have the opportunity to do—that is to exercise the freedom of shaping a Government and spending your own resources the way you choose. It is as fundamental as the beginning of the American Republic.

Mr. President, 200 years ago Thomas Payne said it best, I think: "We have it within our power to make the world over again." That is basically a statement that free people can govern them-

selves and they can devote their resources to things that they choose to devote their resources to.

We keep spending in debt—further and further in debt—stacking it up to where it is now about \$19,000 per person, every man, woman and child. Mr. President, it is \$76,000 for a family of four, and we are not paying off the debt, we are just paying interest on it.

Now if we keep stacking up that kind of debt we simply will not allow the next generation to make any choices on their own. They are just going to have to spend all they have to pay foreign creditors, pay all kinds of other individuals.

Talk about big business. They talk about we sure do not want to do anything that would help business. We want the little guy to prosper. Who do you think holds this debt? The people that own the securities of the United States—a lot is held in the hands of foreign people and governments.

Do you want the people who command what your children and grandchildren do to be people overseas—people who have the ability to call the debt and demand that the payments be made. Then the only thing that those who follow us have the opportunity to decide will be to decide to pay the guys who hold the debt? We owe them much more than that. We owe them much more than that.

Our country came into existence as a result of taxation without representation. I am afraid unless we stand up for the children right now and say we are now going to continue spending their money without their representation, we are not going to continue spending their resources and displacing to them the costs of doing our business—they would have every right to revolt against us—just as we did to establish this country in the first instance.

It is time for accountability. The American people want a Government which pays its debts. They sense that we can do it. When the different masks were being displayed by the President—about we cannot do this because it is the Medicare thing, there was a lot of confusion. Then the Medicare mask was taken off and we sent a continuing resolution without the Medicare provision and another mask was pulled out. Finally all the masks are gone.

The only thing that is left is the balanced budget. We come down to the question, Mr. President—I ask for an additional minute.

Mr. ABRAHAM. I yield 1 minute to the Senator.

Mr. ASHCROFT. So, now the President has before him an ability to continue the operation of the Government, coupled with a golden opportunity to commit this Government to responsibility and integrity. He can do that in signing a continuing resolution and he can do that in embracing a historic achievement for his administration or any other, the Balanced Budget Act of 1995.

This is a golden opportunity. It is not an opportunity that will make that much difference to you and me, but it will make a great difference to the generations that follow.

It is time for us to share with them the benefits of an ordered, priority-setting development of a budget that is structured and responsible and respects our future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COCHRAN). Who yields time?

The Senator from Nebraska, under an earlier order, is recognized for 15 minutes.

Mr. KERREY. I thank the Chair.

Mr. President, this reconciliation bill conference report is going to pass. It is going to be sent to the President and he is going to veto it. The question will be, in the aftermath, can Republicans and Democrats get together, can we pass something that is veto proof? I hope in fact we can.

I must say at the beginning, I praise the Republican leadership for attacking this problem. It is very difficult, almost always guaranteed to produce a considerable amount of controversy. It is rarely popular when you take something away from somebody who has an expectation they are going to get it and you always set yourself up for exaggerated claims, regardless of whether they are coming from this side of the aisle or coming from out in the community. I have done it as Governor. I voted for it as a Senator in 1990 and 1993. It always happens. It is very seldom the sort of thing that gets you a round of applause, when you do what I consider to be a very important and responsible thing.

So I begin my analysis of this conference report by thanking the Republican leadership for tackling this problem. I believe we do need to balance our budget. I do not in fact buy into the argument that our debt is rising at an unacceptable level. As a percent of GDP, it is actually going down. Relative to where we were after World War II, it looks fairly good. As a matter of fact, if you look at the markets and what the market is doing right now, it seems to me we ought to be careful as we examine this argument about whether or not our debt is where it ought to be or should it be higher or should it be lower. It seems to me it is heading in the right direction.

Nonetheless, it is important, in my judgment, for the Federal Government to have its budget in balance. So, again, I praise the Republican leadership for setting before this body a proposal that will accomplish that. I hope, after this proposal is vetoed, that some of the comments I have made might give Republican leadership some ideas of where I, at least, as one Democrat, want to see some change.

To begin with, I do think it has to be fair. It has to pass some test of fairness. This proposal left no impact upon me. It will have absolutely no impact upon me. Before I got here, and after I

leave, and right now, my income is high enough it does not have any impact upon me. I do not receive a great deal of Government services, and as a consequence I can stand here courageously and say, "Go ahead and do the deal." I have some stocks and bonds, so maybe I will have a gain on the capital gains tax reduction. It seems to me some standard of fairness needs to be applied.

Second, one of the things I think we urgently need to do as a body is answer the question, what kind of safety net does the Federal Government need to provide? If we want to have a market economy, and I think most of us understand we need to have a market economy in order to create jobs, and I think most of us support the idea of creating tax and regulatory environments so that people will want to make investments so our economy will grow, we need a safety net of some kind. All of us understand that. That is one of the most encouraging things in this debate, is Republicans saying they want to preserve and protect Medicare. Medicare is a safety net provided for people over the age of 65. When they leave the work force they have been and are able to purchase health insurance. It has worked. Nobody over the age of 65 is uninsured. Mr. President, 100 percent of the people over the age of 65 are insured.

The problem is, the economy has changed substantially since 1965 and all you have to do is pick up the newspaper and read about record mergers and read about companies laying folks off, or go home and talk to somebody who is 50 years of age, man or woman, who has worked in a company for 30 years, who finds himself or herself unable to purchase health care, finds himself or herself struggling with retirement questions, struggling with how do I retrain myself.

We have a radically different economy, and if we want a market economy, it seems to me, the question we ought to be wrestling with is what kind of safety net should be built? This proposal, as I see it, moves us away from a safety net, particularly as regards to health care. And particularly, especially the block granting of Medicaid back to the States, as I see it, will erode and move us away from that kind of—at least that kind—of a safety net.

I have a number of objections to this proposal that cause me to have to vote no. I had to vote no earlier and vote no again on the conference report. First and foremost are the reductions in Medicare and Medicaid over the next 7 years, in exchange, it seems to be, for tax cuts. Or at least the exchange is occurring somewhere. There is \$270 billion in Medicare, \$180 in Medicaid, \$245 billion for the tax cuts.

Condition No. 1 for me, as a Democrat, is let us drop the tax cut. Again, if we are going to ask people to sacrifice and take less in their Government, take less in the way of income from their Government, it seems to me

one of the ways, one of the actions we need take to restore fairness, is drop the idea of providing a tax cut which will benefit less than half of the American homes. More than half of the American homes will not even be impacted by this tax cut proposal. It seems to me that it is reasonable for us to say, at the beginning, let us drop that tax cut proposal.

I, as a Democrat, am willing, in exchange for that, to vote for some things that I also think need to be included. I think the CPI does need to be adjusted, the Consumer Price Index that is used to adjust transfer payments and used to adjust as well our Tax Code. It seems to me at least a half a point adjustment is reasonable. If you drop the tax cut and you drop the CPI, we will still be reducing the growth of Medicare and the growth of Medicaid. But we will be able to do it in a fashion, it seems to me, Mr. President, that is much more fair, much more reasonable, and much more likely that, in a bipartisan fashion, we can sell what will be nonetheless a difficult proposal to the American people.

I, for one, as well, happen to believe if you are going to really reform our Medicare system and our entitlement system, that you do have to adjust the age. In the Entitlement Commission recommendation, Senator DANFORTH and I recommended, and Senator SIMPSON and I have a proposal on Social Security that phases in an adjustment of eligibility age for Social Security. I would propose to do the same thing in Medicare. Not for current beneficiaries, not for anybody who is currently in the program, but for future beneficiaries.

The longer we wait to do that the more difficult, it seems to me, it is going to be to break the news that when the baby boomers retire we have this promise laying on the table we are simply not going to be able to keep.

I say to my Republican colleagues, I am willing to vote to drop the CPI by at least a half a point. I am willing to do the same thing on eligibility age. I have no difficulty adjusting the premium for part B. It is fair, it is reasonable, it ought to be done. It seems to me, at the very least we should say no more than a 70 percent subsidy for part B Medicare. I am willing to vote for that.

But I do not want a tax cut proposal on there because I cannot sell it as fair. I cannot explain it as being necessary, because it is not necessary. There are other ways for us to do this, to generate the savings needed to balance the budget in 7 years and get us to that objective.

The next thing I want to spend a little more time on is talking about this idea of building a safety net. I listen to people talk, both at home and as I watch the news and read the newspaper. Increasingly, people are saying this debate has provoked their concern once again about whether or not they are going to be able to have health care. Why? Mr. President, in the State

of Texas, 50 percent of all babies are paid for by Medicaid. These are working families out there. These are people who are earning the minimum wage or slightly above, that cannot afford to buy health insurance. If you want to preserve and protect Medicare, if you have ever come to this floor and said let us preserve and protect Medicare, the fundamental premise of that program is that at some point the market does not work, that we have to collectively look for some way to provide for health care for people who either are not going to be able to afford to buy it or might be excluded as a consequence of some physical condition on their part.

We need a safety net that guarantees health insurance to every single American. No one should be left off the hook of having to pay. The payment ought to be based upon our capacity to pay.

Not only do I support a means testing, an affluence testing of Medicare, but I would love to see us change the eligibility and allow every single American or every legal resident—once you pass those two tests, you know with certainty you have it. You can go out and work. You can go out and pay attention to your education and do the sorts of things you need to do to lift your earning power and do not worry that you are going to lose health insurance.

I think we need a safety net in changing our retirement laws. I think we need a safety net as well in education. The work force today places a very heavy premium on those with skills. It seems to me one of the worst things about this proposal is that we are not increasing the amount of money that families need to be able to send their children to college. It seems to me we are moving in the opposite direction in trying to build the kind of safety net that we need for an active, vibrant market economy.

Finally, Mr. President, I would like to talk about something I have talked about ad nauseam on this floor a time or two before, and that is this question of entitlements as a percent of our budget and what this does to our ability to invest in education, transportation, research, those things that either will improve the quality of our lives like parks or helping those who are mentally retarded. Whatever it is we decide we want to do to strengthen our conscience, we are decreasing our ability to do it as entitlements as a percent of our budget grow. This year, it is 34.5 percent for domestic spending. At the end of this budget proposal it is 26.5 percent.

Now, percentages do not mean much to us typically, so let me try to convert that. If you think this year's budget is tough on appropriations, wait until 2002. I do not think we can do the things that are required in this budget proposal. If you think you can, do not try to construct a budget with these numbers.

Mr. President, 27.5 percent gives you \$435 billion for defense and nondefense spending. Let us presume we spend \$263 billion on defense, which we did this year. I think we can spend slightly less than that. No matter what you do, you are going to spend \$255 to \$265 billion on defense. So let us take \$263 billion out, which is this year's spending, which I presume most, if not all, of the Republicans believe ought to occur. That leaves you \$172 billion.

I know the occupant of the chair, who is on the Appropriations Committee, probably is familiar with this, but let me just show you what I have done. I take \$18.7 billion for law enforcement, for drug efforts, for the FBI, for Border Patrol, for the U.S. attorneys; I take \$17 billion for international affairs—I did not really pull these because they are my priorities; I just pulled some numbers—\$17 billion, slightly more than 1 percent of our entire budget; \$20 billion appropriated for veterans—that is veterans' pensions that are only appropriated accounts; \$10 billion for community efforts such as the CDBG efforts; \$17 billion for science and space; \$38 billion for transportation; \$53 billion for all of education and training.

Mr. President, that is \$174 billion. Right there you have \$174 billion. So I ask those who say: Well, that is fine, what are you going to do about the NIH? What are you going to do about all environmental protection, all of housing, the management of our national parks, disaster relief, natural resources management? The list goes on and on and on.

The answer is you cannot do it. There is not a single Member of this body, I suggest to my colleagues, who could come to the floor and tell me, make a proposal that would show how we are going to in the year 2002 allocate defense and nondefense with only \$435 billion. It is not possible.

It is not desirable either, I might point out, for us to be heading in that direction. If you think that is bad in 2002, just look a little beyond that when my generation starts to retire. Instead of a 1-percent erosion of operations, which is about \$15 billion a year, it will double in the year 2008, and then it is too late. Then the kinds of changes that we have to put in place, the kinds of changes that we have to put in place will cut current beneficiaries of Social Security and Medicare. It will cut current beneficiaries substantially or we are going to have to say to our young people in the work force: We have to have a substantial increase in your payroll taxes in order to be able to cover the bills.

I am here to say again I appreciate the work that the Republicans have done in trying to tackle this problem. There are other problems that need to be addressed that are left unaddressed in this proposal. It is going to be vetoed by the President. It is going to be sent back here, and it will be up to the Republican leadership. Do we embrace

the ranking Democrat on the Budget Committee, who is one of the most fiscally conservative Members of this body. For gosh sakes, if he and the chairman cannot put together a balanced budget, I do not know who else can.

The question will occur, when the Republican leadership package is vetoed and sent back, not can you not find Democrats who will support it, but will you make an active effort to recruit and bring us into the process and say, what are your standards of fairness? What are the things you want before you will support this proposal? I think there is the will to balance the budget, but there is a desire to do an awful lot more than that. I hope that after this bill is vetoed and after it is sent back to us and after we have unsuccessfully attempted to override it, that those who want to balance the budget will join those of us on this side who want to balance the budget as well. I hope you will turn to us and give us an opportunity to participate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. At this time I yield 20 minutes to the Senator from Delaware, the chairman of the Finance Committee.

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, today we are closer than ever to meeting four fundamental promises we made to the American people when we promised to balance the budget. This legislation offers a balanced budget. We promised to save Medicare, a critical program for our elderly. This legislation preserves and strengthens Medicare. We promised to reform welfare, to end the perverse incentives that have found us spending more and more money only to find more and more children living under the poverty level. We have provided in this legislation real reforms. And, finally, we promised to cut taxes on Americans everywhere, to reverse the record-setting Clinton increases that even the President admits were too high. And with this important balanced budget package we have done just that.

I am encouraged by all that this legislative package offers—the Balanced Budget Act of 1995. I am concerned that certain political dynamics that have overtaken this debate are obscuring the real importance of what we are offering today.

On its most fundamental level, this legislation is about change, real change in Government. It is the beginning of a new era, a redesigning of the way Washington does business. Certainly, given the monumental issues this package addresses, we can understand why President Clinton has forced us to an impasse. Make no mistake, this legislation is revolutionary. It begins to

make changes in the way Government has done business over the last 50 years. It takes the large, overbearing, income-eating, inefficient Federal monolith, a government that was designed for the industrial age, and it prepares it for the 21st century.

Making this kind of change is not easy. Institutions resist modernization. They even resist improvements. For this reason, many once mighty civilizations have fallen. On the other hand, growth and opportunity come from change. As the philosophers say, "The mixture which is not shaken decomposes. Progress lies in changing things that are."

Our Government needs to change. We need to balance the budget. This is not only the responsible thing to do, it is necessary for a strong, vibrant economy. A balanced budget will lower rates. It will create jobs. Some forecast that over 6 million jobs would be created if the budget were balanced.

A balanced budget would also provide a higher standard of living for all Americans. A balanced budget will reduce the burden of debt on future generations. Again, this is a moral responsibility. As Thomas Paine argued, " * * * no parent, or master, nor all the authority of parliament * * * can bind or control the personal freedom of their posterity." But that is exactly what our Government, with 50 years of tax and spend policies, has done. A child born today owes more than \$185,000 in interest alone on the Federal debt.

If he or she were to pay the debt, it would literally conscript him or her to a lifetime tax rate of 84 percent. Now, we have the responsibility to do something about this, and the package before us today is the beginning of a real and lasting solution. President Clinton in his first State of the Union address maintained that any economic forecasting should be performed by the nonpartisan Congressional Budget Office.

Mr. President, the CBO maintains that our program balanced the budget in 7 years. To balance the budget, of course, we must control the growth of Government, and controlling growth does not mean cutting or abolishing important programs. It simply means that we must bring spending into line with reality. It means getting back within our budget, within our ability to pay for necessary programs and making these programs as efficient and cost effective as possible, and that is what we accomplish with this legislation.

I understand that there are basic philosophical differences at play in this current debate. There are honorable representatives and arguments on both sides of the issue, each promoting a vision of Government. Now, those who argue for the status quo believe in the status quo. They have faith in big Government. They trust big Government. And they see it as the solution to very real concerns. Others—and I count my-

self among this latter group—believe Government needs to be reformed and that growth in Government spending needs to be slowed down.

We look at welfare and see that, despite the fact that Government has spent more than \$5 trillion—let me repeat—has spent more than \$5 trillion over the last 30 years, the program is a catastrophe. We see that in 1965 some 15.6 percent of all families with children under the age of 18 lived below the poverty level. By 1993, that number had grown to 18.5 percent. In other words, we see that despite the fact that Government has thrown trillions and trillions of dollars at the problem, the problem has only become worse.

Likewise, the pathologies associated with welfare—crime, illegitimacy, drug abuse, child neglect, and others—have increased to alarming proportions. And we see that between 1965 and 1992, the number of children receiving AFDC has grown by nearly 200 percent, even while the entire population of children under the age of 18 declined by 5.5 percent during this same period of time.

Mr. President, big Government has not worked. In Medicare, big Government has created a program rife with waste, fraud, and abuse. Big Government has literally run the system to the point of bankruptcy. We all know what President Clinton's own commission has said.

And I quote:

The Hospital Insurance Trust Fund (part A) continues to be severely out of financial balance and is projected to be exhausted in about seven years. The SMI Trust Fund (part B), while in balance on an annual basis, shows a rate of growth of costs which is clearly unsustainable.

Again, I am repeating what President Clinton's own commissioners had to say.

Moreover, [they continue] this fund is projected to be 75 percent or more financed by general revenues, so that given the general budget deficit problem, it is a major contributor to the larger fiscal problems of the nation. The Medicare program is clearly unsustainable in its present form.

Again, this analysis of Medicare's current crisis comes from the administration's own trustees. And what we propose today is a solution.

Mr. President, we also propose real tax relief. Big Government has successfully pilfered the taxpayer's pocket. Real Federal taxes per household now top \$12,000 a year. Total Government taxes, Federal, State, local, reach \$18,500 per household. The Federal regulatory burden, which can also be considered a tax, exceeds \$6,000 a year. These numbers have been constantly rising, even as the Government has fallen deeper and deeper into debt.

For example, Federal taxes now take nearly 25 percent of our median household income every year, up from about 16 percent in 1970. This incessant increase in taxes has stifled economic growth. It is engendered irresponsibility in Government spending, even perverse incentives where programs grow

based on their inefficiencies and wasteful practices. And all this has to stop.

Let this legislation serve as the catalyst for real reform. It successfully balances the budget in 7 years by controlling the growth of spending while promoting economic growth. It preserves and strengthens Medicare by allowing the program to grow at about twice the rate of inflation and by introducing choice in the system. In this way, seniors are guaranteed continued coverage as well as the ability to choose those plans and health care providers that best meet their needs.

In this bill, Medicare spending increases from \$178 billion in 1995 to \$286 billion in 2002. Average spending per beneficiary grows 7.7 percent per year, or from \$4,800 to \$7,100. Remember, President Clinton himself said, "Medicare [is] going up three times the rate of inflation. We propose to let it go up at two times the rate of inflation. This is not a Medicare . . . cut." That is a quote of President Clinton himself.

Our proposal controls runaway costs by introducing choice into the system. It gives our seniors the ability to remain in the current fee-for-service plan, if that is what they want. There is no change, no cut in any of the medical services available today.

But, in addition, we also offer them an unlimited number of health care plan options that they may choose to better meet their needs. Our plan also aggressively attacks fraud and abuse in the Medicare Program. The GAO estimates the loss to Medicare from fraud and abuse equals some 10 percent of the program's total spending, and law enforcement officials claim that the majority of Medicare fraud goes undetected.

Our proposal directs the Secretary of HHS and the Attorney General to establish a national health care fraud and abuse control program to coordinate Federal, State and local law enforcement efforts in this area. We earmark some \$150 million in the first year to use specifically for investigations and prosecutions of health care fraud.

We also offer a number of new tools to assist investigators and prosecutors in attacking this problem. The CBO has estimated that our provisions in this area will save the program more than \$3.5 billion over 7 years.

Mr. President, these are the kinds of reforms we must make to preserve and to strengthen important programs. In welfare reform, we must reverse perverse incentives that have sapped the spirit of so many Americans, perverse incentives that have engendered dependency on Government and contributed to decay and even moral decline within our cities.

We must give Americans, as I say, tax relief. President Clinton, by his recent admission that he raised taxes too high, recognizes that our families are stretched beyond reasonable limits. High taxes kill savings, risk taking, incentive and economic opportunity. High taxes undermine job creation.

We offer Americans \$245 billion in tax relief over 7 years. This includes a \$500 per child credit, relief from the marriage penalty and tax credits for adoptions and deductions for student loans. This relief gives our families incentives to save. That President Clinton has elected to shut down the Government rather than work with us towards achieving these objectives is, indeed, a mystery.

Again, he once proposed a child tax credit, a credit of up to \$800. Now, as with Medicare and welfare and even balancing the budget, he is backing away from his promises. Not only this, some are even attempting to make political hay out of the tax relief we are offering, trying to tie it to our efforts to slow the runaway growth in Medicare.

Let me say again that tax relief does not come at the expense of Medicare. As the Washington Post points out:

"The Democrats have fabricated the Medicare-tax cut connection because it is useful politically."

In an earlier editorial, the Post stated that "the Democrats are engaged in demagoguery, big time. And it's wrong. * * *"

It goes on to say:

[the Republicans] have a plan. Enough is known about it to say it's credible; it's gutsy and in some respects inventive—and it addresses a genuine problem that is only going to get worse. What Democrats have on the other hand is a lot of expostulation, TV ads and scare talk.

We must get beyond the scare talks. We must get beyond the political posturing that has brought the greatest Government on Earth to a standstill. The American people deserve better. They deserve a Government that works, a Government that works for them.

This, of course, is not the first time Government has been shut down. Ronald Reagan shut the Government down because during his tenure, Congress wanted to spend too much. Today, Clinton has shut it down because he wants to spend too much.

Look at the numbers, Mr. President. We cannot afford the waste, growth and inefficiency of the last 50 years, but what we can afford are the well-conceived, workable reforms contained in this Balanced Budget Act of 1995. I stand behind it, and I urge the President to sign it.

Mr. President, I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Under an earlier order, the Senator from Massachusetts [Mr. KENNEDY], is recognized for 15 minutes.

Mr. KENNEDY. I thank the Chair. Mr. President, I always welcome the opportunity to hear our Republican friends talk about reducing the deficit. I remember in 1980 when President Reagan was elected, we had about a \$465 billion deficit, and all during that period of time of President Reagan and President Bush, we went up to \$4.7 trillion, all run up during that period of

time. It is always interesting to me, President Reagan requested higher budgets than were actually approved by the Democratic Congress.

Then we had President Clinton's program that went into effect that reduced the deficit by \$600 billion. It is useful, as we examine what I consider an extreme resolution that is before us and budget before us, to put in some context exactly which party and who has been trying to do something about the deficit and basically who have been talking about it. Of course, as history points out, we did not get one single Republican vote when we put in place the deficit reduction program.

As was mentioned by other Members, by those Senators on the other side, this really is an issue of priority. I welcome the opportunity to compare the priorities. It is now clear to the whole country that this is not a conflict about a balanced budget, it is a dispute about fundamental American values and priorities.

The Republican budget plan is a program to sacrifice senior citizens, students and children and working families in order to pay for lavish tax breaks for the wealthiest individuals and corporations in America. It is a program to destroy Medicare, to benefit the rich. It is a program to slash aid to education and trash the environment. It raids private pension funds, closes the door of colleges and universities to the sons and daughters of working families, dumps over a million more children into poverty in a misguided version of welfare reform.

In page after page of this legislation, Republicans offer an open hand to powerful special interests and the back of their hand to everyone else.

Republicans pretend their continuing resolution is not about raising Medicare premiums, but their reconciliation bill certainly is—\$52 billion in additional premiums over the next 7 years, an additional \$2,500 in premiums for every elderly couple. That is only the tip of the iceberg.

The overall Republican cuts in Medicare total \$270 billion. The trustees said what was necessary was \$87 billion; their cut \$270 billion. Compare that to the \$245 billion in Republican tax breaks for the wealthy. You do not have to be a rocket scientist to understand that shameful arithmetic.

The Republican Medicare plan is also carefully constructed to force senior citizens to give up their own doctors and join HMO's and other private insurance plans. That means billions of dollars in higher profits for the insurance firms at the expense of elderly Americans.

Why are all the insurance companies supporting this particular proposal? Because they recognize it opens the opportunities for billions and billions in profits.

The Republican Medicare plan may be Heaven for the health insurance industry, but it is hell on senior citizens.

Senior citizens also depend on Medicaid for nursing home care and other

services Medicare does not cover. Medicaid provides the health care for one-fifth of the Nation's children and for millions of American families with family members with disabilities.

It is interesting, 18 million children are on Medicaid; 94 percent of those children's parents work; 65 percent of them work full time. These are sons and daughters of hard-working Americans that are going to be cast adrift under this proposal that is before us.

The Republicans do not care about their health care. They cut Medicaid by \$180 billion. By the year 2002, it will be slashed by one-third. Effectively, with the program for 7 years, they are taking 2 years of the payment out. They are taking that out of the program and giving it back to the States and saying, "Provide better services for them."

Millions of our needy citizens will lose. Last year, the Republicans blocked health reform that would have guaranteed coverage for all this year. They are taking away the coverage from those who now have it.

The giveaways go on. The weakening of the nursing home standards was defeated in the Senate by 95 to 1, but the weakened standards are back in the final Republican bill; liens on the homes of nursing home residents, defeated on the floor of the U.S. Senate, but the liens are back in the bill; permission for doctors to charge more than Medicare will pay, defeated in the Senate, back in the bill; weakened antifraud standards, defeated in the Senate, back in the bill. The casualty list for senior citizens goes on and on.

We have distributed a fact sheet laying out some of these back-room deals in more detail. On education, the Republican budget is a triumph of special interests over student interests. It is rigged to funnel over \$100 billion in new business to banks and money lenders at the expense of colleges and students. It is hard to find a more vivid or disgraceful example of the prostitution of Republican principles. When profits are at stake, Republicans are more willing to sell out the free market competition and replace it with the heavy hand of Government-guaranteed monopoly.

The Republican budget also drastically cuts education. It slashes Federal aid by a third. It cuts aid for school reform. It cuts college student assistance by \$5 billion. It caps the direct lending program at the ridiculously low level of 10 percent. Twelve-hundred colleges and universities will be forced out of this program they want for their students. Why? So the banks and guaranteed agencies can profit to the tune of \$103 billion in new business over the next 7 years, and the best estimate is that it will be \$7 to \$9 billion in profits that ought to be used to lower the cost of education for the children of this country.

For children, this bill is a nightmare. There is a right way and a wrong way to reform welfare. Punishing children is the wrong way. Denying job training

and work opportunities is the wrong way. Leaving States holding the bag is the wrong way. This bill takes a bad Senate bill and makes it worse. The Senate bill eliminated 60 years of a good-faith national commitment to protect all needy children. This conference report adds insult to injury by guaranteeing increased suffering for millions of children and families.

The Senate bill cuts food stamps for 14 million children, SSI benefits for 225,000 disabled children and protection for 100,000 abused children. This conference report slashes these essential programs by \$82 billion—\$17 billion more than the Senate bill. Nutrition programs, disability benefits, and antichild abuse programs will suffer heavily.

If the conference report becomes law, children born to parents on welfare will be punished in every State. Victims of domestic violence will lose their special protection. Food stamps for the unemployed will be further restricted. Family preservation and child abuse programs will be block granted. Family hardship exemptions and State investment requirements will be reduced. All this is above and beyond the Senate bill. Even the modest child care provisions added to the Republican "home alone" bill in the Senate have been rolled back.

This bill cuts essential child care funding and eliminates essential protections for children and child care. As a result, many more children will be left home alone, and countless others will find themselves in unsafe conditions. The bill cuts more than a billion dollars from the Senate-passed welfare bill by stretching out the \$3 billion in new funds over 7 years and capping the child care development block grant for low-income working families. It eliminates any real requirements for States to ensure adequate health and safety protection for children in child care. It repeals the requirements for States to adopt minimal health and safety provisions for immunizations, building safety, and appropriate health and safety training for anyone receiving Federal funds.

These provisions were negotiated by Senator HATCH and the Bush administration, and they have had broad bipartisan support—until now. In addition, the Republicans have cut more than 50 percent of the funds set aside to improve the quality of child care. Report after report documents the shocking poor quality of child care in far too many child care settings. These funds are making a measurable difference in the development and growth of low-income children.

What is happening is the standards, which were established by Senator HATCH and Senator DODD, signed by President Bush, have been significantly weakened. It is so interesting that we

are prepared to give real standards of protection for the child care in the military, and we deny them to the civilian workers of this country. Any man or woman in this body can go out and visit a child care center on any military base, and they will find it is up to standards. There were only six votes in this body against those kind of standards when we did it for the military. But when you are talking about dealing with poor people, you take those standards and safety net away. You know what is going to happen? In another 1 or 2 years, there will be a study and it will talk about how all of these programs have deteriorated and people will say that is what happens when you have a Federal program, and there will be pressure to provide less and less support for those poor children, and more and more tax giveaways for the wealthy in this country. It is wrong.

If this bill passes, the Senate will be turning its back on needy children, on poor mothers struggling to make ends meet—millions of our fellow citizens who need help the most.

The Republican priorities are clear: For millionaires they will move mountains; for poor children, they will not even lift a finger. We all want to balance the budget, but it cannot and should not be done on the backs of America's children. Enough is enough. Enough of the back room deals with high-paid corporate lobbyists. Enough of dismantling commitments to children and families in need.

In the end, this is a battle for the heart and soul of this Nation. It is a simple question of priorities. Are we going to leave millions of low-income children behind in order to give huge tax breaks to the rich?

This bill is legislative child abuse at its worst.

A further outrageous provision in the reconciliation is the hunting license it gives corporations to raid employee pension plans and divert billions of dollars in retirement funds to other purposes.

Despite the overwhelming 94-5 vote by the Senate 3 weeks ago to strip the indefensible pension raid from the Senate bill, the Republican majority persist in their reckless scheme to turn private pension plans into piggy banks for corporate raiders and greedy executives at the expense of the retirement security of millions of Americans.

One other decision by the Republican conferees vividly demonstrates what this debate is about. All year, Democrats have tried to close the so-called billionaires' tax loophole, which lets wealthy Americans renounce their American citizenship to evade their fair share of taxes on the massive wealth they have accumulated in America. Have we heard any Member of that side defend that provision? The si-

lence is deafening. It is difficult to imagine a more obscene loophole. Every time we have raised it in the Senate, no one tries to defend it. Once again, behind closed doors, the Republicans have saved it. The billionaires' loophole is alive and well in this bill. Shame on the Republican Ways and Means Committee. I doubt if they have ever sunk lower.

The Republicans claim that their plan provides a balanced budget, but it is profoundly out of balance. It tilts the scales heavily to the wealthy and the powerful at the expense of ordinary Americans. The Republicans know that President Clinton will never sign this bill. They know that Congress will never override his veto. The question is: How long this shut-down-the-Government tantrum will go on before they realize the American people are not buying what the Republicans are selling and never will.

I yield to the Senator from Maryland.

Mr. SARBANES. I listened very carefully to the Senator from Massachusetts with respect to the impact of this reconciliation bill on children. Is it not the case that if the tax break provisions of this reconciliation were not in this package—in other words, this \$250 billion worth of tax breaks for the very wealthy—these drastic cuts with respect to these programs for children would not have to be made, is that not correct?

Mr. KENNEDY. Well, the Senator is absolutely correct. And to further add to the Senator's point, the Senator understands that for every dollar that you cut, both in education and in child care, you increase the cost to society by 3 or 4 more dollars. So if you are looking at this, either from a bottom-line point of view about what the costs are going to be over any period of time, or looking at it—I think all of us would like to think that the way we are looking at it is caring for the child. It makes absolutely no sense, what they have done.

Mr. SARBANES. The costs accumulate. But the fact is—and people must understand this—that in order to give tax breaks to very wealthy people, draconian cuts are being made in these programs to help children. So there is a direct tradeoff that has to be understood. In other words, these cuts are happening to child care, to feeding programs, education programs, and others, in order to accumulate a pot of money with which to give tax breaks to wealthy people. If you did not give the tax breaks, you would not have to make the cuts, is that not correct?

Mr. KENNEDY. The Senator is absolutely correct.

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

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

**ORDERS FOR SATURDAY,
NOVEMBER 18, 1995**

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Saturday, November 18, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, negotiations will continue tomorrow on the continuing resolution and balanced budget language. Therefore, rollover votes are possible during Saturday's session of the Senate.

ORDER FOR RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess following the remarks of the Senator from Virginia, Senator WARNER.

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

Mr. LOTT. Since the Senator from Virginia is not here at this moment, 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

**STATUS OF THE GOVERNMENT
SHUTDOWN**

Mr. WARNER. Mr. President, throughout the day, I have been in consultation with Members of the House of Representatives representing northern Virginia and other regions, as well as many other of the Senators here, including my distinguished colleague, Senator LOTT.

On behalf of many Senators, I say to our distinguished whip—at the moment, the acting majority leader—there is a strong desire to put the Government back to work, but doing it only once we reach an agreement on

this CR. It had been my hope and expectation today that, assuming the President agrees to not more than 7 years for the decision to reach and get a balanced budget—that is the keystone of the architecture on which to build a compromise, given that we can reach a level of expenditures which would enable the Government to function between now and, say, the middle of December. That leaves the middle ground of the important method by which the economic assumptions are made, which assumptions lay out the course to reach a balanced budget by no later than 2002. And I will be a part of the meetings tomorrow on this CR with the distinguished acting majority leader. But I hope that you can provide some encouragement that this area of the economic assumptions will be examined in terms of some measure of compromise.

Mr. LOTT. If the Senator will yield for a response, Mr. President, I do want to take note of the fact that there have been discussions underway today between the majority leadership and the White House representatives. I know the Senator from Virginia has been following that very closely. I know he and the majority leader and the Members of Congress would like to see this matter resolved so that we could get an agreement on the level of the continuing spending resolution; but, more importantly, that we also get a commitment to this 7-year balanced budget; the two are linked together. They are very important, and we believe that an agreement should be reached so that the Federal workers in this area, and around the country, should and can go back to work.

We feel that the President should commit to that 7-year balanced budget by the year 2002. We think there must be honest numbers in how that is achieved. It cannot be done by some of the smoke and mirrors we have seen in the past. But the efforts will continue Saturday morning, as the Senator noted. I know he will be here on duty working to try to achieve that goal. I think it is possible, and I certainly hope it can be done. And if it is done, then we can go forward with serious negotiations to reach an agreement to achieve a balanced budget for all of the people of this country.

Mr. WARNER. Mr. President, I thank the distinguished leader. Just a concluding observation. Assuming that we can get a CR—and I strongly believe if we can reach some form of understanding on the manner in which we establish the economic assumptions, we could have a very strong participation

from the Democratic side; and given that bipartisanship, it is this Senator's belief that we could then hope to have an equally strong bipartisan and serious address of this important act we just passed, the balanced budget act of 1995.

Mr. LOTT. To respond, I certainly hope so. Again, I want to emphasize that it is important that it be very carefully worded, carefully crafted. We cannot agree to wording that would not achieve the goals that were voted on just a short time ago here in this body of a balanced budget in 7 years. We faced the tough decisions, we have made them, we voted for it, and it is passed.

But if we can get the agreement along the lines we talked about, I think it would have very strong bipartisan support. As a matter of fact, I know that there is growing support on both sides of the aisle to make this commitment to a balanced budget. We did not get any votes from the other side of the aisle just a few minutes ago, but I know there is a growing discomfort because three-fourths of the American people fully believe we should have a balanced budget. They want that commitment. And what the President has been saying, quite frankly, is he wants more spending, and he does not want a balanced budget. That is beginning to have a negative impact on him. So I think there is movement, and there should be. We should work this out. We should do the people's business. The President vetoed the continuing resolution that provided for more spending. He shut down the Government. But everybody has made their points now, and we need to get serious about reaching an agreement. I think that it is possible.

Mr. WARNER. I thank the distinguished acting majority leader, and particularly for his invaluable service as a liaison with the House on this, in bringing to bear his experience there as whip. I hope tomorrow we can make further progress on this matter. I thank the leader.

Mr. President, I anticipate the order in process will now put the Senate into recess.

**RECESS UNTIL 9:15 A.M.
TOMORROW**

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:15 a.m. tomorrow.

Thereupon, the Senate, at 10:07 p.m., recessed until Saturday, November 18, 1995, at 9:15 a.m.