has no intention of transferring land to California for our regional disposal facility. I cannot help but agree. There is no scientific basis for further testing prior to construction or legal requirement for a Supplemental EIS. These demands are purely political, and made for the sole purpose of delaying, if not terminating, the Ward Valley project. It is clear that, once these demands are met, more demands will be made. In short, because President Clinton doesn't trust the states to assume the obligations which Governor Clinton asked Congress to give the states, he has proven that the LLRW Policy Act does not work. Faced with this lack of political will to implement the policy he himself once supported, many now question the wisdom of expending further resources in a futile effort to further that policy.

The intransigence of the Clinton Administration in connection with the Ward Valley land transfer leaves me few options as Governor of California. The Ward Valley site is clearly the best site in California for LLRW disposal, a fact upon which my predecessor Governor Deukmejian and former President Bush agreed. All other sites, including the alternative site in the Silurian Valley, present potential threats to public safety not found at the Ward Valley site. The Silurian Valley site is also located on federal land, and there is no reason to believe that the Clinton Administration has any greater motivation to transfer that site.

Consequently, to continue the effort to establish a regional disposal facility, California would need to identify a site on privately-owned land which would be technically inferior to War Valley and would be unlikely to license in accordance with California's and my own uncompromisingly high standards for the protection of public health and safety. For these reasons, I would personally oppose identifying any other potential disposal site in California.

Therefore, as Governor of California, I am compelled to inform you that, because the Clinton Administration has made compliance with our obligations impossible, California will be unable to provide a regional disposal site for your state and the other states of the Compact during the tenure of this president. California will continue to seek title to the Ward Valley land, but will devote greater resources to a repeal of the LLRW Policy Act, and to the enactment of federal legislation making the federal government responsible for the disposal of LLRW.

The Department of the Interior has formally announced that California's LLRW generators are not harmed by its interference with the opening of the Ward Valley LLRW disposal facility because they have access to the disposal facility in Barnwell, South Carolina. Given the public safety threat to the good citizens of South Carolina, and the additional costs and exposure to liability to users, I find this suggestion questionable. Nevertheless, in order to make this an even marginally acceptable solution, I am calling upon the federal government to do all of the following:

Assume responsibility for assuring continued access for all California generators of LLRW to Barnwell;

Subsidize the amount of any transportation costs to Barnwell which exceed transportation costs to Ward Valley;

Ensure that California generators obtain any necessary permits for transportation across the United States and to Barnwell;

Indemnify California generators and transporters for any liability which might result from the necessity to transport California waste from coast to coast; and most importantly,

Hold California generators, including the University of California and other state entities, harmless form any federal or state cleanup related (Superfund or CERCLA) liability which they might potentially incur as a result of using a waste facility which is on a substantially less protective site than Ward Valley and which has already experienced tritium migration to groundwater.

If LLRW generators in your state have problems with storage or with use of Barnwell similar to those of California generators, I urge you to join with me in demanding similar relief.

Sincerely,

PETE WILSON.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

Mr. PRESSLER. Mr. President, on a separate subject, let me say I strongly support the efforts of the majority leader to repeal the President's Clinton 4.3-cent-per-gallon fuel tax. I also believe strongly that the efforts of the majority leader in this area will result in some relief to the consumers of America.

In my State of South Dakota, agriculture and tourism are the two most important industries. This is just the time of the year that farmers are driving their tractors, truckers are hauling agricultural supplies and produce and seeds, and tourists are beginning to come to see Mt. Rushmore and the attractions in southwestern South Dakota. They need immediate relief from high fuel prices.

I also support the Justice Department's antitrust probe into the recent price increases. Certainly, we need to know if price fixing is occurring. However, past antitrust investigations have failed to produce conclusive evidence of illegal activity. We need to take action now. I hope the Congress can avoid procedural delays and give immediate relief to millions of Americans at the gas pumps.

Let us remember that this Senate has been stalled by filibusters throughout this session. I know that the national media has stopped using the word ''filibuster,'' but that is what is happening. The Senate is tied up in knots. The approach of the opposition in this Chamber has been nothing more than gridlock and filibuster.

Therefore, I hope we repeal the fuel tax very quickly. We are ready to do it. Members of the Senate Finance Committee have discussed this. We are prepared to act.

THE TELECOMMUNICATIONS ACT

Mr. PRESSLER. Mr. President, on yet another subject, I hope that the Federal Communications Commission follows the intent of Congress regarding the recently passed Telecommunications Act. I was privileged to be able to author and chair the Joint House-Senate conference committee on telecommunications. But I fear that some of the deregulation and some of the good things in that bill are being taken away by regulators who are now writing the regulations for that bill.

I have asked in our committee that we hold a hearing and bring those Commissioners before the Commerce Committee. I know many Members of the Senate have written to me urging such a hearing because they are concerned that the intent of Congress is not being followed.

The telecommunications bill was a very well-written bill. We had a checklist for the entry of companies into the regional, local telephone business and also for entering into the long-distance telephone business. Those rules are set. Also, the whole issue of the States' power and participation with the States' public utilities commissions was clearly written out in that bill.

I was just this morning told by one of our good public utilities commissioners that the States' powers are being undercut by the Federal Communications Commission. So we must be vigilant in trying to remind the Federal Communications Commission that their No. 1 guideline in the implementation of regulations is supposed to be intent of Congress.

I remember in Clark Weiss' law class the importance of ''intent of Congress'' for administrative law. That is the key that these agencies are supposed to follow. But that has been abandoned in this Government because now the agencies are more powerful in some cases than Congress. That is unfortunate.

But the Federal agencies, when they write the regulations, the foremost thing in their mind is supposed to be intent of Congress and not going off and starting to legislate all over. If they want to be legislators, they can go out and run, as I am running this year, and submit their name to the public. But they are not legislators. They are regulators. They are a regulatory agency, not the legislative branch of Government. I will plead with the FCC to remember that as they write those regulations. Mr. President, I yield floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with consideration of the bill.

Mr. COVERDELL. Mr. President, I understand we are on the pending business and there are no time limits.

The PRESIDING OFFICER. That is correct.

Mr. COVERDELL. Mr. President, I rise today in support of the actions

taken by the majority leader earlier this week. Just to outline, we have the underlying proposal, which is the effort to reimburse the Dale family for the costs they have that they were unjustly burdened with. That has been objected to by the other side.

The majority leader has come forward with a full-ranging proposal that, first, repeals the 4.3-cent gas tax that was imposed on America by President Clinton in August 1993; second, would grant the other side their vote for which they have sought on raising the minimum wage; and third, would call for a vote on what is characterized as the TEAM Act, but which is properly described as giving American workers the opportunity to meet without threat to the National Labor Relations Board, to meet with management to discuss the general improvement of their work environment, an idea that came to us out of a tough competitor, Japan, where they had experimented with management employees organizing themselves into various work groups to improve the product and to improve their competitiveness. We have before us these three very important proposals.

Mr. President, when President Clinton was running for the Office, he told the American people that a gas tax was the wrong thing to do. He said it was the wrong thing to do because it was particularly offensive or hard on low-income families and on the elderly. I would expand it. I think it is not only hard on low-income families and the elderly, but it creates a hardship among small business people. It is particularly difficult for rural communities who are confronted with long distances to travel. I think it has been just one more brick on the back of our middle-class families.

Yesterday, May 8, Mr. President, was the first day that an American wage earner could keep their paycheck. That is pretty remarkable, Mr. President. May 8 was the first day that wage earners could keep their paycheck. Their paycheck for their own needs, his or her housing needs, transportation, and all the things we ask of the American people.

You ask, rightfully, anyone listening to this, ''Well, what happened to all the paychecks from January 1 to May 7?'' I can tell you. All of those paychecks went to a government. As hard as it is to believe, from January 1 to May 7, every dime earned is taken by the government, taken out of the resources of that family. When we take a snapshot of an average family in my State, they earn about $45,000 a year, both parents work and they have two children. By the time the government sweeps through their checking account and you add on that family's share of regulatory costs, which is now about $6,800 a year, and by the time you add on their share of higher interest rates because of the size of the Federal debt imposed on America by the Congress and the President of the United States, that is about $2,100 a year.

At the end of the day they only have half of their wages left to do all the work that we ask that family to do for our country. That must make Thomas Jefferson roll over in his grave. If you read through his works he warned over and over of the propensity of the Government to take the rightful wages away from those that earned them. That is exactly what we have done in this United States of America.

Repealing the gas tax is a long way from redressing and correcting this horrible imbalance. It would have been much better if the $245 billion in tax relief—children's tax credits, eliminating the marriage penalty, alleviate the pressure on those living off Social Security—if all those things we sent the President had been signed into law, then we would have put about $3,000 to $4,000 back into the checking account of the family I just described. What a difference that would have made. That is the equivalent of about a 10- or 20-percent pay raise for that family. When you think of the responsibilities we put on those families, that kind of resource is an enormous difference.

Repealing the gas tax, one piece of it, will help. It will put somewhere in the neighborhood of $100 to $400 back into their checking account. It will be used a lot better there than having been shipped off to the Federal Government.

Just to cite some figures here, we have just gotten a report from the Heritage Foundation. This 4.3-cent gas tax on motor fuel, $168 million was removed from Georgia and shifted up here to this burgeoning Federal Government. On diesel fuel, another $28.5 million was shipped up to Washington. And in jet fuel, of course, we have Atlanta Hartsfield International, $27.5 million, for a total $224 million. That is a quarter of a billion dollars taken right out of the State, right out of the homes, right out of the businesses and shifted up here so that we could have a larger Federal Government.

Now, Mr. President, I think leaving the quarter of a billion dollars in Georgia, in those families, in those businesses, in those communities, in those school districts makes a lot better sense. We have heard people say, ''Well, that does not amount to much.'' If it does not amount to much, why are there so many headaches about giving it back? If somebody wants to worry about it, let us let the folks at home worry about it. This quarter of a billion dollars being used by our families, businesses, our communities, makes much better sense.

Mr. President, the report goes on to say, ''The poor and lower middle class will be the biggest beneficiaries of this repeal.'' Susan Perry, the senior vice president of the American Bus Association, testified on May 3 before the Senate Finance Committee that as a result of higher fuel costs since the imposition of the fuel tax, there are fewer bus stops. The very poor, the very elderly, and the very rural are mostly affected because they disproportionately ride buses. And the fuel costs are passed on to passengers.

It is a regressive tax. I suspect that is why the President, during his campaign, said it was not a good idea. It only became a good idea after he was elected. Because three-quarters of those Americans earning less than $10,000 per year commute to work in privately owned autos, a flat tax rate falls disproportionately on these poor as a percentage of their income. In 1987, the Bureau of Labor Statistics data show that the poorest 20 percent of Americans devote 8.8 percent of their expenditures to gasoline and motor oil, while the wealthiest 20 percent devote only 3.1 percent of their expenditures to gasoline and motor oil.

There is another feature of the gas tax the President imposed on America that I disagree with, and that is that the tax was taxed on a user fee concept, but was not used to build better roads or safer roads. The tax was imposed on the user of gasoline and motor oil, but it was shifted into other expenditures and a growing Government. It is regressive. It is hurting the middle-income family, hurting our communities, and it was not used in a dedicated form for highways and safer roads.

This tax should be repealed, and it should be followed, Mr. President, by other reductions in taxes, so that we can get more money in the checking account of the average American family, where it belongs, so that they can do the things they need to do to raise America.

Now, Mr. President, a second feature of the proposal that Senator DOLE put on the floor was, as I mentioned a moment ago, entitled the TEAM Act. The TEAM Act merely adds a short provision to section 8(a)(2) of the National Labor Relations Act, to make it clear that employers who meet together in employee involvement programs to address issues of mutual interest, as long as they do not engage in collective bargaining, or attempt to, they can meet and discuss general conditions in the workplace. The President, in his State of the Union Address, in 1996, said, ''When companies and workers work as a team, they do better.'' So does America.

His Secretary of Labor, Robert B. Reich, has said, on December 14, 1995, ''Many companies have already discovered that management practices fully involving workers have great value behind their twin virtues, higher profits and greater productivity.''

Those quotes are correct. So why is the other side so energized to keep this modern idea from coming into law? Many American companies are intimidated from having these kinds of sessions for fear of the current law, and that ought to be changed.

Mr. President, yesterday, I had two separate groups of employees of companies—a large numbers of employees—contact our office, who think this concept is superior and belongs in the

workplace. They want to be able to engage in these kinds of activities in their companies in Georgia so that they can improve what they do, so that they can compete, so that they can protect their jobs.

Mr. President, one of those companies engaged in this kind of activity produced a $6 million annual savings by one of the work groups that had met together between employees and management for 6 months. They produced a $6 million savings for that company. That helps make the company stronger, more competitive, and able to hire more employees, and protects the jobs of those who work there now.

We were taken by the number of employees we have heard from seeking this kind of innovation in the marketplace. Mr. President, candidly, we ought to be doing a lot more to make the new workplace modern, as we come into the new century, with ideas and laws that relate to the new century. Labor law, today, is greatly governed by laws that were written 30, 40, and 50 years ago. Those are old ideas. Those are restraining ideas, and those ideas will keep America from competing with the rigorous competition that is developing throughout the world. The workers in the workplace know this, and they want these changes.

The working family, today, in 1996, versus 1930 and 1940, is vastly different. That family, in the mid-1950's, had one spouse in the workplace. You could count on one hand the number of families that had both spouses working in the workplace. Today, you can count on one hand, almost, the families for which both spouses are not in the workplace.

Mr. President, just as an aside, I believe the Government is principally responsible for that. You might ask, why is that? It is because we have pushed the tax burden higher and higher and higher, and in order for these families to fulfill their responsibilities, they have to have two or more people in the workplace to keep the family going, to keep it educated, to keep it housed.

In fact, about a year ago, Mr. President, I did a graph, and I graphed the new tax burden, beginning in 1950, and ran it up through 1996. And then I did another graph. That graph was of the number of American families for which both spouses were working. You are not going to be surprised that the two lines track each other almost identically, because as that tax burden went up each succeeding year, as Congress spent more, built more, got bigger, with more programs, it had to take more of the earnings from that family. And at the end of the day, that family had to put more workers in the workplace.

I do not believe there is any institution that has had a more profound effect on the American family than our own Government, more than Hollywood. What other institution would sweep through an American family and take half its wages? None.

So, Mr. President, families in the workplace today have both parents out there, and sometimes children. And they need a new workplace. They need more flexibility in the workplace. They need more options in the workplace.

The TEAM Act that Senator DOLE has put before the Senate this week is a great first step. It is an initial step, just like the repeal of that gas tax. It is a first step going in the right direction leaving a little more money in that checking account. This TEAM Act is a first step to start moving America to a new, a modern, a flexible, and a friendly work environment.

Mr. President, by a 3-to-1 margin, when asked to choose between two types of organizations to represent them, workers chose one that would have no power but would have management cooperation over one with power but without management cooperation. The American worker wants this flexibility in the workplace.

I am very hopeful that at the end of this extended debate we will come to a conclusion on the other side of the attempt to block the repeal, to block the TEAM Act. They are going to get their vote on their idea of the minimum wage which I personally believe will cause about 500,000 people to lose their jobs. But they are going to have their chance. We want a modern provision in the workplace, a new idea, one that we have seen make our competitors tough, and we want to be as competitive as those other companies in those other countries.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I ask unanimous consent that the time between now and 1:30 p.m. be equally divided for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, the distinguished majority whip and I have had a number of consultations over the last several hours, and we still have not reached any resolution to the impasse that we are facing. But I do want to note that over the last couple of days, as we have had the opportunity to more closely examine the gas tax repeal legislation, it has now been made evident to us that the offset that is incorporated in the legislation falls $1.7 billion short of the revenues needed to provide for the offset in 1996.

Throughout this debate, we have indicated that we would be supportive under two conditions. The first condition was, of course, that it was adequately offset. By adequately offset, obviously, we are talking not only about the source of revenue, but also about the amount. And, of course, the second issue was that it be directly targeted to consumer relief and not to the oil companies, or others.

Unfortunately, given the current legislative draft, as I said, we are told now that the revenue loss—the addition to the deficit—would be $1.7 billion in 1996. Clearly, that is not in keeping with the two criteria that we set out. Our hope was that we could find an adequate offset and, for whatever reason, that offset has not been achieved. It is ironic in some respects that, as the Budget Committee is now meeting to find ways to reduce the deficit and reach a balanced budget in 6 or 7 years, the very legislation we are now considering falls short by $1.7 billion of the necessary offset required to ensure that this legislation is entirely paid for.

And so, at an appropriate time—I expect it will be about 1:30—I will make a point of order that the amendment is not fully offset. Because Senator DOLE is not here, and because Senator LOTT and I have had the opportunity to talk about their response, and to accommodate the majority, we are going to wait until 1:30 to officially raise this point of order.

Mr. President, this situation, again, illustrates why having separate bills is so important. Obviously, now, you have a point of order against an amendment dealing with gas taxes that has an effect on the travel legislation, on the minimum wage, and on the so-called TEAM Act. So this is becoming more and more convoluted, the more we get into this debate and the closer we look.

I think it, again, makes the point that, unless we can separate these issues, unless we can have individual debates and votes on each bill, we are going to continue to be frustrated by the complex nature of this very intricate legislative structure that we have created for ourselves. So I hope that we can, again, find a way to separate out the legislation and have a good debate, a good vote, and deal with these issues one at a time.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. LOTT. Mr. President, as the distinguished Democratic leader noted, Senator DOLE will be back around 1:30. I am sure that we will have continuing conversations in between now and that time, and the leader will be here and prepared to take action, also.

I want to emphasize that we are continuing to work to find a way to get through this process. The Members clearly want an opportunity to vote on the gas tax repeal. I understand the Democratic leader wants a straight vote on the minimum wage. My understanding of the offers we have been discussing back and forth would provide a

clear, straight, separate vote on minimum wage. We have looked at different ways to approach that, including different combinations of the three matters that are pending—the gas tax repeal, minimum wage, and the freedom in the workplace, known as the TEAM Act. We are still working on that, and I have faith that we can find a way to address all of these issues in an appropriate manner.

We do have some proposals pending right now that we hope to be able to agree to here within the next hour, as to how we will proceed for the balance of the day, and what time we might expect votes to occur, and how we would deal even with Friday and next Monday. So we will continue to work with that.

With regard to the tax repeal, I indicated privately—and I will do it here publicly—on behalf of the leader yesterday that I thought we could get some agreement on what amendments might be offered. I do not think the leader is opposed to having some amendments as long as we do not have a filibuster, as long as they are relevant, as long as there is not a filibuster by amendment, and if we could get an amendment identified.

I know the Senator from North Dakota is looking for some way to make sure that this gas tax repeal actually gets to the people buying the gas. We agree with that. We want to make sure that it actually gets to the people who have been paying these taxes. We have some language in the gas tax repeal that we think addresses that. But if there is a way to help in a way that it can be administered to help guarantee that that actually happens, I would like to look at that because I want to make sure that the people of my State get this 4.3-cent gas tax repeal because I personally did not think they should have been paying it in the first place. That is why I spoke against it and voted against it in 1993. I thought it was a tremendous mistake at the time to start taking on a permanent basis a gas tax—not for the highway trust fund to build interstate highways and Federal highways and bridges that we need desperately—and move it over to the deep, dark, black hole of the General Treasury never to be heard or seen from again. I thought that was a mistake. So I would like to repeal that. I would like to guarantee that it gets to the people. If we can identify some amendments, or an amendment, I would like to see that. I think the leader would be willing to look at that, if we could work out an agreement on it.

As to the offset, we have an offset in our proposal. We think it is a credible offset. We have a small amount—$2.4 billion, as I understand it—from spectrum, plus some savings from travel at the Energy Department. There may be some lag time because, if this gas tax repeal is signed into law and goes into effect, if in fact the President signs it—I am not sure; the indication is that maybe he would or would not. Now I think maybe he indicates that he would, if it were sent to him in such a way that it did not have things that he would call poison pills and which he would call the opportunity for him to use his poison pen again. But we do have offsets in this legislation.

The only problem is that the gas tax repeal would take effect immediately and for some of these offsets it takes some time before they actually begin to start coming in.

But, again, I think we can work out the offset in such a way that it is fair and would cover the loss to the Treasury. We do not want to add to the deficit. But we also are very committed to trying to help the working people of America get this gas tax off of their backs. We will continue to work on that.

I point out, also, as the distinguished Democratic leader has, as I understand it, that the minimum wage probably is subject to a point of order. I do not think the leader would want to have that happen because I believe it would be identified as an unfunded mandate where it would direct that we have the minimum wage, and it would mean loss of jobs. So that would be subject to a point of order.

So I would be inclined, if we get into this point of order process, to think we should waive that and not have the gas tax knocked out because it is a revenue bill that did not begin in the House, for whatever purpose, or have the minimum wage knocked out. I do not think the Democratic leader would want that to happen. If we should by chance combine those two issues, the gas tax and minimum wage, we would not want either of them to be knocked out by a point of order, whether it is a revenue measure our unfunded mandate, because with minimum wage you are mandating that small businesses throughout this country have to bear the burden of this increase, which I am convinced would lead to the loss of jobs of people who need them the most.

But there are these arguments on both sides. I think a good-faith effort is being made to work through it to see how we can address the offsets and how we can address guaranteeing that the gas tax repeal gets to the people we want to get it—and that is the working people, the people who drive long distances, paying for this unfair gas tax to go into spending by the Federal Government. But we will have a chance to work on this further here in the next 30 or 40 minutes. I will be glad to talk with the distinguished Democratic leader and others, and then we will communicate with the majority leader when he returns.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I know there are at least two Senators on our side who wish to speak, and I see those on the majority side as well.

I yield 5 minutes to the distinguished Senator from North Dakota, and 10 minutes to the distinguished Senator from Rhode Island as the allocation of the time that we have remaining.

Mr. LOTT. Mr. President, parliamentary inquiry. That would mean 15 minutes. So we would get at least 15 minutes on our side to offset that. So we should have enough time to cover the speakers that we have.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to use 5 minutes of the time on our side to talk about the issue that is before us.

This has been going on for some time. I have not been privy to the internal workings of it. But I have to tell you, I am a little bit disappointed in the system where we have gone now for almost 2 weeks and have effectively done nothing. It seems to have been perfected on that side of the aisle—the idea of being able to keep things from happening. Let us talk about what we are really doing here.

As I recall, the basis is the Travelgate question, the question of reimbursing those employees who were unfortunately, and I think perhaps unfairly, accused regarding their fees in the Travelgate affair at the White House.

We are talking about minimum wage, which I do not happen to support. I think it takes more jobs than it creates. But I am certainly willing to have a vote on it. I think it is interesting. You get accusations about politics. The minimum wage did not come up for 2½ years when the Democrats controlled the House and the Senate, as well as the White House. But suddenly—I guess it was just happenstance—when the AFL–CIO was here, they promised to give $35 million for the election, this issue came forward. I am sure that was an accident.

The TEAM bill, which seems to me to be pretty hard to argue against, is an opportunity for people to work with their employer to find ways to deal with issues that affect them as a business person. It seems to me that is a great idea. There seems now to be questions about whether it can be done, and that needs to be clarified. I support that.

The tax reduction, I think, is one of the most important things that we have talked about here. I was in the House when this came up. I voted against it for several reasons. One is that it does not have anything to do with the maintenance of highways. It does not have anything to do with roads. Someone in our hearing this morning said, ''Well, why don't we do the 10 cents that came up earlier?'' There is a significant difference between the two. This one goes into the general fund for social programs, or whatever. The other one goes to the maintenance of highways, which has traditionally been our system, where the gas tax goes for the maintenance and building of the highways.

The other is, of course, that it is another tax that is added on. It is a tax that some claim is used, of course, to balance the budget. I would like to suggest that we ought to be a little more proud about balancing the budget if we reduce the spending rather than raising taxes, rather than talking constantly about how we are coming closer to balancing the budget because we had the largest tax increase in our history. Instead, we might talk a little bit about how we might reduce the size of Government. I think people in my State say the Federal Government is too big, that it costs too much. But instead we talk about how we are going to balance the budget by raising taxes.

I am a little surprised that that tax increase passed at all, of course. The President said, and I quote from 1992. ''I oppose Federal excise tax increases for gas.'' That is when he was campaigning. After he was elected, then he started with a Btu tax and ended up with this one. Bill Clinton said in 1992, commenting on the gas tax proposal, ''It sticks it to the lower income, middle-income retired people in the country, and it is wrong''—talking about a gas tax.

So, Mr. President, I think we ought to move forward. I understand that this is the deliberative body. I understand the rules that, when I ask about them, I usually am told, ''Well, they have been that way for 200 years.'' But their needs to be a way for us to move forward. We are here to solve problems. We are not here to find ways to keep from solving them. I think we ought to move forward. I am pleased with what I hear from the leaders that we might be in a position to move forward and make some decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

The Senator from Rhode Island has been allocated 10 minutes.

The Senator from Rhode Island.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not take the entire 5 minutes, and I appreciate the indulgence of my colleague.

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

Mr. DORGAN. I listen from time to time, and I wonder some morning whether we will not come out to hear the other side blame the President for thunderstorms and tornadoes that rolled across the Midwest the night before. It seems to be a popular sport in the Senate. I guess I understand that.

However, I wanted to just comment for a moment on what it appears to me the vote will be on soon. It appears to me that the proposal to reduce the gas tax by 4.3 cents is a result of the gas price spiking up 20 or 30 cents in recent weeks. Some have come to the floor and said let us reduce the gas tax by 4.3 cents per gallon. I said this morning that is like treating a toothache by getting a haircut. There is no relationship between the two.

The 4.3-cent-per-gallon gas tax put on 2½ years ago was put on to reduce the deficit. The deficit has been reduced in half. The fact is after the gas tax was put on, for market force reasons the price of gasoline came down, having nothing, of course, to do with the tax.

Those who say let us reduce the gas tax now might listen to the oil company executives who are telling us there is no guarantee that the gas price is going to come down if you repeal the 4.3-cent-per-gallon gas tax.

So the question is, which pocket will be the beneficiary of some $30 billion in the next 7 years—the big pocket of the oil industry or the pockets of the drivers? There is no guarantee it is going to be passed on to the drivers.

The point I want to make is this. My understanding is that the bill brought to the floor by those who want to change the Constitution to require a balanced budget, by those who say today they are working in the Budget Committee to produce a balanced budget, will now result in a vote by a point of order on the budget; that we will be required to vote to waive the Budget Act, as I understand it, because this proposed repeal of the gas tax will increase the Federal deficit by $1.7 billion to the end of this fiscal year and by $2.8 billion by January 1. The offsets they propose will come apparently in 1998.

So we will have the interesting prospect that those who are bringing a bill to the floor saying we want to balance the budget also come to the floor to move to waive the Budget Act to allow the budget deficit to grow, as a result of their proposal on the gas tax, $1.7 billion in this fiscal year and $2.8 billion by January 1.

I will not intend to vote to waive the Budget Act to do that. But that will apparently be the vote, the vote to waive the Budget Act and against the point of order that will be made. It will be an interesting debate.

I think it makes no sense for us to begin running backward on this issue of the budget deficit. The budget deficit has been cut in half and is coming down 4 years in a row, down very substantially. If you reduce the gas tax 4.3 cents a gallon and to do so will increase the budget deficit, which is going to happen in this proposal and which is why the point of order and the motion to waive the Budget Act to increase the deficit, it does not make any sense. We will have an interesting debate about that. But that will eventually be the vote in the Chamber—to permit a higher Federal deficit in order to repeal a 4.3-cent-per-gallon gas tax which oil company executives say there is no guarantee it will show up in the price of gas at the pumps in this country.

Mr. President, I yield the floor.

Mr. PELL addressed the chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to reiterate that we should not rush headlong, like lemmings to the sea, to repeal the 4.3-cent-a-gallon gasoline tax. When this tax was enacted in 1993, it was specifically dedicated to deficit reduction, and experience to date indicates that the gas tax has been helpful in this regard. Under President Clinton, the deficit, which was at a high of $290 billion in 1992, has been brought down to an estimated $144 billion in the current year. Why repeal this tax, when to do so will slow down or reverse this favorable trend and add billions of dollars to the deficit? Rather, we should consider raising, not lowering the gasoline tax in order to further reduce our deficit.

I join the senior Senator from West Virginia [Mr. BYRD] in expressing the thought that we should not accept even a temporary repeal.

It has been suggested that the funds with which to finance this repeal may be found by cutting education spending, requiring banks to pay more to the savings association insurance fund, cutting Energy Department expenses, and/or, selling off unused wavelengths on the broadcast spectrum. The disparity of these suggestions seems to indicate that there exists no credible consensus as to exactly how we will be able to pay for this ill-advised tax cut.

Probably for these same reasons, the States show no inclination to cut the tax. Across the country, State gasoline taxes often exceed the Federal tax of 18.4 cents per gallon. The State tax on gasoline in my home State of Rhode Island is the second highest in the Nation, at 28 cents. Yet no State legislature thus far has moved to cut their gasoline tax, reasoning wisely, that it helps stave off operating deficits, enabling States to balance their budgets. A task, I might add, which they seem to perform better than we.

I recognize that higher gas prices impact adversely upon commuters and those whose daily livelihood depends upon the availability of low priced fuel. But it should be noted that the price of gasoline today, when adjusted for inflation, is as low as at any time since World War II. With prices relatively low, demand for gasoline has been steadily rising; motorists today are driving more, at higher speeds, and in cars that are less fuel-efficient than in years past. In consequence, we now depend on foreign suppliers for close to half of the oil we consume.

Partly as a result of this dependency, we now have a temporary shortage of supply, making it unlikely that prices will go down in response to this tax decrease. Rather, the forces of the market, inexorable as they are, will delay a drop in the price of gasoline until sometime later this summer, when supplies are expected to increase. To quote the Los Angeles Times, ''the grim lessons about over-dependency of the 1970's are being forgotten, and the conservation ethic is slipping away.''

Finally, there is absolutely no certainty that the oil companies will pass

this rebate on to the consumer. Economists across the spectrum, ranging from William Niskanen of the Cato Institute to Phillip K. Verleger at Charles River Associates, agree that the 4.3-cent-a-gallon cut will benefit the oil industry, not the consumer. The total effect of this gesture will be to add $2.9 billion to the Federal deficit over the next 7 months, while transferring the same $2.9 billion to the pockets of refiners and gasoline marketers.

I urge my colleagues to resist the siren's song of the inevitability of this tax cut. Economist Michael Toman of Resources for the Future is quoted in the Washington Post as describing such a cut as ''nutty.'' I would simply add that it is wrong-headed and ill-conceived. It should be rejected.

Mr. President, several weeks ago, when the Senate Labor and Human Resources Committee met to mark up S. 295, the TEAM Act, I once again spoke of my longstanding interest in innovations in the conduct of labor-management relations. As I said at that time, I have been particularly interested in the efforts of many European countries to involve workers in policy deliberations at all levels of corporate bureaucracy. In Europe, this practice is referred to as ''co-determination,'' and means that management and labor sit on the same board.

While it is not suggested that what works in Europe would work here in the United States, the notion of worker involvement is no less valid. Now, after years of regrettably bitter, contentious, and even violent interaction and with the ever-increasing demands of a high-technology workplace in a global economy, a more collaborative process has developed that brings workers and employers together on an ongoing basis. Companies ranging from Texas Instruments and IBM to Harley-Davidson motorcycles have instituted ongoing employer-employee work councils.

There is, I believe, little disagreement about the value of these councils. There is, however, considerable debate about the current legality of these groups. We are told by some that this disagreement produces a chilling effect that hinders the continued and future development of employer-employee work councils.

I have tried for some time to find the proper balance. During the last Congress, I introduced legislation, S. 2499, that, among other aspects, established a formal election process for employee representatives.

While not introducing legislation during this Congress, I have continued to explore other avenues in this area. I had hoped to offer an amendment during the Labor Committee markup that would give employees the right to select their own council representatives; ensure that council agendas were open to both employees and employers and, finally, prohibit the unilateral termination of a council. I decided not to offer language of this nature, however, because of a lack of support from both the majority and organized labor.

S. 295, the TEAM Act, is certainly not the answer. The bill, as passed by the Senate Labor and Human Resources Committee, amends the National Labor Relations Act to allow the employer, I repeat, the employer ''to establish, assist, maintain, or participate in any organization of any kind, in which employees participate to address matters of mutual interest.'' At no point in this section of the TEAM Act is there any mention of employee rights, nor are employees given the right to designate their representatives.

I must say I was very encouraged on Tuesday to hear that the senior Senator from Massachusetts [Mr. KENNEDY] suggested an amendment to the TEAM Act allowing workers to select their representatives.

I regret that we find ourselves faced with the current deadlock. Not only are Senators prohibited from amending any of the three issues under consideration but American workers are faced with the choice of giving up their rights in return for a raise.

It is clear that the path out of this predicament is to separate the minimum wage increase, the gas tax repeal, and the TEAM Act, allow each to be amended and then individually voted on.

Furthermore, the only solution to the stalemate over the TEAM Act—as I have said for many years now—is to allow employees to freely select the employee representatives of the work councils.

Mr. President, I ask unanimous consent that a document titled ''Co-determination in European Countries,'' prepared by my staff, be printed in the RECORD.

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

CODETERMINATION IN EUROPEAN COUNTRIES

GERMANY

Coal & Steel Co's (1,000+ employees): Equal number of worker and shareholder representation along with an additional independent member agreed on by both sides.

Joint Stock Company (less than 2,000 employees): worker reps. hold ⅓ of seats on Supervisory Board of company. These reps. can't be proposed by the union and must be elected by all company employees.

Limited Liability Co's. (500–2000 employees): worker reps. hold ⅓ of seats on Supervisory Board of company. These reps. can't be proposed by the union and must be elected by all company employees.

Others: An equal number of both employees and shareholders. Depending on size of company each side has 6–10 representatives. Trade union must have at least 2 reps, 3 if the total employee representation = 10. Other employee groups (blue collar, white collar, and executives) must also have at least one representative.

DENMARK

Co-determination laws only cover companies with 50 or more employees.

Workers are entitled to elect 2 or more representatives to the company Supervisory board. Shareholders appoint at least 3 members. There is no upper limit to the number of representatives but shareholder representatives must hold the majority.

LUXEMBOURG

Co-determination laws only cover companies that have had 1,000 or more employees for 3 years. The State also must have at least a 25% interest in the firm.

Worker representatives account for ⅓ of each Administrative Board. In reality, however, day-to-day work is handled by a separate Management Board that has no requirement for union membership.

FRANCE

Nationalized companies have Supervisory Boards with equal membership of Government representatives, worker representatives, and consumer representatives.

There are no legal provisions for worker representation in private sector companies.

UNITED KINGDOM

Boards of nationalized companies contain minority worker representation.

There are no legal provisions for worker representation in private sector companies.

THE NETHERLANDS

There are no legal provisions for worker representation in private sector companies.

BELGIUM

There are no legal provisions for worker representation in private sector companies.

Only the most liberal unions in the country favor worker representatives.

ITALY

There are no legal provisions for worker representation in private sector companies.

Italian unions view Co-determination as an effort to dilute worker power. Instead, they favor worker self-management.

REPUBLIC OF IRELAND

There are no legal provisions for worker representation in private sector companies.

Source: Intereconomics. No. 78, 1978, pg 200–204.

Mr. ASHCROFT addressed the Chair.

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

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

The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Chair.

(The remarks of Mr. ASHCROFT pertaining to the introduction of S. 1741 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1741 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, we have had continuing consultation with the Democratic leader and with the majority leader. I believe we have worked out an agreement as to how we can proceed for the balance of the day.

I ask unanimous consent that notwithstanding rule XXII that the cloture vote occur on the Dole amendment at 5 p.m. this afternoon; that the mandatory quorum under rule XXII be waived, and the time between now and the cloture vote be equally divided in the usual form for debate only.

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

Mr. LOTT. Mr. President, I yield the floor for a point of order, I believe, from the Democratic leader.

Mr. DASCHLE. Mr. President, I have already articulated the concerns that we wish to raise about the pending amendment. I will simply restate, in its current form, it falls $1.7 billion short of the revenues needed to cover the offset the gas tax provisions in fiscal year 1996.

At this time, I make a point of order that the amendment violates section 311 of the Budget Act.

Mr. LOTT. Mr. President, it has been brought to my attention that the pending Dole amendment, which contains the Democratic proposal for the minimum wage increase, violates the Budget Act by creating an unfunded mandate.

Our friends on the other side of the aisle have been requesting they get a clean vote on this minimum wage amendment for some time now, and it seems to me if the amendment were to fall on the point of order just raised, that our colleagues would lose their opportunity for such a vote.

With that in mind, I move to waive titles 3 and 4 of the Budget Act for consideration of the Dole amendment No. 3960.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

Mr. DASCHLE. I renew my request 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. LOTT. I believe now under the unanimous-consent agreement we do have time for debate under the agreement. I see Senator GRASSLEY from Iowa is waiting to speak. I yield the floor.

Mr. GRASSLEY. Mr. President, I want to continue my remarks from this morning and express my support for the TEAM Act. I support the TEAM Act because it would allow employees the privilege to participate in workplace decisions, giving the workers a greater voice in matters of mutual interest such as quality, productivity, and safety. These are rational things and ought to be a subject of discussion between workers and employers. But, current law prohibits this type of participation.

The bill before the Senate would, among other things, encourage worker-management cooperation. It would preserve, without a doubt, the balance between labor and management, while allowing cooperative efforts between worker and employer. It would permit voluntary cooperation. It would do it between workers and employers and would allow all we want to encourage to continue working.

Current law prohibits 85 percent of working folks from talking with their employers in employee involvement committees. I know that does not sound reasonable, but present law prohibits it. It prohibits discussing things like the extension of employees' lunch breaks by 15 minutes; sick leave; flexible work schedules; free coffee; purchase of a table, soda machine, microwave, or a clock for the smoking lounge; tornado warning procedures; safety goggles for fryer and bailer operators; ban on radios and other sound equipment; dress codes; day care services, and no smoking policies. We know that because employee-employer committees have tried to discuss these things and their efforts have been found illegal. The President spoke in support of this sort of cooperation in his State of the Union message this year. He said:

> When companies and workers work as a team, they do better, and so does America.

Mr. President I agree with the President of the United States. I also agree with what Secretary Reich said in July 1993. He said this in an article in the Washington Post:

> High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instructions. The old top-down workplace doesn't work anymore.

As astounding as it might sound that a Republican would be agreeing with the Secretary of Labor, I wholeheartedly agree. But things said in Washington do not always come out at the end of the pipeline in policy the way that they are really stated. In other words, rhetoric is not always followed through by performance in office.

Just a few months ago, at a national union rally in Washington, DC, following a $35 million campaign pledge made to the Democratic Party and a grand endorsement by the AFL–CIO, Vice President AL GORE pledged President Clinton's veto of the bill that we are debating on the floor of this body right now. This bill, in every respect, fits into compliance with the statements made by President Clinton in his State of the Union Message and Secretary Reich's article in the Washington Post. The TEAM Act is an act that does nothing more and nothing less than legalize workplace cooperation between nonunion employees and management.

Union representatives tell me that they fear that the TEAM Act would prevent them from organizing union shops. I want to emphasize that this act does not apply to union settings and would not undermine existing collective bargaining agreements.

Under the TEAM Act, workers retain the right, as they should, to choose an independent union to engage in collective bargaining. But as it stands now, if employees choose not to organize—and 88 percent of the private sector has chosen not to—they are penalized by not being able to conduct this sort of worker-employer cooperation through committees.

In other words, they are gagged and prohibited from discussing workplace issues with their employers. Throughout this debate, I have heard some of my colleagues talk about how they mistrust the intention of management. My colleagues who make these statements must assume that workers and managers have a built-in adversarial relationship, or they want to promote some adversarial relationships, instead of promoting cooperation, which this legislation would allow them to do.

At one time that may have been true, but that was decades ago and is generally not true today. The employers, as well as the employees, whether from my State or other States—but I listen primarily to those in my State—tell me they only want the legal privilege to form partnerships to promote cooperative work environments. They just want to be able to talk to each other.

One of my colleagues on the other side of the aisle stated that most companies already legally meet with their employees. But I would like to tell him about the possible consequences that a company faces if they choose to do so.

The Clinton-appointed Dunlop Commission invited the Donnelly Corp. to testify before the commission. This company was chosen because it was a shining example of how well employee involvement in these committees works. The company was praised for its promotion of workplace flexibility and formation of worker-management teams.

But this public announcement brought them and their employees a great amount of grief. The Donnelly Corp. was slapped with a labor lawsuit filed by the NLRB. Why? Because of its progressive operations. The Corporation was temporarily forced to cease its employee involvement programs. The company was accused of breaking Federal law, a law that the TEAM Act would reform.

After a long year of litigation, the case was settled, but the company is still threatened by possible labor lawsuits, unless the law is changed.

In 1995, Secretary Reich, when speaking to the Securities and Exchange Commission, called on the SEC to find ways to encourage companies to voluntarily disclose workplace practices that contribute to higher profits. He said he had heard that many companies were reluctant to provide information about such programs to the market for fear that they would be sued.

He said, ''I believe there is a chilling effect. Why disclose if you subject yourself to potential liability?''

President Clinton, Secretary Reich, and their own commission, the Dunlop Commission, up until the union leaders made a $35 million campaign pledge to their party, supported reforms of current labor law. Now the Clinton administration has threatened to veto the TEAM Act in its present form.

The Clinton administration says that it is not beholden to special interests. But it seems like with a lot of vetoes, or a lot of threats of vetoes, this administration listens just to trial lawyers or to labor union leaders. Is it possible that the same administration that marches in lockstep with the National Education Association and the Trial Lawyers of America is more interested in a $35 million campaign pledge than in correcting the wrong that was done to the Donnelly Corp.?

So I encourage my colleagues today to recognize the need for the people to have a real voice in decisions affecting their workplace and urge them to support this act.

I know that everybody knows I am a Republican, and I know everybody believes that Republicans do not have any understanding of the workplace or the labor union environment. So I want to repeat what I stated this morning when I spoke about this same piece of legislation. I had the experience of working in a sheet metal factory from August 1960 until March of 1971. I worked on the assembly line, making furnace registers for the Waterloo Register Company in Cedar Falls, IA, a company that went out of business in 1971. I was a member of the International Association of Machinists from February 1962 until March 1971. I have an understanding of the workplace environment. I have an understanding of the cooperation that is necessary between labor and management if productivity is to increase. I have an understanding that you can have workplace committees and dialog between labor and management, outside of the normal collective bargaining process, and enhance productivity within the workplace.

Not only does it happen, but we need to encourage more of it, so that nothing is done in that process to interfere with the statutory right and the constitutional right that people have to organize in unions.

I was a member of the International Association of Machinists for that period of time. If I were still working at that company, I presume I would still be a member of that union. But the union that I used to be a member of, and most of these other unions that are stationed here in Washington, are against this bill. I think that is kind of like having your head stuck in the sand, because we are going to have to increase productivity in the workplace if we are going to keep up with international competition. We ought to be enhancing and doing everything we possibly can to make our manufacturing and our service industries more productive to meet the competition from overseas. And this bill would encourage that. I do not know why leaders here in Washington cannot understand that.

The people that were on the assembly line with me in the 1960's understood that, even though we did not have the international competition we have now. But also I think I learned something in the process, too, that labor union leaders here in Washington, DC, do not always represent the voice of their leaders at the grassroots. The people I worked with felt the necessity of encouraging this cooperation between labor and management so that we would be more productive, so that we could make more money, get higher salaries, and better fringe benefits.

So I hope that we can pass this bill and get it to the President. I hope the President will stick to his message in the State of the Union, that we have to enhance cooperation between workers and employers, because that is what this bill does.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, 2 weeks ago today, I attempted to offer an amendment repealing the 1993 4.3-cent-per-gallon gasoline tax. Two weeks ago today, the Democrats objected to that amendment coming up, and we find ourselves in a situation where, all over America, people are talking about the rising cost of gasoline and diesel fuel.

The President now says he is in favor of the repeal. Our Democratic colleagues say they are in favor of it. But yet 2 weeks after I tried to offer this amendment, we have yet to get an opportunity to vote on it. When I tried to offer the amendment, our Democratic colleagues said, ''Well, we want to vote on the minimum wage.'' So Senator DOLE said: ''OK, let us vote on the gasoline tax, and let us vote on minimum wage with a relevant amendment if the Democrats want to offer an amendment to try to guarantee a pass-through on the gas tax.''

The majority leader said that he would allow that amendment to be offered. If they come up with a reasonable amendment, we will support that amendment. But the majority leader said that, with the minimum wage bill, he would like to try to do something about an absurd situation which has had the effect of preventing workers and managers from using the teamwork approach which has increased productivity all over the world. The National Labor Relations Board has come in and denied employers and employees the ability to meet and talk together about such issues as company softball teams, appropriate work clothing for pregnant women, and other issues involving quality, efficiency and productivity because the union bosses believe that somehow their power is diminished if people who work for companies and people who run companies learn how to work together.

So, as a result, we are in a situation where the American people continue to await a repeal of the gas tax. I do not have any doubt in my mind that if we had a vote on repealing the gas tax this afternoon, 75 Members of the Senate, minimum, would vote for it.

The Democrats say they want to raise the minimum wage. The majority leader says: ''Great, we will give you that vote.'' Yet, here we are where people are affected by rising gas prices, where we have the ability through legislative action to reduce the cost of a tank of gasoline when working families fill up their car or their truck or their van—about $1 for every fillup. Yet, for 2 weeks nothing has happened.

I wanted to come over today to express my frustration. I think we ought to bring up the gasoline tax repeal and have a vote on it. The majority leader has said he is willing to bring up the minimum wage and have a vote on it. The majority leader would like to have a vote on the so-called TEAM Act. My guess is that 98 percent of the American people would support the concept of letting people who work in the same company, whose retirements are tied to the progress of the company, who have the shared goal of creating jobs and growth and opportunity, talk to one another. Only in America do we have an absurd system where the Government tries to stop people who work for the same company from talking to each other to improve safety and efficiency and to improve the quality of life. Yet, while we have three proposals and we have an agreement from the majority leader to vote on all three of them, we are denied that ability.

While I am in the process of listing legislative agenda items, recall that we recently passed a health care bill. It was touted by both sides of the aisle. It was going to help 25 million people in making health insurance more affordable and by making it more available. And the majority leader, in his capacity as majority leader, sought to appoint conferees so we could go to conference with the House, adopt this bill, send it back to both Houses, and attempt to make it the law of the land. Now we have an objection to even going to conference with the House because the Senator from Massachusetts does not like the makeup of the conference decided upon by the majority leader.

So it seems to me that what we are seeing here is an effort to prevent the will of the American people from being exercised in the Senate. I think it is

outrageous when we have had a consensus in the country for over 2 weeks, when we have probably 75 Members of the Senate who want to repeal the gasoline tax and bring down the cost of gasoline for working families, when we have a President who has said he would sign the bill, we cannot bring it up for a simple yes-or-no vote in the U.S. Senate. I think it is very clear to anybody who wants to watch the process that it is our Democratic colleagues who are denying us the ability to repeal the gasoline tax.

Let me say just a little bit about the gasoline tax. Many people do not understand, really, what this issue is about. Let me try to explain it in two ways.

First of all, prior to 1993, we had never had a permanent gasoline tax that was not tied to building highways. In fact, the gasoline tax has historically built up a transportation trust fund which has been used to build the transportation system of the country. It has in essence been a user fee. So you pay taxes on gasoline, and that builds roads. We have now taken part of that money, unwisely, in my opinion, and put it into mass transit, instead of a mass transit user fee paid for by mass transit. So we have mass transit systems all over the country, and nobody rides mass transit in many cases.

Quite aside from that point, before 1993 and the Clinton gasoline tax increase, the gasoline tax went to build highways. In 1993, the President tried to impose a general energy tax called a Btu tax. We defeated that tax. As an alternative, without a single Republican vote, the President and the Democratic majority raised taxes on gasoline, but none of the money that went into the Treasury from the gasoline tax went to building roads. For the first time, it went into general Government, which under the budget that we adopted——

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

UNANIMOUS-CONSENT REQUEST

Mr. GRAMM. I ask unanimous consent that the gasoline tax bill be made in order and be brought before the Senate at this point.

Mr. FORD. I object.

The PRESIDING OFFICER (Mr. DEWINE). Is there objection?

Mr. FORD. I object.

Mr. GRAMM. I would be happy to yield.

Mr. FORD. The Senator says this is the first time that we have ever used gasoline taxes for the general fund.

Mr. GRAMM. I said this is the first permanent gas tax we have ever had that did not go to the highway trust fund. We have adopted gasoline taxes in the past on a temporary basis, but we have never adopted a permanent one that did not ultimately go into the trust fund. This is the first.

Mr. FORD. For 1932 and 1956, all of it went to the general fund. That is No. 1. No. 2, the Bush nickel was divided, 2.5 cents for transportation and 2.5 cents went to deficit reduction. It did phase out in 1995.

So when you get back and start looking at all these things, there has been some tax that has been used in past administrations, and that is 10 cents, if you want to look at it, 5 in 1982 and 5 in 1990, and 2.5 cents was used in the general fund for 5 years. So when the Senator says it is the only one that has been dedicated, technically he might be right. But when you take it out of my pocket and you put it in the general fund, then I expect that I feel a little bit differently than the way the Senator explains it technically. So, yes, we have used taxes before for the general fund put on gasoline. Am I not correct, I ask the Senator?

Mr. GRAMM. Mr. President, reclaiming my time, obviously, before we established the highway trust fund, there was no trust fund to which the taxes could be directed. The Senator makes it very clear that we have had temporary taxes in the past that were not dedicated to the trust fund, but were planned to expire. The point I am making is this is the first permanent gas tax that we have had since we have had the highway trust fund that has not gone to the highway trust fund.

Let me tell you why that is important. We are taxing people who work for a living, people who have to get in their car or their pickup truck and, in my State, drive 30 and 40 miles to work to subsidize social programs for people who do not work, and I object to that tax. We are taxing people who live in the West and who live in rural areas who have to drive great distances to work for a living to subsidize people who live in the big Eastern cities, and I object to that tax. I do not think this is a fair tax.

I think it ought to be repealed on its merits. The American people want to repeal it because gasoline prices are up. The only thing we can do that will bring down prices at the pump is to repeal this tax.

Now, we have had the administration suggest that we have investigations. We have various committees that are holding hearings. But the point is, if we want to bring down the price of gasoline, we know how to do it. We could do it this afternoon. If the Senator had not objected and we had brought up the gasoline tax repeal as I just asked consent to do, we could have passed it this afternoon; it could have gone to the House; they could have passed it tonight; the President could have signed it tomorrow; and Saturday morning when every filling station in America opened, they could have lowered their posted price by 4.3 cents a gallon.

Let me also note that the price of highway diesel would come down 4.3 cents a gallon; the price of diesel used on the railroad would come down 4.3 cents a gallon; the price of commercial and noncommercial jet fuel and aviation gasoline would come down 4.3 cents a gallon. So we are not just talking about what you save filling up your gasoline tank. We are talking about consumers who pay this tax every time they go to the grocery store, because the cost of everything from red meat to beans has the cost of the diesel fuel tax in it because all of those groceries had to be brought in by truck or by rail to that grocery store. Every time you get on an airplane, you are paying this tax because it is built into the price of your ticket. So the plain truth is, the Joint Economic Committee has estimated that the annual cost of this 4.3-cent-a-gallon tax on gasoline to Texans is $445 million a year.

So my point is this. We have an issue here where the American people are overwhelmingly for repeal of this gasoline tax and in favor of bringing down the price of gasoline by about a dollar a tank. We should stop taxing working people who have to use their car or truck to go to work to subsidize social programs for people who do not work.

I do not understand, when we have such a clear consensus, when the President says he is for it, why we cannot vote on it.

Now, maybe they are not for it. I would never suggest that someone does not stand where they say they stand, but I think it is up to people who claim they are for repealing this tax but yet will not let us vote on it to explain to us why it is that they are for it. They think it is a good idea. The President, who is from their party, says he will sign it. But yet this now represents 14 days we have attempted to bring up the gasoline tax repeal, and we have been denied that ability.

So I just wanted to come over this afternoon to express my frustration at where we are. I do not understand. If people want to vote on the minimum wage, the majority leader has offered them an opportunity to have an up-or-down vote on it. People want to vote on guaranteeing the right of people who are in management and who are working on assembly lines to get together and talk and work together as a team, as the whole world is doing now and doing very effectively, and as American companies are doing but now they are being stopped by the National Labor Relations Board from doing it. I do not see why we cannot have a vote on it.

Now, I know that the people who run the AFL–CIO are against it, but I am against a lot of things that we vote on every day in the Senate. I do not know what gives them the power to dictate our agenda. I certainly wish we could submit this to popular referendum because most Americans would laugh in your face if you told them that you want to protect the ability of Government to tell employers and employees, blue-collar, white-collar workers working for the same company with the same interests that they cannot sit down and talk about safety clothing for pregnant women, about softball teams, and about jointly seeking quality.

It seems to me that is an eminently reasonable proposal. My point is why not vote on all three of these things? The one I am most concerned about, the one that I have tried now for 14 days in a row to get a vote on is repealing this unfair gasoline tax, unfair because it does not go to build roads; it goes to general revenues. It is being spent, every penny of it, on social programs, and we are taxing people who have to drive their cars and their trucks to work to subsidize in many cases people who do not work, and I do not think it is right. I would like to have a vote on it. I would like to be able to cut gasoline prices and do it today. I would like, when people tomorrow go to the filling station, that they look and see that the posted price is down 4.3 cents a gallon. If we acted today, we could make it happen.

I just express frustration that we are not allowed to bring it up and vote on it. If you are against it, fine, vote against it. We heard the Senator from Louisiana say yesterday that he was going to filibuster. Great, I admire that honesty. At least he admits that he is against the repeal. He is not pretending that he is for it and it is just that we are not going to bring it up and vote on it. He says, no, he thinks it is a lousy idea, he is against it and that he is going to filibuster. Great, let him filibuster. He has a right to do that, but let us bring it up. Let us let him talk, and let those of us in favor of repeal talk. And when everybody gets tired, then let us vote.

We could have cut gasoline prices 2 weeks ago if we had chosen to do it. So I hope when people go to the filling station to gas up the car for the weekend, when they are going to get the kids in the car and the dog in the back and go see mama, and they look at that posted price of $1.279, I want them to remember that Republican Members of the Senate wanted to cut that price 4.3 cents a gallon; when they filled up their Suburban with 42 gallons, we wanted to save them about $2. But we could not do it because people who say they are for repealing this tax, who are every day in the paper saying, ''Yes, we do not object to it; we could vote for it; the President says he could sign it,'' but, yet, these are the very people that are preventing us from repealing this tax and cutting the price of gasoline at the pump.

So let me say to Mr. and Mrs. America, when you fill up your tank on Friday to go see mama and you look at that posted price, remember those who wanted to cut the tax and remember those who said they were for it but they would not let us vote on it.

If you will just enshrine that in your elephantine memories, it will serve the public interest and perhaps bring some good to the U.S. Senate.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. FORD. Mr. President, I ask unanimous consent that order No. 374, H.R. 2337, be immediately brought to the Senate floor and taken under consideration.

Mr. GRAMM. Reserving the right to object, I would ask to amend that unanimous-consent request to say that the bill be brought up and that the gasoline tax be in order and that there be 1 hour equally divided on the gasoline tax.

Mr. FORD. I object.

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. He objects. Is it not wonderful? If you want something, they object. We want something—''we object.'' It is rather interesting around here.

What the Senator fails to tell us in his eloquent remarks, his Ph.D. philosophy here, and verbiage—and I am just a country boy from Yellow Creek trying to explain my position and I will do the best I can—what the Senator does not tell those who are watching on C-SPAN—and we had a big story on C-SPAN junkies today; he speaks to them—is that what the Republicans are trying to do is to have all this in one package. You have absolutely locked the minority out, and they cannot amend any one of those three items that you have talked about today. It is called the Dole gag order. The Dole gag order.

Let me quote what the distinguished Senator said, I guess back in 1993—we all go back to those—when he was frustrated. But he was wrong in his frustration. He says, ''But as the distinguished chairman knows''—talking about the distinguished Senator from West Virginia—''we also have rights.''

You said that—excuse me—the Senator said that. I want to be careful not to use improper language.

> One of the rights we have is to refuse to participate in a situation which we believe, though it is totally fair and totally within the rules, creates a playing field on which we believe that we are not capable of getting a fair contest underway.

That is the language of the Senator from Texas. At that time he had the ability to offer four amendments. Right now we have no time to offer any amendments. And it is not, ''Oh, we just want a vote.'' Vote on what? Vote on a package that you cannot offer an amendment to? They have us locked out. They have us locked out.

You know something, this 4.3 cents—look at it. Because it increases the deficit almost $2 billion this year. And there is no offset—no offset. To offset it in the language they have, they do two things. Over 6 years, they get the $800,000 out of the Department of Energy. And we have a $2 billion debt this year—deficit. Then they want to sell the spectrum. That cannot go into effect until 1998.

So we have no ability to amend it to be sure that the consumer gets the 4.3 cents. You say they could—the distinguished Senator from Texas says, ''The consumer could get it.'' If he had been at the hearing in the Energy Committee this morning, he would have found out there is nothing we can do. If we give the 4.3 cents back, we create a deficit of almost $2 billion, because you do not offset it for 6 years and the spectrum sale does not occur until 1998.

Now, I have heard about the Gramm-Rudman bill, you know. You ought to read what the former Senator, Senator Rudman, talks about, how we cannot get together here. That is one of the reasons he left.

So the Democrats are the minority in this case. We always want to protect the minority, that is one of the reasons for the rules of the Senate. Sure, I can quote the Senator from Texas again: ''We also have our rights.''

So we have our rights. We want a cloture; we want to have the ability to amend. We offered yesterday afternoon three stand-alones, one on the gasoline tax, with amendments, relevant. We wanted the minimum wage, with amendments, relevant amendments; and the TEAM Act, with amendments. That is all. That is our rights. To quote the Senator: That is all we are asking for, is our rights.

You know something? Ninety-six percent of all the businesses today have committees that get together and talk about the very things the Senator says that they want under this legislation. They talk about safety. They talk about that now. Mr. President, 96 percent of all the businesses have those committees now. If they want to talk about health, they all could talk about that. But in this bill they eliminate present law, and the employer will appoint the committee. The employees do not have the opportunity to make that selection.

You know, we get out here and it sounds so good, and we are so bad. If I had not been on the floor—I think it is kind of unprecedented that you ask for a unanimous consent when the opposite party is not on the floor. I just happened to walk out here and we get a unanimous-consent request. I suspect the Chair may have recognized that, and I think that would have been disastrous, not only for the Senate's procedures but for the Members themselves.

So, yes, we are ready to vote on the 4.3-cent tax, but we want to offer an amendment to say that the consumer will get it.

You go back and listen to the very crafty language of the Senator from Texas. He says you ''may'' get it. We can save you, but if the oil companies, when you take off 4.3 cents, add a nickel on, the only people who make any money really, putting more money into their pockets, is the oil companies.

If I represented Texas and big oil, I imagine I would want to do the same thing, but I am here trying to protect the low-income people in my State and in this country.

When gasoline prices go up and you have no control over it, only 4 cents,

and the minimum wage does not go up, they are still making the same amount of money, why do we not have our right?

So the choice here is whether we are able to have a question on the 4.3-cent gasoline tax removal and the ability to amend, that is all we ask. Then we have—and give a time agreement—and then we have the minimum wage. If you want to amend it, well and good. But the majority leader gave the Senator from Massachusetts exactly what he asked for. I doubt seriously if the Senator from Texas likes that. I do not imagine he does, but that is a stand alone. If they want to amend it—the other side—they can. We are giving them that right.

Then on the TEAM Act: stand alone, time limit, but give us an opportunity to amend it.

My dad used to tell me, ''Son, when you miss a train, stand there with your suitcase and hat and another one will be by.'' What goes around comes around. We can fill the tree one of these days, and some of the Senators on the other side may just be here —may just be here. I understand the rules of the Senate. I understand them very well.

So, Mr. President, we want to be sure that an offset is there, and it is not there in this bill for 4.3 cents. Just increase the deficit, increase the deficit, increase the deficit. I have been preached to ever since I have been here by the Senator from Texas about balancing the budget. Well, he wants to dig into Social Security, $147 million a year. I am not going to allow that. I have a contract with my senior citizens around the country.

I hope he is making a lot of notes on this. I want to hear the rebuttal. Probably will be good; probably will be good. I can hardly wait. I will wait with bated breath, I guess.

Insurance? The insurance bill that was agreed to here I think was something very good for the retiring Senator from Kansas, Senator KASSEBAUM. I think it was good that we had bipartisan agreement with Senator KENNEDY and Senator KASSEBAUM joining together and asked we have no amendments. An amendment was offered and it lost. Then you want to put conferees on who would say, even though we lost the amendment in the Senate on a vote, we are going to put it on in conference. Sure, you have something to object to. We have our rights. We have our rights, and that is what the distinguished Senator from Texas said: ''I have played by the rules in sending up the pending amendment.''

So we have our rights.

Well, we are going to have a little debate on the budget, I guess now. We did not have a chance to have any input into it. Read the paper today. It is the Dole budget. You know, it looks like they are reducing the amount of tax cuts, but it is a ''fooler.'' The last budget was for 7 years; this budget is for 6 years. So you have one-seventh more taxes into that one little frame—6 years.

So we have to be very careful. One thing Dad told me, too, ''The devil's in the fine print.'' If you do not read the fine print, you might not understand what you are voting on. That is one reason, I think, that we ought to be sure we understand that if the 4.3-cent gasoline tax comes off, we will have almost a $2 billion deficit this year, and this year ends September 30, and it takes 6 years to repay it. We cannot even pay for part of it until 1998.

We think we ought to have an ability to amend it to be sure that the consumer receives the money rather than ''might save,'' ''might receive.'' The dealer does not have to pass it on. I think that is a true statement. The oil companies do not have to pass it on. I think that is a true statement.

So give us an opportunity to amend, to the best of our ability, to be sure that the consumer receives the 4.3 cents. That is all we have asked. That is all the fairness we want, and I think that fairness is what the argument is about—not gridlock, not refusing to let you vote, but principle. I intend to stay here and work as hard as I can for principle and for the rules of the Senate and to operate in the best manner possible. So when you get down to it, that is all that you can ask for.

So I go back and one more time read:

> But as the distinguished chairman knows, we also have rights.

I am quoting the Senator from Texas.

> And one of the rights we have is to refuse to participate in a situation which we believe, though it is totally fair and totally within the rules, creates a playing field on which we believe that we are not capable of getting a fair contest underway.

So now I say to the Senator from Texas, all we are asking for is a fair contest. I think we have offered you a fair contest—or to the distinguished majority leader. Stand alone, give us an opportunity to amend. We cannot amend. You have it your way, we cannot get it our way.

Fairness in this Chamber is one thing that we have always prided ourselves on, but when we have a gag order—a gag order—and we are unable to amend, then I think we have every right under the Constitution and under the ability of use of the rules that we do the best we can.

I thank the Chair, and I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Texas.

Mr. GRAMM. Mr. President, I enjoyed listening to our colleague from Kentucky. I am always enlightened by his views. No one is saying that the Senator from Kentucky, or the distinguished minority leader, or every Democratic Member of the Senate does not have the right to deny us the ability to vote on repealing the gasoline tax.

I have certainly exercised my right as a minority Member of the Senate, when we were in the minority, as much as any other Member. In fact, we debated in one form or another the President's health care bill for 86 days. As much as any other Member of the Senate, I fought it and denied, until we had the votes to defeat it, the ability of the majority to vote on it. But the point is I never denied doing exactly that. In fact, I said in front of God and everybody the Clinton health care bill is going to pass over my cold, dead political body. I said in front of God and everybody, the Clinton health care bill is deader than Elvis.

Mr. FORD. Elvis is not dead.

Mr. GRAMM. Well, when he comes back maybe he could moderate this dispute we are having.

Mr. FORD. I would rather him than some I have.

Mr. GRAMM. Well, let me put it this way, the point is, for a period of time, I was one who helped deny a vote on the Clinton health care bill.

But the difference between me and my colleagues is I made it clear I was not for the Clinton health care bill. I never intended to see it passed. And it will not ever be passed. What I do not understand is all these people who say that they are for repealing the gasoline tax, but they will not let us vote on it.

Mr. FORD. Will the Senator yield on that point?

Mr. GRAMM. If I may just make my statement, then I will yield the floor and let our colleague have it back.

Mr. FORD. OK.

UNANIMOUS-CONSENT REQUEST

Mr. GRAMM. I will go back to the Budget Committee.

My colleague says all they want is an amendment to assure that if we repeal this tax it is passed along to the consumer.

I ask unanimous consent that the gasoline tax bill be the pending business of the Senate, that there be one amendment in order, to be offered by a minority Member to guarantee a passthrough to the consumer, and that debate on that amendment occur within an hour, and that there then be a final vote on the passage of the gasoline tax.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, I am considering modifying that to go to the Kennedy minimum wage amendment. What the Senator has done here—and I need to confer with the leader. I am sure you have not conferred with Senator DOLE as to your unanimous consent.

Mr. GRAMM. Senator DOLE—reclaiming my time——

Mr. FORD. Reserving the right to object, I have that time. So I want to consider modifying that amendment to add the minimum wage to that and under the amendment that was used by the majority leader in his proposal that we will vote on cloture at 5 o'clock.

The PRESIDING OFFICER. The Chair would note there is a pending unanimous-consent request. Does the

Senator from Texas modify his request?

Mr. GRAMM. I am not going to modify the request.

Mr. FORD. Then I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Reclaiming my time, the point I want to make is, despite our dear colleague from Kentucky saying all he wanted to do was to offer an amendment to guarantee that the tax cut was passed through to the consumer, that in fact——

Mr. FORD addressed the Chair.

Mr. GRAMM. That is not all that the distinguished Senator from Kentucky wants to do.

Mr. FORD. He is quoting me as all I wanted to do was to add an amendment. That is not true. I said—and I regret that he misunderstood me—that we have the right to offer an amendment or amendments—I said plural—and that we wanted to be sure that the consumer received the 4.3 cents and not the big oil companies that he represents.

Mr. GRAMM. Mr. President, the distinguished majority leader said yesterday and the day before and the day before that he would look at any language the minority had concerning a passthrough of the tax cut from the filling station to the consumer.

In terms of oil companies, I do not think—first of all, I am proud of the fact that my State is an oil producer, as I am sure my colleague is proud of the fact that his State is the producer of tobacco and cigarettes.

Mr. FORD. Add coal to that. That is energy.

Mr. GRAMM. My point is, the gas tax is collected by filling stations. They collect the tax. And they remit it to the Government. The average filling station in my State collects about $300,000 of gasoline taxes a year. If we want to lower prices, the quickest way to do it is to repeal that tax.

Let me touch on a couple of other things here.

Our colleague says, 96 percent of companies are engaged in some form of joint work between management and labor. That is not the point. The point is, the National Labor Relations Board is now denying companies that ability. What we want to do is to guarantee that workers and management on a voluntary basis can meet together and talk about things like safety and health and productivity.

Mr. FORD. Would the Senator say that includes collective bargaining and wages and hours worked and things of that nature under your proposal?

Mr. GRAMM. Under the proposal that I am making—I believe in free speech. So I think if people want to get together and talk about any legal act between two consenting adults, they ought to be able to do it. It is an amazing thing to me that two consenting adults can engage in any kind of activity other than industry, commerce, work, investment, job creation, but when they try to do those things they stand either naked before the world in terms of protection from our Government or they are impeded. If they want to do any other thing as consenting adults, they have a right to do it. I have never understood that. But there are many things that I do not understand.

Finally, I see two of our other colleagues are here. I want to yield the floor, but here is my point. For 2 weeks we have been trying to repeal the tax on gas. It is a simple issue. It is not a complicated issue. You either want to repeal the 4.3-cent-per-gallon tax or you do not. I do. A few people say they do not. Most people say they do. But yet we do not get a vote on it.

I am simply frustrated about it. But I have been frustrated before. But I just hope people will make note of the fact that even though for 2 weeks we have been talking about it, even though for 2 weeks people say they are for it, for 2 weeks we have not been able to do it. I hope that something can be worked out. I certainly, for my part—this is a decision that will be made by the majority leader and the minority leader—but I am perfectly willing to see votes on other issues. I want a vote on repealing the gasoline tax. I hope something can be worked out. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been sitting in on this debate, and I have been presiding during part of the time. There are some things that I think should be said at this point that have not been said so far that would be appropriate.

It is shocking, it seems to me, the issue of raising taxes is a partisan issue. I mean, if you look at the way that the debate is going, those on the Democratic side are trying to raise taxes.

I reread a statement that was made by Laura Tyson who is the chief economic adviser to the President of the United States. I am going to quote it right now into the RECORD.

> There is no relationship between the level of taxes a nation pays and its economic performance.

If you really believe that, then it is understandable why we are having the discussion that we are having today. But the difference in the way we treat our attitude toward taxes, between the Democrats and the Republicans, is incontrovertible.

In the 103d Congress, under a Democrat-controlled Congress, they had the ''largest single tax increase in the history of public finance in America or any place in the world.'' That is a direct quote from PATRICK MOYNIHAN who at that time was the chairman of the Senate Finance Committee.

Mr. FORD. Will the distinguished Senator yield?

Mr. INHOFE. Not until I am through with my remarks.

Mr. FORD. I have a question about that.

Mr. INHOFE. I am kind of slow, and it takes me long to get my train of thought back.

During that time, it was the first ever retroactive tax increase, in other words, we passed a tax increase that went back and imposed taxes on people who were adjusting their behavior and their activities predicated on the existing tax structure at the time. They made it retroactive.

The third thing they did—the top tax rate increased to 39 percent, a dramatic increase. It has been increased again since then to 42 percent. The tax on Social Security for many of the senior citizens in this country went up by 50 percent to a total of 85 percent.

I believe we need also to make a couple of statements in response to what has been said about the economy, this glowing economy that we supposedly have right now. I have some figures here that show there is no glowing. I know if you say it is long enough, the people will believe it. Then they will say, ''Well, someone's doing a very good job.'' But it is not.

Right now, under President Clinton, the economy grew at a slower rate in the first quarter of 1996, 2.8 percent, than it did in the first quarter of 1992, which was 4.7 percent. There have been lost—this comes right out of the Bureau of Statistics, published on May 3, 1995—in that particular year, 17,000 manufacturing jobs were lost in April, bringing the total number of jobs lost in that sector to 338,000 since last March.

I guess the reason I bring this up is that I am one of those individuals who has read history and who believes that you can increase revenues by reducing marginal rates. We saw this happen in the 1980's, during the decade of the 1980's, when we saw the largest number of rate decreases. We increased revenues substantially. The total revenue that was generated in 1980 was $244 billion for marginal rates. In 1990, it is $466 billion. We almost doubled it by reducing dramatically the rates.

This is not just a Republican concept. President Kennedy, back when he was President of the United States, made a statement, ''It is a paradoxical and economic statistic that the way to increase revenue is to reduce marginal rates.''

It is something we have seen history repeated over and over again. You are not going to increase revenue by increasing taxes. Therefore, if we can reduce any of these taxes, we should take this opportunity to do it.

As he said, 1993 was the largest single tax increase in the history of public finance in America or any place in the world. If you opposed that increase, the largest increase in history, you should be supportive of repealing any part of it. This is just a small part of it.

I think, also, if you remember what President Clinton said in Houston not too long ago when he was talking to a

group of people who were pretty offended by the increases in taxes, he said, ''A lot of people think I increased taxes too much in 1993. It might surprise you to know that I think I did, too.''

I want to help the President. I want to help him reduce the taxes that he admits were too high in 1993. I yield the floor.

Mr. FORD. Mr. President, a couple of items. The Senator from Texas [Mr. GRAMM] talked about the payment at the pump, the taxes collected at the rack. That is what I thought. I was not sure. I got the information. So the wholesaler or the distributor collects the tax, and it is not the dealer that would be able to give or reduce his price. I thought that ought to be brought out here now. I do not want my service station operator to be jumped on when we say you did not get the 4.3-cent reduction tomorrow or next week. It is at the rack. So I am trying to protect them.

My colleagues, as they make these speeches, they leave the floor. I have to give the Senator from Texas a compliment because he stayed here and we had a little back and forth. The Senator from Texas is going to the budget meeting, I understand. My figures—and I always stand corrected because somebody will find a way to get at me with words—but under the Republican Budget Committee's mark yesterday, taxes will increase more over the next 6 years than they did over the past 6 years.

Think about that: $415 billion. Under the Republican budget chairman's mark advertised yesterday, taxes will increase more over the next 6 years than they have over the past 6 years. That is $415 billion, if I figure that right.

Everybody will say, well, the economy is increasing and all that stuff. If it is increasing, give this administration some credit. I understand the criticism. This has become a Presidential campaign Chamber. It is not a Chamber dedicated to the people of this country, trying to do the best job we can for them. If we could stop the Presidential campaign in the Chamber, I think the overwhelming majority of U.S. Senators could get together and pass something in the best interests of the people.

We just cannot continue to have the Democrats shut out with a gag rule on us. The principle here is not whether we are for or against a 4.3-cent reduction in gasoline tax. That is not the question. The question is, we are being eliminated from having the opportunity to debate it and offer amendments.

The Senator from Texas said that he could not guarantee they could give them 4.3, or the big oil companies could keep it, or the wholesaler at the rack could keep it. It does not have to pass this price on. We just want to have the opportunity.

The point of being for or against removal of that tax is not the question. Fairness is the question, and the ability to have an up-or-down vote and to offer amendments. We have offered stand-alone amendments and a time agreement on each one of those three. We have been turned down. We will consider an amendment to get this, but we want to put it in our package. We do not want it outside that package. So the gag rule still is extended.

Nowhere, nowhere—we may have filed cloture, but we did not say you could not file amendments. I quoted from the Senator from Texas in 1993 where he said that he had his rights. That is the same thing I am talking about. Nothing different. When he was fussing then, he had the ability to offer four amendments under that tree. He had a right to offer four amendments. We never excluded anybody from offering amendments, as is happening to us now.

Where is the fairness, Mr. President? All we are asking is for a little fairness.

The gag rule is being applied to the minority. The gag rule is being applied to the minority. As long as I have the ability and breath in me, I am going to speak out against that, as the Republican side of the aisle did for so long. I listened to it. We can quote and quote and quote what they said and what statements they made, and now we are trying to say the same thing. We never instituted a gag order on the minority in all the 22 years I have been here.

I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Delaware.

Mr. ROTH. Mr. President, it is time to repeal the 1993 Clinton gas tax increase. On Wednesday, Senator DOLE, Senator GRAMM and I, along with a number of our colleagues, introduced legislation that would do just that. I wish we would have been able to repeal this tax on tax freedom day. Unfortunately, my colleagues on the other side of the aisle were unable to agree to the compromise package that Senator DOLE had offered them. Today is another day, one in which I hope we will see repeal of the 4.3 cent per gallon motor fuels tax.

During the 1992 Presidential election campaign, then-candidate Clinton, when asked about Federal excise taxes, said, ''I oppose Federal excise tax increases.'' But as with other views that Bill Clinton has held, this one was not adhered to for very long. In fact, in 1993, President Clinton, as part of a $268 billion tax increase, the largest tax increase in history, embraced a permanent 4.3 cent per gallon motor fuels tax.

I like to remind my colleagues that President Clinton originally proposed a Btu tax, which translated into a 7.3 cent per gallon motor fuels tax increase. Just last October, the President admitted to Americans that he had raised our taxes too much. I agree and believe that right now every driver in America also agrees.

Last month, gas prices were higher than they had been in a decade. The administration and some of my colleagues on the other side of the aisle have responded to this crisis by calling for investigation of the oil companies.

Certainly, if there is any price gouging going on, we ought to know about it and we ought to stop it. But, we need to take action now. What we in Congress can do right now is repeal a tax that only adds insult to injury for every driver in America, a tax that, again, is part of a package of increases that Bill Clinton himself admits is too high.

Last Friday, the Finance Committee held a hearing to discuss the effect of the Clinton 4.3 cent per gallon motor fuels tax increase and to explore the possibility of repeal. We heard from several representatives from industries that are affected by the increase. The panel included representatives from the Air Transport Association, the American Trucking Associations, the American Bus Association, the Association of American Railroads, as well as the Service Station Dealers of America and Allied Trades. These panelists provided our committee with useful insight to the damaging effect the permanent 4.3 cent per gallon motor fuels tax has upon their industry and their customers. In addition, the American Automobile Association, which serves more than 38 million drivers, submitted testimony supporting repeal of the 4.3 cent per gallon motor fuels tax.

The American Automobile Association said in their written testimony that repeal of the 4.3-cent-per-gallon motor fuels tax restores the integrity to the gasoline tax as a user fee, and it helps restore public trust in the Federal Government and integrity to the Highway Trust Fund.

Some of my colleagues on the other side of the aisle at the Finance Committee hearing and here on the Senate floor have expressed concern that the tax benefit derived from repeal of the 4.3-cent-per-gallon motor fuels tax would not be passed on to consumers. During the hearing, one of the witnesses was Mr. Melvin Sherbert, chairman of the legislative committee of the Service Station Dealers of American & Allied Trades. He is also an owner and operator of two Amoco stations in Prince Georges County, MD. I asked Mr. Sherbert whether he and other service station owners would pass on the tax benefit from repeal of the 4.3-cent-per-gallon motor fuels tax. Mr. Sherbert responded, and I quote:

> I know that [prices] would go down. . . . The moment we receive [the benefit from repeal of this tax] we would put that on the street.

The other witnesses at the hearing testified that they too would pass on the benefit. Since the hearing we have also received letters from a number of oil companies and industries assuring us that the benefit from repeal will be passed through to their customers. We

in Congress cannot control market prices. But what we can control is the tax burden we impose on the American people. Repealing the 4.3-cent-per-gallon motor fuels tax, therefore, will reduce the tax burden on gasoline and that which the American people must bear. It will also send a clear message from Congress to the industry, that we want to keep prices low for the consumers, and that we are willing to do our part. We strongly encourage them to do theirs.

I would like to remind my colleagues, that when President Clinton raised taxes $268 billion in 1993, he said he was raising them on the rich. We knew then that that was not true.

Now there is no doubt. President Clinton has raised taxes not only on the middle class but also on low-income families, and now my colleagues on the other side of the aisle are denying these low-income families tax relief. The truth is, Mr. President, that every person who drives a car, who buys groceries, who takes the bus, the train, or a plane has to pay this tax. These are not all rich Americans. In fact, Americans who are hit the hardest by this regressive tax are people at the lowest income levels, those making less than $10,000 a year. Repeal of this regressive tax, therefore, would benefit all Americans, especially those with modest incomes.

It is a well-known fact that 4.3-cent-per-gallon motor fuels tax not only disproportionately affects low-income people, but it also hits people in rural areas harder than it does those in more metropolitan areas. President Clinton knows this. In February 1993, just months before he signed into law the largest tax increase in history, said:

> For years there have been those who say we ought to reduce the deficit by raising the gas tax a whole lot. That's fine if you live in the city and ride mass transit to work. It's not so good if you live in the country and drive yourself to work.

Despite this statement, the 4.3-cent-per-gallon-tax increase was enacted. I agree with President Clinton's 1993 statement. People in rural areas should not be penalized because they live in areas that require them to use their cars and travel longer distances. For example, in my home State of Delaware, which contains many rural areas, the average family pays $463 in gas taxes per year. This figure includes both State and Federal gas taxes. When the 4.3-cent-per-gallon motor fuels tax is repealed, the average Delaware family's tax burden will be reduced by $48—a good first step.

Some of my colleagues argue that the 4.3-cent-per-gallon motor fuels tax is no different than other gas tax increases used for deficit reduction. I disagree. The 1993 Clinton gas tax increase is different from other gas tax increases before it. This gas tax increase went, and continues to go, entirely to the general fund. Unlike in past years, no portion of the Clinton gas tax increase goes to the highway trust fund. Thus, none of this money goes to pay for building and repairing highways. President Clinton and many of my colleagues from the other side of the aisle have argued that this tax is going to reduce the deficit. But, in fact, a study released last week shows 44 cents of every dollar Americans paid for the Clinton tax increase did not go to reduce the deficit. Instead, once again, Americans' tax dollars went to pay for more Government spending—for bigger government.

The Clinton gas tax increase did not get a single Republican vote because Republicans believe in cutting wasteful Government spending, rather than increasing taxes to pay for more Government spending. So while in the scheme of Government programs the 4.3-cent-per-gallon motor fuels tax may not seem to be a paramount issue, it represents what separates Republicans from the big Government spenders. While the President purports to favor balancing the budget, at best he would do so by matching big spending with high taxes. Our belief is that we should cut spending and lower taxes on the American people.

Mr. President, it is time to give Americans a break from taxes and big Government. I hope that my colleagues on the other side of the aisle will allow the Senate to move forward, and stop blocking tax relief for working Americans.

Finally, Mr. President, I would like to take some time to respond to a remark made by President Clinton in his press conference Wednesday. President Clinton said, and I quote, ''I ask the Republicans in Congress to consider something else. This is the first time your party has controlled both Houses of Congress at the same time since 1954. What is the record you will present to the American people and leave for history?''

Well, I must say I am glad that President Clinton asked. As chairman of the Senate Finance Committee, I would like to respond in the area of taxes: this Congress cut taxes. By contrast, when President Clinton's party controlled Congress, taxes skyrocketed Again: we cut taxes. President Clinton and the 103d Congress raised taxes.

Here is a chart that shows what happened to taxes when the Democrats controlled both the White House and the Congress: taxes increased by the largest amount in history—$268 billion. Now, on the other side of the chart, in green, we see what happened with the Republicans in control of Congress—we passed a $245 billion tax cut. But, that was vetoed by the same President who signed the $268 billion tax increase.

So, our Republican record is of tax cuts—letting Americans keep more of what they earn so that they can spend it or save it as they see fit. Tax cuts that allow businesses to expand, hire more people and pay their employees more. Tax cuts that allow Seniors to keep more of their Social Security benefits. Tax cuts that allow more Americans to save tax free for their retirement, or their first home, or their children's education, or their health care. Tax cuts that end the Tax Code's penalty against marriage.

President Clinton, tax cuts are the record of this Republican Congress. What is the record of President Clinton and the 103d Congress? A world record tax increase and a veto of a tax cut. Frankly, Mr. President, I prefer our record, and I think that most of America does too.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

Mr. President, I want to commend the distinguished chairman of the Finance Committee. I would add, in addition to his answer to the President, what has been the record of this Congress. This Congress, despite news coverage and quarrelsome attacks from our opponents, has been able to change the pattern of Government spending. We just reduced discretionary spending $23 billion. Most people do not know that. We have put appropriations bills through that actually cut Government spending—unheard of in recent years. A little over a month ago we put through a very significant regulatory reform measure that is going to benefit small businesses, farmers, ranchers, and others who believe that Government regulation, while necessary, ought to be reasonable and sensible. We got that done. I am proud to say that we did that one in this body on a totally bipartisan basis. So we can make progress.

But, Mr. President, I want to talk today just a few minutes and set the record straight on something called the TEAM Act. Our Small Business Committee recently held a hearing on the TEAM Act. We heard from small businessowners who achieved better productivity, quality, and safety by involving their employees in workplace decisions. Frankly, in the years when I was Governor, we tried to figure out how we could help small businesses improve their productivity. We talked to the best civil and manufacturing engineering and engineering talent from the University of Missouri at Columbia, and from the University of Missouri at Rolla, people who set up the Japanese management style, who said we could really improve productivity by involving employees in decisions to improve productivity, getting them actively involved in teams, not the same as the TEAM Act today, but we used teams. Small businesses seized on that model, and they were successful and they did reduce their costs. They were able to achieve productivity increases, getting better wages, and keeping their jobs because of it.

At the hearing that we held in the Small Business Committee, we were bringing in people to talk about it, and some of those people had great stories. Let me tell you that five other

businessowners and their employees who had enthusiastically agreed to come and testify before our committee had to back out. They backed out because their lawyers said they were crazy, because, if they went in front of a Senate committee and admitted that they had involved their employees in improving productivity, they might be brought up by the NLRB for violating the National Labor Relations Act. They were proud of their accomplishments and proud of what employees had done, working together with their employers, to improve productivity and their job security for the future.

Mr. President, I think employee involvement has special implications for American small business. By definition, small business employees have to be used in a variety of ways because the small business owner has many duties to delegate and the line between manager and employee is much less distinct than it might be in a larger business. The TEAM Act is also important because many small employers cannot afford to hire a labor law expert or consultant or lawyer each time they want to try something new or to talk with their employees.

I can tell you from listening to small employers throughout America that they are scared to death of having another expensive confrontation with the Federal Government. They particularly are afraid of having the NLRB come down on them. No small businessowner wants to invest precious time and resources in an employee-involvement system to utilize the good ideas of their employees and then find out it has to be dismantled if the union, or the NLRB, gets wind of it.

My distinguished colleague from Massachusetts, in arguing against this measure, has emphasized that employee involvement is used in many businesses now. That is probably true. But this does not change the fact that many of the employee-involvement teams in existence today may actually be in violation of the law as it is written. The argument, I gather, that is being made on the other side is that because some businesses and employees work together and do not get caught by the NLRB, they do not need a law. That sounds a little strange to me.

Secretary Reich and President Clinton have said we need to encourage corporate citizenship and employment and employee involvement in decision-making if America is going to compete globally. It is not just a question of competing globally. For many small businesses in my State, it is a question of competing in the marketplace right now. They can do it. They can provide a better product or a better service for their customers. But they want to be able to rely on the good ideas of their employees. The reality of the modern workplace for businesses of all sizes is that workers are being given more power, and that is good. Management likes employee involvement because it increases productivity, improves safety, and creates skilled workers. Employees like to work in teams because it gives them a voice both in their working conditions and the quality of the goods or services they provide.

The National Labor Relations Act apparently right now gives employers and managers two options: employee involvement through unions, or no involvement at all. This means that 90 percent of workers in America who do not belong to a union, or who have chosen explicitly not to belong to a union, are not allowed to have a substantive voice in what they are doing in the workplace. The TEAM Act offers employees who are not unionized a way to participate.

Opponents of the TEAM Act have argued that employee teams are really sham unions that delude employees into thinking they have power. I must tell you sadly that I heard one news report this morning which said that the purpose of the TEAM Act was to permit companies to establish unions. That is just not true. That is absolutely false. I do not know who is spinning the story, but they really suckered a news broadcaster on that one.

The TEAM Act amends the National Labor Relations Act, section 8(a)(2) to allow employees and managers at nonunion companies to resolve issues involving terms and conditions of employment. These include things such as scheduling, safety and health, even when they get coffee, and company softball teams, but it does not allow and it would not allow employee teams to act as exclusive representatives of employees or participate in collective bargaining. In other words, the teams of employees would not have the power of unions. Section 8(a)(2) would continue to prohibit the domination of unions by the employer. So employers that tried to set up teams of employees to bargain collectively would still be in violation of 8(a)(2) both because they are dominating and because of the collective bargaining aspect. It is important to note that any bad-faith actions on the part of the employer would also result in violations of other parts of the National Labor Relations Act, particularly section 8(a)(1).

Mr. President, we have seen the National Labor Relations Board. I do not think there is any problem with their being vigilant to make sure that the statutes that will remain on the books are thoroughly enforced. I think it is time to give employees and employers a little credit for good sense.

Workers are smart enough to know when they are getting a fair shake from management and to look elsewhere if they are not. Management knows that without meaningful employee involvement the improvements in efficiency, safety, and quality simply are not going to be there. Employees and employers must be given the right to choose what is right for them—unions if they want it, employee involvement if they want it, or maybe in some circumstances both or neither. We ought not to be saying that employees cannot work in teams with employers or employers cannot work with teams of workers when they are not bargaining collectively. Small business owners want to work closely with their employees. These employees have often been there from the inception of the small business. They are the ones who can make it grow. They are the ones who can ensure it prospers. They are the ones who can ensure that it will provide good job opportunities in the marketplace.

President Clinton has said time and time again he is a friend of small business, but the fact that he has already issued the veto threat and called the TEAM Act a poison pill shows that simply is not true. He is marching to a different drummer. It is not the drumbeat of small businesses and their employees today who know how they can compete and provide a better product and get more satisfaction from their jobs.

America's business needs the flexibility and the legal ability to involve employees in every facet of business in order to compete with large businesses, with other businesses and to compete globally.

I sincerely hope that we can move to votes on this measure and adopt into law reform, incorporating the provisions of the TEAM Act which will let businesses and employees work together.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, what we are doing this afternoon is trying to move forward to get approval of a piece of legislation, S. 295, called the TEAM Act—T-E-A-M, TEAM Act.

Now, what the TEAM Act says is that it is perfectly permissible for an employer to sit down with a group of his employees and say, what do you think is the best way to make this place more efficient? Or how can we make this place safer? Or what can we do to increase our productivity? Now, apparently—and I must say I was stunned to learn this—that is illegal. You cannot do that. Now, of course, it is happening across the country, but if it is discovered it is illegal, you can be hauled up before the National Labor Relations Board.

There is something about this that has an Alice in Wonderland complex to it. What is going on in the United States of America when an employer cannot say to a group of workers out there, the fellow down the road is producing our product at a lower price and faster than we are. What can we do to improve our productivity? And so they give him some suggestions. But it turns out that is against the law. It is against the National Labor Relations Act which was passed in 1935. So we are held up, ensnarled in an act that was passed 61 years ago.

So what this act, introduced by the Senator from Kansas [Mrs. KASSEBAUM], reported out of the committee, says is that there are certain things you can do. No, you cannot do collective bargaining with a group of employees like that. That is separate. But certainly you can sit down and decide how you are going to increase productivity or how you are going to make the place safer or what can we do to make it more attractive to get other workers to come and join with us in this effort.

That is what this is all about. The mere idea that we need a law to do this seems to me—I must say I never dreamed this would be required. Frankly, when they started talking about the TEAM Act, I did not know what it was and had to have somebody spell it out. So that is why we are here today. This is vigorously resisted by the unions, and it is vigorously resisted by the administration. The administration has gone so far as to say if this law is passed, this TEAM Act, it will be vetoed.

I must say I think that is unwarranted and extremely shortsighted. There are two factors, it seems to me, that make it very important we pass this legislation. First—and this is no secret to anybody who is watching this or in the galleries or anywhere—American industry is in the fight of its life against competition. We now have a global economy, no question about it. Something made in China or the Philippines or in the Caribbean nations comes into the United States and is sold is competition.

So we in this country have seen the loss of tens of thousands of high-paying American jobs. I have seen this regrettably in my State to a considerable degree. So what this intense competition abroad has required is for American industry to produce better products at a lower price, increase productivity and be more efficient in every fashion. So this painful but necessary reexamination has required more intensive labor and management cooperation than in the past.

The second thing that has taken place—the first is the global competition. We have to compete or our jobs will not survive—our laws have not kept pace and in many ways impede our progress toward reaching this global competitiveness. Labor law must change just like manufacturing processes must change or cooperation has to be greater. And that is true of labor laws likewise. Labor laws have to reflect the need for cooperation and teamwork that is critical for our survival.

The National Labor Relations Act, as I previously mentioned, was enacted in 1935 and has changed very little in those ensuing 61 years. Unfortunately, that law is rooted in adversarial—when that law was passed in 1933, it was there to take care of a situation. At that time, there was great turbulence in our industries. There was an adversarial situation between labor and management. Indeed, workers were prohibited from organizing in many States. They were prohibited from going on strike. All of that changed in the early 1930's with the National Labor Relations Act and other laws such as that.

The act, as I say, has not been adequately changed in the 61 years that have passed, and it does not recognize that now there is a great deal of cooperation that is needed in our factories and workplaces, so efforts to increase workplace cooperation were substantially hindered in 1992 by a decision called the Electromation case. That was a National Labor Relations Board case some 4 years ago. In that case, the National Labor Relations Board said that employers and employee committees which talk about attendance—people are not getting to work on time. What is going on around here? What can we do to increase the attendance? We have a lot of people who are not showing up. We have some people who work a 4-day week when they are meant to be here 5 days. What can we do about it? What can we do about no-smoking policies? What do you want? Do you want a separate place to smoke? Do you want no smoking? What do you want? It was decided you cannot do that. You cannot even talk to your employees about what is the best smoking policy or no-smoking policy.

This act we are talking about today, called the TEAM Act, would simply conform labor law with what is already happening. As I say, all across our country there are, in fact, these committees, and our managers and our owners of these companies do not realize it is against the law. Indeed, there are some 30,000 of these labor/management committees across the country. But if any one of them is discovered, it could well be that it is in violation of the National Labor Relations Act and could be punished with fines of a very severe nature.

It is said that this bill is a threat to labor unions. I must say, I do not understand the rationale for that argument. This bill specifically states in its language that the committees that are entitled to be formed under this act cannot negotiate, cannot amend existing collective bargaining agreements. All they can do is talk about better productivity, talk about greater efficiency and matters of that nature.

As has been mentioned previously, the hitch is that the law says employers cannot enter into the formation of any organization that deals with these problems that I have mentioned: attendance, productivity, efficiency. This, as I further mentioned, has received a very broad interpretation from the National Labor Relations Board. So it makes illegal most of those employee-involvement committees that I previously dealt with and mentioned.

What we seek in this act is to have some clear definition of what we might call a safe harbor. What is a safe harbor? A safe harbor is an area where the employer knows it is safe for him to enter into discussions with employees without running afoul of the law. That is what this is all about. The TEAM Act is this safe harbor. It would do nothing to undermine union organizing or collective bargaining. It would recognize and authorize a simple fact of life: Employers are, indeed, nowadays looking to their employees more than ever before to help them, the employers, have a better workplace, a smarter workplace, a more efficient workplace, a more successful workplace that, hopefully, will result in more jobs, not only for those employees and their families but others across our Nation.

This is very simple. It is a good idea that, as I say, I am stunned it is causing this furor, this fuss, because it ought to be adopted, I think, unanimously. Democrats and Republicans and unions all ought to embrace something that is going to make our country more efficient.

I do hope this TEAM Act, S. 295, will be adopted, and I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I suggest the absence of a quorum and ask unanimous consent the time be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. 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. BENNETT. I yield 6 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 6 minutes.

Mr. ASHCROFT. Mr. President, I rise again to support the concept that workers are America's most valuable asset. If we are to succeed in the next century, if we are to survive in a world of universal competition, we cannot go into the competition forbidding workers and employers from talking to each other.

If the 1960's and 1970's taught us anything at all, it was a lesson taught when foreign competition, especially in automotives and electronics—competition that gained from taking suggestions from the production floor and incorporating them in the process of the operation—almost drove some American businesses under. Suddenly, American manufacturers began to replicate this awareness of the great resource that employees can bring to business. I watched that happen when I was Governor of the State of Missouri. I observed as companies started to develop a sensitivity and how they would increase their productivity in the process.

On numerous occasions I have come here to support the TEAM Act, which

provides specific authority for employers to talk to employees, even in the absence of a labor union—specifically in the absence of a labor union—in order to gain the benefit of those employees, their views and their opinions.

A series of cases with the National Labor Relations Board has found illegal the contacts between employers and employees on fundamental issues like safety, like working conditions, like working hours, like flexible work time, something that would help resolve this tension that exists between the demand that we seem to have for both parents being in the workplace and the fact that we need to raise children in our homes.

I believe it is good to say to our companies, ''Talk to your workers, get their suggestions, become more competitive, become more productive and, as a consequence, help us be survivors in the next century; be swimmers, not sinkers, in the competition which we're going to be encountering all across the world as those tremendous nations of the Far East come on line, nations like China, like Korea, Japan, Singapore, Indonesia, tremendous populations which will be very competitive.''

So I believe the TEAM Act is one of those fundamental things that America should stand for, and that is working together.

This already can happen in union settings. But only one out of nine workers is a union worker in the United States—outside of government—and we do not want to tie the hands of eight out of nine of our competitors by not allowing them the advantage of working together with management to improve situations.

One of the great examples that has been talked about in this entire debate has been a company named EFCO. It is a company in the State of Missouri that makes architectural glass, window wall systems. If you build a skyscraper that is going to be made out of glass, you order glass from someone like EFCO.

In the process of their conferring with their workers, they went from about 70 percent on-time deliveries to well over 90 percent on-time deliveries. They improved their performance so substantially that the company exploded the jobs and literally had lots of new jobs, and that is the kind of thing we want to have happen.

One of the Senators came to the floor to criticize the EFCO company, and in listening to him, I cannot really tell you that it is much of a criticism. But in attempting to criticize the company, he said the committees met on company property. I think that is nice for the company to say to employees and their committees that they are interested in helping the employees by allowing them to use company property.

They met during working hours. I think that is good. It did not require these folks to come back away from their families.

He said they had high management officials who attended these meetings. I think it is good when management and workers talk together.

He said the committee members were paid for the time spent on committee work and that EFCO provided any necessary materials or supplies.

I suppose that might be an indictment, but it does not sound like an indictment to me.

But also represented was that somehow these committees were established in response to union activity. But the conclusion of the administrative law judge, who reviewed the evidence in this case, indicated that simply was not so.

These committees were started in 1992, and the administrative law judge indicated, in his opinion, that there was no ''noticeable union organization'' activity until July 1993. The first committee was established in April 1992 which was 15 months before any noticeable union activity. Besides, the case law states the employer's motivation would be irrelevant in any event.

The Senator who came to the floor to criticize the EFCO decision said that EFCO was found to have dominated these discussion groups; it sort of had a dark and nefarious tone about it. Let us find out what this domination really amounted to.

The company set up the committee and said, ''We want to talk.'' I do not find that to be particularly onerous. I think that is really nice. So many companies do not bother to listen to their employees. As a matter of fact, that EFCO set up the committees is a commendation for EFCO.

No. 2, that Senator said it was pretty bad that EFCO initially selected the members of these committees. What a terrible thing that is. To get them started they did. What was not said is they wanted to have broad membership and, second, that the employees soon established a policy whereby they chose their own members.

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

Mr. BENNETT. Mr. President, I yield an additional 2 minutes.

Mr. ASHCROFT. Mr. President, I thank the Senator.

It sounded pretty bad that the company chose the members until we found out that was just a way to get it started, and then it sounded very generous that the company allowed the employees to select the members after that. That is more generous than most labor unions that unilaterally select employees.

Then it was charged that management participated in most of the meetings. It turns out they participated, but they did not vote on matters before these committees. They wanted to participate for purposes of discussion and learning. In addition, they attended the first committee's meeting, but then after that, they only attended by invitation of the workers.

Of course, it was then charged that management in some instances suggested issues. I happen to believe that such employee groups would want to hear from management and management would want to hear from the employees.

All these things that were said to have been so disastrous seem to me like good, constructive things to do, and that is really why we need to pass the TEAM Act.

This company was hauled into court for asking for the opinion of employees, for letting them express their opinions on company time, for providing a place where they could meet, for providing supplies, papers and pencils upon which notes could be taken. That is a throwback to a bygone era that we can no longer afford to tolerate.

Because this company has provided that it would share not only decision-making with its employees but share ownership. Twenty-five percent of the company has now been transferred to a special account for employee ownership. I think that is the kind of company we want to have, and it is a shame that this company owner, Chris Fuldner has had to spend $64,000 defending himself from having conducted himself so nobly. We ought to pass the TEAM Act.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the Senator from New York, Senator MOYNIHAN, I believe is on his way, and some others are on the way additionally to visit on our time.

My understanding is we are discussing several areas. One is the TEAM Act. The other is the proposed reduction of the gas tax. And a third is the minimum wage proposal to adjust upward the minimum wage.

All of this, of course, started some weeks ago when some of us suggested it was important to consider some kind of an adjustment in the minimum wage. Those who work at the bottom of the economic ladder, the lower rung of the economic ladder, have not had an increase for 5 years. The minimum wage has been frozen for 5 years.

It is easy, I suppose, for some, especially some in this body, perhaps to not think much about those who work on minimum wage, not be acquainted with those who are trying to live on minimum wage. But there are a lot of folks in this country who go to work, work very hard all day, are paid the basic minimum wage in this country of $4.25 an hour, and at the end of a long week still cannot make ends meet.

There is a legitimate reason to question should there be a minimum wage, and there are some, I think, in this body who think we should not have a minimum wage. I know there are some in Congress who said publicly we should not have a minimum wage, and that is a very legitimate position. I do not share it, but some believe there should not be a minimum wage. They do not bring legislation to the floor of the Senate suggesting we repeal the current minimum wage, but they just say a minimum wage is inappropriate.

But, by far, the majority of the Congress would say it is appropriate to have some minimum wage. Not only does the Federal Government have it, but virtually every State has a minimum wage, and some States have a minimum wage nearly identical to the Federal Government. Some have a higher minimum wage than the Federal Government does.

But if you believe there should be a minimum wage, then certainly you would believe from time to time it ought to be adjusted.

Among all recent Presidents during their terms, we have had some adjustment in the minimum wage. Sometimes it occurs after 4 or 5 years, sometimes a little longer. By and large, we do make periodic adjustments in the minimum wage.

I received a letter from a woman last week, and I will not use her name. I will not read it. But I read it last evening because, like most Members of the Senate and the House, I spend my last hours of the evening reading and signing mail and going through the substantial amount of paperwork that we do in the Senate, and I read constituent mail and sign mail, sign letters back to them late in the evening.

I read this letter late in the evening, and it almost broke my heart. It is a letter from a woman. I am just going to read the last two paragraphs, but it is a 4-page letter. She describes her circumstances and her husband's circumstances and her children's circumstances, medical problems, problems of not being able to get the education they wanted. They tried, but they had to quit school to take care of this or that and getting pregnant, having four children.

What she describes in this letter is a rather long list of setbacks from two people who married very young and struggled and tried to make it but without much skill and without much education were always forced to take a job at the bottom of the economic ladder and were always forced by circumstances, a fire that destroyed their trailer home and every single thing in it, and no insurance, always forced by circumstances like that, just as they started to get ahead a little bit, to be completely pushed back to start over.

It is a 4-page letter. I shall not read it, but it does break your heart to read these kinds of things. And it is not just this woman, it is so many people in this country who try very hard to get ahead but never quite seem to be able to do it.

She talks about all of her circumstances, and she said:

> I wonder how we can make it like this. How can I tell my children? I wish somebody in some official office would help me tell my boys that they're not going to be able to play baseball this summer because I can't afford a $25 fee for each of them, let alone paying for the baseball glove, the bats they would need to play ball this summer.

She says:

> We don't spend our money on alcohol or drugs. We don't go out on the town. Our lives revolve on trying to make ends meet. Our dream of owning a home and of being financially secure is long gone. We're better off, I know, than a lot of other people that, for instance, have to live on the street, but how far are we from that? One paycheck? Maybe two? We're the forgotten people in this, called the working poor, the people who fall through the cracks somehow.

Her point is, after setting out her story in 4 pages, that they work for the minimum wage, both her and her husband, and just cannot make ends meet. They cannot balance buying groceries, paying the rent, trying to handle child care expenses and paying all their bills at the end of the month.

So some of us think that there should be an adjustment in the minimum wage. It ought to be a reasonable adjustment. I am not suggesting that we have an adjustment that is out of line. But I think there is a reason for an adjustment.

Some people have talked about it for some while. That is one of the discussions here in the Senate. Ultimately, I think there will be an adjustment this year, and I think one that will probably gain some bipartisan support.

The second issue that was introduced in this discussion was a 4.3-cent gas tax reduction. Presumably the 4.3-cent gas tax reduction was to draw attention to the fact that a 4.3-cent gas tax was added in 1993. That is true. I voted for that. I do not regret voting for it. It was included in a long list of tax increases, some tax increases, mostly on upper income folks, but some tax increases, spending cuts, and other approaches to try to reduce the Federal budget deficit.

The Federal budget deficit has been reduced in half since that time. And 4 years in a row the budget deficit has come down. I do not regret voting for that. But would I like to see lower gas prices? Yes, I would. Gas prices spiked up 20 to 30 cents a gallon in recent weeks, and as a result of that price spike, we are told now that we should reduce the gas tax 4.3 cents a gallon.

I said this morning, it is a little like treating a toothache by getting a haircut. I do not see much relationship here. The gas price spikes up and they say, let us reduce the gas tax 4.3 cents a gallon. The industry executives say there is no guarantee it will be passed through to the consumers at the pump, there is no guarantee that the consumers will see a lower gas price at the pump. ''Experts Say Gas Tax Cut Wouldn't Reach the Pumps.''

Energy expert Philip Verleger says, according to yesterday's paper:

> [This] . . . is nothing more and nothing less than a refiners' benefit bill. . . . It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.

If it is not going to go to the consumers—and there are an army of people out there who suggest there is no guarantee this is going to result in a lower pump price—then the question is, who is going to get it? And it is not pennies. I know they are talking about from now until the end of the year, but there is a discussion of a 7-year proposal for $30 billion. The question is, who divides the $30 billion pie? Who gets the $30 billion?

The proposal that is before us has a point of order against it. And that brings me to the reason I rose again. The point of order against the proposal is that the proposal violates the Budget Act because the proposal that is brought to the floor to reduce the gas tax by 4.3 cents a gallon, an act that will not guarantee lower prices at the gas pump, violates the Budget Act.

Why does it violate the Budget Act? Because it increases the Federal deficit in this fiscal year by $1.7 billion. So this proposal violates the Budget Act by increasing the deficit in this fiscal year $1.7 billion. So the next vote that will occur, after the cloture vote at 5 o'clock this afternoon, will be a vote to waive the Budget Act so that Congress can reduce a gas tax that the experts say the consumers will not ever get the benefit of, and in doing so we will waive the Budget Act to increase the Federal deficit.

I do not know whether others think this is kind of an incongruous situation, at the same time we are talking about bringing a constitutional amendment to balance the budget to the floor of the Senate this week—which has now been postponed, I guess—and at the same time the Senate Budget Committee is talking about constructing a 7-year balanced budget plan, we are also constructing a mechanism now to have a vote on waiving the Budget Act in order to allow an increase in the Federal deficit in this fiscal year of $1.7 billion in order to accommodate a reduction in the gasoline tax that the experts say may never reach the pockets of the consumers.

I come from a town of only 300 people. I graduated in a high school class of nine. They might not have taught the most advanced or the highest mathematics available to students in America, but this does not add up. This does not pass the test. Those who say they want to balance the budget require the next vote to be one in which they will vote to waive the Budget Act so they can increase the deficit to create a tax break that the experts say is not going to reach the consumer. It sounds to me like a deal the American people can easily resist.

I have heard huffing and puffing and ranting and raving. I have seen sidestepping that would befit an Olympic contest out here on the floor of the Senate in recent years about the issue of a balanced budget. And we have people who stand up, and they arch their back, and they point across the room, and they say, ''We're the ones that fight for a balanced budget. And none of you cares. You're big-time spenders who want to spend this country into oblivion.''

Yet, in 1993 the last serious effort to do something to balance the budget, every one of us, every single one of us

cast the votes that were necessary to pass the bill to reduce the deficit, which has brought the deficit down by half, and we did not get one vote from the other side even by accident.

I am not backing away from that vote. I say, I am glad I did it. Maybe there are legitimate reasons to be critical of some parts of it. I understand that. But I am not somebody who says I wish I had not done that. We did the right thing. But it is an incongruity, it seems to me, to decide with the first winds of politics that we should, on the floor of the Senate, decide to waive the Budget Act so we can increase the Federal deficit this year, to provide a tax cut the experts say will not reach the American people.

There is room for disagreement. I mean, we are talking, as I said when I started, about three different issues, the TEAM Act and the minimum wage and the gas tax. There is great room for disagreement.

I notice Senator BENNETT, from Utah, on the floor. There are few in this institution for whom I have higher regard than the Senator from Utah. I think he is a straight shooter and a fellow who calls it like it is. There is plenty of reason for us to disagree when we disagree on the merits of issues. I understand all that.

We might feel strongly about things and line up and end up on different sides of the same question. I think the country would be better off if on issues like this—and I admit to those who question that there is politics on all sides of this Chamber, and when the charge of politics ricochets back and forth across this room, there is plenty of blame to go around. I understand all that. I just observe that the closer we get to the first Tuesday in November of an even-numbered year, the more likely it is that we will be seduced into easy decisions that are fundamentally wrong, that will move this country in the wrong direction. It is the wrong direction to decide now to increase the Federal deficit to accommodate a gas tax that the experts say will not reach the pockets of the American people.

I hope as we move along here that we will find a way to not vote on this issue of waiving the Budget Act and increasing the deficit. Maybe this will be withdrawn and we can look where we ought to look: What caused the 20- to 30-percent increase in taxes? We can deal with that. Maybe it is simply supply and demand relationships. Maybe it is other things. Maybe those are things we can do something about. I hope we start looking in the right direction and choose the right set of public policies.

Mr. President, I notice a colleague is waiting for the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I commend my colleague for his comments on the issue pending before the Senate. It has gotten so bad it is hard to figure what is pending before the Senate.

I want to comment on two things—what we are trying to do, and a little bit on the merits of one of the proposals.

I said, I guess, 2 days ago the Senate looked like what we were trying to do is mix and match pieces of legislation in order to try to accomplish something. It is like a woman who goes shopping for an outfit. My wife calls it mixing and matching because she buys a little bit of this, a little bit of that, and a little piece over here, and tries to put it all together and hope that it comes out in a wonderful, exciting new outfit by mixing and matching the different parts. That might be a good concept for buying clothes, but it is a very bad concept for writing legislation.

I think that is exactly what the Senate is being asked to do here today, take a little bit of minimum wage, put it together with a little bit of TEAM Act, and stir in a little bit of gas tax repeal, stir it up, and hope it comes out as a good legislative package. It kind of reminds me in Louisiana of trying to make a gumbo. We put everything in the pot, stir it up, and hope it comes out eventually, after you cook it along with something that is edible. The problem is you have to be careful what you put in the pot. If you put something that will not fit, it will come out tasting pretty bad.

The same analogy is true with regard to trying to legislate. There is no reason in the world why we should try to be putting a minimum wage bill on the back of a gas tax repeal and attach it to this TEAM Act dealing with labor-management relationships. There is not a lot of relationship between any of these three provisions, except politics.

I said on the floor the other day, and I asked the distinguished majority leader, why do we not just take the bills up and vote on them in the normal course of following the Senate rules, debate minimum wage, vote on it, pass it if there is a majority for it and kill it if there is not. Do the same thing with the repeal of the gas tax. Let us debate it, let us vote on it, and then decide what the will of the Senate happens to be. The same thing on the TEAM Act. Bring it up, amend it, talk about it, debate it, have the normal rules of the Senate apply.

I think our side has even gone further than that and offered bringing the measures up separately and give up one tool that the Democratic side, as members of the minority now, would have as a legislative tool. That is the filibuster. Just bring it up and agree that we will debate these measures and that we will offer amendments, but that we can agree on a time certain in which to vote, that we will not filibuster if it is not going our way, being willing to let us have a vote on these legislative packages. I think that is a pretty generous offer. I thought that the majority leader had agreed to that in his press conference yesterday but find out later on, no, that is not really what he meant.

For the life of me, I do not understand why we do not just bring these three bills up and debate them and vote on them, and if we get a majority for them, they pass; if we do not, they do not pass. That is sort of the way legislation is supposed to be written.

What we are engaged in now is a mix and match proposition where we are trying to mix and match things that do not mix and match. I do not think that is the way to legislate. Again, it may be the way to buy clothes, but it is not the way to produce legislation that is good for the people of this country. I think they desperately want us to start working in some type of a fashion that makes sense for the rest of the country.

The other thing I want to comment on is the proposition that we should repeal the gas tax. There was an article that caught my attention this morning, the headline of the Los Angeles Times. The last time I was on the floor I talked about the law of supply and demand, which I thought really is what should govern this country, as opposed to price controls coming out of Washington, DC. What a frightening thought it would be to think that Washington will regulate the price of everything. I do not think we are qualified to come close to getting that done. Yet I think that, if we are going to say by removing the gas tax we will guarantee that people that buy gasoline at the pump are going to get the benefit of that reduction, the only way we can do that, folks, is very simple, and that is price control. The only way we can guarantee that tax cuts somehow worked their way through to the ultimate consumer is by passing a law that mandates that. That is price control. We have tried that, and it has not worked in the past. It will not work in the future.

What does work and has always worked in this country is the law of supply and demand. The headline of today's Los Angeles Times is ''Gas Prices Show Signs of Decline as Production Surges.'' ''The average cost at the pump falls half a cent, and State officials predict more reductions. After lagging, refineries again operating at close to normal output.''

That really should not be a headline. That is normally what happens; that is not news. But the law of supply and demand is at work. When the demand is great, the supplies are increased to meet that demand and prices adjust according to the ability to meet the demand. That is exactly what is happening.

I also said 2 days ago that the price of crude oil in this country between April 23 and May 6 decreased 10 percent. That is over $2 a barrel that oil dropped. It usually takes 30 days from the drop of price in crude oil to be reflected in the finished product at the pump. It dropped 10 percent in 1 week, over $2 a barrel. That, naturally, shows up in the normal course of doing business at the pump and lower prices. This headline is not a surprise. It is not really news. Yet it is the lead story. It

says ''Gas Prices Show Signs of Decline as Production Surges.'' That is what has happened.

This Congress is in a panic. This Congress is running for cover. We are hiding behind our desks trying to say, ''Well, we will fix the problem. We are going to lower the price of gas.'' That is not what this proposition does at all. It only lowers the tax that oil companies pay per gallon of gas. There is no guarantee that they do nothing more with that than put it in their pocket and take it as an extra profit over their normal course.

The less we get into the business of determining what prices should be for all products, the better off Americans will be. Every time the price of wheat or corn or cotton or rice is going to go up, are we going to rush in here and say, ''Wait, we are going to regulate the price''? Are we going to go back to production and wage and price controls? I think not.

I want to say from my home State of Louisiana, I think people who are outside the thin air that sometimes I think we breathe too much of here in Washington are thinking, I think, more sanely and more responsibly than we are here, and less politically. I think they know what this is all about. We have a Presidential election, a congressional election in a couple of months, Senate elections in a couple of months. People are desperately running everywhere they can to try to do something that was not the priority of the people of this country. I think the priority was for us to balance the budget.

When they say, ''We want to do something for families,'' I say the best thing we can do for families in this country is to produce a balanced budget. That is what families want, so we will give them lower mortgage rates, lower interest rates on home loans, lower rates on sending their children to college and educating their families, and produce a more stable environment, make more money available, and add to the economy for growth, expansion, and job creation.

One of the papers in the State of Louisiana, the Times-Picayune, has a column written by a guy named Jack Wardlaw, whom I know. The name of his column, I say to the Senator from Utah, is called ''The Little Man.'' He always sort of takes the side of the ''little man'' and represents what is good for the little man as opposed to what is good for the ''big man,'' big business, or the big corporations. His headline in today's paper says, ''Gasoline Tax Cut Will Mean More Red Ink in the Budget.'' He makes some good points. I will refer to a couple because I think it really says what I think we should all be thinking. He says, ''Sometimes it seems like Members of Congress have the attention span of a honey bee.'' It goes on to say, ''Congress has just come through months of tedious in-fighting over the national budget, the goal of which we were constantly told was to agree on a way to, over a period of years, get rid of the red ink. Now, all of a sudden, nobody cares about balancing the budget anymore. All of a sudden, the main thing to do is to cut the gasoline tax. Is everybody crazy?''

I think that, by asking the question, he sort of also answers the question himself because of what he thinks we all are about at the present time by our actions. He says, ''It is a little hard to figure out what is going on, except that the national news media have been exaggerating what is going on. CNN puts on pictures of pump prices of $2.09 a gallon, but who is paying that?'' he asks. He points out that, in New Orleans, at his neighborhood gas station, the posted price for a gallon of unleaded regular was $1.19 a gallon, which had gone up from around $1.05 3 months ago. He later passed a convenience store offering the stuff for $1.14 a gallon. ''It appears to me that prices are dropping back into line on their own, without any action of Congress.''

The same thing in Los Angeles: ''Gas Prices Show Signs of Decline as Production Surges.''

This is the marketplace at work. We have had economist after economist—they generally are very nonpolitical—say this is the wrong thing to do. This proposal is a dagger to the heart of any effort to balance the budget. It would take over $30 billion out of any effort to balance the budget over a 7-year period. A penny tax per gallon is $1 billion a year. I suggest that we should be concentrating more on how we, in a bipartisan fashion, can come together and do the right thing with regard to balancing the budget.

I think we clearly do the wrong thing when we do what I think is about to happen, and that is, to make it even more difficult, if not impossible, to reach a balanced budget agreement.

Let me close by saying that I have expressed my opinion on the gas tax repeal. There are others who will argue that it is the most important thing we could do. I disagree. Whether we agree or disagree, we should not try to concoct this scenario, whereby in order to pass one bill, you have to pass another bill, and in order to pass a second bill, you have to pass a third bill. Let us take them up separately, debate them on the merits. Let us consider and hear amendments that would be offered through these pieces of legislation. Perhaps the proposals can be improved by serious amendments that would be offered. But let us vote on the bills. Let us vote on the minimum wage. Yes, let us vote on the TEAM Act. Yes, let us vote on the repeal of the gas tax.

What is wrong with taking up legislation, considering bills that have been offered, debating them? I think I signed an offering to do this without the use of the filibuster. It is a most generous offer—incredibly generous. Look, we are in the minority, and we are not going to filibuster. We can take it up and vote on it. Why try to mix and match? Maybe that is good when buying clothes, but it is very bad when trying to write legislation on the floor of the U.S. Senate. A bad bill cannot be made good by adding another good bill to it. It still is, in essence, a bad bill. The converse is also true.

So my suggestion is, let us follow the proposal of the leaders on this side of the aisle to take these pieces of legislation up, debate them, consider them, vote on them, and move on with what I think is a priority in this Congress: to try to reach a bipartisan balanced budget agreement.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we are under a time agreement, and we will be voting at 5 o'clock. The time has been divided earlier today. As I understand it, there are 45 minutes.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator is correct. The minority has 43 minutes 36 seconds. The majority has 57 seconds.

Mr. KENNEDY. Mr. President, I see my friend and colleague from New York, who would like to address the Senate as well. I will take 15 minutes, and then whatever other time is available I will yield to the Senator.

I ask unanimous consent to yield myself 15 minutes at this time.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. KENNEDY. Mr. President, in the past several weeks, we have seen the majority in the Senate and the House use every parliamentary trick, every legislative gimmick, every inside-the-beltway tactic they could conjure up to avoid a vote on increasing the minimum wage.

At the same time, particularly when they were outside the beltway, they talked about helping America's working families make ends meet. It is not enough to say you care about working families, and it is certainly not enough to concoct a so-called alternative proposal that would raise taxes on 4 million of our lowest paid workers. The majority may think they can fool the American people, but the only people fooled by the Republican magic tricks are the Republicans themselves. The American people cannot be fooled by legislative sleight of hand. They want an increase in the minimum wage, and they want it now.

While Republicans in Congress complain that increasing the minimum wage is a political issue, the American people know that it is an issue of fundamental fairness. The American people know that the time has come to raise the minimum wage and make work pay for millions of working families. The American people know that inflation has eroded nearly all of the bipartisan 1989 increase in the minimum wage. The American people know that the minimum wage is about to reach its lowest real value in 40 years. The American people know that there

are minimum wage workers who work 40 hours every week, yet their families live in poverty. The American people know that refusing to raise the minimum wage is wrong, it is unfair, it is unjust, and it should not continue.

Nearly every national survey finds overwhelming support for raising the minimum wage. A national poll conducted in January 1995 for the Los Angeles Times found that 72 percent of Americans backed an increase in the wage. That survey confirmed the results of a December 1994 Wall Street Journal/NBC News survey, which found that raising the minimum wage is favored by 75 percent of the American people. A poll for ABC News in January 1996 found that 84 percent of the American people support a minimum wage of $5.15 an hour. Other recent polls confirm that support for an increase in the minimum wage now stands at nearly 85 percent.

This support cuts across political parties. It cuts across gender and age lines. It cuts across ethnic and racial groups. In every segment of our society, in every region of our country, a large majority of Americans want the minimum wage to be a living wage. No one who works for a living should have to live in poverty.

Another measure of broad support for raising the minimum wage is the large number of editorials from newspapers across the country supporting a higher minimum wage. Here are a few of the editorials.

Here is a New York Times editorial of April 5, headlined, ''Boost the Minimum Wage:''

There is a strong case for raising the minimum wage by a modest amount. Unfortunately, the issue is caught up in election-year politics, making compromise unlikely. . . .

The Democrats proposed raising the minimum wage over two years to $5.15 an hour, which would raise earnings for these workers by 90 cents an hour, or about $1,800 a year. Even at $5.15, the minimum wage would, after taking account of inflation, remain 15 percent below its average value during the 1970's.

Will low-paid workers lose their jobs if employers must pay higher wages? Yes, but there is widespread agreement among economic studies that the impact would be very small. A 90-cent wage hike would probably wipe out fewer than 100,000 of the approximately 14 million low-paid jobs in the economy—less than a 1 percent loss. Indeed, 100,000 represents only about half the number of jobs the economy typically creates each month.

And the editorial goes on.

The Washington Post headline: ''The Minimum Wage'':

The purchasing power of the minimum wage is about to fall to its lowest level in 40 years. The last time Congress voted to increase it was in 1989. It is time—you could argue well past time—to do so again.

President Clinton has proposed to raise the minimum 45 cents in each of the next two years, to $5.15 an hour. That's a one-fifth increase, and no such step is ever cost-free. It would have a broad effect on wages, not just those at the minimum but those in the zones immediately above, and it would add to the pressures on smaller businesses particularly to cut costs in order to survive. But the president is proposing to restore the wage, not break new ground. In real terms, it would remain well below the levels that obtained from the 1960s through the early 1980s, and would be only a dime above the level to which George Bush agreed, and Bob Dole and Newt Gingrich voted for, in 1989.

The Atlanta Journal-Constitution, its headline is ''Workers Due for a Raise'':

President Clinton has picked a good time politically and economically to push for a modest increase in the minimum wage. Millions of workers need the raise, and the economy is healthy enough to absorb a hike without causing many job losses or inflation.

The administration and congressional Democrats want to raise the minimum wage to $5.15 in two 45-cent steps over the next two years.

A raise would help the 4 million workers who get the minimum of $4.25 an hour, and would nudge up the wages of another 8 million who earn between $4.26 and $5.14 per hour. The minimum wage hasn't been raised in five years. In terms of purchasing power, the wage will fall to a 40-year low this year if Congress doesn't act.

Such low pay for workers puts a strain on society. Making about $8,500 a year, a full-time minimum-wage worker with children needs food stamps and welfare to survive. The poverty line for a family of four is $15,600 a year which means a worker would have to make at least $7.80 an hour to keep a family out of poverty.

The St. Louis Post-Dispatch headline: ''The Politics of 90 Cents an Hour.''

President Bill Clinton made some interesting observations the other day about Congress' failure to raise the minimum wage. He pointed out that since the last time the federal minimum went up—five years ago on Monday—senators and representatives have increased their own salaries by about one-third. He also noted that a member of Congress made more money during the month that the government was shut down last year than a minimum-wage earner makes in an entire year.

Add those stark statistics to the more philosophical point—that the GOP majority always stresses the need for people to make it on their own, without the help of government—and the Republican roadblock to raising the minimum wage becomes even harder to swallow. At $4.25 an hour, a full-time worker earns less than $8,900—far below the $15,600 poverty line set for a family of four. How can politicians try to push families off the welfare rolls on the one hand and filibuster attempts to let them earn a livable wage on the other?

The San Francisco Chronicle, ''Rewarding the Work Ethic.''

The minimum wage is approaching a 40-year low in terms of its purchasing power.

For those fortunate enough to have no idea what the minimum wage is these days, it is $4.25 an hour. It has been at that level for five years, while inflation has steadily gnawed into the paychecks of workers at the lowest rung of compensation.

President Clinton has proposed a modest increase of the minimum wage to $5.15 an hour.

Unfortunately, the Clinton plan has become mired in election-year politics. Republicans have characterized the proposal as a big favor to organized labor that would cost jobs and mostly benefit middle-class teenagers.

Wrong, wrong and wrong.

Yes, organized labor is supporting the minimum-wage increase, but this is hardly a bonanza for unions. At most it would have a slight indirect effect on collective bargaining, as union negotiators try to keep rank-and-file pay above the minimum wage.

The St. Petersburg Times, ''Let's Vote on Minimum Wage.''

Now that he has clinched the Republican nomination for president, Bob Dole is back at work in the Senate. Last week the Senate majority leader spent most of his energy trying to keep Democrats from bringing a proposed minimum wage increase to a vote.

Dole should end the debate and allow senators to vote. Democrats say they will keep trying to force a vote. Everyone knows a minimum wage increase has little chance of clearing the House. But that hasn't kept either side from trying to score political points on this issue.

Disregard for the country's poorer workers, those who try to live on an annual salary of $8,500, is one of the hallmarks of the Grand Old Party. As usual, opponents of a minimum wage increase claimed they were acting in the interests of the working poor. Allowing those workers another 90 cents per hour, they argued, actually could do them more harm than good.

Similar arguments have been made against every previous increase in the minimum wage, and each has been proved wrong.

Mr. President, I ask unanimous consent that an editorial from the Seattle Times and all of those editorials to which I have referred be printed in the RECORD in their entirety.

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

[From the Seattle Times, Apr. 5, 1996]

HELP THE WORKING POOR, RAISE MINIMUM WAGES

Presidential politics threaten an overdue 90-cent increase in the federal minimum wage. As Republicans and Democrats argue over who is the greater champion of the working poor, the buying power of their paychecks wheezes near a 40-year low.

The current $4.25 hourly wage, which was last increased in 1989, is earned by four million Americans, and another eight million workers range up to the proposed $5.15.

Republicans are loath to help Clinton fulfill a 1992 campaign pledge, and Democrats want to scorch Dole for raising his own congressional pay, and not the incomes of those whose full-time jobs only bring in $8,500 a year. . . .

Seven years ago another 90-cent increase was a largely nonpartisan event, with Dole, Georgia congressman Newt Gingrich and most all Republicans voting for the first increase since April 1981.

Over the years, the economic facts of life have drained the issue of ideological force. Americans have overwhelmingly supported the concept of a minimum wage since its creation in the Great Depression. Current polls show strong support for efforts to help poor people willing to work.

Liberal and conservative economists agree that moderate increases in the minimum wage have a negligible effect on employers or the number of low-paying jobs available, especially in the service industries where they are concentrated. Most minimum-wage workers are over age 20, and 40 percent are the sole breadwinner in their family, according to Secretary of Labor Robert Reich.

Increasing the minimum wage to $5.15 is no windfall; that is 15 percent below the wage's buying power of the 1970s. (Today a worker

has to earn $7.80 an hour to even reach the federal poverty line of $15,000 for a family of four.)

Raising wages takes on added importance if the Republican Congress follows through on plans to cut the Earned Income Tax Credit, which holds the working poor harmless from income and payroll taxes. The EITC, a favorite of former President Reagan, has been denounced by House Ways and Means Chairman Bill Archer, R-Texas, as just another welfare program.

One advantage of the minimum wage is that it puts money in people's pockets quicker and throughout the year. EITC is a vital supplement, but it is a one-time payment geared to tax season, and people who file returns.

The twin helping hands of a higher wage and the EITC recognize the effort millions of Americans are making to help themselves.

[From the New York Times, Apr. 5, 1996]

BOOST THE MINIMUM WAGE

There is a strong case for raising the minimum wage by a modest amount. Unfortunately, the issue is caught up in election-year politics, making compromise unlikely. . . .

The Democrats proposed raising the minimum wage over two years to $5.15 an hour, which would raise earnings for these workers by 90 cents an hour, or about $1,800 a year.

Even at $5.15, the minimum wage would, after taking account of inflation, remain 15 percent below its average value during the 1970's.

Will low-paid workers lose their jobs if employers must pay higher wages? Yes, but there is widespread agreement among economic studies that the impact would be very small. A 90-cent wage hike would probably wipe out fewer than 100,000 of the approximately 14 million low-paid jobs in the economy—less than a 1 percent loss. Indeed, 100,000 represents only about half the number of jobs the economy typically creates each month.

The benefits of a higher minimum wage would be substantial. At $4.25 an hour, minimum-wage workers cannot count on earning their way out of poverty. But at $5.15 an hour, or $10,700 a year, the goal is in reach. By combining earnings, food stamps worth about $3,000 and tax credits of $3,500, such workers can clear the poverty threshold for a family of four—about $16,000—even after payroll taxes. That would be a victory for public policy.

The best antipoverty strategy is to mix the tax credits and minimum wages. At President Clinton's urging, Congress recently raised the [Earned Income] tax credit. The next step is to raise the minimum wage by the modest amount the Senate Democrats have proposed. The Democrats should try again. Republicans supported such policies in the past. perhaps Senator Dole can summon the will to do so this election year.

[From the Atlanta Journal and Constitution, Apr. 3, 1996]

WORKERS DUE FOR A RAISE

President Clinton has picked a good time politically and economically to push for a modest increase in the minimum wage. Millions of workers need the raise, and the economy is healthy enough to absorb a hike without causing many job losses or inflation.

The administration and congressional Democrats want to raise the minimum wage to $5.15 in two 45-cent steps over the next two years.

A raise would help the 4 million workers who get the minimum of $4.25 an hour, and would nudge up the wages of another 8 million who earn between $4.26 and $5.14 per hour. The minimum wage hasn't been raised in five years. In terms of purchasing power the wage will fall to a 40-year low this year if Congress doesn't act.

Such low pay for workers puts a strain on society. Making about $8,500 a year, a full-time minimum-wage worker with children needs food stamps and welfare to survive. The poverty line for a family of four is $15,600 a year which means a worker would have to make at least $7.80 an hour to keep a family out of poverty.

Even though the Clinton wage proposal is quite modest, Republican leaders are fighting it aggressively. Last week, in a 55–45 roll call, Democrats in the Senate fell five votes short of forcing a vote on an amendment to boost the wage. In other words, most senators wanted to increase the wage, but GOP leaders blocked the vote.

Republican reasons for opposing the wage increase are weak. If the country were in a recession, blocking the raise would make sense because higher labor costs could cause more unemployment. Certainly, a higher minimum wage is not always a good idea: Timing is important.

But this is the right time. In today's economy, low-wage jobs are being created at an incredible pace. The unemployment rate is at a mild 5.5 percent and inflation last year ran at just 2.5 percent.

Several highly respected economic studies in recent years have suggested that few jobs would be lost if the minimum wage were to rise slightly. Robert Solow, a Nobel prize-winning economist, says that among members of the American Economics Association, a consensus has emerged that ''the employment effect of a moderate increase in the minimum wage would be very, very small.''

Polls show that about three in four Americans want the wage to rise. Republican senators, whose pay has increased by a third over the past five years, ought to get out of the way and allow the majority to increase the minimum wage.

[From the St. Louis Post-Dispatch, Apr. 2, 1996]

THE POLITICS OF 90 CENTS AN HOUR

President Bill Clinton made some interesting observations the other day about Congress' failure to raise the minimum wage. He pointed out that since the last time the federal minimum went up—five years ago on Monday—senators and representatives have increased their own salaries by about one-third. He also noted that a member of Congress made more money during the month that the government was shut down last year than a minimum-wage earner makes in an entire year.

Add those stark statistics to the more philosophical point—that the GOP majority always stresses the need for people to make it on their own, without the help of government—and the Republican roadblock to raising the minimum wage becomes even harder to swallow. At $4.25 an hour, a full-time worker earns less than $8,900—far below the $15,600 poverty line set for a family of four. How can politicians try to push families off the welfare rolls on the one hand and filibuster attempts to let them earn a livable wage on the other?

The administration is seeking to increase the minimum wage to $5.15 an hour. The Bureau of Labor Statistics says that, measured in current dollars, the value of the minimum wage has fallen 31 percent since 1979.

At the same time, the percentage of hourly wage earners who make the minimum has also declined, meaning that an increase would affect proportionately fewer workers.

Opponents of the increase often portray the typical minimum-wage worker as a teenager peddling french fries to earn gas money for his car.

But Labor Secretary Robert B. Reich points out that most such employees are age 20 and over, and 40 percent of them are the only wage earner their family has.

Given such facts, the strong support that pollsters find among Americans for raising the minimum wage is understandable. Harder to fathom is Republican opposition. The traditional GOP argument, that a higher minimum wage means smaller payrolls, has lost credibility; a study by two Princeton professors of the effects of a higher minimum in New Jersey showed no drop in employment at 331 fast-food restaurants.

Bob Dole and his Senate colleagues can stick to that tired logic if they want, but it only highlights the differences in philosophy and compassion between him and Mr. Clinton.

The majority in the Senate blocked the increase last week, but when Congress returns from its spring recess, the issue will return, too. As House Minority Leader Richard Gephardt put it, ''We're going to bring it back and back and back and back until we finally prevail for America's families and workers.'' Those families and workers are also voters, and come November, they won't forget who stood in the path to a decent wage.

[From the San Francisco Chronicle, Apr. 8, 1996]

REWARDING THE WORK ETHIC

The minimum wage is approaching a 40-year low in terms of its purchasing power.

For those fortunate enough to have no idea what the minimum wage is these days, it is $4.25 an hour. It has been at that level for five years, while inflation has steadily gnawed into the paychecks of workers at the lowest rung of compensation.

President Clinton has proposed a modest increase of the minimum wage to $5.15 an hour.

Unfortunately, the Clinton plan has become mired in election-year politics. Republicans have characterized the proposal as a big favor to organized labor that would cost jobs and mostly benefit middle- class teenagers.

Wrong, wrong and wrong.

Yes, organized labor is supporting the minimum-wage increase, but this is hardly a bonanza for unions. At most it would have a slight indirect effect on collective bargaining, as union negotiators try to keep rank-and-file pay above the minimum wage.

The lost-jobs argument is sharply refuted by many respected economists, who have calculated that the minimum wage would need to approach $6 an hour before having a measurable effect on employment levels.

And this debate is not about how much high-school students should be paid for flipping hamburgers. Of the 10 million people earning $4.25 an hour, 69 percent are age 20 and older.

It is, indeed, a tough living. Ninety cents an hour—or $1,800 a year for a full-time worker—can make a difference for someone at the poverty line.

Politicians like to talk about restoring the work ethic, about encouraging people to leave public assistance. Millions of people are answering the call—and getting too little in return.

Congress should vote them a raise.

[From the St. Petersburg Times, Apr. 1, 1996]

LET'S VOTE ON MINIMUM WAGE

Now that he has clinched the Republican nomination for president, Bob Dole is back at work in the Senate. Last week the Senate majority leader spent most of his energy trying to keep Democrats from bringing a proposed minimum wage increase to a vote.

Dole should end the debate and allow senators to vote. Democrats say they will keep trying to force a vote. Everyone knows a minimum wage increase has little chance of clearing the House. But that hasn't kept either side from trying to score political points on this issue.

Disregard for the country's poorer workers, those who try to live on an annual salary of $8,500, is one of the hallmarks of the Grand Old Party. As usual, opponents of a minimum wage increase claimed they were acting in the interests of the working poor. Allowing those workers another 90 cents per hour, they argued, actually could do them more harm than good.

Similar arguments have been made against every previous increase in the minimum wage, and each has been proved wrong.

The proposed legislation would raise the $4.25 minimum wage by 90 cents in two increments over 15 months. That may be small change in Washington, but to those trying to live on the minimum wage, who earn about three quarters of the $12,500 income that marks the federal poverty level, another 90 cents an hour is real money.

Dole says he is a doer, not a talker. Fine. Stop the debate and bring the issue to a vote. It's time to raise the minimum wage.

Mr. KENNEDY. Mr. President, these are typical editorials from across the country, and they go on and on and on with the two themes that, one, it is time to act it is time to act here in the Senate now; and it is also an issue of fairness and decency north, south, east, and west.

Mr. President, with this depth and breadth of support among editorial boards for a higher minimum wage, and the broad support among voters for a higher minimum wage, the question is obvious. Why are Republicans obstructing action on the minimum wage?

Every day Congress fails to vote on this issue is one more day that millions of hard-working Americans have to survive on less than a living wage.

While Americans sit around their kitchen tables trying to pay their bills, Republicans in Congress are huddled in back rooms plotting new parliamentary maneuvers to duck their responsibility to America's working families.

The people are ahead of the politicians on this issue. While the Republican majority in Congress dithers and delays, working men and women across the country are waiting for our answer.

Republicans love to talk about work. But when the chips are down, they deny the value of work. They refuse to support a fair day's wage for a full day's work.

One of the biggest issues of 1996 is the declining standard of living for the vast majority of American families. The economy may be doing well, but the gains are flowing primarily to those at the top. The vast majority of Americans are being left out and left behind, and those at the bottom of the ladder are being left the farthest behind.

Millions of working families are struggling to survive on the minimum wage, which is now only $4.25 an hour. They have not had a pay increase in 5 years. The value of the minimum wage is now near its lowest level in 40 years. It is no longer even enough to keep a working family out of poverty.

Republican Senators have voted themselves three pay increases in that 5-year period—thousands of dollars in pay raises for themselves, but not one thin dime for families struggling to survive on the minimum wage.

How can the majority leader keep saying no? Raise the minimum wage. No one who works for a living should have to live in poverty.

We want a vote—a clean, yes or no, up or down vote on increasing the minimum wage.

The American people look to the Congress for action on the minimum wage—and all they see are cloture petitions, quorum calls, and procedural gymnastics to avoid taking action. I say, end the gridlock, end the deadlock—act on the minimum wage. Let's get the Senate out of the Doledrums.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, might I inquire of my distinguished colleague with respect to the time?

There was some thought earlier that some additional time might be yielded from that side to this side. I wonder if I could ask for 10 minutes such that I do not inconvenience my colleagues at the conclusion of the remarks of the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, the distinguished Senator from Virginia knows that I have just come to the floor to speak and do not control time. But I see no other Senator on this side seeking to speak. If my friend from Virginia wants 10 minutes, I would be happy to, and I will assume the position that I can yield that time and would be honored to do so with the understanding as I shall listen with close attention to what he says for 10 minutes, that he might undertake to do the same.

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

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. MOYNIHAN. I propose to discourse at some length on Alfred Marshall's ''Principles of Economics'' published in 1890.

Mr. WARNER. Mr. President, I thank my colleague and friend.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I yield 10 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wonder if I might follow my distinguished colleague. I would profit greatly from the erudition that I assume will be displayed.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, the erudition is from Alfred Marshall, not of this poor student of his or his successor three times removed.

Mr. President, it fell to me, then chairman of the Committee on Finance, to reach agreement on our Democratic side on the Omnibus Budget Reconciliation Act of 1993. There was no Republican involvement and no Republican support, for perfectly straightforward reasons. It fell to me to negotiate among ourselves the 4.3-cent increase in the gasoline tax which is suddenly under discussion today. The President had originally proposed an increase in the Btu tax. And I suppose it is not inappropriate if I am going to be speaking from Alfred Marshall's text, he having been a distinguished professor in Great Britain, to refer to the Btu, which stands for ''British thermal units.''

The House voted a larger Btu tax increase, but the matter came to the Senate, and there was no disposition here to address the general range of energy uses—that involved coal and gas and other sources of energy—as against simply gasoline.

It was not easy to reach agreement on the 4.3 cents. That was the last part of the budget deficit reduction that we had to put together, a total reduction of $500 billion, half of it by raising—I will use that dread word ''taxes''—not fees, not premiums—taxes, and a somewhat smaller proportion from reducing, cutting, and, in many cases, eliminating Federal programs.

The last bit we had to get was that 4.3 cents. We had to get up to 4.3 to reach our $500 billion mark. I record this simply to say it was not easy. It took 1 week with the Finance Committee Democrats in room 301 of this building, some of the longest days I have spent in the Senate. In the end we did it because it had to be done. And we have results to show for it.

So much of what happens in Government, as in other aspects of life, has indistinct or very long-run consequences not easily seen. To the contrary, today, the American economy is the wonder of the world. There is no nation in the OECD, the Organization of Economic Cooperation and Development, formed just after World War II, that comes anywhere close to our rate of growth, our unemployment rate, our price stability, and the long, sustained period of growth which we are in.

We are now, sir, as of May, in the 63d month, more than 5 years, of continued economic expansion—not the longest, as in the 1960's, but something that would have been considered beyond imagining 50, 60, 70 years ago.

The budget deficit, Mr. President, has been cut in half. The numbers are astounding. We went from a budget deficit of $290 billion in 1992—these are fiscal years—to what, if you average out OMB, which says 146, and CBO, 144, is a deficit of $145 billion in the current year.

Half—we have cut it in half in 4 years. The deficit now is the lowest, in proportion to our annual gross domestic product, it has been in 15 years.

Real growth rate is at a solid 2 percent, which is very impressive, given the fact that we have full employment and no inflation.

Our distinguished Director of the Congressional Budget Office—and I apologize for the initials CBO—Dr. June O'Neill, recently testified before the Senate Budget Committee:

CBO continues to believe that the U.S. economy is fundamentally sound and estimates that the chances of a major downturn in the next two years are not high.

Now, one of the reasons things are very good is that we did what was difficult to do in 1993, and we did it on our own on this side of the aisle. We are not complaining whatever about that. If it was to be our budget, let us do it. I could wish it was bipartisan. It was not. But that has nothing to do with the fact we found 50 votes here plus the Vice President. It was close. And that last tenth of a cent on the gasoline tax did it.

In January 1994, our eminent Chairman of the Federal Reserve Board, Alan Greenspan, testified before the Joint Economic Committee as follows:

The actions taken last year—

Referring to our budget deficit reduction measure with the gasoline tax.

to reduce the Federal budget deficit have been instrumental in creating the basis for declining inflation expectations and easing pressures on long-term interest rates. . . What I argued at the time is that the purpose of getting a lower budget deficit was essentially to improve the long-term outlook, and that if the deficit reduction is credible, then the long-term outlook gets discounted upfront. Indeed, that is precisely what is happening.

The term, sir, is the deficit premium on the interest rate, the expectation upfront that inflation will increase so that interest rates would be higher than they otherwise would be. They are now down. And that added another $100 billion of deficit reduction.

That is how we were able to cut the deficit in half. Do we have problems in the outyears? Indeed, we do. But are we on the right track now? Indeed, we are. Unemployment for April was 5.4 percent. That is roughly full employment in our present jargon. Inflation is in check. The Consumer Price Index, which overstates inflation, is at 3 percent—something unprecedented — and real wages and salaries increased in the first 3 months of this year by 1 percent, a very handsome rate.

One of the consequences, Mr. President—and I hesitate to use another chart on the Senate floor, but this one, I think is important. The public is watching and my colleagues might find it interesting. For the first time, sir, since the 1960's, the Federal budget has a primary surplus. A primary surplus is the difference between revenues and outlays for programs.

I came to Washington in 1961 with the Kennedy administration, and I can report something that may have been lost to the memory of many of us. Our biggest problem as then seen by the economic advisers to the President was that the Federal Government was taking in more money than it was spending and hence depressing our move toward full employment. The term was ''fiscal drag.'' The efforts to get Federal revenues out, back into circulation, were extraordinary.

I can recall my first visit, the first time I was ever in the Oval Office. It was with the beloved Secretary of Labor, Arthur Goldberg, and we were bringing to the President a proposal to increase the pay of public servants, postwar and such. And the President looked at our proposal and said, ''Is that all?'' Walter Heller, the chairman of the Council, said, oh, surely we need to do more than that; he added up the numbers on the page, just like that.

We were about to propose revenue sharing. If Congress would not spend the money, perhaps Governors would. I am not speaking lightly of what you spend, but there is such a thing as seeing that you do not keep the economy depressed by taking in more revenue than goes back into the economic stream. In the 1960's we had those surpluses. Those blue marks indicate a slight surplus, primary surplus, not big, but big enough to preoccupy us.

Then we had the oil crisis of the 1970's and deficits came. Then the 1980's and deliberate deficits of enormous amounts and the debt that went from $995 billion at the end of fiscal year 1981 to where we just now, just recently, raised the debt ceiling to $5.5 trillion. We added almost $5 trillion to our debt. The debt is huge and the interest has to be paid and it will be. But in the meantime, if you can look at this chart, we are back to a primary surplus—we did a good job in 1993—a primary surplus averaging about $66 billion for the next 4 years. A little good news does not do any harm, sparingly. And this is solid good news.

Now, suddenly, we are asked to dismantle that last, painful mile we had to travel in 1993, that 4.3 cents. It took 1 week to get from 4 cents to 4.3 cents and then bring it to the floor where it passed just barely, with the remarkable results we now see.

If a reasonable case could be made that to eliminate this gasoline tax right now would save consumers money, then it should be considered. Some have tried to make that argument. But it is simply not the case that there should be any expectation whatsoever of any impact on gasoline prices from a reduction of this tax, because the present spike in prices is the result of a series of very simple events. We had a very cold winter and used up more oil reserves than we might have done. There was an expectation that Iraq's petroleum might come out to the world market—it did not do so. In California, a number of refineries that were moving along well have ceased to do so. Then there is apparently a development within the refining industry of just-in-time inventories. Perfectly good economics. It has made a big difference in the profitability of firms all over the country.

But what happens, when you have a short-term shortage, to prices when you try to do something such as this? Well, my good friend and deskmate and member of the Finance Committee, the Senator from Louisiana, earlier cited Philip K. Verleger, Jr., an economist at Charles River Associates, who was quoted in the press just yesterday, in the Washington Post, saying, ''The Republican-sponsored solution to the current fuels problem * * * is nothing more and nothing less than a refiner's benefit bill* * *. It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.''

Is that the result of some conspiracy among the big oil companies? No, sir. I have no reason to think—it may be true, but I have never heard it mentioned—that an oil company came to anybody on Capitol Hill and said, ''Would you cut that tax?'' The reason Mr. Verleger said the reduction in the tax would benefit refiners is that for a century it has been the clearest understanding of the economics profession that under short-term supply conditions, a change such as a reduction in an excise tax does not affect the price paid by the consumer.

In 1890, Alfred Marshall, as I mentioned to my friend from Virginia, the great professor of economics at Cambridge University—he taught John Maynard Keynes, the father of modern macro economics—produced his opus, his great text, ''Principles of Economics.'' I have here a volume reprinted in 1961. This was the summation of what economists knew at that time, in the late 19th century.

The PRESIDING OFFICER. The Senator from New York is advised the majority has 13 minutes left, of which 10——

Mr. MOYNIHAN. Three. I would not bring up Marshall if I expected to hold my audience very much longer than 3 minutes.

Marshall took the example—to illustrate short-term supply, a fascinating thing—he took the example of fish. He said, what happens if there is a sudden change in the situation? Weather makes fish more or less available—a nice point—or if there is an increased demand for fish caused by the scarcity of meat during the year or two following a cattle plague. Mad cow disease in the late 19th century. A scarcity of fish caused by uncertainties of the weather has its exact parallel in our cold winter. These things come. I do not have to tell the Senator from Vermont about cold winters.

Would outside intervention change the price of fish to the consumer in that circumstance, when there was a fixed supply? The answer from Alfred Marshall is emphatically ''no.'' Students of economics my age will remember this book. It is a very heavy book, but it is still around and it works. What it propounded is very clear. He said:

To go over the ground in another way. Market values are governed by the relation of demand to stocks actually in the market. . . .''

This is something businessmen know. Mr. Mike Bowlin, Chairman of ARCO, said on ABC's ''Nightline'' Tuesday evening:

My concern is that there are other market forces that clearly will overwhelm the relatively small decrease in the price of gasoline, and that alarms me, that people's expectations will be that the minute the tax is removed, they want to see gasoline prices go down 4.3 cents, and that won't happen.

This is something we know. Or it can be said as much as things like this are knowable, this we know. The businessman says it, the economist says it, the grandfather of them all explained it 100 years ago. There is good news, which is that the futures markets show the price of crude oil going down very sharply, from about $22 a barrel today to about $18 for next September. Gas prices will go down. Can we not just let them go down by normal market forces and keep the budget agreement intact, the agreement which has brought us to this happy moment?

I do thank the President for his patience. I look forward to listening attentively to my friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise in strong support of the TEAM Act. I was privileged, at the request of the distinguished chairman from Missouri, Mr. BOND, to chair the Small Business Committee and hold a hearing on this subject. In my remarks today, I will refer to a number of very important pieces of testimony, some coming from those in Virginia, who came before that committee to clearly, clearly support the need for this change in the law.

I refer back to the 1930's when the original Wagner act was enacted in 1935.

It is time that we should change the law. That is all we are asking. This is not the 1930's. Today, employees are highly skilled, far better educated, conscious of the fact they are in a global economy competing not with the company down the street or the company in the next State but, indeed, with companies all over the world. While they are sleeping, other companies elsewhere in the world are building much the same products that are flowing into this one global market.

Yet, here they are, nonunion employees handcuffed by a law passed in the 1930's at a time when really workers were expected, like Tennyson once referred to soldiers, ''Yours is not to reason why but to do or die'' in the workplace.

Those days are gone, and today we recognize each human being for their individual worth: man and woman, experienced worker, inexperienced worker, young and old. Yet they are hobbled by this act that goes back to 1935. All we ask is revision of that act.

In almost every industrial plant or workplace in America today, be it large or small, there is a suggestion box. The workers are invited to drop suggestions in their suggestion box. All the TEAM Act really does is to enlarge the concept of the suggestion box so that they can sit down and discuss with management in that company their own ideas to increase productivity, to increase safety. It is just the bare essentials of everyday existence in a plant environment. Yet, they are hobbled by this ancient, ancient law.

This is not an act to try and thwart the right to unionize. In no way does it do that. It simply gives the nonunion worker a chance to express his or her own view, such that their plant can become more productive, with the hope and expectation that their salary check might be increased. And to speak about safety issues so that they can live and work longer in a safer environment. That is all they ask.

I urge my colleagues, no matter how strong your affiliation and ties are to organized labor, look at this law. Decide it upon its own merits. Think of those people all across our Nation today who are working to compete in this global market.

This bill, again, in no way affects the rights of workers who have chosen to unionize. Rather, it assists only the workers who have chosen not to unionize, such as those in my State, which is, proudly, a right-to-work State.

I went back and looked at so much of the testimony from the Small Business hearing. Most people would be shocked to learn that the current labor law makes it illegal for employees in nonunion plants, workplaces, to discuss matters such as safety and productivity and work schedules, the daily routine, where they might have lunch, the quality of the food, safety of the machinery, the age of the machinery. It is such logical discourse between labor and management in today's market, yet this law stands there like a stone wall to prohibit the exchange of ideas.

Section 8(a)(2) of the National Labor Relations Act just does that. The NLRA casts a cloud of illegality on all types of organized employee participation in the workplace; that is, when groups get together. You can drop your suggestion in, but you cannot join with four or five other workers and go into the boss' office, perhaps put your feet up, and have a discussion on these subjects. It sounds crazy. It is just totally out of context with our lifestyle today.

Listen to the type of issues which cannot—I repeat cannot —be discussed in any organized group discussion. I am not talking about organized unions: I am talking about just organized group discussion, even if it is initiated by the employees. One has been the day care center. We did not have day care centers in the 1930's. I am not suggesting I was around and in the work force then, but my parents were. There may have been a work or day care center in some plant, but certainly they did not exist in the breadth that is all common in America today. But these people in their workplace cannot go in and talk about day care with the management.

Then there are softball teams. Sports have become a part of the lifestyle, fortunately, in many industrialized places in America today, but the workers cannot go in and discuss the after hours, extracurricular athletic participation of the employees.

Another example is the employee lounge: a reserved area in the plant where they might go for a break or have their lunch or just enjoy themselves.

As far as vacations, no way, no discussion is allowed.

How about rules on arguments among employees? Today, there is a lot of tension in many of our workplaces, but people are not free to go in and just discuss that with their bosses in the hopes to alleviate this situation of tension.

Just stop to think, dress codes cannot even be discussed. Nor can parking regulations, smoking or nonsmoking policies and, indeed, safety in labeling. And on and on it goes.

To me, this just defies common sense, defies good judgment. It goes back to the old days: Yours is not to reason why, but just to do or die. And that is totally alien to today's workplace.

Mr. President, one of the biggest concerns of the American people and especially the people of my State is that the Federal Government, instead of helping them get ahead, helping them become more competitive, sets up these roadblocks to make that less possible.

The TEAM Act is a piece of legislation which will help lessen that roadblock put on in 1935 and allow the workers in our industrial plants all across America to use their skills, their energies and their ideas to create a more productive and, hopefully, safer work environment, and to make America collectively more competitive throughout the world.

Do the workers in comparable plants in Asia or Europe have these problems? No. They can sit down with their bosses. As a matter of fact, much of the concept of this TEAM Act originated abroad and has been brought to our shores and yet here there is a law to stop it.

The TEAM Act is necessary to free business and workers from the shackles of an ancient law.

Mr. President, do I note the time has arrived?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator has 30 additional seconds.

Mr. WARNER. I thank the Chair.

I have met with a number of employees in the context of our hearing and in private meetings who have told me the actual stories and experiences of those who are participating in plants where they go ahead, despite the law, and sit down and talk with their bosses, risking prosecution by the National Labor Relations Board.

I have met with employees and management from some Virginia companies which have had great success with the team concept. The AMP Corp. which makes electrical connectors used around the world has a plant in Roanoke, VA, is one such example. Employees and management established a number of teams to help meet the challenge of foreign competition. One team of workers went with management to another AMP facility, learned a new stamping process and implemented it in Roanoke, creating 20 new jobs to increase output made possible by the new process.

Another team of workers was assigned the task of comparing AMP's production processes to foreign competitors, a task which management had done by themselves previously. The team was better able to see how inventory levels, technology changes, and production cycles affected productivity than management had been. As a result, quality and delivery is better, prices are lower, and the company and its employees are more secure.

Last, a third team of AMP, known as the community education team, reaches out to local schools. Through this team, AMP has been able to recruit new workers from the Roanoke area with the necessary technology training rather than recruiting out of the area.

AMP's experiences have been mirrored at other Virginia companies. For example, at the TRW plant in southwestern Virginia in Atkins, VA, one customer, a huge automobile manufacturer, requested that the employees on a rack and pinion gear production line have a brainstorming session to seek ways to improve efficiency. Over 200 ideas were advanced by employees and, working together with management, nearly 90 percent of these were implemented. These ideas included everything from standardizing shelving heights to redesigning multiple parts into one piece. The results have been amazing, with production up one-third per operator and savings of over $100,000 to the customer.

At R.R. Donnelly, Corp. in Harrisonburg, VA, the introduction of work teams to supervise various aspects of the production of hardcover books has had different results than organized labor might have you believe. Rather than being an attempt to subvert the employees, Donnelly's teams have resulted in an increase of over 50 percent in production jobs and a decrease of 33 percent in management positions. These statistics should not be surprising because what teams do, in effect, is to make the employees into managers of their operations.

I am certain there are numerous other such examples from around Virginia, but the last I would like to mention is Universal Dynamics in Woodbridge, VA, just south of the beltway on I–95. UNA–DYN, as it is known, manufacturers industrial dehumidifiers and has implemented the team concept throughout their manufacturing and engineering processes.

Mac McCammon testified at the hearing which I chaired last month. He described how employee suggestions are implemented by employee teams with only marginal involvement from management, these suggestion sheets have been at the heart of the company's huge growth over the past 5 years.

Unions have said that this bill is bad for workers: in fact, it is exactly what employees have been seeking for years. All of us know that a job is more satisfying when you have input into your responsibilities and help improve the product or service you help create. Today's employees give more than their sweat, they give their minds and their ability to work together. This bill provides that opportunity.

In addition, more and more employees receive profit-sharing or bonuses based on the financial performance of their company, they have a direct stake in improving the productivity of their business.

And then there is the issue of employee safety. Employees are the best experts on what is dangerous in their workplaces and what are the best solutions.

In the Small Business Committee hearing, we heard from Ms. Donna Gooch, the human resources director of Sunsoft Corp. in Albuquerque, NM. In order to meet increased demand for their contact lenses, management and employees agreed on a 7-day workweek. Not only were teams used to meet the increased problems with child care and scheduling, they were essential in structuring job tasks to avoid expensive ergonomic injuries. Without full employee involvement, none of this would have been possible.

My colleagues have explained in detail the nuances of current law. My main point is that most people would be shocked to learn that current labor law makes it illegal for employees in nonunion workplaces to discuss matters such as safety, productivity, and work schedules with management. Section 8(a)(2) of the National Labor Relations Act, unfortunately, does just that. The NLRA casts a cloud of illegality on all types of organized employee participation in the workplace.

Among the issues which cannot be discussed in any organized fashion—cannot be discussed even if initiated by the employees—have been day care, softball teams, an employee lounge, structuring of employee evaluations, vacations, rules on fighting among employees, dress codes, parking regulations, smoking policies, and safety labeling.

Now of course it would be perfectly legal for the employer to dictate from on high how employees must be regulated. Isn't it clear that work productivity would be higher, that worker happiness would be better, if the employees had a voice in these matters?

This cloud caused by the current law must be lifted. This is no time for our Government, through increasingly common enforcement cases brought by the National Labor Relations Board, to make it harder to create competitive and safe workplaces.

The Clinton administration has recognized that employee participation in unionized workplaces have brought enormous gains in productivity and safety. President Clinton even remarked about this fact in his State of the Union Address. His thought is correct, but it must be applied not just to union workplaces. It is time that the 90 percent of nongovernment employees who have chosen not to unionize be given similar rights and opportunities.

I am particularly concerned about small businesses most at risk under current law. Most small businesses are too small to have classifications like manager and employee—all employees have to act and think like managers. Second, many businesses cannot afford to hire labor attorneys to analyze every employee-manager interaction. Third, the expense of contesting a NLRB action is too great a threat to many businesses to even think about starting employee team programs.

Unions seem to fear that employees able to contribute more to their workplace will be less anxious to unionize. Well, what's wrong with that? Unionization works where collective bargaining is necessary to balance the bargaining scale—it is not necessary for most workplaces, and if employees are happier and more productive without a union, the Government should not block their wishes.

In conclusion, the TEAM Act is not only needed to keep America competitive, it is desperately sought by American workers. The world has changed since the 1930's, and the law must change as well.

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

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Dole amendment, No. 3960:

Bob Dole, Orrin Hatch, John Warner, Trent Lott, Thad Cochran, Slade Gorton, Phil Gramm, Kay Bailey Hutchison, Connie Mack, Strom Thurmond, Dan Coats, Craig Thomas, Dirk Kempthorne, Jesse Helms, Bob Smith, Jim Jeffords.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on amendment No. 3960 be brought to a close? The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from West Virginia [Mr. ROCKEFELLER] are necessary absent.

I also announce that the Senator from Vermont [Mr. LEAHY] is absent due to death in the family.

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

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—52

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

NAYS—44

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

NOT VOTING—4

Bradley	Leahy
Glenn	Rockefeller

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MEGAN'S LAW

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 393, H.R. 2137.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, Tuesday night the House passed an important measure that will help protect our Nation's children from sexual predators.

By a vote of 418 to 0, the House passed legislation, known as Megan's law, that strengthens existing law to require all 50 States to notify communities of the presence of convicted sex offenders who might pose a danger to children.

In 1994, the crime bill allowed but did not require States to take such steps. And since that time, 49 States have enacted sex offender registration laws, and 30 States have adopted community notification provisions.

But not all States have taken the necessary steps to require such notification, and this is a tragedy in the making.

For once, let us prevent a tragedy instead of waiting for some other horrific crime and then taking action. We should pass this law now.

How can we hesitate one moment?

Every parent in America knows the fear, the doubts, he or she suffers worrying about the safety of his or her children. Parents understand that their children cannot know how truly evil some people are. They know that no matter how hard they try, they cannot be with their children every second of the day.

And a second is all it takes for tragedy to strike.

We have an obligation to ensure that those who have committed such crimes will not be able to do so again. This is a limited measure, but an absolutely necessary one.

Mr. GORTON. Mr. President, we will act tonight on Megan's law, which strengthens and improves a good law, and provides families with needed protection against the most heinous of crimes. Although Megan's law will not affect my State of Washington, which should, and does serve as a model for other States around the country, it will assist those States that, for whatever reason, have been slower to act or more timorous in their fight against crime.

In 1994, Congress passed the Violent Crime Control and Law Enforcement Act. The act contained a number of good provisions, perhaps the one I cared about most was the provision calling for the registration of sexual offenders and community notification. Most States have already implemented systems to require people who abduct children, or who commit sexual crimes, to register their addresses with State or local law enforcement officials. The provision in the 1994 act, however, was not as tough as I would have liked. The Act permitted State and local law enforcement to notify communities that there was a sexual predator in their midst, but it did not require this notification. We are back now to improve upon that law by requiring community notification. Even with this mandate, however, State and local law enforcement officials, still will retain the substantial discretion to determine when community notification is called for, what information to release, and how to best inform the community.

Parents have a right to know that their children are in danger, that the person living next door to them, or down the street is a convicted sexual predator. The need for this notification was tragically illustrated in the case of Megan Kanka, for whom the law before us today is named. Two years ago, Megan was allegedly raped and murdered by a man who lived across the street from her, a man who twice before had been convicted of being a sexual predator, and who lived with two house mates who were themselves sexual predators. Megan's parents did not know this. If they had, they could have advised their daughter not to accept her neighbor's invitation to come into his house to see a puppy.

Mr. DOLE. I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements in the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 2137) was deemed read three times and passed.

Mr. DOLE. I think, just for the information of my colleagues, this bill just passed is commonly referred to as Megan's law.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3960 WITHDRAWN

Mr. DOLE. Mr. President, I withdraw my amendment No. 3960.

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

The amendment (No. 3960) was withdrawn.

AMENDMENT NO. 3961 TO AMENDMENT NO. 3955

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. ROTH, proposes an amendment numbered 3961 to amendment No. 3955 to the instructions of the motion to refer H.R. 2937.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.