As I have said earlier, the Senate will be in session and the House will be in session until midnight. We are prepared to act up until midnight or after, if necessary, to prevent a shutdown of the Federal Government.

The PRESIDING OFFICER. The Chair now, under a unanimous-consent agreement, recognizes the Senator from Connecticut.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1995

The Senate continued with the consideration of the message from the House.

Mr. DODD. Mr. President, I thank the Chair. Let me return to the subject matter that is the pending business of the Senate, but let me also state here in response to the distinguished majority leader, it was our intention that this process do move forward, but also it is our strong feeling this CR ought to be as clean as possible.

There is a place and time to negotiate the budget proposals for 7 years, but we do not believe it ought to be part of a continuing resolution and that extraneous matter included in the CR is really a back-door attempt to achieve through this process efforts which should properly be the subject of negotiations as part of the long-term budget commitments of this country.

So the CR ought to be as clean as possible. As I mentioned earlier, we have only dealt with 4 appropriations bills in the last number of months out of 13 that should come before this body. I think we might better spend our time in dealing with those appropriations bills, get the job done, and then the need for a CR—of course, it becomes unnecessary.

In any event, Mr. President, I am aware our colleague from Massachusetts will be coming to the floor shortly to talk specifically about some of the Medicare proposals.

Allow me to just wrap up my own comments about the matter that is presently before us, and that is the message to the House on the appointment of conferees dealing with the so-called Cuban bill.

I am somewhat mystified as to why this particular bill has such a high priority that we are willing to move almost everything else out of the way to consider it. There is no sense of urgency about it whatsoever. We are moving this bill out of the Foreign Relations Committee while simultaneously holding up nominees to be Ambassadors and critically important treaties that ought to come before this.

Frankly, when you consider a sense of urgency, not to have United States representation in the People's Republic of China, Pakistan, Indonesia, seems to be an issue that ought to be dealt with immediately, rather than putting that on a back burner and dealing with this bill, which most people think will have absolutely no effect whatsoever on the Government in Cuba. It will complicate our relationships with Russia, with the New Independent States, and others, given the fact that we link our aid to those nations and our arms control efforts based on whether or not they provide any assistance to Cuba. That ought not be the way we deal with the fragile democracies in Russia and in the New Independent States.

So, for those reasons, I feel it is worthwhile to focus some attention on this and to try to bring the attention of the U.S. Senate back to a discussion of what ought to be the subject matter for debate and discussion today, and that is the priorities of our overall budget for this country and why it is we cannot seem to get a clean debt ceiling extension in a CR that is devoid of extraneous matter, and then get to the business of negotiating on the budget over the next 7 years but not tying up those two matters with matters that have no business being there at all.

With that, I ask the Chair to tell me what the pending business of the Senate is.

The PRESIDING OFFICER. The present order of business is to recognize the Senator from Massachusetts for pending business. And at that point we are going to resume H.R. 2491.

The Senator from Connecticut is recognized.

Mr. DODD. I gather the Senator from Massachusetts [Mr. KENNEDY], may be a bit delayed. He should be here momentarily.

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

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

Mr. WELLSTONE addressed the Chair.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Maimon Cohen, who is a fellow working with me, be allowed to be on the floor for the duration of the debate on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE 7-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. WELLSTONE. Mr. President, let me be clear that Senator KENNEDY will be on the floor with his motion. I am actually not making a motion. But what I thought I would do is take a little bit of time to talk about one provision in the motion. That is something that I have worked on, and I want to speak a little bit about that.

Mr. ABRAHAM. Mr. President, I just ask that maybe we keep track of the time because we are on a time limit. So this time might be assigned to the block of time which will be used for consideration of this motion, if that is part of the agreement.

The PRESIDING OFFICER. I want to inform the Senator from Minnesota that the Senator from Massachusetts will have a total of 40 minutes on this motion.

Mr. WELLSTONE. Mr. President, I have been allotted 10 minutes. So I will be pleased to lock that block of time.

The PRESIDING OFFICER. Without objection, this time is taken from the time of the Senator from Massachusetts.

Mr. WELLSTONE. I thank the Chair. Before I proceed, could I make sure? I ask the Chair to please notify me if I should go over 10 minutes, because I do not want to take any more time than that.

The PRESIDING OFFICER. The Senator is allotted 10 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me just talk about one provision in this motion to instruct conferees that Senator KENNEDY is going to be making. This is a provision that I worked on, which essentially says that the Congress shall be instructed to delete provisions that provide greater or lesser Medicaid spending in States based upon the votes needed for the passage of the legislation rather than the needs of the people in those States.

What I am essentially saying here is that what happened a couple of weeks ago in the dark of night was that the U.S. Senate exchanged Medicaid money for votes. What I am saying in this provision in this instruction to the conferees is that when we develop a formula for allocating Medicaid—or what we call in Minnesota medical assistance funds—it ought to be based upon some rational policy choice. It ought to be based upon the needs of the people in the States. It ought not to be based on some kind of a deal which is all based upon the number of votes to pass a particular piece of legislation.

From my State, on this Friday night in about 3 hours we went from seeing a cut of $2.4 billion to a cut of $2.9 billion. In other words, the State of Minnesota lost $500 million.

Mr. President, we need to understand that in the State of Minnesota altogether the projected cuts on Medicare and medical assistance are going to be somewhere between $7 billion and $8 billion.

So the concern that I have—and the reason that I am working with Senator KENNEDY on this, and so much appreciate his instruction to conferees—it seems to me that it is outrageous for the U.S. Senate to make decisions on allocation of medical assistance funds to States based upon some sort of

wheeling and dealing that takes place where Senators leverage the votes for the amount of money that goes to their States as opposed to some kind of rational policy, and as opposed to the needs of the people in those States.

I am also out here as an advocate for my State of Minnesota. In the dark of night in 3 hours, all of a sudden Minnesota has $500 million less of support. Mr. President, let me now translate this, if I can, in human terms, in personal terms.

Let me first of all just say to my colleagues that I am concerned about this because it is not just some dry formula. We are talking about 300,000 children in the State of Minnesota that are covered by medical assistance. With the kind of reductions that we are going to be faced with—about $2.9 billion—the question becomes, What happens to those children? Mr. President, in the State of Minnesota we have a program called the TEFRA Program, which is extremely important, that allows 300,000 children with severe disabilities to be eligible for Medicaid based upon their own income and which allows families, therefore, to be able to keep those children at home.

Mr. President, the question becomes what happens to those children with disabilities and those families that provide tender loving care to those children with disabilities when we have these kind of draconian reductions in medical assistance? That is why I have some indignation about some dark-of-the-night decision that takes $500 million more away from my State of Minnesota.

But it is not just my State. It is some of the most vulnerable citizens in America. Mr. President, 60 percent of our medical assistance funds—that is what we call it in Minnesota; we are talking about Medicaid nationally—will go to pay for nursing home care. About two-thirds of all of the seniors that are in nursing homes in Minnesota rely on some medical assistance funds.

Mr. President, I am a huge advocate of home-based care. I think people should be able to live at home in as near a normal circumstance as possible with dignity. But sometimes the nursing home is the home away from home, and the question becomes what in the world are we going to do as caregivers who care about taking care of elderly people? What is going to happen to senior citizens that are in those nursing homes? Who is going to make up the difference?

Mr. President, all too often in my State of Minnesota—and I am guessing it is the same way in Louisiana or Michigan—I am hearing at the county level commissioners say to me: Senator, what is going to happen is we are going to be asked to raise the property taxes, and we are not going to be able to do so. And if we are not going to be able to do so, we are going to redefine eligibility; we are going to reduce services, and there are going to be a lot of persons who will be hurt.

Above and beyond that, there are some 70,000 senior citizens in Minnesota who are below the poverty level, and for those senior citizens the medical assistance funds are what enable them to pay their part B premium for Medicare, which is the physician services.

So again the question becomes, why does the U.S. Senate make decisions based on wheeling and dealing to get votes, not based upon the needs of citizens in our States? Why a medical assistance formula in the dark of night which is so patently unfair to so many States, including my State of Minnesota? And above and beyond my State and above and beyond the formula the real issue is, what about the impact on the people?

I have said 10 times in this Chamber that this is a rush to recklessness. I will say it an 11th time. This is not good policy. It does not pay attention to the impact it is going to have on people's lives. This instruction to conferees which relates to this formula is extremely important.

I conclude by repeating it one more time. Our instruction is to delete any provisions that provide a greater or lesser Medicaid spending in States based upon the votes needed for the passage of legislation rather than the needs of the people in those States. Without apology, without equivocation, I am proud to advocate it for citizens in my State of Minnesota. It is not just the seniors. It is not just the children. It is not just people with disabilities. It is also a State that values good health care. We want support for our medical education. We want our rural hospitals that depend so much on the Medicare and Medicaid patient payment mix to be able to continue to provide care. We want to be able to deliver primary care out in the communities. This budget that has been worked out is not based upon any kind of understanding of health care policy that will respond to people's needs in Minnesota or Iowa or any other State.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 20 seconds.

Mr. WELLSTONE. Mr. President, I yield 2 minutes and 20 seconds back to the Senator from Massachusetts when he brings this motion out.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. WELLSTONE. I yield the floor.

ORDER OF PROCEDURE

Mr. BREAUX addressed the Chair.

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

Mr. BREAUX. Mr. President, I would just ask the Chair to state the current business before the Senate.

The PRESIDING OFFICER. The Chair would inform the Senator that there is no stated business before the Senate at this particular time.

Mr. BREAUX. I ask unanimous consent that I may be allowed to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, but only to inquire.

The PRESIDING OFFICER. The Senator from New Mexico reserves the right to object.

Mr. DOMENICI. I thought at 4:30 this afternoon Senator KENNEDY was to lay down his instruction motion.

The PRESIDING OFFICER. The Chair would inform the Senator from New Mexico that that was the order.

Mr. DOMENICI. And I understand under unanimous consent we agreed to let Senator WELLSTONE use part of Senator KENNEDY's time on that.

The PRESIDING OFFICER. About 8 minutes was used.

Mr. DOMENICI. So is not the subject matter——

The PRESIDING OFFICER. The motion has not been made.

Mr. DOMENICI. So we have nothing pending before the Senate at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. What was the Senator's request?

Mr. BREAUX. I was going to ask to speak as if in morning business.

Mr. DOMENICI. How long?

Mr. BREAUX. Five minutes.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes as if in morning business.

BUDGET COMPROMISE

Mr. BREAUX. Mr. President, I take this time to voice my concern about the current situation with regard to the continuing resolution that is before this Senate to try to keep the Government functioning. Throughout Washington and I think throughout the various States people who work for the Federal Government and people who have concerns about the services the Federal Government provides are wondering whether we in the Congress are going to be able to get together and make Government work or, rather, are we going to fight to the finish and nobody will be a winner, least of all the American people.

Many Federal offices right now are debating the question of whether they are essential or not, which is sort of a novel thing to have to debate as a Federal employee in offices on the Hill and other agencies because they know if they are a nonessential employee, they do not go to work tomorrow unless we fix this problem. But if they are an essential employee, they have to come to work even though they might not get paid. So it is interesting to see whether you are determined to be a Federal employee who is essential or one who is not in order to determine whether you come to work tomorrow or stay home because we in the Congress and the administration have not been able to get