jeopardized the broad-based tax reform that so many of us genuinely want to see, and that we really thought was going to happen after the 1994 election.

Mr. President, the most telling legacy of last year's premature tax cut is that, if it had not been enacted, our Federal budget would have finally achieved a significant surplus by 2002 instead of having to wait until at least as long as 2006, 4 years earlier.

Mr. President, this bears repeating.

As we have talked for years about how we wanted to have a truly balanced budget by the year 2002, that goal and that achievement was sacrificed to the desire to give out a premature tax cut last year. If Congress had not enacted last year's premature tax cut, today we would be looking at the chance of real budget surpluses in the year 2002 instead of having to wait at least until the year 2006, and perhaps beyond, if the appetite for premature tax cuts is not satiated.

Mr. President, this mistake of last year should have been a lesson for us. Regrettably, it appears at least some have not learned a lesson.

We now come to the end of the 105th Congress, and again we are presented with yet another tax-cut proposal.

Estimates from the Joint Committee on Taxation puts the cost of the tax cuts in this new proposal at about $86 billion over the next 5 years. Naturally, all of us who care about truly balancing the budget say, ''OK. Where are the offsets? What about the offsets? What revenue increases or spending cuts are included in the package to offset this cost of $86 billion in lost revenue?''

Apparently, other than about $5 billion in revenue offsets, there are none. So it begins to look an awful lot like the 1997 tax bill, which involved at least $86 billion to $90 billion in net tax reductions—not offsets—over the course of 5 years.

Mr. President, this new proposal essentially has no offsets. It is a net $80-billion-deficit increase.

How can this be? What possible justification is offered to again balloon the deficit in this way?

The answer is the same shell-game explanation that has been given to the public for about 30 years.

Proponents of this legislation argue that somehow there is no deficit, that the budget currently has a surplus, and that all this tax bill does is merely return some of that surplus to the taxpayer.

That portrayal of our budget is simply wrong and, frankly, is misleading.

We do not have the surplus. The budget this year is projected to have about a $40 billion deficit. And except for briefly achieving balance in 2002 and 2005, the Congressional Budget Office does not project a significant budget surplus until at least the year 2006, 8 years from now, if, and only if, their economic assumptions hold. And they, of course, are optimistic economic assumptions based on the rather healthy economy we have enjoyed for several years.

In response to a letter from our ranking member on the Budget Committee, the Congressional Budget Office indicates that if a recession similar to the one that occurred in 1990 and 1991 were to begin in late 1999, the budget's bottom line in that year would be close to $50 billion worse than is currently projected. CBO goes on to note that this impact on the budget would grow to almost $150 billion by the year 2002.

Put simply, if we were to experience a recession similar to the one we experienced in 1990 and 1991, instead of having a balanced budget in the year 2002, we would have a budget deficit of $150 billion—all the more reason for us to be fiscally prudent.

Let me reiterate, we do not have a budget surplus today. Our budget is currently projected to end the current fiscal year with a deficit of about $40 billion. How can proponents argue that we have a budget surplus when we do not? What is the difference? What is the difference between their view and their argument and the real budget? The difference is Social Security. Those who are pushing this tax measure want to include Social Security trust fund balances in our budget. They want to use Social Security balances to pay for their tax cut. And that is what is wrong with this tax cut.

A recent release from the Concord Coalition said it quite well. They said, ''It is inconsistent for Congress to say that Social Security is 'off budget' while at the same time using the Social Security surplus to pay for tax cuts or new spending.''

That is exactly what is being proposed here. Years of fiscal discipline are being squandered for the sake of an election year tax cut bill.

What is equally troubling, the future discipline that will be needed to finish the job and balance the budget is also put at risk by this tax bill. Our budget rules cannot by themselves eliminate our deficit and balance the budget, but they can help sustain the tough decisions we make here. They play an important role in ensuring that Congress does not backslide in efforts to balance the budget.

The tax measure as it currently is being debated in the other body appears to violate several critical budget rules. It violates the pay-go rule, which is supposed to ensure that tax and entitlement bills do not aggravate the deficit. It violates section 311(A)(2)(b) of the Budget Act by undercutting the revenue levels established in the most recent budget resolution. And it may violate section 306 of the Budget Act if, as some believe will happen, the majority includes language which would include further provisions to avoid the automatic cuts made by the sequester process.

This proposal may well become a triple threat. It ignores rules requiring offsets, it ignores rules establishing revenue floors, and before we are done it may also seek to circumvent the sequester provisions—the last line of defense to protect the budget.

I know this can sound very complicated. The people pushing this tax bill are counting on it sounding complicated. But it is really not complicated. Put simply, what they want to do, just like they did last year, is to use the Social Security trust funds to pay for an election year tax cut. They will balloon the deficit and imperil Social Security, and that is a bad idea.

This is the legacy of the tax bill as it is the legacy of the 1997 tax bill—raiding the Social Security trust fund, busting the budget and trashing budget discipline, all for an election year tax cut. For the sake of expediency, this body will be asked to put fiscal prudence on the block.

Last year's tax bill was premature. This year's tax bill is equally reckless. We are within sight of our goal of a truly balanced budget. We really should not stray from that path. I urge my colleagues to join with me to oppose any tax measure which violates our budget rules and sets us once again on a fiscally irresponsible course.

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

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

WENDELL H. FORD NATIONAL AIR TRANSPORTATION SYSTEM IMPROVEMENT ACT OF 1998

The Senate continued the consideration of the bill.

AMENDMENT NO. 3627

(Purpose: To reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency)

Mr. TORRICELLI. Mr. President, I rise today to offer an amendment on the underlying legislation of FAA reauthorization. I do so in recognition of the reality of life of hundreds of thousands of people that I represent—and, indeed, most Members of the Senate represent—who, by the chance of the place of their birth or where they choose to live, have a daily encounter with the rising problem of airplane noise in our country.

We have through recent decades learned to expand our concept of pollution of the air and the water to toxins, to chemicals we work with every day. But to most Americans they, in their own lives, have already come to understand and reach the decision that I bring before this Senate today: Noise is a pollution, and it is a very real part of the quality of life of most people in our country, impacting their communities.

I offer this amendment because this problem will not solve itself and, indeed, as the years pass, it is clear it is

going to get worse. The FAA predicts that by the year 2007 there will be 36 percent more airplane flights than this Nation will experience this year; 60 of the 100 largest airports in this country in each of our major metropolitan regions are planning expansions with new runways. To some, this is a choice between economic expansion and the quality of life or health of our families. We do not have to reach that choice. If we build airports, plan their expansion, and deal with the issue of flight paths with good, scientific information, understanding the impact of noise on health and how it can be mitigated, there is no reason to compromise economic growth while we legitimately address the health of our families.

We already know that 25 million Americans are impacted by noise problems every day. Even the rudimentary studies that have been undertaken lead us to understand that noise exposure is an element of hypertension difficulties and cardiovascular problems. It is estimated that another 40 million people with different levels of noise exposure have sleep or work disruption that affect their productivity and their own quality of life.

The Environmental Protection Agency for a time was involved in these issues. Some of the judgment I bring before the Senate today was made more than two decades ago. Then Congress understood the impact of noise on health and quality of life. But in 1981 the Congress eliminated the Office of Noise Abatement and Control, so much scientific work and the advice of scientists and others with this responsibility ceased.

In the EPA's absence, the Federal Aviation Administration has been charged with the responsibility of monitoring aircraft noise. Mr. President, the FAA has a mission, it has technical capabilities, and it performs its mission admirably. But dealing with the problem of noise is not its expertise or its mission. There is an obvious conflict of interest between promoting the expansion of the aviation industry and its airports and their operations, and dealing with the problem of noise. This conflict was recently highlighted by the Natural Resources Defense Council's own study that found that the FAA's policy, relying on a 65-decibel threshold for determining the level of noise compatibility with residential communities, was far too high and completely inappropriate. Yet that is the level the FAA continues to use because it does not force the critical choices in dealing with noise abatement.

I cannot adequately describe, for the quarter of a million people who live in New Jersey who are impacted by noise problems from Newark Airport, JFK, and La Guardia every day, how disappointing it is that this work in the Federal Government has ceased and the FAA alone is exercising this responsibility.

In our absence in these 17 years, much of this work and much of the progress on the question of noise and airports has been ceded to European leadership where much of the current health studies are being undertaken. For example, in Munich, Germany, a scientific study recently found that chronic exposure to airplane noise was affecting the psychological well-being of young children. Another study in England, where in our absence this work also was continuing, found that children studying under flight paths to Heathrow Airport in London had a reading age 6 months behind children who were not similarly exposed to aircraft noise.

The amendment I offer today, of which I now speak, would reengage the EPA in the serious business of evaluating alternatives and the impacts of airplane noise. It is based on legislation that I introduced last year with Senators SARBANES, WELLSTONE, LAUTENBERG, MOYNIHAN, MURRAY, D'AMATO, and BOXER. I have termed it the ''Quiet Communities Act,'' and it would reestablish within the EPA an Office of Noise Abatement and Control.

Some of that mission is reflected in the amendment I bring to the floor today for this authorization legislation. It will require the EPA to conduct a study which examines the FAA selection of noise measurement methodologies, so we know when the FAA does undertake studies whether their methodologies are sound and reasonable, as well as establishing a threshold of noise at which health impacts are felt.

So that in communities all across America, when people gather with local airport authorities and State authorities and Federal authorities, there is a scientific basis to know with some certainty whether or not their children's health is being impacted.

It is important to note that this bill will only give the EPA the authority to recommend new standards. It will only give them authority to recommend. It imposes nothing. The EPA can make its suggestions. It can do scientific studies. It can give a baseline. It will not change the authority in making final judgments.

Mr. President, I believe this is a reasonable suggestion to go down the path that other industrialized democracies have followed and which this Congress recognized two decades ago, that noise is a real and persistent problem in America that affects health. It is only reasonable that on a voluntary basis the EPA be able to make recommendations at what level and what methodologies so we can have an informed debate.

Mr. President, I offer this amendment for my colleagues' consideration, and I urge its adoption.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I understand that the Senator from New Jersey seeks a recorded vote on this; is that correct?

Mr. TORRICELLI. That is correct.

Mr. MCCAIN. I will make a motion to table the Torricelli-Lautenberg amendment and ask for the yeas and nays.

The PRESIDING OFFICER. There is no amendment pending.

Mr. MCCAIN. I say to my friend from New Jersey, I do not believe he has sent the amendment to the desk yet.

Mr. TORRICELLI. It is at the desk.

The PRESIDING OFFICER. Does the Senator from New Jersey ask that it be reported?

Mr. TORRICELLI. I ask that it be reported, and I ask unanimous consent that before the recorded vote, each side be given 2 minutes to explain their positions.

Mr. MCCAIN. That is fine.

Who has the floor, Mr. President?

The PRESIDING OFFICER. The unanimous consent agreement calls for 1 hour of debate on this amendment, evenly divided.

Mr. MCCAIN. Sure.

Mr. TORRICELLI. I reserve the remainder of my time pending Senator LAUTENBERG having a chance to come to the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. MOYNIHAN and Mr. WELLSTONE, proposes an amendment numbered 3627.

Mr. MCCAIN. 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.'')

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, we will be glad to use whatever time the Senator from New Jersey desires, along with his colleague.

I still move to table the amendment, and ask unanimous consent that the time for that vote——

The PRESIDING OFFICER. A motion to table is not in order until the time has been used.

Mr. MCCAIN. Until such time as the time has expired or the Senator from New Jersey yields back, at that time, I intend to seek a tabling motion, and that tabling motion would be at the agreement of the two leaders, since it is not clear as to exactly when that vote would be held. So that is my intention.

Mr. President, I would like to speak on the amendment.

This amendment to reestablish the Office of Noise Abatement and Control in the EPA is something that I believe is very unnecessary. The language of the proposal is being represented as dealing with noise from all sources. It is clearly targeted at aviation noise.

I also say to the Senator from New Jersey, I understand the aviation noise problems in his State, as well as neighboring States.

Mr. President, aviation noise issues involve a careful balancing of many concerns, including technology, safety, airspace management, research and education, and land use. The expertise and necessary center of authority for dealing with these highly interrelated matters has always resided in the FAA.

Replication of the necessary expertise within the EPA, along with the creation of jurisdictional ambiguities, would not only be wasteful of our limited Federal resources, but would also serve to complicate and confound existing efforts to deal with and better understand community noise concerns. The fact of the matter is that the EPA does not have any expertise in aerodynamics, which is fundamental to addressing aircraft noise issues.

Mr. President, I think it is important to point out that noisy Stage 2 aircraft are currently being phased out. The FAA estimates that by the year 2000, the population exposed to significant aircraft noise will be approximately 600,000. That is a dramatic decrease from the more than 4.5 million just 8 years ago. It is clear that current noise mitigation efforts have significantly reduced the exposure of a great many people to aircraft noise. We should allow this substantive work to continue without any interference.

Reestablishing the Office of Noise Abatement and Control strikes me as a needless return to big government. The last thing I think we need to be doing now is funding, even with a budget surplus, another bureaucratic office, especially when the underlying concerns are already being addressed.

Mr. President, the FAA News, i.e., the press release that was issued on September 9, says:

Aircraft Noise Levels Continue to Decline, Secretary Slater Announces.

It goes on to say:

With the continued removal of noisier aircraft and the introduction of quieter airplanes to the U.S. fleet, approximately 80 percent of airplanes operating in the United States today are the quieter Stage 3 aircraft, Secretary of Transportation Rodney E. Slater reported today.

* * * * * *

This is the sixth consecutive year that the aircraft fleet has been ahead of the requirement to transition to a quieter aircraft. The Airport Noise and Capacity Act of 1990 requires that all airplanes meet quieter Stage 3 noise levels by the year 2000.

I might add that that legislation was a direct result of the efforts of the Senator from Kentucky.

Secretary Slater's report to Congress shows that operators surpassed the Dec. 31 interim compliance requirement. Operators either had to reduce noisier Stage 2 airplanes by 50 percent or have 65 percent of the quieter Stage 3 airplanes in their fleets. Just this past year, 225 noisier Stage 2 aircraft have been removed from service while 554 quieter Stage 3 aircraft have entered service in the United States.

Mr. President, I ask unanimous consent that this complete statement be printed in the RECORD.

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

[From FAA News, Sept. 9, 1998]

AIRCRAFT NOISE LEVELS CONTINUE TO DECLINE, SECRETARY SLATER ANNOUNCES

WASHINGTON.—With the continued removal of noisier aircraft and the introduction of quieter airplanes to the U.S. fleet, approximately 80 percent of airplanes operating in the United States today are the quieter Stage 3 aircraft, Secretary of Transportation Rodney E. Slater reported today.

''President Clinton is committed to protecting the environment, and I am pleased by this progress,'' said Secretary Slater.

This is the sixth consecutive year that the aircraft fleet has been ahead of the requirement to transition to quieter aircraft. The Airport Noise and Capacity Act of 1990 requires that all airplanes meet quieter Stage 3 noise levels by the year 2000.

Secretary Slater's report to Congress shows that operators surpassed the Dec. 31 interim compliance requirement. Operators either had to reduce noisier Stage 2 airplanes by 50 percent or have 65 percent of the quieter Stage 3 airplanes in their fleets. Just this past year, 225 noisier Stage 2 aircraft have been removed from service while 554 quieter Stage 3 aircraft have entered service in the United States.

FAA Administrator Jane F. Garvey said, ''I applaud the continued commitment of airplane operators and manufacturers. The operators continue to meet or exceed interim compliance dates and manufacturers continue to develop quieter aircraft and engines.''

Stage 2 airplanes include Boeing models 727–200, 737–200 and McDonnell Douglas model DC–9. Stage 3 airplanes include Boeing models 737–300, 757, 777 and McDonnell Douglas models MD–80 and 90.

Some operators are complying with the Stage 2 airplane phaseout by installing FAA certified Stage 3 noise level hushkits to their Stage 2 fleet. Many airline operators have already met the criteria for the next interim compliance date, which is Dec. 31, 1998.

Mr. MCCAIN. Mr. President, we are making progress, a lot of it due to the exhaustive efforts of the Aviation Subcommittee of the Commerce Committee under the leadership of Senator FORD. We are making progress. It is exceeding the goals that everyone agreed were reasonable at the time we passed the act in 1990. I strongly recommend that we do not set up or reestablish another bureaucracy to address a problem which, although is still in existence, clearly is being addressed in a manner which exceeds our expectations.

Again, I have great sympathy for the Senator from New Jersey and the people who live in these air corridors where there is exceedingly high noise levels. My message to them is: Help is not only on the way but it has been on the way for some years now. In fact, for the sixth consecutive year noise levels have been reduced. I know that is of small consolation to some, but over time we will have much quieter communities in New Jersey, as well as Arizona, Kentucky, and every other State in America.

As I said before, Mr. President, I intend to move to table the amendment, either at the expiration of all time or the yielding back of time before the vote. I tell my colleagues, I will let them know as soon as possible, because the two leaders would have to consult on the time of that vote.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if there are no others seeking recognition on this amendment—and the distinguished Senator from Arizona has noted the procedure following the vote—I ask unanimous consent that I be allowed to proceed as in morning business to speak about the issue of impeachment.

Mr. MCCAIN. For how long?

Reserving the right to object, Mr. President, for 1 minute, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I renew my earlier unanimous-consent request.

Mr. MCCAIN. Reserving the right to object, is that request for a maximum of 20 minutes?

Mr. LEAHY. Yes, an absolute maximum of 20 minutes.

Mr. MCCAIN. As long as that unanimous-consent request includes not longer than 20 minutes.

Mr. LEAHY. I amend it to so state.

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

The Senator from Vermont.

Mr. LEAHY. I thank the Senator from Arizona and the Senator from Kentucky for their usual courtesies.

CONGRESS' RESPONSIBILITY REGARDING THE REFERRAL FROM KENNETH STARR

Mr. LEAHY. Mr. President, I come to the floor today to speak about the responsibility of Congress considering the referral from Kenneth Starr.

I am deeply concerned about how this is unfolding. This process is fast losing credibility. It is enough off track that the national interest, which should be our paramount concern, is suffering. It is enough off track that our institutions of government—the Congress, the Presidency, and the Constitution itself—may suffer damage that will linger long after we are all gone from the scene. The way we handle this responsibility, the character of our own institution is also at stake.

America, look where we are. The President has misused his office. Kenneth Starr is leaving in his wake a body of debris that will bring down the entire independent counsel law. And now that this matter is on our doorstep, we in the Congress increasingly risk, through our actions, undermining the public's faith and trust in our own institution of our own national government.

In these early stages of this inquiry into the actions of the President of the