

the budget matters. They are very good Senators. I think people from their home States know that. But I just wanted to state that.

The question here is, does this cost any money? If you assume it does cost money, then there is an argument against directed scorekeeping; that is, there is an argument we do have outlays of maybe \$15, \$17 billion.

What is it we are addressing? We are addressing that the tier 2 retirement trust fund buys securities; that is, stocks and bonds, rather than buying Treasury bills. The question is, Is buying equity securities the same or different from buying Treasury notes? Under the rules, they are different; that is, one is an outlay and the other is not. So it will be a \$15 billion outlay cost under the budget rules if the trust fund invests in securities; that is, equity securities, and no outlay, no cost when the trust fund buys Treasury bonds.

I yield myself an additional 30 seconds.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, technically, the chairman and the Senator from New Mexico are right because that is the way the budget rules have been applied. And this is a gray area. This is not similar to buying a truck or a gold mine or buying another physical asset. Rather, it is buying securities instead of Treasury bonds.

I yield myself an additional 30 seconds.

So I am saying to my friends, the Government is no better off or worse off whatsoever if the trust fund buys securities rather than buying Treasury notes, as all pension funds do. They invest in both Treasury securities as well as equity securities.

So I urge my colleagues to not apply this rule at this time because the Government is no better or worse off; second, if the Senator's amendment were to be adopted, that would be the end of the railroad retirement bill this year because we would have to go back to the House and it would not survive this session or maybe even this Congress.

The PRESIDING OFFICER. The time for the Senator from Montana has expired.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield whatever time I have to Senator CONRAD and thank him for cosponsoring the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I favor the railroad retirement legislation. I strongly favor it. But I just as strongly support this amendment to knock out directed scorekeeping because I think it misleads our colleagues and our countrymen.

Directed scorekeeping would suggest this legislation costs \$250 million this year to implement. That simply is not correct. The cost is \$15.6 billion. The hard reality is, that is what the Fed-

eral Government is going to have to borrow to fund this legislation, \$15.6 billion, not \$250 million. We should not say otherwise.

We can support this legislation but be direct and clear with respect to its cost.

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

The question is on agreeing to amendment No. 2202. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—40

Allard	Feingold	Murkowski
Bennett	Fitzgerald	Nelson (FL)
Bond	Frist	Nickles
Brownback	Gramm	Roberts
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Helms	Smith (NH)
Cochran	Inhofe	Stevens
Conrad	Kyl	Thomas
Craig	Levin	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	McCain	
Ensign	McConnell	

NAYS—59

Akaka	Dorgan	Lincoln
Allen	Durbin	Mikulski
Baucus	Edwards	Miller
Bayh	Enzi	Murray
Biden	Feinstein	Nelson (NE)
Bingaman	Graham	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Rockefeller
Byrd	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Shelby
Carper	Inouye	Smith (OR)
Chafee	Jeffords	Snowe
Cleland	Johnson	Specter
Clinton	Kennedy	Stabenow
Collins	Kerry	Torricelli
Corzine	Kohl	Warner
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Lieberman	

NOT VOTING—1

Hutchison

The amendment (No. 2202) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—
H.R. 2716

Mr. WELLSTONE. Mr. President, I do not want to rudely interrupt, but I want to take a minute to make a unanimous consent request.

I see the ranking member of the Veterans' Committee in the Chamber. Shortly, I am going to ask unanimous

consent to pass a veterans homeless bill. I will give my colleagues the background.

Three weeks prior to the Thanksgiving recess, I came to the Chamber to try to pass a version of the homeless veterans assistance bill. LANE EVANS has done a lot of work on the House side, so has CHRIS SMITH. It is an excellent bill. We passed this bill out of the Veterans' Committee by a unanimous vote.

I had to come to the Chamber four times asking unanimous consent to pass the legislation. There was an anonymous hold. Again, I say to colleagues, any Senator certainly can object, but this whole business of anonymous holds and no arguments made is unbelievable. So I had to say to my colleagues on the other side that on non-emergency measures, I was putting a hold on everything. My hold was not anonymous. I said on the floor—it is me—I am putting a hold on it.

We have been doing all this work with Democrats and Republicans on the House side. CHRIS SMITH, who is chairman of the Veterans' Committee in the House, has been especially helpful on the bill. We had strong bipartisan support on the Senate side as well. We preconferenced it, and we have unanimity of opinion. This veterans homeless bill is superb legislation.

About a third of the homeless adult males in the country are veterans. Many of them are Vietnam vets. Most struggle with posttraumatic stress syndrome. Most struggle with addiction. They do not get help. It is a scandal.

This legislation is one-stop shopping, places where people can go for community-based care, mental health services, treatment, and assistance in getting affordable housing. My God, we could not do anything that is better.

This legislation came back from the House. I thought we certainly would pass it. I know the chair of the Veterans' Committee in the House, a Republican, has urged colleagues to do so.

Now I understand we have another one of these anonymous holds.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 201, H.R. 2716.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I am sorry that I have to do this, but for the proceedings we are now under, and the fact we have dealt with this issue before—my colleague and I agree on much of what he has just said, but I do believe the way he now attempts to address this issue does not fit where we want to go or where the Senate has acted and the House has acted. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. If I had gone further, I would have mentioned also, with the support of Senator ROCKEFELLER and Senator SPECTER, the

unanimous consent request was that the amendment be agreed to; the act, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table. Of course, my colleague from Idaho has objected.

I am a bit of an emotional Senator. I say to my good friend from Idaho that unlike the Senator who has put an anonymous hold on this bill, my hold is not anonymous. I have a hold on every single resolution and legislation introduced by my colleagues on the other side of the aisle that is non-emergency—all of it. It is not anonymous. I have just said it here.

I did it for 3 weeks before Thanksgiving. I cannot believe it. Now we are back at this again. It comes over here from the House with the full approval of the chair of the Veterans' Committee—I think unanimous support—support of both Senator ROCKEFELLER, who chairs the Veterans' Committee, and Senator SPECTER.

We have been working on this for several years. It is a scandal. Is it too much to ask that we get this support to veterans? People are giving all these speeches about how great it is that our men and women are serving our country, they are in harm's way, we support them—and we do, I agree—and then when they get out of the Armed Services and they are now veterans, all of a sudden we do not say thank you any longer. You don't think you can find it in your hearts to pass this bill that is so important to this group of veterans in this country? That is my first point.

My second point deals with my indignation, for which I apologize. I am just getting sick and tired of these anonymous holds. I really am. Therefore, I say to my good friend from Idaho, I know this is not his position. He has to come out here by proxy, representing someone who has put an anonymous hold on this bill again, in which case I have a hold on all legislation, all resolutions introduced by my good friends on the other side of the aisle that are non-emergency.

Mr. CRAIG. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield. I do not yield the floor. I will be pleased to yield for a question.

Mr. CRAIG. Briefly on this issue.

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. WELLSTONE. I yield for a question.

Mr. CRAIG. I thank the Senator for yielding. As the Senator from Minnesota knows, a hold is not absolute. It merely is to notify those who have objection to the bill that it might be coming up. I think the Senator has operated appropriately. I am not the person who has the hold on his bill, but it is important we deal with the issue in a timely fashion.

There is much of what the Senator said I agree with. I serve on the Veterans' Committee. I do not say by this action I am not in support of veterans, homeless veterans, those who are in need. I understand where the Senator

wants to go. My guess is ultimately we can get there, and I will work with the Senator to make that happen.

Mr. WELLSTONE. Mr. President, I note my colleague from Texas is in the Chamber. I will only take 1 more minute.

I thank the Senator from Idaho. I take his remarks as being very sincere. Again, the reason I have to do this, I say to my colleague, is because I went through this for 3 weeks prior to Thanksgiving. I came to the Senate Chamber 4, 5 times and never could get approval. The hold was anonymous.

Last week, I tried to get approval, and I have tried to get approval since. It is out there. Everybody knows what the bill is. We have been working on this a long time. There is strong bipartisan support for the bill.

I thank my colleague. I hope we can work it out. In the meantime, before we work it out, I want all of my good friends on the other side to know my hold is not anonymous. I have a hold on all their resolutions, amendments, and bills unless they are emergency.

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2001—Continued

AMENDMENT NO. 2196

(Purpose: To ensure that returns on investment are earned prior to any reduction in taxes or increase in benefits.)

Mr. GRAMM. Mr. President, I call up amendment 2196. It is a short amendment, and I would like it read.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2196:

On page 2 of the amendment, insert before line 1 the following:

“SEC. 2. Notwithstanding any other provision of this Act, any reduction in tax or increase in benefits shall take effect only to the degree that the Secretary of the Treasury finds that the actual earnings of the Railroad Retirement Investment Trust Fund are sufficient to fund them.”

Mr. GRAMM. Mr. President, we have before us a bill that 74 Members have cosponsored. It is clear from the previous vote where the votes are on this bill. I remind my colleagues that Senator DOMENICI offered an amendment to strike a provision of the bill that was not in any bill that anybody cosponsored, and it was literally a provision that was written into the bill that orders the Office of Management and Budget, which is the budget scoring arm of the executive branch, and the Congressional Budget Office, which is the budget scoring arm of the legislative branch of Government, to falsify the budget by not counting \$15 billion that is being taken out of the Treasury.

This is an extraordinary provision. It basically ordered both budgeting arms—the budgeting arm of the executive branch of Government and the

budgeting arm of the legislative branch of Government—to simply look the other way and not count \$15 billion being taken out of the Treasury.

Senator DOMENICI, with the support of the chairman of the Budget Committee, offered an amendment to strike that language so at least we could have honest bookkeeping. Only 40 Members of the Senate voted for honest bookkeeping. It is clear this railroad retirement bill is wired.

What I wanted to do was to offer an amendment to achieve everything proponents of the bill claim they want to do but to do it in a responsible manner. I don't know where this amendment is going. I expect it is going to get relatively few votes. However, I feel obligated to offer the amendment and people can do what they want to do with it.

Let me try to define the problem. If you read what people are saying in the paper and you talk to all these very nice people in the hallways who are lobbying for this bill, they say: Look, we have over \$15 billion in our trust fund. It is our money. It is invested in Government bonds. We don't think it is a good investment—I sure agree with them there. They claim they want to take the money and invest it. Then with the higher interest rates that they can earn, they want to lower taxes and increase benefits.

Now, there is a big problem here. If you look at the actual estimates done by the railroad retirement board, you find under any of the three economic scenarios that the railroad retirement trust fund actuaries look at, this proposal does a lot more than simply invest the money. In fact, as I pointed out on many occasions, what this bill does, in essence, is, over a 17-year period, it literally takes \$15 billion of capital out of the trust fund. This chart shows—and this is based on the Railroad Retirement Board's data; this is not my data—under current law the trust fund would build up along the black line entitled “Trust Fund Under Current Law.”

Let me remind my colleagues that railroad retirement is not fully funded. If we had ERISA laws applied to railroad retirement where you had to have a trust fund sufficient to pay benefits, ERISA would shut railroad retirement down today. This is a program that has no actuarial solvency whatever and it is currently receiving huge Federal taxpayer subsidies today and has always received Federal subsidies.

Basically what is going on, this is what the trust fund balance looks like under current law. Proponents of this bill say it doesn't make sense to invest this in Government bonds; let us invest it in stocks and bonds. We will have more money; we can have a better, more secure retirement program. I agree with that. I am supportive of letting them invest the money. The problem is, that is a smokescreen.

What they are really doing, if you look at what happens to the trust fund