SENATE—*Wednesday, April 1, 1998*

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

PRAYER

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

Gracious God, today when women from across our Nation have gathered here at the Capitol to unite in prayer and support of the National Breast Cancer Survivors Day, we ask You for Your guidance and healing power. Guide the persistent efforts of those involved in research. You have guided the laps of the Race For a Cure thus far. We thank You for a cure in time for the women of our time. We salute the survivors of breast cancer. They call us on in the relentless quest for a cure.

As we begin this day's work in the Senate, we pray for those who suffer many kinds of physical disease and thank You for the opportunity to cooperate with You in Your healing ministry by supporting medical research. We commit this day to work for Your glory. You have given us the day; now show the way. In the name of the Great Physician.

Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico, is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, on behalf of the leader, I want to state the following:

Today the Senate will resume consideration of the budget resolution and the pending Coverdell amendment regarding middle-class tax cuts. Also, under a consent agreement, at 12 noon, the Senate will vote on or in relation to the Kyl amendment relating to seniors having a choice of health care providers.

A further vote will occur at 2 p.m. in relation to the Conrad amendment relating to tobacco. In addition, several additional votes will, hopefully, be ordered to occur in sequence at 2 p.m. following the Conrad vote.

Also, Members can anticipate rollcall votes an a number of pending amendments to the resolution and other amendments which are expected to be offered. Therefore, Members can anticipate votes throughout today's session.

Also, the Senate may consider any executive or legislative business cleared for Senate action. As a reminder to all Senators, the first rollcall vote will occur at 12 noon today.

I yield the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order the Senate will now resume consideration of S. Con. Res. 86, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Kyl amendment No. 2169, to express the sense of the Congress regarding freedom of health care choice for medicare seniors.

Conrad/Lautenberg/Bingaman/Reed amendment No. 2174, to ensure that the tobacco reserve fund in the resolution protects public health.

Conrad (for Moseley-Braun) amendment No. 2175, to express the sense of the Senate regarding elementary and secondary school modernization and construction.

Conrad (for Boxer) modified amendment No. 2176, to increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety.

Brownback amendment No. 2177, to express the sense of the Senate regarding economic growth, Social Security, and Government efficiency.

Burns amendment No. 2178, to express the sense of the Senate regarding the use of agricultural trade programs to promote the export of United States agricultural commodities and products.

Smith (Oregon) amendment No. 2179, to express the sense of the Senate on Social Security taxes.

Smith (Oregon) amendment No. 2180, to express the sense of the Senate with respect to the use of marijuana for medicinal purposes.

Smith (Oregon) amendment No. 2181, to express the sense of the Senate concerning increases in the prices of tobacco products.

Kennedy amendment No. 2183, to express the sense of the Senate concerning the enactment of a patient's bill of rights.

Kennedy amendment No. 2184, to increase Function 500 discretionary budget authority and outlays to support innovative education reform efforts in urban and rural school districts.

Kennedy amendment No. 2185, to express the sense of the Congress regarding additional budget authority for the Equal Employment Opportunity Commission.

Wellstone modified amendment No. 2186, to provide a reserve fund to pay for increased Pell Grants by reducing or eliminating corporate welfare tax expenditures.

Wellstone/Moynihan amendment No. 2187, to express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform.

Wellstone modified amendment No. 2188, to provide additional funds for medical care for veterans.

Thurmond amendment No. 2191, to clarify outlay levels for major functional categories.

Thurmond amendment No. 2192, to clarify outlay levels for national defense.

Lautenberg (for Hollings) amendment No. 2193, to provide a supermajority point of order against any change in the off-budget status of Social Security.

Lautenberg amendment No. 2194, to express the sense of the Senate to ensure that the tobacco reserve fund in the resolution may be used to protect the public health.

Lautenberg amendment No. 2195, to establish a deficit-neutral reserve fund for environmental and natural resources.

Lautenberg (for Kohl/Reid) amendment No. 2204, to express the sense of the Senate regarding the establishment of a national background check system for long-term care workers.

Lautenberg (for Durbin/Chafee) amendment No. 2205, to express the sense of Congress regarding the right to affordable, high-quality health care for seniors.

Reid/Bryan amendment No. 2206, to express the sense of the Senate that the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding and that public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

Domenici (for Roth) amendment No. 2209, to express the sense of the Senate that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans.

Lautenberg (for Johnson) amendment No. 2210, to express the sense of the Senate regarding repair and construction of Indian schools.

Allard amendment No. 2170, to require the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

Craig amendment No. 2211, to modify the pay-as-you-go requirement of the budget process to require that direct spending increases be offset only with direct spending decreases.

AMENDMENT NO. 2199

(Purpose: To provide middle class tax relief)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself, Mr. MCCAIN, Mr. CRAIG, Mr. NICKLES, Mr. HELMS, Mr. KEMPTHORNE, Mr. GRAMM, and Mr. KYL, proposes an amendment numbered 2199.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. COVERDELL. 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.")

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, at another time, I had the distinct honor to serve a former President as Director of the U.S. Peace Corps. In that capacity, and due to the time of the watch, I had the opportunity to see the faces of people who had never been free or who had not been free for so long they could not remember it. It was the time when the wall was coming down and barbed wire was being clipped, and we were among the first Americans over the wall and under the wire.

The faces of those people are forever riveted in my mind. The consciousness of what the lack of freedom does to people has become a study of mine ever since. People's behavior is greatly affected by the condition of their freedom.

Then, after the Peace Corps, I had the opportunity to come to the U.S. Senate and look at America through the unique window this institution provides. In comparing the two experiences, I came to believe that the genesis of all American glory is that we have been a free people, that everything we are to ourselves and to the world is rooted in the fact that we have been free.

Mr. President, we hear the words freedom and liberty evoked over and over. I doubt if there is an American alive who doesn't hear it at least four times a day—that we are free people, that we enjoy freedom, that we experience liberty. But I don't think we reflect very much on what that means, what are the dynamics of American liberty. My suspicion is that if you were to ask a student what it constituted, they might likely point to the fact that we have been able to protect ourselves from evil forces throughout our history and keep ourselves free. They would point to Nazi Germany or Saddam Hussein. Or they might say our freedom is constituted in the fact that we are a republic and we are free because we have the right to choose who will represent us in our Government. But that is just a process; that is a means to an end.

Mr. President, for me, there are at least three core components to American freedom without which we would not be free. I have to say that there has been serious erosion in the last several years—in the last 30 years or so—with regard to each of the three components I choose to believe are core to American liberty. I am asserting that we are not who we are because of our genes; we are who we are because we have been uniquely free, and that freedom has produced the grandest experiment in human behavior in the history of the world.

What are the three components? Well, first is economic liberty. We fought the War for Independence over the issue of economic liberty. I like to use my family as a case in point. My father was of the generation—a grand generation—that did their part in building America and defended it through two world wars. I don't think anything has ever been asked of a generation more than theirs. But he was born in 1912 and he kept, generationally, 80 percent of all his paychecks. So what happened? Well, the American dream, as we have heard a million times. He began his career as a coal truck driver. Then he sold shoes in a department store. Then he sold Hoover vacuum cleaners and became the youngest city manager for that company in Kansas City. And then with those resources he was saving, he opened his own business, and he began to build products and dreams. We have heard it a million times. His granddaughter, my niece, has just begun her business career. Under the current scheme of events, unchanged in her generation, she will keep 40 percent of her paycheck over her lifetime. You don't have to be a rocket scientist here. If her granddad kept 80 percent of his paycheck and she keeps 40 percent, she has exactly half the options and half the capacity to pursue her dreams and to build her career. And I can tell you.

Mr. President, that will make her think and function differently than her granddad in terms of decisions she makes about her housing, her family, their education, and whom to count on, and whom not to count on, and where to turn for resources. No; it is not in our genes; it is that we have been free. We have over the last several generations been consuming everything we had, and the resources of those yet to come—my niece—so they won't have as much to work with. Any time a contemporary generation is in the business of consuming the resources of generations yet to come, they are in the business of abrogating the freedom of the generations yet to come.

The second principle of American liberty is safety. Mr. President, that is a little harder to describe. But it is the safety of persons and property. I typically ask people, in their mind, to go someplace that they know is not safe. And what will you see? You will see boarded up buildings, broken windows, decay, and not very many people. Conversely, travel in your mind to a place perceived to be safe, and what will you see? You will see new buildings, you will see new ideas, you will see entrepreneurship, and you will see lots of people, and they will be engaging in commerce and social activities. A free society must be safe—both persons and property.

Not long ago, I was in Nicaragua at the time of the inauguration of Madam Chamorro, who, in a surprise upset election, threw out the Sandinistas. It was like looking at a still shot. Nothing had moved when that society lost its freedom. When a car ran out of gas, it sat right there. When an axle broke, it sat there. When a building cracked, it broke.

She and her Government were saying, "Invest in this new free society to help us rebuild." And everybody's response was virtually the same. When people perceive this to be safe for their investments, safe for their employees and persons that build and work, the investments will come. But until the Government can assure that in a reasonable degree, they won't. We see that replicated over the world time and time again.

With the Asian crisis, suddenly confidence disappeared and assets moved rapidly away. Why? Not safe. Or any social order that can't resolve differences in a civil manner—every constitution of every State and our Federal Constitution show that government accepts the responsibility for there being a safe society as a principal responsibility.

The third component of American freedom, or freedom, is an educated mind. An uneducated mind, Mr. President, will be denied the privileges of American citizenship. An uneducated people, Mr. President, will not be free. They cannot be free.

We have known through our history that we had to produce an educated population to keep America free. The first thing that happens is, the uneducated mind is pushed away from economic opportunity and the inability to provide for oneself. The worst extreme is that they are pushed to a point of the unsavory components of our social structure. Then they threaten the second principle of freedom, which is safety. We have all seen the erosion in each of these components.

Mr. President, I come here as an optimist. I believe this generation of Americans, like those who went before us, will commit themselves to maintaining American liberty and the standards of liberty and to restore those components that have been weakened or crippled. We have passed the first balanced budget in 30 years. We are already benefiting as a people from financial discipline.

When I first came to the Senate, an average worker in the State of Georgia was keeping 45 cents out of every dollar they earned. Think of it. If Thomas Jefferson were here, he would faint first, and when he awoke, he would scorn us unmercifully that we would have ever allowed this to happen, that an American worker couldn't even keep half of what they produced. At a

minimum, they should keep two-thirds of their paycheck—at a minimum. We passed the first tax relief in 16 years. It wasn't near what it should have been, but it was moving in the right direction. Now that Georgia worker is keeping 48 to 49 cents. It ought to be two-thirds.

I am going to come back to the point. But let me say that I don't believe, on the premise of safety and a safe society, that America will recognize the drug war within 24 months. Eight out of ten prisoners—it doesn't matter, the smallest town jail or the largest city—are there on direct or indirect drug charges. And I don't believe this country will tolerate it. It can't. We cannot accept the fact that 2 million-plus new teenagers are using drugs, or that one in nine in junior high is a regular drug user. That is once a month; or one out of four in our high schools. We are not going to accept this. I am convinced it will be turned around. As I said, you will not recognize it in just 24 months.

With regard to education, we are going to launch a major debate in the Senate on April 20. It will be but one of massive efforts all over this country to reverse the startling data that we receive every week, every month, where only 4 out of 10 students in inner-city schools can pass a basic exam. If we put all the schools together, we get it up to 6 out of 10. That is nothing to brag about. Or one-third of the students or more coming to our universities and colleges cannot read well.

This is how you get ready for the new century? No. You will not recognize education grades K through 12, kindergarten through high school, in the United States within a decade. It is going to change. America will not accept the status quo. I do not know how all the changes are going to come about, but they are going to happen.

We have demonstrated that we are beginning to take charge of our watch and keeping the financial integrity—economic freedom—intact so that Americans will continue to do what they have done throughout our history.

If all we do is protect the economic liberty, the safety of persons and property, and keep our population educated, America will take it from there. Those three components, if we just get them done on a day-to-day basis, we will not have to worry about the next century and America's role in it. It is not all that complicated: keep them free and flexible economically, keep them safe, and keep them educated.

Now I come to this amendment. I have just said that an American worker is keeping less than half of their paycheck. So this amendment is the middle-class tax relief act. What it does is, it says that over the next 5 years we are going to cut discretionary nondefense spending. We are going to be frugal, and we are going to cut it by 6.9 percent. If we achieve that, what we will have done is we will have said we will return to spending at about the level of 1996.

Not an onerous task. That will produce about $200 billion over this time in tax relief. It is designed specifically to reduce the middle-class tax squeeze. The way this works is we help 10 million American families who used to be in the lowest tax bracket—15 percent—but once they made 25,000-some few dollars more, they went over the $25,000 income level, wham, the 28 percent tax bracket. We virtually doubled their taxes as they moved from $25,000 to $30,000. What an incredulous policy.

Again, if you want to know what is culturally affecting America and the American family and the way it functions, it is that. In fact, if you look at the tax burden that those families have borne since 1950 to 1990 and have watched it just skyrocket from 2 cents to 25 cents on the dollar, Federal alone, and then match against it teenage suicide, SAT scores, it all fits. Every time we pushed that burden up and gave them less resources, they were less able to accomplish what the society needs. A lot of people think Hollywood is what has had a profound effect on our culture. Uncle Sam.

I look at it this way. If something marches through your checking account and takes more than half of what you put in it, it has more to do with you than you do. So we take 10 million of those families and we lift the bar and get them back into the 15 percent tax bracket, which means for the first time in many years they will be keeping over half their paycheck. What a marvelous accomplishment. And they will have new resources to do the things we are all complaining about are not happening in America.

Everybody will benefit, but the middle class will be the principal beneficiaries. Everybody is taxed on that first segment of income, so all taxpayers benefit, but the principal beneficiaries are the ones who we push down into the 15 percent tax bracket.

In so doing, we will be reinforcing one of the core components of American liberty—economic. Allow workers to work and save and keep resources to do the job that we need to have done in America—take care of their families, make decisions about education, dream new ideas, build new businesses. This is how it comes about. You have to protect the American worker's economic options. This goes a long way towards accomplishing that.

I am going to share just some of the key components of this. As I said, this middle-class tax relief act returns the middle class to the lowest tax bracket providing broad tax relief. I should note that the cosponsors are Senator MCCAIN of Arizona—Senator MCCAIN will come to the floor here shortly and give his views on this—Senator NICKLES of Oklahoma, Senator HELMS of North Carolina, and Senator GRAMM of Texas, one of our most renowned economists in the Senate.

The proposal raises the income cap under which the 15 percent individual income tax rate applies. Approximately 10.3 million tax filers will be returned from the 28 percent tax bracket to the 15 percent tax bracket. Married couples' taxable income thresholds would rise to $70,000. Approximately 7.6 million married tax filers would be returned from the 28 percent tax bracket to the 15 percent bracket. Single heads of households' income thresholds would rise to $52,000 for single parents. Approximately 375,000 single heads of households tax filers would be returned from the 28 percent bracket to the 15 percent. Singles' taxable income thresholds would rise to $35,000, and approximately 2.3 million single tax filers would be returned from the 28 percent bracket to the 15 percent bracket.

Mr. President, 29 million taxpayers would see lower taxes because more income is taxed at 15 percent as a result of this broad-based middle-class tax relief. It is the only major tax relief proposal focused directly on addressing the middle-class squeeze. It is simple, it is basic, and it is achievable in this Congress.

Mr. President, $39 billion is expected as the annual tax relief from 1999 to 2003, according to preliminary estimates by the Tax Foundation. Nearly $1,200 in average annual tax relief per filer could be expected in the first year alone. It would also provide significant marriage penalty relief without adding complexity to the Tax Code.

There is not a soul in America who doesn't believe we can't find 6.9 percent in savings. In fact, if you ask the American people, the figure would be a lot higher when they talk about what they consider to be waste or not-accounted-for money, et cetera. It is interesting, on the eve of making this presentation, the Wall Street Journal headline yesterday: "United States Fails To Meet Standard Accounting Methods."

> Overall, the General Accounting Office—which acted as the equivalent of an outside auditor in preparing the financial statement—[on the American Government] found widespread problems with recordkeeping and documentation that apparently prevented the Government from properly accounting for billions of dollars in property.

This report is alarming, but it underscores what most of us have known for many, many years, that there is significant waste, significant loss of property and value in this huge, monolithic Federal Government that we have built. It needs to be downsized. We need to return to the idea of empowering the American citizen. We have gone way too far, and we are paying an enormous price for it in flexibility, in responsibility, in the care of our children, in the condition of our schools, in the denial of opportunity. There is no telling,

over these last 30 years, because of the students who have come through these schools with inadequate educations, how many ideas, how many Jonas Salks, how many other U.S. Senators, how many new ideas and dreams never happened because we didn't give them the tools that we have traditionally given them in this country.

We ought to be about that business. We need to restore and protect the economic liberty of the American worker and family. We need to keep them safe, and we need to keep them educated to make it all work. That is what makes American liberty work.

Mr. President, I yield the floor. I reserve the remainder of my time so the cosponsors might also have an opportunity to come to the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Coverdell amendment be temporarily set aside so I may speak on amendment No. 2181.

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

AMENDMENT NO. 2181

Mr. SMITH of Oregon. I also ask unanimous consent that Senator GRASSLEY be added as a cosponsor to my amendment, No. 2180.

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

Mr. SMITH of Oregon. Mr. President, today I rise to speak on my sense-of-the-Senate amendment regarding the use of tobacco revenues to restore solvency to the Medicare Program. During the markup of this resolution, my colleague, Senator LAUTENBERG, offered a very similar amendment that stated it was the sense of the Senate that any tobacco legislation should increase the cost of a pack of cigarettes by $1.50. I voted in favor of this amendment. However, like Chairman DOMENICI, I believe we should use these revenues, not for new programs, but to save Medicare. I stated in the Budget Committee meeting that we were voting on amendment after amendment of very popular, and I am sure well-polled, ideas. When it comes to educating children or taking care of children, providing for schools and all of the other ideas that in the abstract we find very, very appealing, I found the arguments compelling—except for one thing. We have made some serious promises to the American people with respect to Social Security, Medicare, Medicaid—entitlements upon which people, frankly, have come to depend. These programs are in extremis. So, while it would be easy to vote for all of these well-polled ideas, I think it is important that we stand up for the promises of the past.

As we all know, there is a way to protect Medicare and also to address the issue of smoking. The use of tobacco products by children and teenagers has become a public health epidemic. According to the Centers for Disease Control, more than 16 million of our Nation's children will soon become regular smokers. This is a national tragedy. I hear some of my colleagues, even on my side of the aisle, say we should not do this through price. I have to say, in my opinion, all the regulation, all the education materials we can print and provide the schools are fine and good, but next to peer pressure the teens feel to smoke, these things amount to very little —except when you go after price. It is an economic deterrent that may well save them from this vicious habit, a habit which ultimately could take their lives.

Of the 16 million children I have talked about who become regular smokers, approximately one-third of them will die from tobacco-related illness. As this population ages and becomes eligible for Medicare, the health-related costs will escalate. In fact, a report by Columbia University says that tobacco use costs Medicare approximately $10 billion per year and the total economic cost of tobacco-related health costs is more than $100 billion per year. Regardless of the outcome of the tobacco settlement in Congress—and I am one who intends to vote for a settlement. Whatever we can get through this Congress that will help to change these disturbing, shameful trends, I intend to vote for because I believe it is our responsibility to ensure that we provide all the deterrence we can towards this habit and at the same time ensure that the Medicare Program that will bear much of the burden of this habit remains solvent by any and every means, as long as the means are contributing to the end that tobacco use by this generation and generations to come will be on the decline.

Whether we end up with a tax on cigarettes of $1.10 or $1.50 a pack, these revenues should be used to restore what has already been lost; in this case, Medicare dollars due to tobacco-related health care costs.

I thank my colleagues. I hope they will vote for my amendment. I hope we will have a tobacco settlement. And I hope we will keep yesterday's promises first and restore a degree of solvency to Medicare.

Mr. President, I yield the floor.

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

Mr. DOMENICI. Mr. President, I did not understand the entire unanimous consent request. Is it fair to assume that the Smith proposal is now on the list of amendments to be placed for vote as we proceed through this, in accordance with our rules of fairness?

The PRESIDING OFFICER. The Chair will advise the Senator the amendment was previously offered and is one of the amendments that will be disposed of.

Mr. DOMENICI. I thank the Chair.

Parliamentary inquiry. How much time remains for the pending amendment?

The PRESIDING OFFICER. The Senator from Georgia has approximately 30 minutes remaining. The opposition has 60 minutes.

Mr. DOMENICI. I wonder, although we will put in a quorum call with both sides charged equally, I wonder if we could ask the opposition if they have some people to speak against Senator COVERDELL?

Mr. President, I suggest the absence of a quorum, and ask that the time be charged equally.

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

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2199

Mr. LAUTENBERG. Mr. President, we have heard about the amendment that the Senator from Georgia proposes with Senator MCCAIN, and I want to describe why I am opposing this amendment. While it sounds good on the surface, I think there are a few things we have to talk about and highlight what kind of problems might ensue.

This amendment would cut domestic programs like education, child care, law enforcement, veterans' programs, and environmental protection. It would violate current budget rules. Frankly, I view it as fiscally irresponsible.

This amendment calls for $101 billion in cuts from discretionary programs for use in providing various tax breaks. I note that it is not allowed under the Budget Act. And there is good reason that the Budget Act protects against that. The Budget Act is designed to ensure that if we incur permanent obligations, like permanent tax cuts or new mandatory spending, that we pay for these obligations with permanent savings. That is what the pay-as-you-go system is all about, and it has worked well for many years. People understand very clearly that if you spend it, you have to find a way to get the money.

This amendment flies in the face of these rules, and it threatens to undermine long-term fiscal discipline. The amendment says that we should make cuts in temporary spending—that is, annually appropriated discretionary programs—and use temporary cuts to fund permanent tax breaks. That is a mix and match that does not work.

Mr. President, it does not take a CPA to figure out that this can create serious problems in the long term. I am not opposed to tax cuts for ordinary working Americans, but I do think we should pay for them with permanent

savings. I do not think we ought to introduce gimmickry that says we are going to have permanent cuts and temporary savings.

In addition, I am concerned about what it would mean to cut $101 billion from programs which support education, fight crime, support our veterans, and protect our environment. Many of these programs are critical to the well-being of our country and to millions of ordinary Americans.

The question is raised, Is there waste in Government? Yes, of course, but this amendment does not target waste, it adopts the meat-ax approach to Government, and that is not what the American people want. In the most successful corporations, in the largest corporations, there is waste, but how you get rid of it is to focus on what caused it in the first place and work deliberately toward ending it.

You do not simply say, "OK, we're going to cut our expenses across the board." That goes through good departments; that goes through bad departments; that goes through good management, as well as bad management. That is not the way problems are solved.

I think most Senators from both parties will agree that the era of big Government is over. Government has been shrinking, and it will continue to shrink. As a matter of fact, the executive branch employment is the lowest as a proportion of total civilian employment since the 1930s.

Federal outlays as a percent of GDP stand at their lowest level since the Nixon administration. Nondefense discretionary spending is at its lowest percentage of GDP since the early 1960s.

I think it is important to note where America stands. Total Government spending as a share of GDP is the lowest for the United States than for all G–7 countries, the most advanced countries in the world—France, Italy, Germany, Canada, the U.K., and Japan. That tells us that not only is Government spending proportionately less but that Government is in fact smaller when it comes to employment and programs realistically.

Under the budget agreement reached last year, nondefense discretionary spending in 2002 will reach its lowest level in almost 40 years as a share of GDP. But the McCain-Coverdell amendment would violate the budget agreement. It would lower the discretionary spending caps even further, making draconian cuts in the investments that Americans care about most.

Under this amendment, funding for the National Institutes of Health would be cut by 7.9 percent; education would take a 7.6 percent cut; child care would be hit to the tune of 7.8 percent; the environment, 8.3 percent; transportation, a 7.1 percent cut; and veterans programs, a 7.6 percent cut. And it goes on—crime fighting programs would be reduced 7.6 percent. All to support $101 billion worth of tax breaks.

The kind of cuts that would be required under this amendment could have a devastating effect on our children. It would dramatically reduce funding for education, child care. It would weaken enforcement of environmental laws and undercut our efforts to reduce crime and support our veterans.

I listened to the debate carefully, and I heard descriptions of an America that I really do not recognize—an America where your freedoms are limited, where your opportunities are reduced, an America where it is harder to get by.

I have to ask one question: Why is it that people will die to take the chance and the risk of death to get to our shores, to sneak in our borders, to float on tubes in the Caribbean, hide in the holds of airplanes, take a chance on drowning in the hold of a boat to get here, to get to this place described as a confiscatory structure that does not permit people opportunity?

Mr. President, that bell does not ring true. It may be good politics, it may sound good on the radio when people hear it, but it is not the truth about our society. This is the greatest country on the face of this Earth, and it has been since its creation. And we have been smart. We have been working hard, but we have also been darn lucky, let me tell you. We have an abundance of whatever it is. We have an abundance of oil; we have an abundance of minerals; we have an abundance of space; we have an abundance of agricultural land. Boy, are we lucky—America the beautiful. That was not a coincidence; that is the truth. And people all around this world know it.

That is why our stock market is constantly headed upward. Why? Because people say, if you have money, whether you are in countries A, B, C, D, all the way around the globe, "Boy, I want to put my money in America, because I know it is safe here." We have seen country after country, the richest oil countries, they are packing their money and getting out of their own resource structure, because they know they may have oil in the ground but they do not have freedom on the streets; they do not have a secure societal structure.

And we hear whispers about what Thomas Jefferson might have done. Look at this country. Look at our citizens. Life expectancy has never been better. I remember when I was a child, the man next door to us died. He was 53 years old. And I thought to myself, I said to my friend, "Oh, he was old."

Old? I see lots of guys over 50. I see guys in my decade running in marathons, jogging, healthy, supporting their families, enjoying life. Why are there conversations about, maybe Social Security ought to be raised? I am not endorsing it; I am simply mentioning it. Why? Because we know that people who are 65 are today almost prime-of-lifers.

And, boy, I come from New Jersey, and I want to tell you, when I look at New Jersey's economic structure, we are called "the medicine chest of the country," because we have these pharmaceuticals. I used to read the sports pages actively. Now I read about the new inventions or the new patents actively—what is going to save your hair, what is going to save your heart, what is going to save your lungs. That is the kind of society we are.

What is this gloom, this despair, that hangs over us? "Well, they're taking away our rights. They're confiscating our property." Life has never been better on the whole for the people in the world than in this country, America, these days.

People get in an airplane today that is jammed. It is jammed with ordinary working people. No more of the formality. You do not have to wear a suit and a tie to get in an airplane, as was the custom years ago because it was restricted to an elite few. It is available for everybody. Air traffic today is almost mass transit, because we have made it available.

People go on vacations to places that nobody even heard of when I was a child. It is available. Children are healthy. Look at them. Look at the young people who surround the President's table there, bright, 15 years old. They know what is going on in the world. They have learned. They love the opportunity to be here and to associate with these great Senators, I think.

This is a country where we devote our energy to young people. We want our kids to have appropriate nutrition. We want them to have proper education. Do we succeed in every program? Heck, no. We do not. But we try. We try. And it is a subject of debate here. Right or wrong, it does not matter. It is a free society, as free as any place in the world. I know lots of places where if you talk about things we talk about here—criticism of the President, criticism of this institution, criticism of that institution—you go off with your hands in handcuffs.

This is a great society. It does not need any apologies from anybody about whether or not taxes—yes, maybe taxes are a little onerous at times, but the question is, compared to what? We can talk about what tax rates used to be, the amount of income kept in years and decades gone by, "dreamsville," but today you may pay a little bit more, but you have a lot more left because you are earning more. That is what this society is about.

Entrepreneurships, opportunities, Mr. President. I have been really lucky in my lifetime. Best of all, my luck is

four children and five grandchildren, with number six on the way. That is the best luck I have ever had. But in addition to that, I was able, with a couple of other guys who, like me, came from working-class parents—my father worked in the silk mills of Paterson. Paterson is an industrial city that has fallen by the wayside, one of America's poorest cities trying to fight back. A lot of dilapidation; a lot of problems; but a lot of spirit.

Three of us started a business that started an industry that created more jobs than the computer hardware business. More people are employed in the software service side of the computer industry by far than those in the hardware business, than the IBMs or the RCAs or the Honeywells or the companies that used to be in the computer business. Today, there are more people employed in the service companies like ADP—the company I helped found—by far than companies that made hardware.

I am considered a pioneer. I am in something called the Hall of Fame for Information Processing, a little place in Texas, that has some plaques in there because we were innovators. The company I started—without a dime literally; the three of us came from poverty, not middle-class; poverty—our company today employs 30,000 people across the world and has one of the best records of growth in its stock of any company in America. If you invested $300 in ADP in 1961, it is worth $1.4 million today.

What does it mean? It means that entrepreneurship is alive and well in this country of ours. Look at Intel, look at Microsoft, look at America Online. Look at these companies. You will see success after success after success. There is no shortage of opportunity in America, none at all. The shortage may be in the mentality that fails to see the goodness that we have in this country of ours.

Talk of the gloom and the confiscation of property and taxes and how debilitating it is to pay your way—my gosh, if people want to join a club, they look at the dues and they say, "Well, is it worth it or not? What's it worth to belong to the country club called America?" It is worth everything. People are willing again to fight and to die for the opportunity to be here. Look at how many illegals we have in this country now. Under all kinds of threats—you get shot at the border, you get stopped, you get jailed—they still pour over because they want to be in America. That is where the opportunity is. That is where the freedom is at its fullest.

When I hear talk about how we are losing opportunity, we are losing the chance to succeed, it is summarized in one word that means a lot in America. It is called "baloney"—and I'm not talking about meat. There is plenty of opportunity here. And we have problems. One of the problems is our violence rate—10,000 people, roughly, murdered by handguns, people afraid to walk down the street. One of the people on my staff, 2 days ago, was walking home, living just about on Capitol Hill, a gun was put in her face, took her handbag. Thank the Lord that is all that happened.

Those are the problems that we have. Those are problems we ought to work on. I don't understand why we want to take money away from safety and fighting crime and put it into tax breaks for people who don't need it, especially those at the top. Look at the top incomes in this country. It boggles the mind. I never knew that people could amass the kind of fortunes that we have seen.

We have our weaknesses, but, boy, have we got our strengths.

I urge my colleagues to reject this amendment. Don't play with the system this way—shoot-from-the-hip tax breaks that are permanent, cuts in other programs where the revenue flow is just temporary. This adopts a meat-ax approach to domestic needs while making sure that these tax breaks are there. It violates the Budget Act. We note that. I hope our colleagues will reject this amendment and in that rejection say no, we are not going to play those kinds of games.

I yield the floor.

Mr. MCCAIN. Mr. President, I am proud to join my colleague from Georgia in offering this amendment to incorporate the provisions of the Middle Class Tax Relief Act of 1998 into the assumptions underlying the Fiscal Year 1999 Budget Resolution.

On January 22, 1998, Senators COVERDELL, GRAMM, and I introduced S. 1569, a bill which would deliver sweeping tax relief to lower- and middle-income taxpayers. The bill would increase the number of individuals who pay the lowest tax rates of 15% and significantly lessen the impact of one of the Tax Code's most inequitable provisions—the marriage penalty.

In 1998, the Middle Class Tax Relief Act would place approximately 10 million taxpayers now in the 28% tax-bracket into the 15% tax-bracket. An estimated 28 million Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

The amendment we are offering today provides the budgetary flexibility to deliver this broad-based tax relief to Americans. It pays for this tax relief by trimming more of the fat from our bloated federal government and closing inequitable and unnecessary tax loopholes for big businesses.

The middle-class tax cut plan in S. 1569 would reduce revenues by approximately $195.5 billion from 1999 through 2003. This amendment establishes a reserve fund, comprised of spending cuts and increased revenues from closing tax loopholes, to fully offset this loss of revenue.

We eliminate $94 billion in special-interest tax loopholes over five years. These inequitable provisions—like the ethanol fuel tax credit, taxation of coal sales as capital gains, special tax treatment of shipping companies' capital construction funds, and dozens of other provisions—benefit corporations and businesses at the expense of middle-class Americans.

The amendment cuts $101.5 billion from non-defense discretionary spending, an average reduction of 6.9 percent over five years. At the same time, we recognize that tax relief cannot come at the expense of those programs that ensure the well-being and health of our nation's elderly and most needy. Our amendment makes no cuts in Social Security or Medicare. It also specifically protects programs that support education and child nutrition, support medical priorities, help low-income families make ends meet, curb illegal drug use among children, and reduce illegal immigration. None of the spending cuts would come from these programs.

The cost of providing middle-class tax relief—$195.5 billion—amounts to only 2 percent of the more than $9 trillion that the federal government will spend over the next five years.

Our amendment supports the enactment of S. 1569 without throwing the budget into imbalance or even affecting the growing federal budget surplus. The surpluses expected in future years are the key to beginning to pay down our massive $5.4 trillion federal debt and shoring up the ailing Social Security system. Middle-class tax relief would, in fact, contribute to a stronger economy and thus to even greater budget surpluses.

Mr. President, this amendment offers Senators an opportunity to reaffirm their continued support for fundamental tax reform for middle-class Americans. Last year, we passed, with bipartisan support, the Taxpayer Relief Act which was a broad-reaching bill to address certain very specific problems, like capital gains taxation, taxes on home sales, and the like. The Middle Class Tax Relief Act continues the momentum for tax relief to remove the overly burdensome tax load that most Americans bear.

The Middle Class Tax Relief Act focuses directly on addressing the middle-class tax squeeze. It is essential that we provide American families with relief from the excessive rate of taxation that saps job growth and robs them of the opportunity to provide for their needs and save for the future.

First, the bill targets tax relief to the individuals who feel the tax squeeze the most: lower and middle-income taxpayers. For example, under this bill, unmarried individuals could

make $35,000 and married individuals could make $70,000, and still be in the lowest tax bracket.

Second, the bill is simple and provides broad-based tax relief. It bases taxation on income alone, rather than the number of school-age children.

Third, the measure results in taxpayers being able to keep more of the money they earn. This extra income will allow individuals to save and invest more. Increased savings and investment are key to sustaining our current economic growth.

Last, the bill minimizes the effect of the marriage penalty. Our current tax code taxes a married couple's income more heavily than it would tax a single individual earning the same amount of income as the married couple. The bill reduces this inequity by taxing a married couple's joint income and a single individual earning the same income as the married couple at essentially the same effective rates.

In sum, the measure is a win for individuals, for families, and for America. Millions of Americans would realize some tax relief from this legislation. Thus, more Americans will be able to keep more of what they earn. This, in turn, will insure that Americans have more of the resources they need to invest in their own individual futures, and America's future.

Mr. President, on a broader scale, I believe we should abandon our existing tax code altogether and create a new system. This new system should have one tax rate, which taxes income only one time. This new system should also reduce the time to prepare tax returns from days to minutes, and the expense to prepare tax returns from thousands of dollars to pennies. But I recognize that scrapping the Tax Code now is not a realistic expectation, so we must settle for a more gradual approach to relieving the tax burden on Americans.

Last year's Taxpayer Relief Act was a step in the right direction to provide tax relief to lower and middle-income families. The Middle Class Tax Relief Act of 1998 represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and their families.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this amendment and demonstrate their continued commitment to tax reform and relief.

Mr. SPECTER. Mr. President, I have sought recognition to explain my vote against the Coverdell Amendment, which has a laudable objective of reducing the federal tax burden on millions of American families, but goes about funding such tax relief in a manner which I cannot support.

Specifically, the Coverdell Amendment provides for $101.5 billion/five years in tax relief through making more Americans eligible for the 15 percent tax bracket. The revenues lost through this amendment would be made up by cuts in all non-defense discretionary spending programs and over the same five-year period.

As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I know how hard it is to reduce federal spending. I have used a scalpel, not a meat axe, to cut 134 federal programs over the last five years, with savings totaling $1.5 billion. The cuts proposed in the Coverdell Amendment for FY99 include $1.5 billion from health programs such as the National Institutes of Health and $2.5 billion from education, job training, employment, and social services. Other cuts in the Coverdell Amendment trouble me, such as $737 million in transportation and over $1 billion in cuts for veterans' programs in FY99.

With respect to the tax relief offered by the Coverdell Amendment, I do not believe it actually goes far enough toward flattening the current tax brackets. My own approach toward reducing the tax burden on Americans is my Flat Tax Act (S. 593). I am troubled that Americans spend 5.4 billion hours and $600 billion each year complying with the complexities of the 12,000 pages of the Internal Revenue Code rules and regulations. I believe that the best answer for alleviating the tremendous tax burden on America's working families and businesses is a flat tax, and have proposed replacing the current tax code with a 20 percent flat tax on individuals and businesses that could be filed on a simple 10-line postcard.

S. 593 increases the personal and dependent allowances for families and preserves two key deductions that make the tax burden a little more bearable for working families: deductions of home mortgage interest capped at $100,000 in borrowing, and for up to $2500 in charitable contributions. For example, a typical couple with two children earning $30,000 would save about $1,100. It also eliminates taxes on estates, dividends and capital gains. With respect to businesses, S. 593 would eliminate the intricate scheme of complicated depreciation schedules, deductions, credits and other complexities that go into business taxation. Businesses would be allowed to expense 100 percent of the cost of capital formation, including purchases of capital equipment, structures, and land, and do so in the year in which the investments are made.

With a flat tax, Americans' savings rates will rise, and the pool of capital available for investment in business expansion and job creation will expand dramatically. Reasonable estimates are that a flat tax can lower interest rates by two points, pump an additional $1 trillion into the economy over seven years, and raise the per capita income of every American by $1,900.

Mr. ABRAHAM. Mr. President, I am going to support the Coverdell amendment because I believe that the tax burden on American families is too high and that people—especially hard working low- and middle-income Americans—should be allowed to keep more of what they earn.

The federal tax burden is currently the highest in our nation's history. The National Taxpayer's Union reports that the average American family now pays almost 40 percent of their income in state, local, and federal taxes. The Coverdell amendment addresses this problem by targeting $101 billion in tax cuts at families in Michigan and elsewhere, most of them earning between $25,000 and $70,000. At its very core, Mr. President, the Coverdell amendment is a statement that taxes on middle-class American families are just too high.

Right now, Mr. President, a family in Michigan that earns as little as $42,000 pays an income tax rate of 28 percent—42 percent if you include payroll taxes. The Coverdell amendment cuts that income tax rate to 15 percent.

Right now, millions of middle-class couples are penalized by the tax code for being married. The Coverdell amendment helps reduce this "marriage penalty" and end the tax code's bias against families.

The Coverdell amendment takes a significant step in reducing tax rates for middle-class families and eliminating unfair biases against married couples.

That said, Mr. President, I want to make clear that the offsets included in the Coverdell amendment are not those that I would choose. Overall, the Coverdell amendment calls for a reduction in annual federal spending of about $40 billion out of a total budget of $1.7 trillion, or just over 2 percent. And while these spending reductions will eventually be the responsibility of the Appropriations Committee, I believe they can be accomplished without cutting education accounts or reducing highway spending.

The federal government is projected to spend hundreds of billions of dollars over the next five years on administration, overhead, and personnel expenditures. Targeting these areas for cuts, including eliminating unnecessary government agencies like Commerce, Energy and HUD, and reducing excessive overhead accounts, should be the first priority to offset these tax cuts and are adequate to offset the projected revenue impact.

Mr. President, I support a smaller, more efficient federal government that allows people to keep more of what they earn. For that reason, I support the Coverdell amendment. If the amendment is adopted, however, I intend to offer a series of amendments that would redirect the spending reductions called for by the Coverdell

amendment towards the areas outlined above while protecting important budget functions like health, education, transportation and law enforcement.

Mr. McCAIN. Mr. President, last year's Taxpayer Relief Act was a step in the right direction to provide tax relief to lower and middle-income families.

This amendment to incorporate the provisions of the Middle Class Tax Relief Act of 1998 into the assumptions underlying the Fiscal Year 1999 Budget Resolution, represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and their families.

This amendment provides broad based middle class tax relief by increasing the number of individuals who pay the lowest tax rate of 15% and significantly lessening the impact of one of the Tax Code's most inequitable provisions—the marriage penalty.

An estimated 28 million Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

The amendment pays for this tax relief by trimming more of the fat from our bloated federal government and closing inequitable and unnecessary tax loopholes for big businesses.

The amendment cuts $101.5 billion from non-defense discretionary spending, an average reduction of 6.9 percent over five years.

This amendment does not cut any spending from Medicare and Social Security.

It also specifically protects programs that support education and child nutrition, support medical priorities, help low-income families make ends meet, curb illegal drug use among children, and reduce illegal immigration.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this amendment and demonstrate their continued commitment to tax reform and relief.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent the pending amendment be set aside so I may make some brief remarks and introduce an amendment on behalf of myself and my distinguished colleague from Maryland.

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

Mr. BOND. Mr. President, I thank the Chair. Let me just offer my thanks and congratulations to the distinguished chairman of the Budget Committee for presenting a budget resolution which balances a large number of competing interests without a lot of resources to do it. The discretionary caps are getting tighter, no question about it. The path of least resistance would have been to loosen them.

I am pleased to say the Budget Committee, under Senator DOMENICI's leadership, avoided that path. Now the real test of leadership is before the full Senate to see whether we can keep those caps and move the budget—at long last—into balance.

Even with the limits we face, the Budget Committee managed to assemble a good package that meets a number of critical priorities. That is what budgeting is about—setting priorities. These priorities call for funding the public needs of the current generation, but they also call for self-discipline to avoid increasing the debt burdens on our children and grandchildren.

The budget resolution before the Senate sets those priorities—keeping our obligations to both the present and the future. The best deals are those in which everybody wins without neglecting any critical priorities. I think this budget resolution is one of those kinds of deals.

When you look at who wins, first, future generations win. We will keep our commitment to our children and grandchildren, get control over the Federal budget and stop piling on heavier and heavier debt burdens. We do this by putting the budget into balance and resisting the temptation to spend a surplus that we haven't even seen yet. If we keep to our current path, we may even get to lighten that debt burden a little bit.

We have lived fairly comfortably at the expense of our children. We have borrowed from them about $5.5 trillion and spent it for our own needs and comforts. The living standard we now enjoy will be paid, to a great extent, by our children. I think that is worth saying again. Our children have bought or will buy $5.5 trillion worth of our current prosperity. They will pay for it in higher taxes, higher interest payments, and less funds to pay for the public needs and priorities they face. We certainly should not increase the debt any more.

Now, it appears likely that we will run a small surplus for the next decade or so. Now we have a few crumbs to give back to our children in appreciation for what they have already lent us. Incredibly, some folks around here want us to spend that as well. We owe it to our children, Mr. President—we literally owe it to them—to pay down this massive debt.

We certainly should not increase the debt even more. That's why it's so important to keep to the discretionary spending caps and to keep the budget moving into balance. The budget resolution achieves this goal. It keeps within the discretionary spending caps that the Congress and the President agreed to just last year.

Unfortunately, the President's budget would have broken those caps by $12 billion in 1999, according to the Congressional Budget Office. I find this remarkable. Why is it so hard to keep to an agreement we made just last year?

Breaking the discretionary caps, putting the balanced budget in jeopardy—these would have neglected the priority we have placed on the prosperity of future generations. The budget resolution avoids that temptation, keeps to the caps, and keeps our commitment to stop borrowing from our children and grandchildren.

So, future generations win under the budget resolution. Who else wins? Well, current generations win, too—at every stage of life.

For example, children already born—not just the children of the future—win under the budget resolution. Under the committee version, funding for the child care and development block grant will increase by $5 billion in budget authority—doubling its budget authority over the next 5 years.

I am pleased also that the Budget Committee, on both sides of the political aisle, agreed with my proposal to designate savings from assuming the President's reduction in the School-to-Work Program for local early childhood development initiatives. This would provide another $1.5 billion for our Nation's children.

Clearly, children are winners under the budget resolution. Adults are winners, too. Hardworking American taxpayers come out ahead under the committee plan.

The budget resolution envisions $30 billion in tax relief. Some may criticize that amount for being too little. Of course, we would always like to find more ways to lighten the tax load on America's taxpayers. Let me note a couple of things about the committee's actions on tax relief.

First, we need to keep in mind that any specific tax cut measure will be the responsibility of the Finance Committee. Nothing in the budget resolution dictates to that committee what it must do. In fact, if the committee finds additional offsets, it may cut taxes even more than the budget resolution proposes. The budget resolution includes a "tax cut reserve fund" to make deficit-neutral tax relief—of whatever size, as determined by the committee of jurisdiction—possible.

Second, the Budget Committee's $30 billion in expected tax relief would allow long-needed relief in some crucial areas. These could include $10.5 billion in relief from the marriage penalty and $9 billion in child care expenses.

I am particularly grateful that Chairman DOMENICI included in this chairman's mark an acceleration in the deductibility of health insurance for self-employed persons. This idea, which the full Budget Committee subsequently endorsed, is critical to achieving parity between self-employed persons and their large competitors.

I have long advocated full deductibility as the only fair policy. Although

current law now calls for that to be achieved in 2007, full deductibility needs to be achieved sooner. Current practice still places a relative disadvantage on self-employed persons, since employers do have full deductibility. People who pursue the American dream through independent self-employment should not be penalized or discouraged from getting health insurance by treating them differently.

I am going to support the budget resolution because it is a step forward on this issue and on so many other issues. I urge my colleagues who have their own concerns about the tax package to look at it in the same light. Is it an improvement over current law? Yes. How can we oppose it just because it doesn't include everything we might like? I remind my colleagues of the political adage of not making the perfect into the enemy of the good.

Finally, the budget resolution helps all American taxpayers by endorsing reform of the Internal Revenue Service. My distinguished colleagues from Iowa and Oklahoma Messrs. GRASSLEY and NICKLES, joined with me in the Budget Committee to propose that a tax relief package include improvement of taxpayer rights—especially in IRS property seizure cases—and reform of IRS penalty rules. This proposal was also endorsed by the full Budget Committee and it appears in the budget resolution. I thank the committee for its attention to, and concern for, the rights of our Nation's taxpayers.

The budget resolution is a winning package for American taxpayers, as well as our children. Another group that wins under the budget resolution is our nation's seniors. The budget resolution provides needed support for both Social Security and Medicare.

The Budget Committee's package adopts the President's call to set aside the expected budget surplus until we reform Social Security into a sound and reliable program for the long-term. Social Security, as the President knows, is a key source of support for our seniors as part of their total retirement strategy. That's why the President was right to demand that we "Save Social Security First."

The Budget Committee adopted the President's view. Remarkably, the President himself did not. As the Congressional Budget Office noted, the President's own budget submission would have reduced the expected surplus by $43 billion.

Forty-three billion dollars. That's money spent to "Save Big Government First."

I commend my colleagues on the Budget Committee for including language in the budget resolution to remind the President of his promise to "Save Social Security First" and stating the sense of the Senate that these surpluses should be set aside until we reform Social Security for future generations. The surpluses should not be frittered away on higher spending in violation of last year's budget agreement.

The Budget Committee also resisted the temptation to spend any Federal revenues that might arise from a tobacco settlement, despite numerous amendments from the committee minority to do so. Instead, the committee's plan earmarks those revenues for bolstering the Medicare Program. Given the health care costs that tobacco has placed on Medicare, I can think of no better way to use tobacco revenues. Those costs are part of the reason why Medicare is a troubled program.

The seniors who rely on Medicare are counting on us to take the necessary steps to shore up that program. We took some preliminary steps in the Balanced Budget Act of 1997. By slowing the annual rate of Medicare growth from 8.8 to 5.5 percent, the Balanced Budget Act extended the life of the Medicare part A trust fund through 2006, an improvement over the program's previous expected bankruptcy date in 2001.

However, we all know the effect that the baby-boomers are going to have on the program when they start to retire in 2011. Let's start planning ahead by allocating any Federal tobacco revenues to keep Medicare in business for the customers—our senior citizen constituents—who need it. It would be irresponsible for us to do anything else.

In sum, I say again that the best deals are those in which everybody wins. The Budget Committee has assembled a package that meets that standard. Future generations win, and current generations—children, working Americans, and senior citizens—also win.

Who doesn't win under the budget resolution? Those who would break the discretionary caps, those who would push the budget out of balance, and those who would "Save Big Government First." Anyone who observed the Budget Committee's markup of the budget resolution would have to note the alarming number of proposals from the minority that sought to spend, spend, spend. They no doubt will be the loudest in condemning the budget resolution for failing to adopt the President's new spending schemes.

I find this astonishing. Frankly, the minority should be pleased with this resolution. The Budget Committee kept its word to the President to protect certain functions at funding levels the President agreed to in last year's bipartisan budget agreement.

That agreement designed five budget functions as "protected functions." These are International Affairs (Function 150); Natural Resources and Environment (300); Transportation (400); Education, Training, Employment, and Social Services (500); and Administration of Justice (750). In every case, the budget resolution meets or exceeds the levels we agreed to last year.

With this in mind, it is amazing that the President could attack the committee's budget resolution by claiming it "shortchanges our nation's future." By reducing the debt, by preserving Social Security and Medicare, the plan actually plans for the future. Apparently, the only problem for the President is that we could not keep the deal he signed just last year—and that he wanted to spend, spend, spend, even more than he agreed to last year.

A deal is a deal, Mr. President. I supported the bipartisan budget agreement last year. I will support this year's plan, too, since it complies with what we agreed to last year.

I do think there are a couple of areas where the budget resolution can be fine-tuned. I emphasize that the amendments I will propose are friendly amendments, intended to make a good budget plan better—not to attack it.

The first of these related to housing for elderly persons. The President's budget request proposed slashing this program by some $500 million. In a hearing before the VA/HUD subcommittee, Secretary Cuomo did not explain why the administration is seeking this cut. Senator MIKULSKI and I committed to restoring the cut funds to avoid jeopardizing the supply of specialized rental housing for the elderly poor. We welcome the support of other Senators who share our concerns.

I comment on two particular points. Chairman DOMENICI has included an acceleration in the deductibility of health insurance for self-employed persons. This idea, which the full Budget Committee subsequently endorsed, is critical to achieving parity between self-employed persons and the people who work for the large competitors. I fought this battle on the floor in the past session and in this session, and with the tremendous support of colleagues, we are moving in that direction. I think it is good news that the budget now provides that we move that up.

I will offer one amendment now, and a second amendment I will propose will nudge the Immigration and Naturalization Service to establish circuit rides in the former Soviet Union to recognize the enormous cost imposed on refugees having to travel to Moscow. The amendment is a sense of the Senate, and it states that the budget resolution assumes $2 million in the INS budget.

Again, I emphasize that these are offered in a friendly and cooperative spirit, seeking to make a good budget resolution even better. The budget resolution reported from the Budget Committee is a deal in which everybody wins, and I will be pleased to support it on the floor as I did in committee.

AMENDMENT NO. 2213

(Purpose: Sense of the Senate to fully fund the Section 202 Elderly Housing program)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Maryland, Senator MIKULSKI, a sense of the Senate to urge we fund fully the section 202 Elderly Housing Program.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 2213.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert on page 53, after line 22, the following new section, to be renumbered, accordingly:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living along with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

Mr. BOND. Deja vu all over again. Senator MIKULSKI and I rise one more time to fight to fulfill our commitment and the commitment of the Senate to fund fully the section 202 Elderly Housing Program at no less than $645 million for each of the next 5 fiscal years.

I want to emphasize our commitment to this program and the elderly housing as the chairman and ranking member of the VA/HUD Appropriations Subcommittee, the Appropriations subcommittee with the responsibility for funding the section 202 Elderly Housing Program, as well as all other programs under the Department of Housing and Urban Development. The purpose of this amendment is to set a floor of $645 million for the section 202 Elderly Housing Program, the amount that Congress appropriated for this program for fiscal year 1998, as opposed to the President's budget request of $109 million for fiscal year 1999—a cut of over $500 million from this $645 million program. The President's budget request is plainly wrong. I cannot state this in strong enough terms. We have an investment in the elderly and our Nation here just as we must invest in the youth of this Nation through good education and good, available health care. I want to be clear that we are not going to shortchange the elderly.

The section 202 Elderly Housing Program is the most important housing program for elderly low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly. This combination of supportive services and affordable housing is critical to promoting independent living, self-sufficiency and dignity, while delaying the more costly alternative of institutional care. Section 202 elderly housing is more than just housing—it is a safety net for the elderly, providing both emotional and physical security and a sense of community.

Moreover, since the inception of the program in 1959, the section 202 Elderly Housing Program has funded some 5,400 elderly housing projects with over 330,000 units. Nevertheless, by the Department of Housing and Urban Development's own estimates, there are over 1.4 million elderly families currently identified as having "worst case housing needs" and in need of affordable housing.

Despite the need for and the success of the section 202 Elderly Housing Program, the President proposes to slash funding for this program from $645 million in fiscal year 1998 to $109 million in fiscal year 1999. This is a cut of over 83 percent in funding and will mean a reduction from building some 6,000 units with fiscal year 1998 funding to building only 1,500 units with the President's proposed fiscal year 1999 funding. We cannot afford this critical loss of housing.

Moreover, the President is proposing to merge section 202 elderly housing into the HOME program. I am a great supporter of the HOME program because it does a good job by providing affordable housing with decision-making at the local level. But there is no rational justification for merging section 202 into the HOME program. Not only is section 202 extremely successful and critically needed, a recent General Accounting Office report indicated that the HOME program has provided few elderly housing units since enactment. In particular, from fiscal year 1992 through fiscal year 1996, over 1,400 section 202 elderly housing projects were developed with some 52,000 rental units for over 47,800 elderly individuals. During that same 5-year time period, the HOME program produced 30 elderly housing projects with 681 units which serve some 675 elderly individuals. In case you missed the figures, section 202, in 5 years, provided 52,000 housing units; the HOME program provided 681 housing units.

However, the problem with the President's request does not stop here. The President also requests funding for 8,800 vouchers for the elderly. Over the last several years, this administration repeatedly has attempted to voucher out assisted housing, including housing for the elderly. Vouchers are a very important housing tool and work well in many instances, but the elderly deserve to have decent, safe, and affordable housing as well as needed supportive services. Section 202 elderly housing accomplishes these purposes, and vouchers do not.

Think with me for a moment about this recurring nightmare image I have of an elderly woman in a walker with a voucher in her hand, searching dark and dangerous streets for needed shelter. That is what they are proposing we do. To put it in context, I remind my colleagues that the average tenant in section 202 housing is a frail, older woman in her seventies, living alone, with an income of less than $10,000 per year. Do we want to tell her to get out of the housing? Do we want to say, "Here is a voucher, start walking up and down the streets and maybe a friend will go along and help you with your walker or push your wheelchair; you are going to have to hit the streets to find new housing"? That is not a comforting image, but it is a compelling one.

Again, the need for section 202 elderly housing: There are currently 33 million Americans aged 65 and over. This is some 13 percent of all Americans. That number will grow to over 69 million elderly by the year 2030, which would be some 20 percent of all Americans, and will continue to grow to almost 80 million elderly Americans by 2050. Cutting back and remodeling the section 202 program will do these Americans a disservice.

I cannot emphasize enough the importance of the section 202 Elderly Housing Program and the need for Congress to stand by elderly families. Over

the years, millions of Federal dollars have been saved by providing elderly families with access to supportive services in their homes and their communities. Without this housing and these services, many elderly persons and families would have had to be relocated to nursing homes and other institutions where care would be more costly and the loss of personal dignity more compelling.

Mr. President, as I close my remarks, I send to the desk a letter from AARP saying that the AARP opposes the President's recommendations concerning section 202 housing and that the Bond-Mikulski floor amendment is a crucial step along the way to press for current funding as the relevant appropriations measure works its way through Congress; I ask that it be printed in the RECORD.

AMERICAN ASSOCIATION OF RETIRED PERSONS,
Washington, DC, March 30, 1998.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I am writing on behalf of the American Association of Retired Persons to express our support of your proposed amendment regarding supportive housing programs for elderly and disabled persons when the Senate takes up the FY 1999 Budget Resolution this week. These initiatives make a critical difference in the lives of many vulnerable Americans throughout the nation. Given the continuing need for such specialized housing, it is essential that appropriations are subsequently preserved next year in both programs.

Living in Section 202 Elderly Housing means living at affordable rents in a user-friendly environment with features such as special lighting, nonskid floors, and grab bars that prevent serious injuries from falls—features which can help prevent early admission into a nursing home. Section 202 helps meet an acute housing need for frail low income older persons. An estimated eight persons are waiting in line for every one Section 202 vacancy that occurs. Meanwhile, many of these individuals are forced to live an unsafe housing and in crime-ridden neighborhoods—in some instances with windows nailed shut—because they cannot afford to live anywhere else.

The Association opposes the President's recommendations concerning Section 202 Housing. We intend to press for current funding throughout the year as the relevant appropriations bill works its way through Congress. The Bond-Mikulski floor amendment this week is a crucial step along the way.

Sincerely,

HORACE B. DEETS,
Executive Director.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I am proud to stand today with my colleague from Missouri and the chairman of the VA-HUD Subcommittee, Senator BOND, to offer a sense-of-the-Senate amendment to the fiscal year 1999 budget.

This amendment is designed to state the Senate's view that it is absolutely critical that HUD's section 202 program, which is its elderly housing program, absolutely be fully funded. That is what the resolution states. That is what I encourage the Members on both sides of the aisle to support.

For years, I have been an advocate for an affordable and available supply of safe and decent housing for our elderly. For years, I have worked with Senator BOND to ensure adequate funding.

In 1992, as the chair of the VA-HUD Subcommittee, I worked to successfully change the section 202 program from a very expensive loan program to a grant program. Do you know what? It allowed us to build more housing for less cost. I am concerned, though, that there is in the budget resolution a proposed cut of nearly $500 million in housing for the elderly. I am also concerned about the desire to move to more of a voucher approach to elderly housing instead of new construction, forcing the senior citizens of this country who need a modest subsidy to go out and kind of forage on their own to find housing that meets their needs.

Mr. President, our Nation has many responsibilities, but its most important one is to protect and help all its citizens, but it has a particular moral obligation to look out for senior citizens.

Promises made should be promises kept. This generation, which is now the frail elderly, organized to save this country and to save Western civilization during World War II. Many fought on the battlefront and many were the "Rosie the Riveters" who helped this country on the homefront. This is why we need to now look out for them as the frail elderly. The amendment I offer today with Senator BOND seeks to do this. They are our mothers and fathers, who raised and nurtured us; our aunts and uncles, who gave advice; and the neighbors who kept an eye on us; they are the people who we grew up with, who looked out for us in our communities; they are the people, in many cases who, with their blood, sweat and tears, helped build this country into what it is today.

Mr. President, we have the moral obligation to ensure that we do what we can to ensure that those elderly citizens who need our help get our help.

The AARP estimates that there are eight people on the waiting list for every one HUD section 202 unit that becomes available.

Senator BOND has put that into the RECORD.

Our subcommittee has done extensive research on this. What do we find? First of all, that the secton 202 program is the most popular HUD housing program we fund. Why is it popular? It meets compelling needs. It often stabilizes neighborhoods where people are "aging in place." It also enables groups that are nonprofit and faith based to participate in providing housing. The section 202 Elderly Housing Program is important because it meets those needs.

Since 1959, when this program was created under a whole other different type of HUD, we have funded 5,004 elderly housing projects, with over 330,000 housing units. They are primarily lived in by frail, older women in their seventies living with an income of less than $10,000. I think that is a good way to spend taxpayer dollars.

The combination of affordable housing and supportive services under the section 202 program has been absolutely critical in meeting not only the housing needs but in promoting independent living, self-sufficiency, and dignity for the elderly, while delaying more costly institution.

There are 1.4 million elderly Americans who currently have worst-case housing needs. There are 33 million Americans aged 65, over some 13 percent of all Americans, and this number is growing. That is why I have asked HUD to come up with new ideas on how we are going to meet, No. 1, the expanding elderly population, and, No. 2, the expanding frail elderly population. I believe that if we focus our attention and our resources, we will meet our needs. This is why I support the Bond amendment. It is the Mikulski-Bond amendment.

My colleague, Senator SARBANES from Maryland, who is the ranking member on the Housing and Banking Committee, also wants to be a cosponsor.

I will conclude my remarks by talking about the voucher program. This Senator is never going to support a voucher program for the elderly. I will tell you why. When you are old, when you are sick, when you have a pain, when you have a walker, when you have a wheelchair, when you can barely read a newspaper without a magnifying glass, we are not going to give you a voucher, and say, "OK, kiddo, you are out there on your own." We are not going to do that. Senior citizens should not have to go into the marketplace to forage with a voucher to find housing that would meet their needs.

Mr. President, I know you have been in housing for the elderly in your own State. They have special architectural needs—low steps and special kinds of grips in the bathroom—all those kinds of things that, if they fall, they don't fail. You just can't put them in any kind of apartment in the United States of America; they have specialized needs. We can meet those needs.

What is so fantastic—I cannot underestimate nor overstate the fact that faith-based organizations are involved in this. In my home State, the role of Catholic Charities, Associated Jewish Charities, and other organizations from the United Way step forward to make wise use of Federal funds and, at the same time, often value add to what the Federal Government is doing.

I really encourage my colleagues to support the Bond-Mikulski amendment. It is cosponsored by Senator SARBANES. I know that many others will join us. This is one of many budget amendments stating sense-of-the-Senate resolutions. This, I think, is not only the sense of the Senate, Mr. President, it is the sense of the American people.

Senator JOHN KERRY also wants to cosponsor it. Colleagues will be able to cosponsor it as we go forward.

I yield the floor on this amendment. I really encourage my colleagues to support it.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished colleague from Maryland, who has been a real champion in housing—housing for all kinds of people in need, but particularly housing for the elderly. I had the pleasure of beginning my service on the VA-HUD committee under her chairmanship. She has been absolutely invaluable in helping to guide, teach, and cooperate with me as we moved forward. Her statement on the importance of elderly housing is very compelling.

I hope that we will have overwhelming support on both sides of the aisle for this amendment. Since some people are not getting the message, I ask that when a vote is scheduled on this amendment, that the yeas and nays be requested.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I thank the Chair.

I believe our message has not been getting across that elderly housing works under the section 202 program. You can't expect elderly housing to be covered by the HOME program where there are many competing local needs that must be met. Most of all, do not put Grandmother or Aunt Effie out on the street in her walker with a voucher and expect that she is going to be able to find decent, affordable, appropriate housing.

We need an overwhelming vote. I welcome the fact that we have had a number of cosponsors. I hope we will have a unanimous vote, or an overwhelming vote, to express the sense of the Senate that we are not going to change this program. This is a program that is meeting the needs of the elderly today. We must continue that program, because the needs are only growing greater and we need to do all we can to try to keep up with those needs.

Mr. President, I thank the Chair. I particularly thank my colleague from Maryland.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

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

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2213, AS MODIFIED

Mr. BOND. Mr. President, I am advised by the Budget Committee staff that we have to make a modification in the terminology of the sense-of-the-Senate language, and I ask unanimous consent that the amendment be modified, under the last subsection (b), to say, "It is the sense of the Senate that"—at that point include the following—"the levels in this resolution assume that".

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

The amendment (No. 2213), as modified, is as follows:

Insert on page 53, after line 22, the following new section, to be renumbered, accordingly:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 is fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the Senate that the levels in this resolution assume that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

Mr. BOND. Mr. President, I thank the Chair, yield the floor, and 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. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2214

(Purpose: To express the Sense of the Senate on the need for long-term entitlement reforms)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 2214.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Sense of the Senate supporting long-term entitlement reforms.

(a) The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993.

(3) mandatory spending is expected to make up 68 percent of the federal budget in 1998.

(4) absent changes, that spending is expected to take up over 70 percent of the federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008.

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030.

(3) this mandatory spending will continue to crowd out spending for the traditional "discretionary" functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending.

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that that levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

Mr. KERREY. Mr. President, for the first time in a quarter century this budget resolution is being debated in an environment, where rather than talking about getting rid of the deficit, we are able to talk with great enthusiasm about what to do with the surplus. We are talking about tax cuts and various spending programs. There is no question that the recovery of the economy of the United States of America—deficit reduction efforts in the past in combination with tremendous changes on the part of entrepreneurs and businesses and individuals out there—has produced the best economic scene I have seen in my entire lifetime, with increases in productivity, growth in the number of jobs, and a reduction in welfare rolls. You have to look long and hard to find bad economic news out there.

In 1990, this Congress debated a deficit reduction act that was largely a result of President Bush's leadership. We put in place at that time the mechanism that we still use today. It has caps on spending that we, for the most part, have lived within. It is that discipline that is required by the law, it seems to me, that requires every time somebody wants to do a new program, they have to find a way to pay for it. You just cannot come down here and throw new spending on a budget or new tax cuts on a budget without having an offset someplace. It is that discipline, coupled with the 1993 act and the 1997 act, that I think the American people appreciate very much. It has produced enormous benefits for the American economy.

But we are now in a state where, unfortunately, rather than merely talking about the easy things, we now need to start facing some very difficult problems that are occurring inside the budget itself. One of the things I find comforting in life is when things don't change. The most impressive force of all in that regard is gravity. It has an increasing impact upon me, my body, and my ability to move and so forth. It stays constant. I am impressed with it.

One of the things that stayed constant over the last 30 or 40 years, indeed a bit longer than that, is that the percent of the entire GDP that we in Washington, DC, use for a variety of spending programs has stayed relatively constant—in the 19 to 20 percent range. This does not go all the way back to the years of the 1940s when, during the war, we went up above that 20 percent mark; but in the 1940s, most of that spending was for plant, for equipment, increases in the productivity of this Nation. Indeed, many have cited that as a principal reason the United States of America came out of the Great Depression, the significant investments that occurred during those war years. So you see that 20 percent figure stayed relatively constant over that lengthy period of time.

This resolution that I have offered up requires us, the Congress, with a sense-of-the-Senate resolution, to look out in the future more than the 10-year budget window that we currently do. You may say why, Mr. President. The reason is that if you look out for 10 years, from 1998 to 2008, that takes you just before the baby boom generation begins to retire. You look out to 2008 and life looks relatively good. It doesn't look very difficult. It looks like we ought to be able to manage relatively easily, and the reason it looks like it is going to be relatively easy is that the number of the Americans over age 65 grows relatively steadily, from about 34 million to about 39 million in 2008. But, from 2010 to 2030, the number of people over age 65 grows by 30 million. The number of retirees will increase by 25 million while the number of workers only increases 4 million.

What happens during that period of time is that the mandatory programs—that is the red, or the entitlement spending; and the yellow is the net interest, the interest on the national debt—they continue to grow until they completely displace the entire Federal budget, until it is 100 percent of the budget at that point. Indeed, in the year 2027, 100 percent of the budget will be mandatory spending programs.

This is a trend. I heard some—perhaps most notably former Secretary of Labor Robert Reich, who is on from time to time—criticizing this evaluation, saying there are going to be increases in productivity or immigration or other things that are going to take care of it. But it has not taken care of it yet.

In 1963, John Kennedy went to Rice University. He gave a speech in the summer of 1963 in which he said that we were going to put a man on the Moon. Why? He said not because it is easy but because it is hard.

In 1963, 70 percent of this budget was discretionary and only 30 percent of the budget was mandatory. In 1973, it had grown to 45 percent mandatory; in 1983, 56 percent mandatory; in 1993, 61 percent mandatory. And in this budget, 68 percent of the budget is mandatory and 32 percent of the budget is discretionary.

Even over the next 10 years, the amount that is available for discretionary—and we allow it actually in the second 5 years to grow at the rate of inflation, which is not likely unless we are going to bust the caps in the second 5 years—at the end of that 10-year period, the amount available for discretionary spending will be approximately 26 percent.

I ask any of my colleagues what that 26 percent figure means. If you budget it this year and say we are going to give the Appropriations Committee 26 percent of available revenue to appropriate, that will force approximately $115 billion in spending cuts.

What is happening is that we are seeing our capacity to build our Nation's defenses, I say to the distinguished occupant of the Chair, who has talked about how our military is being spread pretty thin—it is spread pretty thin right now. We debate from time to time new things we want our military to do. Both our military and intelligence efforts are stretched substantially thin at the moment. But that is not the only area in discretionary spending where people come to the floor and would like to spend more money, whether it is on education, on health care, or the environment, or NASA, or Veterans Administration. On all these things, they may come down and say, "We have to fight the battle against crime, we need more people on our border, we a stronger law enforcement effort." All of these Federal efforts come out of discretionary spending.

Unless we as a Congress begin to understand these trends and the fact that they are not going to go away, it is not likely we are going to do anything about it. I observe the reason we are not doing anything about it, the reason we are not debating it on this floor, is we only have a 10-year view.

The law says to take a look at 10 years—what does it look like in 10 years? Life looks pretty good. It looks like we can handle it. I challenge anybody to construct a discretionary budget with only 26 percent available revenue. Unless we believe this Congress is going to raise taxes beyond the 20 percent mark—which I don't think it either will or should—what we are faced with, even at 26 percent, is, it seems to me, the unlikelihood of being able to construct a budget with that relatively small amount.

Unless we look out to 30 years instead of 10 years, we do not see this crisis coming, we do not see the problem coming.

So what do we do? We do nothing. We do not even debate it or talk about it. Most of us have seen the movie "Titanic." In the movie, people were on the bow, standing watch for icebergs, and they did not have binoculars. It is very much like us. We do not have binoculars either. We can see 10 years, but we cannot see 30. As a consequence, we do not see the iceberg that is out there in the form and shape of the baby-boom generation which, from 2010 to 2030,

will convert 100 percent of the available money we will tax and collect from the American people—100 percent of that budget is going to go to mandatory programs.

There is a price, a big price, for delay, and the price will be paid by the baby-boom generation, who will find themselves saying suddenly, "Oh, my gosh, I have two choices: Either I take substantial cuts in my current benefits or my kids have a tax increase" that raises their taxes beyond what is, I think, by any standard, a reasonable level. We will see demands on this system, in short, Mr. President, that are going to put us in a position where we are going to have to ask current beneficiaries, if we do not make reasonable adjustments today, to pay a rather substantial price.

I know the distinguished Senator from New Mexico has talked about this an awful lot. In fact, he can blame himself for me caring about entitlements. It was he and Senator Nunn who used to traipse down here once a year and offer amendments. The first time the Senator from New Mexico offered an amendment to control entitlement spending, I voted against it. The second year, the light bulb went on, and I said, "Oh, my gosh, this guy from New Mexico might have something right." And, indeed, he persuaded me the second year, and I voted with him.

In 1994, Senator Jack Danforth and I chaired a commission for an entire year looking at the problems of entitlements, and I have not been the same since. I annoy people; I frustrate people. They can ask me what do I think about the weather, do I think Nebraska is going to have a good football team, and as soon as I talk about the weather and our great football team, I find myself immediately talking about the problem of mandatory spending and what it is going to do to our capacity to say that we are securing the blessings of liberty for ourselves and posterity.

We are squandering, it seems to me, an opportunity to say we are endowing our future, and instead we are putting ourselves in a position of saying, "Make certain I get my deal covered, that I get what I am entitled to, and the heck with the future; don't worry about our kids."

AMENDMENT NO. 2215

(Purpose: To express the sense of the Senate regarding passage of the IRS Restructuring and Reform Act of 1997)

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

The PRESIDING OFFICER (Mr. BURNS). Without objection, the pending amendment will be set aside. The clerk will report.

Mr. KERREY. Mr. President, I will talk for 1 minute. I see the distinguished chairman of the Finance Committee on the floor. This is an amendment that this body ought to act on IRS reform legislation prior to our leaving for the recess.

I believe this legislation has been considered long and hard. The taxpayers have a deadline of April 15; 120 million of them will have to file their taxes. We need to pass IRS legislation without delay. We need to give taxpayers new powers. I note with considerable interest that every single freshman in the House sent a letter yesterday to Majority Leader LOTT and to Democratic Leader DASCHLE asking that the House bill, or something that can be conferenced, be taken up before we leave.

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

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

CONGRESS OF THE UNITED STATES,
Washington, DC, April 1, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, Russell Senate Office Building, Washington, DC.

Hon. THOMAS A. DASCHLE,
Senate Minority Leader, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER LOTT AND MINORITY LEADER DASCHLE: As April 15 approaches, this letter is to urge in the strongest possible terms the United States Senate to pass sound legislation to reform the Internal Revenue Service (IRS).

As first-term Representatives of the American people from both political parties, we agree that the Congress must give the highest priority to reforming the IRS. Hearings conducted in the House and Senate have made us all too aware of the horror stories of the average American taxpayer being harassed by rogue IRS agents. We believe it is time that the IRS worked for American taxpayers instead of assuming they are guilty of cheating on their taxes.

As you know, on November 5, 1997, the House overwhelmingly passed historic legislation to reform the IRS. This bill incorporates recommendations by the bipartisan National Commission to Restructure the IRS chaired by Senator J. Robert Kerrey and Representative Rob Portman. H.R. 2676, the IRS Restructuring and Reform Act, would shift the burden of proof from the taxpayer to the IRS, create twenty-eight new taxpayer provisions in a Taxpayer Bill of Rights, and overhaul the management of the agency through the creation of an eleven-member independent Oversight Board.

With your leadership, we have the opportunity to provide the comprehensive reform of the IRS the American people deserve. We urge the Senate to adhere to the will of the American taxpayer, honor the work of the bipartisan commission, and join the House in passing IRS reform without further delay.

Sincerely,

BOB ETHERIDGE,
JOHN SHIMKUS,
Members of Congress.

Mr. KERREY. Mr. President, the taxpayers of the United States have a deadline of April 15. All of us know it. We hear about it when we go home. As I said, 120 million people have to have their taxes filed by April 15. There are 140,000 collection notices that go out every single day of the week. Every single working day that the IRS is in operation, 140,000 collection notices go out.

There are approximately the same number of Americans who call the IRS every day. The way it currently operates is, about 40 percent of them cannot get through, and of those who do get through, about 25 percent of them get the wrong answer.

There are many other reasons for to get the laws governing the IRS changed, and get them changed soon. My hope is that the chairman of the Finance Committee and the ranking member will meet as quickly as possible with Mr. ARCHER, Mr. RANGEL, and Mr. Rubin. Let's get this bill conferenced as quickly as possible so that the American taxpayers, who have waited an awful long time for this piece of legislation, will get the power they deserve—indeed, the power they need—in order for them to have confidence that this is still Government of, by, and for the people.

Mr. President, I thank you for this wonderful opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment No. 2215.

The amendment follows:

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PASSAGE OF THE IRS RESTRUCTURING AND REFORM ACT.

(a) FINDINGS.—The Senate finds that—

(1) The House of Representatives overwhelmingly passed IRS Reform Legislation, (H.R. 2676), on November 5, 1997.

(2) The IRS Restructuring and Reform Act has the potential to benefit 120 million Americans by simplifying the tax process and making the IRS more responsive to taxpayer concerns;

(3) The President has announced that he would sign H.R. 2676;

(4) The Senate plans to recess without considering legislation to reform the IRS.

(5) The American people are busy preparing their taxes to meet the April 15th deadline. They do not get to recess before filing their returns; and

(5) Senators should keep their commitment to take up and pass IRS reform legislation before they recess.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall not recess until it has considered and voted on H.R. 2676, the IRS Restructuring and Reform Act of 1997.

Mr. DOMENICI. Mr. President, I inform the Senator that we are willing to accept his previous sense-of-the-Senate amendment, and we have Senator BURNS' amendment. I would like to accept them now and then go on to the Senator's second amendment. Is that satisfactory?

Mr. KERREY. Mr. President, I will allow them merely to be accepted. I

was going to ask for a rollcall vote on mine. At some point, my fear is, without a rollcall vote, I say to the distinguished Senator and chairman of the committee, it doesn't necessarily focus people's attention as much as it should. I am not sure it will by making them vote either, for that matter.

I know the chairman of this committee is very enthusiastic about this issue and has spent a lot of time on it as well. I just think this whole budget deliberation occurs in a never-never land where we are talking about surpluses and talking about how good everything is and we literally are ignoring this enormous problem.

As I said, the people who are going to suffer the most are that baby-boom generation, and they will find themselves in a heck of a dilemma if we do not act sooner than later. I appreciate the Senator's willingness to accept my amendment and Senator BURNS' amendment. I agree to allow that to go forward.

VOTE ON AMENDMENT NO. 2214

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2214.

Without objection, the amendment is agreed to.

The amendment (No. 2214) was agreed to.

VOTE ON AMENDMENT NO. 2178

Mr. DOMENICI. Mr. President, there is pending an amendment No. 2178 by Senator BURNS. There is no objection on this side and, I understand, no objection on the Democrat side.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2178) was agreed to.

Mr. DOMENICI. I move to reconsider the vote on the two amendments, en bloc.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if Senator LAUTENBERG would join me in just a discussion of where we are. And, obviously, I will yield the floor. I understand the distinguished chairman of the Finance Committee wants to speak. I yield myself time off the budget resolution.

Mr. President, fellow Senators, I understand we have one vote scheduled on or in relationship to the Kyl amendment at 12 o'clock. The distinguished Senator is here. He would like to speak for 1 minute, and there will be 1 minute in opposition. I make that request and ask unanimous consent.

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

Mr. DOMENICI. I would like to just tell Senators that we now have about 29 amendments that are pending, for all intents and purposes. I consider that everybody wants a vote on them, although I hope not. And we still have about 18 hours, so there is plenty of time for more amendments. And, frankly, I just hope everybody understands that today is Wednesday, tomorrow is Thursday, the next day is Friday.

I think that everybody should share with me some concern about whether we can finish this resolution unless there is some cooperation with reference to amendments. I do not ask anything of anyone specifically at this point, but I hope and I urge that, if there are more amendments, you start getting them in to us. There is no time by which you are bound, but I urge that, if you have additional amendments or second-degree amendments, you let us see them. I am sure my friend from New Jersey will join me in that. At some point we have to try to make a little sense of the process on this to see if we can get this work done in a timely manner.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. The chairman of the Budget Committee neglected to mention the fact that voting time is not included in the calculation of the remaining hours.

Mr. DOMENICI. Right.

Mr. LAUTENBERG. That is extra time. So if we have 29 or 30 votes, and even if we were able by some stretch of the imagination to reduce that to 15 minutes, you are talking about more than 7 hours added to the—how much time do we have remaining, may I ask?

The PRESIDING OFFICER. Eighteen hours remaining.

Mr. LAUTENBERG. Eighteen. So we would be looking at prospectively 25 hours or more. So I say to all of our colleagues on both sides, get them in here and let us try to get action done on them. If a rollcall vote can be dispensed with, it will make a huge difference in what time we conclude our business for this week, reminding everyone, all those whose memory is bad and can't recall, the fact that the recess begins for 2 weeks, in case anybody has forgotten, and should we want to hang in through Friday or whatever or however long, I understand we are going to get this done.

Mr. DOMENICI. We could stay in here very late tonight, into the morning and that would put us on a path to where we could start voting and we could see some daylight.

AMENDMENT NO. 2169

Mr. DOMENICI. Mr. President, I am going to yield the floor, but I want to make a parliamentary inquiry. Would the regular order bring the Kyl amendment now to the Senate?

The PRESIDING OFFICER. The Senator is correct. The Kyl amendment is in order. The Senator from Arizona is recognized for 1 minute.

Mr. KYL. Thank you, Mr. President.

Let me take about 30 seconds and then see if anyone on the other side wishes to speak to this. This is a very simple sense-of-the-Senate resolution, and I will read you what the sense is. I cannot imagine people would oppose this principle.

It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis. . .

Mr. President, there are a lot of details in legislation that might ultimately be passed that we can argue about, but I think there is no doubt that in expressing the principle, we can all be in agreement that just because one turns 65 and is eligible for Medicare does not mean they lose the right to see the physician of their own choice.

Mr. President, I reserve the remainder of my time and will see if there is anyone who wishes to speak in opposition.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DASCHLE. I understand we have 1 minute in response.

Let me just say, this is not in any way, shape or form an amendment designed to provide patients with more choice. This will leave seniors totally uncertain about what their Medicare will cover and let doctors determine the degree of Medicare coverage each beneficiary will have. That is what this is about: Jeopardizing patients' rights, putting them in a very uncertain set of circumstances, taking away the certainty and the confidence they have when they are in a doctor's office or in a hospital or in an operating room that Medicare will pay their bills. Let us not jeopardize those patients' rights or their confidence when they are sick that the Medicare Program is working for them.

Mr. GRASSLEY. Mr. President, I want to express my support for Senator KYL's amendment establishing a sense of the Congress regarding Medicare beneficiaries freedom to privately contract with physicians. I understand there has been a lot of misinformation about private contracting and the Balanced Budget Act provision. But the fundamental issue behind this debate has always been clear. What this really boils down to is what is the appropriate role of the government. And I just don't believe that the federal government should tell seniors how they can or cannot spend their own hard earned money. While the Balanced Budget Act

allows private contracting on a limited basis, most beneficiaries will not have this freedom because physicians who privately contract will have to opt out of the Medicare program for 2 years. Most physicians won't be able to do that, and most beneficiaries would not want their doctor to do this. Therefore, I support the Kyl amendment to give seniors the freedom of choice to privately contract.

Mr. MURKOWSKI. Mr. President, this past New Year rang in a harsh reality for senior citizens of America: As of January 1, 1998, senior citizens, for all practical purposes, have been stripped of a health care right afforded to any other insured American—the right to pay out-of-pocket for the doctor of their choice.

I am outraged over this provision—a provision that was added into the Balanced Budget Act of 1997 in the twelfth hour of negotiations between the White House and Congress.

The provision prohibits doctors who privately contract from treating Medicare patients for a period of two years. Therefore, it is now unlawful for a doctor to take a private payment from a Medicare-eligible patient if during the previous two years he has billed Medicare for any service rendered to a patient over the age of 65.

What is the reality of the provision? The reality is that it will be almost impossible for a senior citizen to contract privately for medical services because few or no physicians are going to be able to make ends meet if they can't accept Medicare patients for two years. The reality is that, unlike every other insured American, senior citizens have now lost a significant right—a right of choice in who provides their health care.

Currently seniors are being prohibited from going outside of the Medicare system for procedures that are not covered by Medicare. For example, if a senior fell and broke his hip, Medicare only reimburses for the lowest-cost hip prosthesis. Since seniors cannot pay extra to upgrade, they must settle for lower quality. (Private contracting would enable them to opt for quality.)

Why is the federal government making that decision for seniors? If a 75-year-old women in Fairbanks, Alaska, fell and broke her hip, do you think that the government is competent enough to decide what hip prosthesis is best for her to gain the best mobility for the rough weather conditions of Fairbanks?

Last week I turned 65 years old. The week before—when I was still 64 years old—I could choose any doctor I wanted and pay for that doctor in any manner I wanted. But now I'm 65, and the federal government is suddenly telling me I can't make my own medical decisions—that I no longer may enter into a private contract with my doctor.

Mr. President, I ask you, isn't this a form of age discrimination against seniors? How can the Health Care Financing Administration restrict such a fundamental liberty—the freedom to choose the care and quality of health providers?

The need for a senior citizen to be able to privately contract is magnified in Alaska. Alaska has no HMOs, physician shortages exist in two-thirds of the state and health care costs that are on average 70 percent higher than the rest of the country.

All these factors combine to create a system where doctors can't afford to treat Medicare patients—which means that patient choice for Alaskan seniors is extremely limited. I've received letters from Alaskans who have been turned down by three or four physicians—because the doctors cannot afford new Medicare patients.

I am pleased with Senator KYL's sense of Congress—I believe it is an important stand for Congress to make. The body must do all it can to ensure that Medicare-eligible beneficiaries who choose to pay out of pocket will have an unrestricted right to health care.

Mr. President, even in the socialized medical system of Great Britain, choice is offered to the elderly. In Great Britain, a senior citizen has the choice to pay privately for his or her medical services. Don't the elderly of America deserve that same choice?

Mr. DODD. Mr. President, today I rise to express my opposition to Senator KYL's sense of the Senate Amendment to the Budget Resolution. While this amendment raises important concerns about the scope of seniors' choices in determining their personal health care needs, this proposal may actually restrict the health care options available to our nation's senior citizens and undermine the quality of care afforded all Medicare beneficiaries.

Initially, Senator KYL's amendment simply seems to endorse the important role of choice for seniors when making critical decisions about their personal health. I strongly support efforts to increase the health care options available to Medicare beneficiaries and improve the quality of health care that seniors receive. However, this amendment would move us in the wrong direction. With approximately 96 percent of physicians treating Medicare patients presently, choice of physicians does not appear to be a problem for Medicare beneficiaries. In reality, Medicare allows seniors to choose the doctor of their choice along with providing protections that shield Medicare beneficiaries from unnecessarily high out-of-pocket costs. Ironically, in many ways, Senator KYL's amendment is a problem in search of a solution.

Senator KYL's legislation specifically supports private contracting between physicians and patients for services traditionally covered by Medicare. By allowing doctors to privately contract for these services, this amendment could effectively remove consumer protections designed to protect seniors from excessive out-of-pocket costs. These protections are critically important to the elderly who rely on the affordable and high-quality care that Medicare provides. Private-contracting for Medicare-covered services would cause seniors to pay 100 percent of any given health care service or benefit. Few seniors can afford or have any desire to pay, such exorbitantly high rates. It is also important to note that seniors are perfectly free to contract privately with their doctor on health care benefits not covered by Medicare such as routine physical exams, eye care, and prescription drugs. However, by permitting doctors to charge their Medicare patients whatever they wish for Medicare-covered health care services, we would be subjecting seniors to unnecessarily high-out-of pocket costs and would compromise the quality of care afforded to all Medicare beneficiaries.

I am also deeply concerned that this initiative would create a two-tiered health care system for the elderly, threatening the quality of care afforded all Medicare beneficiaries. Private contracting could create an incentive for wealthier and healthier beneficiaries to opt out of the Medicare program. This could lead to a health care system that provides high-quality coverage to those seniors who could afford the high out-of-pocket costs associated with private-contracting, while leaving the majority of Medicare beneficiaries with substandard care. Almost 70 percent of Medicare beneficiaries have an annual income under $25,000. It is simply unconscionable for these seniors of modest means to be subject to paying 100 percent of their health care bill to services that are normally covered under the Medicare program. Additionally, the implementation of a private-contracting system would provide an incentive for doctor's to give priority to those Medicare beneficiaries who can afford to pay for it at the expense of providing quality and affordable care to the majority of Medicare beneficiaries.

Additionally, the Kyl amendment would offer the potential for increased fraud and abuse within the Medicare program. The Medicare system is already fraught with staggering levels of fraud and abuse. According to the Inspector General of the U.S. Department of Health and Human Services, $23.2 billion annually is wasted on fraud and abuse in the Medicare program. Given the financial challenges that face the Medicare program in the near future, this level of abuse in unacceptable. Allowing physicians to set their own payment rates for certain patients, while simultaneously permitting them to submit claims to Medicare for the

treatment of traditional Medicare beneficiaries for the very same procedures, would create the opportunity for double billing, a serious form of fraud and abuse. While we should be moving to prevent fraud and abuse in the Medicare system, private contracting would offer the potential for increased fraud in the Medicare system.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Yes. I want to point out that the pending amendment is not germane, and I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Might I inquire, how much time is remaining?

The PRESIDING OFFICER. The Senator has some 20 seconds.

Mr. KYL. Thank you.

I want to respond to the distinguished minority leader.

It is true that legislation that would actually change the law would certainly have to consider all kinds of issues dealing with fraud and abuse and similar questions that the distinguished minority leader has raised. We can have that debate at the time such legislation might come before us.

What is before us today is simply a sense of the Senate, an expression of a principle that it is the sense of Congress that seniors have the right to see the physician or health care provider of their choice. I hope we can at least agree on that basic principle.

Thank you, Mr. President.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2169, the Kyl amendment.

Mr. LAUTENBERG. Mr. President, before we call the roll, I ask unanimous consent that the Senator from Washington be able to send up two amendments.

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

AMENDMENTS NOS. 2216 AND 2217, EN BLOC

Mrs. MURRAY. Mr. President, I send two amendments to the desk and ask unanimous consent that they be laid aside.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments numbered 2216 and 2217.

Mrs. MURRAY. I ask unanimous consent reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2216

(Purpose: To increase Function 500 discretionary budget authority and outlays to accommodate both President Clinton's investments in education and the $2.5 billion increase assumed by the resolution for IDEA)

On page 16, line 9, increase the amount by $2,088,000,000.

On page 16, line 10, increase the amount by $81,000,000.

On page 16, line 13, increase the amount by $1,776,000,000.

On page 16, line 14, increase the amount by $1,487,000,000.

On page 16, line 17, increase the amount by $1,437,000,000.

On page 16, line 18, increase the amount by $1,686,000,000.

On page 16, line 21, increase the amount by $593,000,000.

On page 16, line 22, increase the amount by $1,301,000,000.

On page 25, line 8, strike "−$300,000,000" and insert "−$2,388,000,000."

On page 25, line 9, strike "−$1,900,000,000" and insert "−$1,981,000,000."

On page 25, line 12, strike "−$1,200,000,000" and insert "−$2,976,000,000."

On page 25, line 13, strike "−$4,600,000,000" and insert "−$6,087,000,000."

On page 25, line 16, strike "−$2,700,000,000" and insert "−$4,137,000,000."

On page 25, line 17, strike "−$3,000,000,000" and insert "−$4,686,000,000."

On page 25, line 20, strike "−$3,800,000,000" and insert "−$4,393,000,000."

On page 25, line 21, strike "−$7,000,000,000" and insert "−$8,301,000,000."

AMENDMENT NO. 2217

(Purpose: To express the sense of the Senate regarding the expansion of Medicare benefits)

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

(a) FINDINGS.—The Senate finds the following:

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers very few prevention benefits. As a result, seniors are often sicker when they seek care or are hospitalized.

(6) If the objective is to use tobacco revenues to save Medicare, a portion of these new revenues must be allocated to expanding prevention benefits.

(7) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(8) Medicare cannot be saved without structural changes and reforms. Simply using a new Federal tax to prop up Medicare will not extend solvency much beyond a few months and will do little to improve the health status of senior citizens and the disabled.

(9) Congress should use these new revenues to expand prevention benefits to ensure that seniors are healthier and stronger. This is how we can truly save Medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume the allocation of a portion of the Federal share of tobacco revenues to expand prevention benefits for Medicare beneficiaries with an emphasis on improving the health status of Medicare beneficiaries and providing long term savings to the program.

The PRESIDING OFFICER. Without objection, the two amendments are laid aside.

VOTE ON AMENDMENT NO. 2169

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2169, the Kyl amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—51

Abraham	Gorton	Mack
Allard	Gramm	McCain
Ashcroft	Grams	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Nickles
Brownback	Hagel	Roberts
Burns	Hatch	Roth
Campbell	Helms	Santorum
Coats	Hollings	Sessions
Cochran	Hutchinson	Shelby
Coverdell	Hutchison	Smith (NH)
Craig	Inhofe	Smith (OR)
DeWine	Jeffords	Stevens
Domenici	Kempthorne	Thomas
Enzi	Kyl	Thompson
Faircloth	Lott	Thurmond
Frist	Lugar	Warner

NAYS—47

Akaka	Dorgan	Lieberman
Baucus	Durbin	Mikulski
Biden	Feingold	Moseley-Braun
Bingaman	Feinstein	Moynihan
Boxer	Ford	Murray
Breaux	Glenn	Reed
Bryan	Graham	Reid
Bumpers	Harkin	Robb
Byrd	Inouye	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kohl	Specter
Conrad	Landrieu	Torricelli
D'Amato	Lautenberg	Wellstone
Daschle	Leahy	Wyden
Dodd	Levin	

NOT VOTING—2

Kennedy	Kerry

The amendment (No. 2169) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, this is not aimed at any Senator or group of Senators, but it is so that we will all be on notice. In order to be able to complete this budget resolution, we are going to have to stick to the 15-minute votes. I realize that there are markups going on and Senators have a lot of commitments, but for the remainder of today—Senator DASCHLE and I have talked about this—we think it is important we begin to stick to 15-minute votes or 10-minute votes if we have in a group stacked votes, so we will start sticking pretty close to the time that is allocated.

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

Mr. LOTT. I am glad to yield.

Mr. FORD. We are in a major markup in the Commerce Committee, and if there is any way you could stack a vote or two to let us come over and spend a few minutes and make several votes and then go back to the committee, I think it might be helpful, rather than having us run back and forth. There is hope we might be able to finish that markup, if not late tonight, tomorrow. I am not asking to change your schedule or your votes, just group them together sometime, if you could.

Mr. LOTT. Mr. President, if I could say to the Senator from Kentucky, they are certainly involved in very important work, and we will take that into consideration. As a matter of fact, we are going to enter a unanimous consent request that would allow us to stack some votes. Senator DASCHLE had suggested that, and it seems like a good way to proceed where we will have up to as many as, I think, four votes that are stacked.

Mr. FORD. I thank the Senator.

Mr. LOTT. Would the Democratic leader like to make a comment before I make the UC?

In order to ascertain the remaining workload then ahead of us to bring the budget resolution to conclusion, I now ask unanimous consent that all first-degree amendments must be offered by 6 p.m. this evening. I further ask that at 5:40 p.m. this evening the minority manager be recognized to offer any amendments necessary for the minority side of the aisle, and at 5:50 p.m. Senator DOMENICI be recognized for up to 10 minutes to offer amendments necessary at that point for the majority side.

I further ask that following the scheduled 2 p.m. vote today, all first-degree amendments be limited to 30 minutes, all second-degree amendments be limited to 20 minutes, with any votes ordered on any remaining amendments to be stacked in a sequence to be decided by the two managers. I further ask that the first vote in the stacked voting sequence be limited to 15 minutes and all remaining votes in the sequence be reduced to 10 minutes in length.

We hope they will stack as many as three and four in those groupings. But it will be up to them, after, of course, consulting with the leaders, to make sure we are taking into consideration other things that may be going on.

I finally ask that all time consumed during rollcall votes be counted against the overall statutory time limit and the new time restraints on first- and second-degree amendments expire at the conclusion or yielding back of the overall time limit.

The PRESIDING OFFICER. Is there objection?

Ms. MOSELEY-BRAUN. Mr. President, reserving the right to object—and I will not object—I just want to make certain that the time agreement with regard to the schools amendment has been unchanged.

Mr. DASCHLE. That is correct.

Ms. MOSELEY-BRAUN. That is correct.

Mr. LOTT. That is correct.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. DASCHLE. Mr. President, I didn't want to object, and I was going to make that clarification following the conclusion of the request, but I would only add one clarification, which I know the majority leader will want to do, and that is to allow 1 minute prior to each vote in a stacked sequence, to be sure that we can explain the circumstances, as is normally our procedure in stacked votes. I know that colleagues on both sides of the aisle have requested that in the past.

With that understanding and also with the understanding, of course, that Senator MOSELEY-BRAUN would then be recognized following this UC to offer her amendment, I think this is a good plan and I commend all of those involved, especially our Chair and ranking member. Obviously, we won't get done with this unless we can find a way in which to manage more efficiently the time remaining. This does it, and I appreciate the cooperation of Members on both sides.

Mr. LOTT. Mr. President, I do amend the unanimous consent request to include the 1 minute before each vote and ask for a ruling now.

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

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

Mr. DOMENICI. Mr. President, might I just ask—everybody might want to know this—if in fact we don't complete all the amendments under the prescription we have just agreed to, then if there are remaining amendments, this agreement does not pertain to this at all, that will be looked at by the Senate; we will get it done one way or another?

Mr. LOTT. That is correct. I think this is a very major step forward. We will still need to assess where we are tonight and in the morning. Any amendments still pending at the end, we will still have to deal with those in as orderly a fashion as we possibly can. But I think this will help us move a number of amendments so that we won't have as many amendments at the end of the session.

Mr. DOMENICI. Mr. President, I thank the distinguished majority leader and the minority leader for helping with this. Obviously, this is a much more orderly process, and I think it has a chance of working to the enhancement of the Senate's ability to do this work right.

I understand that the distinguished Senator from Illinois is going to call up an amendment, after which she is going to yield promptly so that Senator ROTH might speak for a few minutes, and then it will return to her for control of her time and we will have time on our side.

Ms. MOSELEY-BRAUN. Yes. I say to the Senator from New Mexico, I have been asked by the Senator from Delaware and the Senator from North Dakota as well as Senator ROTH—all three have business they would like to attend to before this amendment is taken up, and so I would suggest to the Senator from New Mexico that might be appropriate—let all three Senators go before this amendment is taken up.

Mr. DOMENICI. That is fine with me. I thought the minority leader had asked me to call her amendment up and then go ahead and yield this time. But if you want to do it another way—Senator ROTH, are you satisfied?

Mr. ROTH. I want to speak next.

Mr. DOMENICI. Would it be possible that we could agree then that if you are going to withhold until the following events occur, that Senator ROTH be permitted to speak for 15 minutes? But he would be preceded by two Senators who want to just offer amendments.

Mr. BIDEN. If the Senator will yield, I need 5 seconds, 10 seconds possibly.

Mr. DOMENICI. Is that possible?

Mr. KYL. Mr. President, might I clarify. I would like 5 seconds as well to offer an amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

AMENDMENTS NOS. 2218 AND 2219

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside that I may send two amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes amendments numbered 2218 and 2219.

The text of the amendments follows:

AMENDMENT NO. 2218

(Purpose: To strike section 301 of the concurrent resolution, which expresses the sense of Congress regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained)

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

AMENDMENT NO. 2219

(Purpose: To establish a reserve fund for health research at the National Institutes of Health, funded by receipts from tobacco legislation)

At the appropriate place in the resolution, insert the following:

SEC. . HEALTH RESEARCH RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves 21 percent of the Federal share of receipts from tobacco legislation for the health research purposes provided in subsection (b), provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) ELIGIBLE HEALTH RESEARCH.—Of the receipts from tobacco legislation reserved pursuant to subsection (a), the following amounts may be used for the following purposes:

(1) 7.5 percent of such receipts to fund research into the prevention and cure of cancer;

(2) 7.5 percent of such receipts to fund research into the prevention and cure of heart disease, stroke, and other cardiovascular diseases;

(3) 2 percent of such receipts, to be allocated at the discretion of the Director of the National Institutes of Health, to fund the responsibilities of this office and to fund construction and acquisition of equipment or facilities for the National Institutes of Health;

(4) 2 percent of such receipts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993;

(5) 1 percent of such receipts to fund prevention research programs at the Centers for Disease Control and Prevention;

(6) 1 percent of such receipts to fund quality and health outcomes research at the Agency for Health Care Policy and Research; and

(7) the remainder of such receipts to fund other member institutes and centers, including the Office of AIDS Research, of the National Institutes of Health in the same proportion to such remainder, as the amount of annual appropriations under appropriations acts for each member institute and center for a fiscal year bears to the total amount of appropriations under appropriations acts for all member institutes and centers for that fiscal year.

(c) REVISED LEVELS, AGGREGATE AND ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purposes described in subsection (b), upon the offering of an amendment that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(3) RULE OF CONSTRUCTION.—Revised allocations, functional levels and aggregates submitted or filed pursuant to this subsection shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to Section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) APPLICATIONS OF SECTION 202 OF H.CON.RES. 67.—Section 202 of H.Con.Res. 67 (104th Congress) shall not apply for purposes of this section.

Mr. DORGAN. I ask unanimous consent they be set aside.

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

The Senator from Delaware is recognized.

AMENDMENT NO. 2220

(Purpose: To permit the use of Federal tobacco funds to reimburse the Veterans Administration for the costs of treating smoking-related illnesses)

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so I may offer an amendment.

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

Mr. BIDEN. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 2220.

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

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

The amendment is as follows:

On page 28, line 5, before the period insert "and Veterans Administration health care".

Mr. BIDEN. I further ask that my amendment be set aside.

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

The Senator from Arizona.

AMENDMENT NO. 2221

(Purpose: To express the sense of the Senate supporting a supermajority requirement for raising taxes)

Mr. KYL. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of offering an amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. GRAMS, Mr. HELMS, Mr. BROWNBACK, and Mr. HAGEL, proposes an amendment numbered 2221.

The text of the amendment follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans;

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals

should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

Mr. KYL. I ask that the amendment be temporarily laid aside.

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

The Senator from Delaware.

Mr. ROTH. Mr. President, this budget resolution contains some provisions that I applaud, but it falls short in several areas: first, the proposed tax cuts are too small to provide the relief that taxpayers need and deserve; second, it does not adequately restrain the growth and reach of the Federal Government. Third, it is not what the hardworking men and women of America desire nor deserve. They deserve better.

The current economic expansion is now 84 months old, the third longest on record. Overall growth rate has been relatively steady and moderate. In the last three months alone, more than one million new jobs have been created, while the unemployment rate has been reduced to a 24-year low. In addition, inflation as measured by the CPI is only 1.6 percent.

In the midst of this prosperity our citizens are burdened by levels of taxation that are increasingly oppressive—all to satisfy the appetite of the Federal behemoth. This condition runs contrary to counsel handed down from President Jefferson—counsel we would do well to heed as we move forward with the budget debate. In his First Annual message to the Congress, President Jefferson wrote that the object of congressional efforts should be "to preserve the general and State governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and prosperity, and to reduce expenses to what is necessary for the useful purposes of government."

These are among the core principles which have thus far separated our nation from the rest of the world.

It is up to this Congress to apply President Jefferson's principle to "reduce expenses to what is necessary for the useful purposes of government." All else should remain in the hands of our citizens.

Today, revenue levels are at all time highs, approaching 20 percent of GDP in both this fiscal year and the next. Not only are these levels high in historical terms, they are unprecedented for a peace-time economy. In fact, the only time in this century that revenues were higher was during World War II.

Unfortunately, this does not appear to be an anomaly; the Congressional Budget Office projects that unusually high levels of revenue will continue to be extracted from taxpayers for the foreseeable future.

It is worth noting, Mr. President, that these very same revenues are largely responsible for the budget surplus that has generated so much excitement here in Washington. In fact, the current surplus is mainly attributable to additional unanticipated revenues of about $72 billion in 1997, rather than the effect of spending cuts. It is also worth noting that these revenues have been fueled mainly by our strong economic growth in the last year.

Yet, despite the record high level of revenues that the Federal Government now collects to feed its appetite for spending, we are told that we need additional Federal programs! Over the past 2 months, President Clinton has engaged in a well orchestrated campaign to secure approval for spending billions of dollars more on new and expanded government programs. He has set a trap for the American people by promising to do more for them in exchange for higher taxes on their capital and labor.

We have balanced the Federal budget. But that is only one of the steps to be taken to meet Jefferson's objective. We must go on to examine whether the current size and breadth, let alone further expansion, of the Federal Government for these purposes justifies the taxation on the toil of our fellow citizens. Let's never forget that the revenue collected by Washington does not belong to the Federal Government; it belongs to the hard-working men and women of this country.

Mr. President, the budget resolution should allow for immediate and significant tax relief for American taxpayers. However, the $30 billion of tax cuts proposed in the current resolution are not sufficient to provide this relief.

I would like to see this budget resolution contain total tax cuts of at least $65 billion over 5 years. These cuts could take a number of forms, including marriage penalty reforms, family tax relief, and savings and investment incentives.

For example, half of American families face the marriage penalty. The Congress proposed to phase out the marriage penalty for non-itemizers as part of the 1995 Balanced Budget Act, but the proposal was vetoed by President Clinton. In addition to marriage penalty relief, consideration could be given to tax relief for families such as a child care credits for both stay-at-home parents and working parents. Ultimately, whatever the final form that tax cuts take, the crucial consideration is that they be substantive and immediate.

However, we are limited in the ways that we can offset these tax cuts. While the President's Fiscal Year 1999 budget contains a number of revenue raisers, many are rehashed, or controversial proposals that have failed before due to opposition on both sides of the aisle.

We also cannot look to the spending programs within the jurisdiction of the Finance Committee for savings. We are all firmly committed to protecting the reforms we have made to the Medicare, Medicaid and welfare programs, and should make no further changes at this time. In my opinion, the best option is for the cuts to be offset through the use of a portion of the tobacco settlement revenues.

While the lack of meaningful tax relief is my main objection to this budget resolution, I am also disappointed to see that there is no provision to make better use of the budget surplus.

We should not simply spend this surplus, or set it aside; we can do better for our families and the future. I strongly believe that the most productive use of thee surpluses is to fund individual Social Security investment accounts for all workers who contribute to the payroll tax. Therefore, Mr. president, I will be offering a sense-of-the-Senate amendment to instruct the Finance Committee to report a Social Security bill this year. The bill would dedicate the budget surplus to fund Social Security personal retirement accounts. Equally important, my bill will place the Senate on record for putting these surpluses to work for the American taxpayers, and not simply setting them aside to be spend on other less important priorities than social security.

Finally, Mr. President, I must express my concern over some of the methods for shifting funds around under the budget resolution. Budget rules should not be invented to give authority to one committee to achieve budget savings under the jurisdiction of another committee. More specifically, this resolution gives control over the Medicaid program and welfare programs to the Appropriations Committee. Moreover, savings are to be achieved through administrative reforms which may prove to be unfair and unworkable with our partners, the states. Reforming Medicaid and finding program savings in the child support enforcement system or finding other alternatives should be a task for the committee of jurisdiction—namely the Finance Committee.

Mr. President, the American people expect more from us. And it is incumbent upon us to see that they get it.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, it is my understanding the Senator from Illinois, under the rule previously agreed to, has 2 hours for debate on her amendment?

The PRESIDING OFFICER. Two hours.

AMENDMENT NO. 2175

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Illinois. I call up amendment No. 2175 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 2175.

Ms. MOSELEY-BRAUN. 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 the March 30, 1998 edition of the RECORD.)

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that Senators DASCHLE, KENNEDY, HARKIN, and MURRAY be added as cosponsors of this amendment.

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

Ms. MOSELEY-BRAUN. Mr. President, I yield myself as much time as I may require, until such time as someone else comes up to speak.

This amendment expresses the sense of the Senate that the fiscal year 1999 budget resolution assumes that we will enact legislation creating a partnership between State and local governments and the private sector to rebuild and modernize our schools and classrooms for the 21st century. The amendment calls for the enactment of legislation similar to S. 1705, the Public School Modernization Act of 1998, which I have introduced along with a number of my colleagues. Our bill would establish a simple and effective means of helping communities modernize and revitalize their schools.

The bill creates a new category of zero coupon bonds for States and school districts to issue to finance capital improvements. States and school districts would be able to issue $21.8 billion worth of these bonds over the next 2 years. Purchasers of the new bonds would receive Federal income tax credits in lieu of interest, thereby cutting the cost of upgrading the schools by at least a third and in some cases up to 50 percent. The bill will cost the Federal Government only $3.3 billion over five years.

This amendment to the budget resolution is the first step toward enacting that legislation. It sends a signal that we in the Senate are serious about improving education in America.

I call your attention to this report card for America's infrastructure. You will notice that school buildings get a failing grade; mass transit got a grade of C—we have taken up the infrastructure needs for mass transit; bridges, a C-minus; solid waste, a C-minus; waste water treatment, D-plus; roads, D-minus—but schools get an F. We are literally sending our children to crumbling schools in which education becomes well-nigh impossible.

Those children—14 million of them, in fact—every day attend schools that are so deteriorated that they do not even meet basic code; 14 million children in this country every day attend schools which are that dilapidated, Mr. President. From all indications, in failing to provide for the modernization, renovation and repair of school facilities, we are literally causing these children to get less educational opportunity than they should be entitled to, but we are also hampering our Nation's ability to be competitive in the 21st century.

At no point in our history has education been more important to both individual achievement or national prosperity. As H. G. Wells wrote nearly 80 years ago: "Human history becomes more and more a race between education and catastrophe."

Education in America correlates with opportunity for individuals, for families and for our entire Nation. Indeed, the rungs on the ladder of opportunity in America are crafted in the classroom. It is very clear that high school graduates earn more money over the course of a lifetime. As a matter of fact, every year they earn 46 percent more than people who do not graduate from high school. College graduates earn 155 percent more than those who do not complete high school. And, of course, over the course of a lifetime, the most educated Americans will earn five times as much as the least educated Americans. That is on an individual level.

The truth is that education correlates with every indicia of economic and social well-being. Educational attainment can be tied directly to income, to health, to the likelihood of being on welfare, to the likelihood of being incarcerated, and even to the likelihood of voting and participating in our democracy.

It is, however, more than a tool to lift people out of poverty or to have a better standard of living. It is also the engine that will drive America's economy into the 21st century. In a Wall Street Journal survey last year of leading economists, 43 percent of them said the single most important thing we could do to increase our long-term economic growth rate would be to invest more in education, research and development. Nothing else came even close in the survey. One economist said:

> One of the few things economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities.

Another study, looking at the changing nature of the American work force, said:

> The crucial factor accounting for long-term success in the work force is a basic education provided at the primary and secondary levels.

Of course, a recent study by the Manufacturing Institute confirmed that claim. It concluded that increasing the education level of workers by just 1 year raises the productivity level by 8.5 percent in manufacturing.

If we fail to invest in education, we will put our Nation's economic future at risk. Unfortunately, too many of our schools, again, are not in adequate physical condition to meet the educational needs of our children. Too many of our schools are literally crumbling down around the students.

The General Accounting Office, which did a major study, a landmark study, on this issue found that 14 million children attend schools in need of major renovation or outright replacement. Some 7 million children every day attend schools with life-threatening safety code violations. And they concluded that it will cost $112 billion just to bring our schools up to code—$112 billion across the country just to bring our schools up to code. That does not equip them with computers. That is not bells and whistles. That is just to address the toll that decades of deferred maintenance has taken. So this F relates to the $112 billion demand on us as Americans just to get our schools up to code in this country.

I say "the country" broadly, and the truth is that crumbling schools are to be found in every corner of America. Again, according to the GAO, some 38 percent of schools in urban areas are in this kind of dilapidated condition; 30 percent of rural schools are in the same condition; and 29 percent of suburban schools are in the worst condition. Again, this is not statistically all that different between 29 percent in the suburbs, 30 percent in rural areas and 38 percent in urban areas.

Mr. President, the problem with crumbling schools has become so widespread that even Peppermint Patty in the Peanuts cartoon has a leaky school roof. Take a look here. In this series of Peanuts cartoon, Peppermint Patty and her friend Marcie express their frustration over the fact that they cannot get anyone to repair the leaky roof. "It's keeping me awake." The roof is leaking. They still don't take it.

Marcie forgot to mention the repair of the roof as she talked about the fact that the children were having difficulty learning. But the truth of the matter is that we cannot forget about

the fact that our schools are dilapidated.

In my State of Illinois, school modernization and construction needs top $13 billion. Many of Illinois' school districts have a difficult time even buying textbooks and pencils, much less financing major capital improvements. This legislation would free up local resources in my State for education by providing Federal support for rebuilding the schools.

This $112 billion national school repair price tag, as enormous as it may sound, again, does not include the cost of wiring schools and getting them up to speed for modern technology. One of the greatest barriers to the incorporation of modern computers into classrooms is that the physical condition of many school buildings will not allow for it. You cannot very well use a computer if you cannot plug it into the wall.

Again, to quote the General Accounting Office, almost half of all schools lack enough electrical power for the full-scale use of computers; 60 percent of them lack enough conduits in the school to connect classroom computers to a network; and 60 percent of schools lack enough phone lines for instructional use.

Last year, a teacher from Waukegan, IL, came to Washington and was talking about the use of computers in the school and that when they plugged in the computers, when they deployed the computers around the school, fires started all through the school because the wiring was so old.

That situation is replicating itself all over the country. We are seeing situations in which the schools cannot give our children the tools they need to learn so that they can compete in this 21st century because the physical structures simply will not allow it.

This legislation also will give communities the power to relieve overcrowding. Again, according to the Department of Education, enrollment this year is at an all-time high and will continue to grow over the next 10 years. Just to keep up with growing enrollment, we will need to build 6,000 new schools over the next 10 years.

Again, in my State, I visited schools where study halls are held in the hallways because there is no other space. I have seen stairway landings converted into computer labs, cardboard partitions used to turn one classroom into two. There is one school where the lunchroom has been converted into two classrooms, where the students eat in the gymnasium, and instead of gym, they have what is called "adaptive physical education" while they stand next to their desks.

One youngster from Virginia talked about the fact that the congestion in his school is so profound that the kids get into fights in the hallway, and they call it "hall rage," when there is just too much human presence for them to walk around the hallways and they get into disruptive behavior.

The teachers and parents know full well these conditions directly affect the ability of their children to learn, and the research, of course, has backed up that intuition. Two separate studies found a 10 to 11 percent achievement gap between students who attend school in good buildings and quality surroundings and those who attend school in poor buildings after accounting for all other factors.

Other studies have found that when the buildings are in poor condition, again, the students are more likely to misbehave. Three leading researchers recently concluded:

> There is no doubt but that building condition affects academic performance.

Again, if we are going to address the need to provide our youngsters with quality education, we clearly have to look at the factors and the environment in which they are called upon to learn.

Just last month, the results came in on a set of international math and science tests. The results were, quite frankly, profoundly disturbing.

The results of that study placed American students at or near the bottom on every one of the math and science tests that were offered. This cannot be. We cannot go into the 21st century with our children performing below some less-industrialized countries because we do not provide a quality educational opportunity and, frankly, consistent educational opportunity throughout the country.

We know that we have some of the best schools in the world in this country on the one hand. I have some that I visited in the State of Illinois—the First in the World School. Those schools are in good condition, and the youngsters who go there have a great opportunity for education. They have scored above the international norm.

But at the same time we have the other instance of the crumbling schools, the dilapidated conditions and the poor performance across the board as well. We have this patchwork quilt of school facilities throughout the country. Again, I point out these facilities' problems are related to how we finance the system, how we pay for schools.

Crumbling schools are not just accidents; they are the predictable result of the way we fund education. The current system was established a century ago when the Nation's wealth was measured in terms of landholdings. Wealth, of course, is no longer accumulated just in land, and the funding mechanism relying on the local property tax is just not appropriate, nor is it adequate.

The current school finance structure works against most American children and mitigates against most families' best efforts to improve local schools. Again, according to the General Accounting Office, poor and middle-class schools try the hardest to raise the revenue to get the money together to fix up their schools. But the system works against them.

In some 35 States, poor districts have higher tax rates than wealthy districts, but they raise less revenue because, of course, there is less property wealth to tax. Now, this local funding model does not work for school infrastructure, just as it would not work for highways or other infrastructure.

Imagine for a moment what would happen if we based our system of roads on the same funding model that we use for schools. If every community was responsible for the construction of and maintenance of the roads within its borders and no one else contributed, where we did not have a partnership, we relied on the local property tax, in all likelihood we would have smooth, good roads in the wealthy towns, a patchwork of mediocre roads in middle-income towns, and very few roads at all in poor communities.

Transportation, then, Mr. President, would be hostage to the vagaries of wealth and geography. Commerce and travel would be difficult and navigation of such a system would not serve the interests of our whole country.

Mr. President, unfortunately, that hypothetical situation that I have just described in terms of roads precisely describes our school funding system. Schools with a lot of wealth have good schools or are more likely to have good schools, middle-class schools have a patchwork, poor communities have little or nothing to point to.

Again, I made the point, as the GAO found, that the phenomenon of crumbling schools, the infrastructure, finds itself in all kinds of communities, suburban, rural and urban, but, again, it is based on the local property tax in the main.

The American Society of Civil Engineers released a report card on America's infrastructure, and, again, they found that the only category to get an F was the schools.

We have just recently acted, and the ranking member, the Senator from New Jersey, will point out that we just passed the ISTEA bill, the highway and mass transit bill, which addresses a number of these issues. The Senate passed that bill almost with unanimous support, and we put an additional $214 billion into infrastructure in that legislation.

Schools, however, do not benefit from that bill, and that is why I believe we need to talk about a partnership to fund the redevelopment of our school infrastructure. Our children need the same level of commitment for school infrastructure as we have given to our highways.

I think the way we ought to look at this is not in the sense of finger pointing, saying it is the fault of the States or it is the fault of the local governments. I think, if anything, we need to engage a partnership in which we all contribute and we all weigh in to try to fix these schools and give our children an environment that is worthwhile to learn in.

We have a situation in which States—the argument has been made that school construction is just a State or a local responsibility. Some of my colleagues have argued that, notwithstanding the fact that the school districts face a maintenance backlog of $112 billion—and, again, $73 billion in new school construction needed—the States can meet these costs on their own and by themselves.

The truth is that this is not in the interest of our country, that we rely on the accident of State effort and the accident of geography and the accident of wealth in order to make certain that we address this national problem.

We have an interest, as citizens of this great country, to see to it that every child gets an opportunity to learn, that every child gets an environment in which learning can take place, and that every child no matter where they live in the United States is given a chance to take advantage of the new technologies that school modernization would allow.

The General Accounting Office found that only 13 of the States take a comprehensive approach to school modernization and construction. In 1994, for example, the States spent a total of $3.5 billion on school repair and construction—$3.5 billion. So again with $112 billion worth of deferred maintenance, $73 billion worth of needed new construction, the States alone will simply not be able to bear that economic burden.

Some of my colleagues have argued that because the economy is doing so well the States are now in a position to supplement what they spend on school facilities with funds from the surpluses that are beginning to accumulate in the State treasuries. Most States have a surplus. All but two States had some sort of surplus at the end of fiscal year 1997, ranging from a $3.2 billion surplus in Alaska to a $32 million surplus in Alabama. My own State of Illinois ended 1997 with a $108 million surplus. But the sum total of all the surpluses put together is $28.2 billion. If we were to spend every dime of every State's surplus on this issue, you would just begin to make a dent in it.

I think that the notion of the finger-pointing, the notion of blaming one level of Government or another, is something that we, frankly, do not have time for. We do not have time for that argument any longer. I believe we have a responsibility to engage as a national community to work together, giving the States and the local governments control, certainly, giving them responsibility for making certain that the schools are rebuilt, but providing the financial help that we can at the national level in the simplest way possible.

We have the capacity, at the national level, to provide the funding leverage that this legislation will provide that will cost us $3 billion to allow these local communities and school districts to go into the capital markets and raise $22 billion. I think it just makes absolute sense, and I encourage my colleagues to support this sense-of-the-Senate amendment.

Mr. President, I now yield 5 minutes to the Senator from New Mexico, 2 minutes to the Senator from Washington, and such time to the Senator from California as she may require.

AMENDMENT NO. 2223

(Purpose: To establish a deficit-neutral reserve fund for civilian research and development)

Mr. BINGAMAN. Mr. President, before I give my few comments here in support of the amendment of the Senator from Illinois, I ask unanimous consent that it be in order that I send an amendment to the desk and then have that laid aside and then return to the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. LIEBERMAN, proposes an amendment numbered 2223.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with and the amendment be set aside and we return to the amendment of the Senator from Illinois.

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

The amendment is as follows:

At the appropriate place, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CIVILIAN RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to fund civilian scientific and technological research and development, to increase research and development for the health sciences, or to increase research and development to improve the global environment, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

"(1) fiscal year 1999;

"(2) the period of fiscal years 1999 through 2003; or

"(3) the period of fiscal years 2004 through 2009.

"(b) REVISED ALLOCATIONS.—

"(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.".

AMENDMENT NO. 2175

Mr. BINGAMAN. Mr. President, I, first, say that putting together a budget resolution is a very complex, difficult process. I commend those who have worked on this, particularly my colleague from New Mexico for bringing in a budget resolution that is within the constraints of the balanced budget agreement. I think that is certainly progress and is to be commended. I am, however, troubled by many aspects of it. One aspect is that which is intended to be dealt with by this amendment by the Senator from Illinois.

I fear this budget does not reflect the forward-looking perspective that prepares us for the world that we are facing in the 21st century.

I do not think anyone would dispute the paramount importance of education, of research, and of a safe, healthy start for our children. The importance of those items, in my view, are not reflected in this budget. They are not given the priority they should be given in this budget.

Let me give a few examples. In the area of education, and, of course, the Senator from Illinois was talking about this general area of education, the President has proposed at least $1.6 billion more than the Republican budget in 1999 for the budget functions that include education, training, and social services. The Republican budget does not increase Federal spending by 1 cent over last year's balanced budget amendment in that regard.

More specifically, the President and the Senate Democrats have put forth some very significant education proposals, one of which is this amendment

by the Senator from Illinois. The Republican budget does not give the same priority to those concerns. The Democratic alternative and this amendment propose to help communities to renovate and build school facilities, including BIA schools, which are very important in my home State of New Mexico. The Republican budget essentially ignores this request. The Democratic proposal provides for the hiring and training of 100,000 new teachers, which is projected to reduce the average class size in grades 1 through 3 from 22 students in a class to 18 students in a class. Again, the Republican budget ignores that proposal.

In addition, the Republicans claim they are providing an increase of $2.5 billion over the freeze level during this 5-year period for the Individuals with Disabilities Act. It turns out that this funding does not keep pace with inflation.

While this resolution proposes to increase money for one type of block grant, the simple fact is that spending is cut significantly overall and that means that very important programs will have to be cut. Some of those programs—we are not clear as to which ones yet, of course, since that is not specified in the resolution—but some of those might include title I for disadvantaged children, Head Start, training and technology for teachers, and teacher quality.

The resolution also gives short shrift to child care, and again Senator DODD from Connecticut offered an amendment that I support in that regard.

With regard to tobacco, I am tremendously concerned that the budget as presently written precludes any meaningful consideration of programs to reduce teen smoking. While I strongly agree with the chairman of the Budget Committee that we must do something to fix our Medicare Program, I believe we do not need to do so at the expense of the current and future health needs of our children.

I commend our colleagues for the hard work that has gone into this resolution, but I do differ with my Republican colleagues about the ways in which we allocate spending in this bill. We are entering the 21st century as a strong and vibrant and growing economy, but we will only remain that way if we invest in the future and ensure that every American has the opportunity to take advantage of that growth. The way we do this is to focus on these areas of priority—education, training, and the needs of working families.

I hope we can adopt some amendments to this resolution that will allow us to do that more effectively.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

I rise in strong support of this amendment and offer my congratulations to the Senator from Illinois for bringing this critical issue to the attention of the Senate and to the attention of the Nation. Certainly it is an issue of safety and health for many children across our country. For all of us who go out and visit schools on a regular basis, we see classrooms that are in cafeterias, in gymnasiums, and in closet space—of all things—all across this country, and that is wrong. This is an issue that has to be addressed.

Let me also bring to the attention of my colleagues the issue that many of us hear about—the high number of jobs that are available today in the area of technology. The ITEA recently put out a study showing there are 200,000 job openings today. These are $40,000- to $60,000-a-year jobs available in technology, yet we don't have the skills or students with the skills available to go into these jobs because they haven't had the education and the experience in their schools.

I have worked very hard to bring technology to the floor of the Senate as an issue. We have put computers into our schools, technology into our schools. In a few minutes, the Labor Committee will be working on the Reauthorization Act that includes my language to train teachers in technology throughout our schools, but if we don't pass the issue of school construction, far too many of our children will never have access to these skills because they are in classrooms where you cannot plug in a computer.

This issue is critical and I urge my colleagues to support it. I, again, thank my colleague from Illinois for bringing it to our attention and appreciate her long concern and work on this issue.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of this amendment, and in particular to thank my friend and colleague, the senior Senator from Illinois, for her hard work. I am aware that there is another school construction amendment. It is known as the Roth amendment. It is part of the Coverdell tax bill. These amendments, in my view, complement one another.

What the Senator from Illinois has done is structure an amendment so it really benefits some of the older, more stressed urban school districts in America. What the other amendment would do is stress the smaller, suburban rural areas where there is substantial growth going on. So between the two of them, they provide to the States and the cities and the counties of America a truly major, major commitment to new school construction.

This is a $21.8 billion authority for State and local governments to issue bonds to construct and rehabilitate schools. For California alone, this would mean $2.2 billion in bonds. It is the most of any State. Thirty-five percent of these bonds would be used by the 100 largest school districts based on their ESEA title I funding which assists disadvantaged children; 65 percent would be distributed by States based on their own criteria; in addition, the Secretary of Education could designate 25 additional districts based on the State's share of Elementary and Secondary Education Act title I grants, excluding the 100 largest districts.

Under this amendment, California school districts are really helped. Bakersfield would get $19 million; Compton, $30 million; Fresno, $56 million; Long Beach, $48 million; Los Angeles, deeply troubled, and I will show you why in a moment, $488 million; Montebello, $22 million; Oakland, $35 million; Pomona, $18 million; Sacramento, $31 million; San Bernardino, $32 million; San Diego, $69 million; San Francisco, $28 million; Santa Ana, $27 million; and Stockton Unified, $24 million.

This proposal, again, helps the large urban poor districts. California's public school enrollment, much of it in these districts alone, between 1997 and the year 2007, is going to grow by almost 16 percent. That is triple the national projected rate of growth of 4.1 percent. California schools will grow three times faster than schools in the rest of the United States.

Each year, between 160,000 and 190,000 new students will come into California schools. The high school enrollment is projected to increase by 35 percent by 2007. Approximately 920,000 students—that is almost 1 million—are to be admitted to schools in the State during that period, boosting total enrollment from 5.6 million to 6.8 million.

Our school population is bigger than the population of most of the States. That is how important this bill is to California. California needs to build 7 classrooms a day, at 25 students per class, just to keep up with the average growth that is going to take place. We need to build 327 schools over the next 3 years just to keep pace with the growth that is going to take place. We have the largest class sizes in the Nation. Students are crammed into every available hallway, assembly room, and many of them in temporary buildings. Los Angeles—and this is staggering—Unified School District has 560,000 seats for 681,000 students. That means they don't even have seats for 120,000 students. So the absence of seats in Los Angeles is bigger than most of the school districts in a State. And this is just one city in the State.

I could go on and on with examples. But of 60 percent of the schools over 30 years old, most do not have modern infrastructure. Eighty-seven percent of the schools need to upgrade and repair

buildings. The California Department of Education estimates that this State—one State alone—just to stay even, needs $22 billion during the next decade to modernize public schools and an additional $8 billion just to meet enrollment growth. That is $30 billion in the next decade just to stay even.

I have heard a lot of talk on this floor about education, and I can say only one thing: If you talk education and you have crowded and dilapidated schools and you don't have seats for the children in the schools, there is only one thing you can really do, and that is put your money where your mouth is. This is the first step toward "putting your money where your mouth is" amendment.

I am so proud of the Senator from Illinois. There is no single piece of legislation, there is no single amendment on any bill, that will help the school system of the great State of California more than the Moseley-Braun amendment. I want to make that crystal clear.

Here is what it costs. I mentioned the cost and that we need $30 billion just to stay even. Here is what it costs to build a school in California: An elementary school, $5.2 million; a middle school, $12 million; a high school, $27 million.

Our schools must be built to withstand earthquakes, floods, El Nino, and myriad other natural disasters. The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. We have the largest pupil-per-teacher ratio in the country. And thanks to the Governor and the legislature, we are now beginning to reduce class size. K–3 is now limited to 20 students per teacher.

In conclusion, studies show that test scores of students in schools in poor condition can fall as much as 11 percentage points below scores of students in good buildings. I think this amendment is important. I really hope that no one in this body would not vote for this amendment because of the Coverdell bill. The Coverdell bill and the Roth amendment cover very different school districts than does this amendment. If you want to help the big urban school districts of America, where the dilapidated schools are, where the learning really needs improvement, there is only one game in town, and it is CAROL MOSELEY-BRAUN's school construction amendment. I am proud to support it.

Ms. MOSELEY-BRAUN. I thank the Senator from California for her eloquence. I did, however, want to take issue with one little part. This is just a sense of the Senate, but the underlying legislation does relate to suburban and rural schools as well as city schools. The Senator is right about the urban schools. It does a lot more for urban schools than the alternative legislation, but it also covers suburban and rural, because in my State, of course, just outside of Chicago is a place called Illinois, so I have to make sure that is covered.

In fact, if I may, for a moment, pick up where the Senator from California left off, this is a picture from a suburban school. This is outside of Chicago. You can see it is a portable classroom. The doors are falling off, and the gutters are down on the ground. It is in a dilapidated condition. So we see it all over.

Senator FEINSTEIN was exactly right to point out how much will be required for new construction, in addition to fixing the crumbling schools we have already. The GAO points out that we need $112 billion just to repair the schools that are falling down. They also found, however, that we have about $73 billion worth of need for new schools. So what we are really looking at is not just the $112 billion price tag, but a $185 billion price tag.

If you take the argument that somehow this is a local responsibility, it should come out of local property taxes, then what you are really saying is that the local property taxpayers should cough up an additional $185 billion—$185 billion. When you consider that property taxes around the country have been increasing, frankly, at a greater rate than the taxes at the national level have increased, State and local taxes, as a share of income, have risen nearly 10 percent in the last decade. In the last 10 years alone, in my State of Illinois, the property taxes have more than doubled. All across the country, voters reject the property tax hikes to pay for schools and other municipal improvements.

Again, we cannot continue to rely on the property tax alone to build the schools that we need for the next century. I think what is called for here is a partnership—a partnership in which we come together and work together at the Federal, State, and local government level to provide the funding that will be required to help rebuild our crumbling schools.

Mr. President, just yesterday a Manhattan State Supreme Court justice ordered New York City and the New York Board of Education to eliminate hazardous school conditions and to begin regular inspections and maintenance of its 1,200 school buildings. That decision came out of a lawsuit brought on the issue of the crumbling schools. According to that report that was commissioned by the New York board, 40 percent of the schools in New York lack functioning or accessible bathrooms and water fountains with clean water; 760 buildings had serious heating and ventilation problems; an average of 47 percent of the schools in New York are falling into unacceptable disrepair.

Again, this is the kind of dilapidation we are seeing all over. In fact, there is litigation pending in another 16 States on this point. I think this amendment we are considering today expressing the sense of the Senate will go in the right direction.

The point I believe we have to make is that it is appropriate for us at the national level to stop pointing fingers, to stop the divisive blame game that stalls Federal support for school improvements, and that we all have a responsibility to come together and work on this. I am pleased that Senator FEINSTEIN came to the floor to discuss this matter. It was my understanding that the Senator from New Jersey wanted to speak on this matter. I yield to him.

Mr. LAUTENBERG. I thank the Senator from Illinois. I do want to say something about this important piece of legislation.

Mr. President, I stand to support the amendment presented by the distinguished Senator from Illinois. Senator MOSELEY-BRAUN's amendment is a critical issue in terms of how we deal with the educational requirements of our young people.

The Senator from Illinois has had a long record—certainly since she has been here, and I understand before she arrived to the U.S. Senate—of interest and involvement in children, particularly focused on education in the early years. I am delighted to join with her and others here who are supporting an investment in bringing our school facilities up to date, making sure that the place in which children are expected to learn invites the process of learning and doesn't distract them, because it is either too cold, too hot, or too dangerous, or because of water leaking through the roof, or perhaps asbestos in the building, or insufficient facilities to attend to the children's needs. The condition is so outrageous that the GAO says that there are more than 14 million children attending schools that are in need of extensive repair or replacement. Several million attend schools with safety code violations, and, as I mentioned, leaky roofs are in schools that house 12 million students.

The GAO found the problem of crumbling schools transcends demographic and geographic boundaries. Roughly one-third of urban rural and suburban schools report that at least one building is in need of extensive repair, or to be completely replaced. Furthermore, the GAO reports that most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of the schools lack the requisite electrical power. And 56 percent of schools have insufficient phone lines for modems.

When we talk about percentages of 56 percent here and 12 percent there, it

kind of escapes into an amorphous condition that prevents us from really analyzing what the effects of these inadequate facilities represent. It takes a real toll on students, on children.

I came out of the computer business. I arrived here some years ago from the city of Paterson, NJ, where my company was founded and where I was born. We had a population, I would say, of somewhere around 150,000 people with a commensurate number of students. I have been back there many times. I have a fondness of that place of my birth. I know a lot of the people who live in the town. One of my schoolmates was a fellow named Larry Doby, who was just admitted to the Baseball Hall of Fame.

I visit the city regularly. Until recently, I used to go to the same barbershop every couple of weeks since I was a college student. I return there and very often bring people around my old neighborhood to kind of give them a sense of what kind of beginning and opportunity I had. They were amazed at the dilapidated condition of the facility. I met children there and told them I lived in the building. They asked me what floor. I said, "The second floor." The number of the building was 310 Hamilton Avenue. They asked me, "What floor?" I lived on the second floor. "Yes. What apartment?" I said, "In the back apartment." They said, "You lived there?" "Yes. I lived there."

So it established a particular attachment.

I was called on by the board of education at Paterson a year or two ago to see if I could get them some help so they could get the schools wired in preparation for connection into the Internet. They couldn't raise the money within the city. People wanted it; they couldn't afford to pay the taxes necessary. The city was in arrearages all over the place. I arranged for some people I knew in my old company to pay for the facility to be wired. We went down there, and we stood with the people from the telephone company and pulled wire. What a pitiful condition. Can you imagine that you have to depend on someone's goodness, or some company's willingness to step forward so a school can be affixed to the Internet so the kids can learn that there is something besides pens and pencils and pads that are going to be required in the lives that they expect and hope to lead one day? It is pretty discouraging if kids don't know what it is that the outside world holds for them.

I once visited a school in Newark earlier in my days in the Senate. It caused me to write a piece of legislation called "computers in schools" to try to make sure that there was a computer available in classrooms with a reasonable population-to-computer ratio so that the children there would have a chance to learn the applications.

One of the things that we saw in a visit to a school in a very poor neighborhood with high crime in a broken-down neighborhood was that one child I was introduced to was sitting at a computer terminal. They told me that he was in about the third or fourth grade. They told me that this child had such a bad deportment record that they were looking for a way perhaps to expel him from the school. Then they brought in a couple of computers. This child couldn't keep up academically. His behavior, as I say, was bad. They sat him in front of a computer. They taught him a couple of basic exercises that children learn. He was so proficient in such a short time that he began to outdistance the other children.

I tell you this story only because to me it established the fact that children have to be given a chance to learn and develop based on their own ability, based on their own capacity to learn, and not be restricted to staying with a class where perhaps there is some maladjustment to it.

So I fully support this amendment.

Broken-down schools have a negative effect on the ability of students to learn. They see this grim surrounding, and they begin to believe that is the way the world around them exists and will exist for them. Academic research has proven that there is a direct correlation between the condition of school facilities and student achievement.

Georgetown researchers found that test scores of students assigned to schools in poor condition can be expected to fall 11 percentage points below the test scores of students in buildings in adequate condition. Unfortunately, many local educational agencies have difficulty securing financing for school facility improvements. The proposal called for in this amendment would really help. The zero interest school modernization bond and the Federal income tax credits to purchase those bonds in lieu of interest payments would be an important step toward rebuilding and modernizing our Nation's schools.

Mr. President, I say to those who criticize test scores, who intimate that our children are inadequate to the task that they are assigned to, I ask those people to look to where the problem is. It is not simply looking at students' surroundings. We should provide facilities through our Government. Why is it that we encourage this feeling of being forlorn, or outside of the mainstream? It is because the condition of the facility says that these children are not worth the effort that it takes to have them in a better learning condition.

Mr. President, if we want our kids to learn, if we want our children to be competitive in the years ahead, if we expect them to be leaders in the true sense of the word, where we are not just making speeches but we want to do something about it, then this is an excellent opportunity to register our support.

Again, my commendation goes to the distinguished Senator from Illinois for her leadership on this issue.

Mr. KENNEDY. Mr. President, I strongly support Senator MOSELEY-BRAUN's amendment to the budget resolution to help modernize and repair the nation's public school facilities for the 21st century.

Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $110 billion just to repair existing facilities nationwide.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. 80% have at least one unsatisfactory environmental factor.

In Boston, many schools cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools complain that their heat is not working.

Faulty boilers and leaky pipes are responsible for sewage leaks and backups at many schools in Springfield, Massachusetts.

The leaking roof at Revere High School is so serious that the new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

The student population in Pomona, California has increased 37% in the last ten years, and most students are now forced to study in poorly ventilated and dimly lit portable classrooms. To accommodate the large number of students using the cafeteria, school officials have had to schedule five different lunch periods every day.

Malden, Massachusetts is in the process of building five new elementary schools to accommodate increases in student enrollment. The estimated cost for constructing these schools will exceed $100 million.

The Senate recently heard testimony from a student in Clifton, Virginia whose high school is so overcrowded that fights often break out in the overflowing halls. The problem is called

"Hall Rage," and it's analogous to "Road Rage" on crowded highways. The violence in the hallways is bad enough. But it's even worse, because it's difficult for teachers to teach when students are distracted by the chaos in the hallways and outside their classrooms.

State governments and local communities are working to meet these challenges. In Massachusetts, under the School Building Assistance Act, the state will pay 50–90% of the most severe needs. 124 schools now have approved projects, and are on a waiting list for funding. The state share should be $91 million this year, but only $35 million is available. More than 50 other projects are awaiting approval. With that kind of deficit at the state and local level, it is clear that the federal government has a responsibility to act.

Incredibly, the Republican budget proposal ignores these pressing needs. The Republican plan cuts funding for education. It refuses to provide needed new investments to improve public education, including school modernization and construction.

Democrats have made it a top priority to see that America has the best education system in the world. Providing safe and adequate school facilities is an important step towards meeting that goal.

I urge the Senate to approve this amendment. Investing in education is one of the best investments America can possibly make. For schools across America, help is truly on the way—and it can't come a minute too soon.

Mr. LAUTENBERG. Mr. President, I do not know, before I relinquish the floor, what the expectation is for Senator CONRAD, who has a vote coming up. What is the order of business, please?

The PRESIDING OFFICER. The vote is expected to occur with respect to Senator CONRAD's amendment 2174 at 2 p.m.

Mr. LAUTENBERG. Has the unanimous consent order been propounded that would give Senator CONRAD an opportunity to discuss his amendment before the vote takes place?

The PRESIDING OFFICER. It has not.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. LAUTENBERG. It has not. How much time remains on the side of the proponents?

The PRESIDING OFFICER. Six minutes 20 seconds.

Mr. LAUTENBERG. The Senator from Illinois has a question?

Ms. MOSELEY-BRAUN. Yes. I thank the Senator from New Jersey. I was just going to ask if this colloquy was being charged to time on this side because the junior Senator from New Jersey wanted to speak, and I wanted to have an opportunity to close. We are 10 minutes from the hour of 2 o'clock, and I understand there is a vote scheduled by unanimous consent for that time. In just trying to accommodate the time, I was wondering if it was being charged to the time of the proponents of this amendment.

Mr. LAUTENBERG. With all due respect, I thought the Senator from Illinois had suggested that she was wrapped up with her commentary, and in consideration of accepting that condition, it was my understanding we were going to provide Senator CONRAD with time to address his amendment before the vote takes place.

Ms. MOSELEY-BRAUN. The Senator is correct. In the meantime, the Senator from New Jersey came in the Chamber and asked for time to speak, and, again, I would take a minute to close and if the Senator could take 2 minutes.

Mr. LAUTENBERG. I would be happy to yield the floor.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey.

I yield 2 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, if Senator CONRAD, indeed, desires to speak for 5 minutes and the Senator from Illinois desires to speak for 5 minutes, I would ask unanimous consent that this Senator have 5 minutes, the Senator from Illinois have 5 minutes, and Senator CONRAD have 5 minutes, which would mean that the vote would take place at approximately 2:10.

Mr. LAUTENBERG. I will have to raise an objection because there is an understanding being proposed that would include some time for Senator COVERDELL. And I will ask unanimous consent, before there be any further discussion about this, that at 2 o'clock the floor be returned to me so that I can engage in a UC with my Republican counterpart.

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

Mr. TORRICELLI. Mr. President, the situation is the vote is at 2 o'clock and Senator CAROL MOSELEY-BRAUN and I will speak until then?

The PRESIDING OFFICER. That is the understanding.

Mr. TORRICELLI. I thank the Chair.

Mr. President, there is a significant chance that this Senate will one day be remembered for having finally begun to address the problems of educational quality in America. President Clinton in his State of the Union Address challenged this Congress to deal with the problems of school construction, class size, and competence. We are now taking up that challenge, and, indeed, in the last few weeks in dealing with the Coverdell-Torricelli proposal, we also address the problem of access to private schools and the rights of families to save money privately to deal with the costs of public and private education.

Today we return to the subject again. Senator CAROL MOSELEY-BRAUN of Illinois, as she has on many occasions, is now bringing forward consistently and repeatedly a message to deal with the plight—the construction of our schools.

I recognize that in this Senate almost everyone has an idea to deal with the problems of education in America. Almost everyone is right except those who think they have the only idea. This problem is so serious in quality and in access that it will require not just this Senate but Congresses to come, not just this idea but many ideas. The quality of education in this country is the most serious threat to the maintenance of not only social order but our quality of life. We recognize it has many components but probably none more difficult than rebuilding our Nation's schools.

It is estimated that it could cost $112 billion to rebuild crumbling schools in America.

Having toured many of these schools in my own State of New Jersey, I have seen students sitting in hallways because there was not enough room. I have seen students with buckets next to their desks to catch the rain, students who did not have restrooms in their own school facilities but were sent to other buildings. Our parents and their parents before them worked and saved and sacrificed to build a system of public education in this country and an infrastructure that was without equal in the world. They met that challenge. The simple and regrettable truth is we have not.

This system of education, which more than anything else in the Nation is the foundation for our country's prosperity, is crumbling around us. One-third of the students in the Nation face exactly the plight that I have outlined, and more will join them unless we stand up to this challenge.

To all of you who are part of the efforts to assure there is access to the Internet, who joined with us in the fight to help private and public savings through Coverdell-Torricelli, who believe in testing, who join any of these fights, join this fight because there is no one front in the war dealing with educational quality in America. It must be fought on all fronts at the same time.

I am very proud to be part of the efforts of the Senator from Illinois, CAROL MOSELEY-BRAUN, who more than anyone else has brought this fight forward and will be principally responsible when we ultimately do succeed.

I thank the Senator for yielding the time.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey.

In summation, Mr. President, we have heard some of the stories. There are many other anecdotal stories, stories even in my State about faucets and drains in science labs that don't work and electrical wiring that can't support the computers, a school in Alabama where the water leaks collapsed

the ceiling 40 minutes after the children left for the day.

These stories, frankly, are news to no one. I hope that this Senate will take a good look at the sense of the Senate and not let this vote come down on truly partisan grounds. I have a sense that it will, and that in my opinion is tragic because, if anything, our children are not Republican or Democrat or Independent. Our children require an education, and politics should stop at the schoolroom door. This should be something that would engage nonpartisan support based on the policy objective of the sense-of-the-Senate amendment.

That is what this vote is about. It is about policy. I hope it is not about politics. I hope we will send a signal that we are prepared, because, again, it is only a sense-of-the-Senate amendment, that we will send a signal to the country that this Congress is prepared to take up the challenge of rebuilding our crumbling schools; that we are prepared to do it in partnership with our State and local governments; we are not looking to local property taxpayers alone to carry the burden of the $185 billion it will take to build and repair schools; that we are not going to try to pass the buck to the States and have them raise State taxes to do it; that we can work together to provide a bureaucracy free of raising the capital.

That is all this amendment does. It doesn't tell anybody which school to fix. All it says is here is a way to raise the money, and Uncle Sam is going to give you a tax credit in lieu of interest on these bonds that the local school districts will issue. I think it makes absolute sense. It is a very straightforward way of doing it. It will provide support for all kinds of schools in rural and suburban districts as well as in urban districts where the needs, of course, are the most pronounced, but certainly they are pronounced all over the country.

I encourage my colleagues to support the sense-of-the-Senate amendment, and I yield the floor.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Illinois. We are ready to proceed with the next piece of business. I think the manager, the chairman of the Budget Committee, has something he wants to put down.

Mr. DOMENICI. Mr. President, might I inquire, where are we on the amendment of the distinguished Senator from Illinois?

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time of the proponents on the amendment has expired.

Mr. DOMENICI. We have not used any time in opposition?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2174

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senators CONRAD and LAUTENBERG, which will ensure that any revenues generated from an increase in the price of cigarettes is directed first and foremost to protecting the nation's children from nicotine addiction and smoking-induced diseases.

The Republican budget creates a number of serious barriers to these efforts by prohibiting tobacco revenues from being used for anti-smoking initiatives.

In fact, the budget uses Medicare as a smokescreen to make funding more difficult for important smoking cessation programs, counter-advertising to deglamorize tobacco use among children, biomedical research to cure smoking-caused illnesses, and public education to inform the American people more fully about the dangers of tobacco use.

If the current restrictive resolution is adopted, a vote of sixty Senators would be required to waive the restrictions. The result is that millions of Americans who want to quit smoking will have a much more difficult time achieving their goal. Anti-smoking programs are central to any effective measure to reduce tobacco use, and they should be the first priority for the dollars raised by a cigarette price increase.

If these anti-tobacco initiatives are not funded, the problem of teenage smoking in the United States will only increase. According to the Centers for Disease Control and Prevention, a million youngsters start smoking each year—almost 3,000 a day. One third of them will die prematurely from smoking-induced illnesses. The average smoker begins at age 13, and becomes a daily smoker by age 15.

These facts are serious enough. But the crisis is growing worse. A Spring 1996 survey by the University of Michigan Institute for Social Research found that teenage smoking has continued to rise since 1991. It climbed by nearly fifty percent among eighth and tenth graders, and by nearly twenty percent among high school seniors between 1991 and 1996.

The industry strategy is obvious. The tobacco companies target children, because once children are hooked on cigarette smoking, they become customers for life. Ninety percent of current adult smokers began to smoke before they reached the age of 18. By contrast, if young men and women reach that age without beginning to smoke, they are unlikely to take up the habit in later years.

The tobacco companies know these facts. They are fully aware that if they do not persuade children to start smoking, the industry may collapse within a generation. That's why Big Tobacco has targeted children with billions of dollars in advertising and promotional giveaways that promise popularity and success for those who take up smoking.

The Centers for Disease Control and Prevention estimate that the average 14-year-old is exposed to $20 billion in advertising—$20 billion—beginning at age 6. In fact, the name "Joe Camel" is as familiar to children as "Mickey Mouse."

Two recently disclosed industry documents illustrate the blatant marketing to youths. In a 1981 Philip Morris memo entitled "Young Smokers—Prevalence, Implications, and Related Demographic Trends," the authors wrote that:

> It is important to know as much as possible about teenage smoking patterns and attitudes. Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens. . . The smoking patterns of teenagers are particularly important to Philip Morris. . . Furthermore, it is during the teenage years that the initial choice is made.

A marketing report by R.J. Reynolds researcher Diane Burrows, written prior to launching the Joe Camel advertising campaign, stated:

> Younger adult smokers are critical to R.J. Reynolds' long-term profitability. Therefore, RJR must make a substantial long-term commitment of manpower and money dedicated to younger adult smoking programs.

A related RJR document states that "young adult" refers to the 14–24 age group.

It is no coincidence that shortly after R.J. Reynolds launched the Joe Camel campaign in 1988, Camel's share of the youth market soared from 0.5% to 32.8%.

Unless Congress takes action to reverse this disturbing trend in adolescent smoking, five million of today's children will die prematurely from smoking-caused illness. That's unacceptable.

Although all of us agree that Medicare should be protected for future generations, one of the best ways to keep Medicare strong is to invest in important public health and tobacco control programs that prevent children from beginning to smoke, and that help current smokers to quit smoking. Americans will lead healthier lives, and the burden of tobacco-induced diseases will be greatly reduced.

Unfortunately, the Republican budget earmarks all of the tobacco revenues for Medicare. It prohibits using even one dollar of the tobacco revenues to deter youth from smoking.

Smoking has inflicted great damage on people's health. It is the leading preventable cause of death and disability in the nation. Tobacco products are responsible for a third of all cancers, and 90% of all lung cancers.

Smoking also causes great harm to nonsmokers. A recent study by the Agency for Health Care Policy and Research reports that second-hand smoke is responsible for as many as 60% of cases of asthma, bronchitis, and wheezing among young children. It makes sense to use tobacco revenues to discourage children from beginning to smoke.

These programs work. Smoking cessation programs are among the most effective means to reduce health care costs. At the same time, they save and improve the lives of millions of Americans.

They are also cost-effective. Every dollar invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low birthweight babies.

Dr. Michael Fiore, Director of the Center for Tobacco Research and Intervention at the University of Wisconsin at Madison, noted that:

smoking cessation programs are the most cost-effective prevention intervention a physician can engage in. . . It is a paradox in America that virtually every health insurance policy pays for the outcomes of smoking, whether it is a heart attack, stroke, or cancer, but only half of them pay the $100 to $200 it would take to prevent these very expensive illnesses.

The Republican budget offers no help in cases like this, and that makes no sense. The Republican budget offers no help to states and communities for public health advertising to counteract the $5 billion a year that the tobacco industry pours into advertising to encourage people to start smoking and keep smoking.

Paid counter-advertising is extremely effective in reducing tobacco consumption. Both Massachusetts and California have demonstrated that counter-advertising can discourage children from beginning to smoke and encourage smokers to quit. It helped reduce cigarette use in Massachusetts by 17% between 1992 and 1996, or three times the national average. Smoking by junior high school students dropped 8%, while the rest of the nation has seen an increase.

In California, a counter-advertising campaign reduced smoking rates by 15% over the last three years.

A soon-to-be-published study by Professor Frank Chaloupka of the University of Illinois found that tobacco counter-advertising can also reduce illegal drugs use among youth.

The Republican budget, however, will provide no funding for these important efforts.

The Republican budget offers no help to the Food and Drug Administration to enforce the laws against the sale of tobacco products to minors, even though young people spend $1 billion a year to buy tobacco products illegally.

Last year, Congress tried to get away with underfunding the FDA's tobacco regulations by providing only $5 million of the $34 million President Clinton requested to begin enforcement of the youth access rule. An amendment by Senator HARKIN to the Agriculture Appropriations bill to restore the funding was defeated on the Senate floor.

Two months later, as public outrage grew, Congress reversed itself and overwhelmingly approved the full amount. A similar outcry from our constituents and the public health community is likely if we do not provide funding for these important enforcement efforts.

Finally, the Republican budget offers no help for medical research on tobacco-related diseases, even though such research can lead to enormous savings for Medicare.

Funding for tobacco-related medical research is vital to fulfilling our hopes for healthy lives for all citizens. The promise of new medical research is boundless. As impressive as the progress of the past has been, it pales in comparison to the opportunities of the future.

In addition, a recent study by researchers at Duke University indicates that expanded funding for medical research can help keep Medicare and other federal health care programs solvent for the long-term.

If the goal of this budget resolution is to protect Medicare, it makes no sense to prevent tobacco revenues from being used to support anti-smoking programs that will reduce future costs for Medicare.

Currently, smoking-induced diseases cost the federal government over $20 billion a year. If we invest in medical research to make Americans healthier, we can save enormous sums, protect these programs for future generations, and prevent many of the illnesses caused by smoking.

The country supports these fundamental priorities, and the Senate should support them too. They have been endorsed by the public health community, and by Doctor Koop and Doctor Kessler. They are included in virtually all of the tobacco bills introduced in Congress by Republicans as well as Democrats. I urge my colleagues to support the Conrad/Lautenberg amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that at 2 p.m. the Senate resume consideration of the Coverdell amendment and there be 5 minutes equally divided for debate on the Coverdell amendment; following that, there be 5 minutes equally divided for closing debate on the Conrad amendment.

I further ask a vote occur on or in relation to the Conrad amendment at 2:10, to be followed by a vote on or in relation to the Coverdell amendment, with 2 minutes of debate equally divided between the votes.

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

Mr. LAUTENBERG. Mr. President, I note the second vote would be limited to a 10-minute vote so Senators who come down here should know that they cannot go back and expect to spend 15 or 20 minutes back in the office and still be able to vote.

Mr. DOMENICI. That is the current unanimous consent situation in the Senate, is it not, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Senator for reminding us.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

AMENDMENT NO. 2199

Mr. COVERDELL. Mr. President, it is my understanding that we now have 5 minutes equally divided on my amendment?

The PRESIDING OFFICER. That is correct.

Mr. COVERDELL. Mr. President, my amendment is the middle-class tax relief proposal. It calls on the Government to cut nondefense discretionary spending by 6.9 percent over the next 5 years. It would return discretionary spending to a level of 1996. That does not seem too distant a reach for us. It would produce $200 billion in new tax relief to American workers and it would do it by taking 10 million American taxpayers who, simply because they now make over $25,000 a year, have had their taxes increased from 15 percent to 28 percent. In other words, if they got a single raise, or because of inflation, that has taken these very modest income families and doubled their taxes.

So we are saying we are going to lift the bar and we are going to allow those families, 10 million of them, to be pushed back down into the 15 percent tax bracket, remembering that American workers today are keeping less than half their paychecks by the time the Government romps through their checking account. No wonder we have so much trouble in our country in terms of families trying to make ends meet. We don't leave them enough resources to do the job we have always asked them to do. This is a major step to correct that problem. I might add—how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. COVERDELL. I might add that one of the functional components of American liberty was and remains the right of workers to have their resources come to them so they can live out their dreams and their lives. We have changed this over the years.

I pointed out this morning, my father kept 80 percent of his lifetime wages, he was born in 1912, and his granddaughter will be lucky if she keeps 40 percent of her lifetime wages. That will functionally change the way this country governs itself and lives. We must restore economic liberty to American workers.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I have 2½ minutes to respond. I won't take 2½ minutes because I want to yield some time to Senator CONRAD. But I want to tell you something. My father kept 100 percent of his wages. They were so meager he couldn't pay

taxes on them. But he had an opportunity to work whenever he could, and he held his head high and he loved America every day that he lived here, and that is what we are talking about. We can beat ourselves to death about how terrible conditions are here when people are living longer, living better, and enjoying life better than ever before in the history of mankind—including in America. I am proud of this country and, as I said earlier: America, America the beautiful.

I yield the remainder of my time to Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2174

Mr. CONRAD. Mr. President, my amendment is designed to allow the reserve fund for possible tobacco revenues to be used for more than just Medicare. My amendment is cosponsored by the distinguished Senator from New Jersey, Senator LAUTENBERG, Senator BINGAMAN of New Mexico, and Senator REED of Rhode Island. While we acknowledge Medicare is an important priority, we understand it is not the only priority. We all understand if tobacco legislation passes, there are other things that are necessary for a national tobacco policy. The health community has told us very clearly we need to fund smoking cessation, smoking prevention. We need to promote and support additional health research. We also need to be able to fund counteradvertising and also ease the transition for farmers. All of those are things that need to be funded by a possible tobacco settlement.

Unfortunately, under the terms of the budget resolution, none of those things are possible, none of them, even though every bill that has been introduced on the floor, every comprehensive piece of legislation, by Republicans and Democrats, has said that these other priorities also need to be funded.

Here are the priorities in each of the comprehensive bills that have been introduced: Tobacco revenue should be provided for smoking education initiatives, to educate our young people. The Republican budget resolution says no, not one dime.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. CONRAD. Mr. President, I ask for 1 additional minute. I ask for an additional 1 minute. I would go on to the amendment itself, that gives me an additional 2½ minutes.

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. DOMENICI. Senator, there is a unanimous consent agreement, so we will not disagree. We will give you the minute. I am not objecting.

Mr. CONRAD. We are saying, in addition, tobacco revenues need to be used for counteradvertising. The resolution says no, none of the money can be used for that purpose.

We say some of the money needs to be used for tobacco-related research. The resolution says no, none of the money can be used for that purpose.

We think some of the money needs to be used to fund smoking prevention and cessation programs. The resolution says no, none of the money can be used for that purpose.

We think some of it should be used to assist farmers in the transition. The resolution says no, none of the money.

We will be told that, in fact, there is money in other parts of the budget, but all of us who are budgeteers understand that those are assumptions. There is no assurance whatever that 1 penny will be available for these purposes from these other funds. And even if they were available, under the assumptions of the Budget Committee, they are woefully inadequate. They only provide about $100 million a year when the health community tells us we need at least $2 billion a year if we are really going to have a chance to reduce youth smoking and protect the public health.

We have an opportunity now to respond and broaden the use of the reserve fund so we can have comprehensive tobacco legislation pass in this Chamber. The only way any of the bills that are before us now will be in order on the floor of the Senate is if my amendment passes.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I gather I have 5 minutes to respond?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. DOMENICI. I have 2½ minutes—it was 5 minutes equally divided.

Mr. President, this is a very simple proposition. Do you want to start and create five new entitlement programs or do you want to save Medicare? It is a very simple proposition. We suggested, as Republicans, that Social Security and Medicare are the two most important American programs to save, reform, and make available well into the next century.

We put our money where our mouth is, and we put whatever is left of the cigarette settlement on the highest priority health expenditure of this Nation: the salvaging and reforming of the Medicare system.

In contrast, my good friend who offers this amendment says, "Let's create five new entitlement programs." Even though the money will run out someday, we will have some permanent programs.

Everyone knows this Nation should not have new entitlement programs, and everyone knows that there are many high-priority items in the American budget. We have said in our budget that we have made room for high-priority expenditures, and I will tell you quickly what they are:

$15.5 billion increase in the National Institutes of Health. We have taken Presidential reductions and said we will spend them here;

$825 million for a smoking cessation program, twice the size of the President's;

And then we have said in our settlement of the tobacco fund, if it ever occurs, we pay the States their share and the rest of it goes to the program most in need—Medicare.

Let me tell you, there is no relationship between some of the new entitlement programs that some want to create out of this tobacco settlement, but there is a direct relationship between the insolvency of the Medicare fund and tobacco smoking. As a matter of fact, in 1995 there was $25 billion of costs in the Medicare system that came from smoking. So if you are going to get money from the tobacco settlement, put it where the damage to the senior citizens is occurring, and it is occurring by virtue of their fund for medical care going bankrupt.

I believe the issue is very simple—very simple: Do you want a budget that begins to help with Medicare, or do you want a budget that says not one nickel for Medicare; let's take care of that later with money from somewhere else.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota has 44 seconds remaining.

Mr. CONRAD. Mr. President, this issue is simple. The question is, Are we going to have a reserve fund so that there is a solution to the tobacco controversy, that we can use the money in a way that accommodates every comprehensive bill that is before this body, introduced by Republicans or Democrats?

Unfortunately, under the budget resolution, the money can only go for one purpose: Medicare. While that is an important priority, there are other priorities as well—smoking cessation, smoking prevention, health research, countertobacco advertising, easing the transition for farmers. We should not be creating supermajority hurdles in the way of tobacco legislation, and the only way we avoid that is to pass this amendment.

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

Mr. DOMENICI. Mr. President, the pending amendment is not germane to provisions of the Budget Act. Pursuant to section 305(b)(2) of the Budget Act, I raise a point of order against the pending amendment.

Mr. CONRAD. Mr. President, I move to waive the Budget Act, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2174. The yeas and

nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—46

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Jeffords	Reid
Byrd	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Faircloth	Leahy	

NAYS—54

Abraham	Ford	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2199

Mr. DOMENICI. Mr. President, what is the next order of business?

The PRESIDING OFFICER. There are 2 minutes of debate equally divided before the vote on the Coverdell amendment.

Mr. DOMENICI. Mr. President, there are a number of Senators who want us to tender amendments on their behalf. We will start to accumulate them. When the next vote is over, we will get them in.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank Senator COVERDELL for his leadership on this issue. It is one that is important to American families. It represents an important step toward a flatter, fairer tax system, and it also provides immediate tax relief for hard-working Americans and their families. The amendment provides broad-based middle class tax relief by increasing the number of individuals who pay the lowest tax rates of 15 percent and significantly lessening the impact of one of the Tax Code's most inequitable provisions, the marriage penalty. An estimated 28 percent of Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

Again, I thank Senator COVERDELL for his leadership on this issue in the ongoing efforts to reduce the tax burden on the American citizens.

I yield the floor.

Mr. LAUTENBERG. Mr. President, first I make the point that the pending amendment is not germane, and therefore I will raise a point of order. Also, Mr. President, I rise in strong opposition to the McCain-Coverdell amendment. The amendment would cut domestic programs like education, child care, law enforcement, veterans, environmental protection, and would violate current budget rules. I think it is fiscally dangerous and irresponsible, and I hope we will marshal a vote against this amendment.

The PRESIDING OFFICER. The Senator from Georgia has 30 seconds remaining.

Mr. COVERDELL. Mr. President, I yield back the balance of my time.

Mr. LAUTENBERG. Mr. President, I yield back the balance of my time.

Mr. McCAIN. Mr. President, pursuant to section 904(c), I move to waive the Budget Act for the consideration of this amendment.

Mr. LAUTENBERG. Mr. President, I raise a point of order that this amendment is nongermane.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to Coverdell Amendment No. 2199.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—38

Abraham	Faircloth	Kempthorne
Allard	Frist	Kyl
Ashcroft	Gramm	Lott
Bennett	Grams	McCain
Brownback	Gregg	McConnell
Burns	Hatch	Murkowski
Campbell	Helms	Nickles
Coverdell	Hutchinson	Roberts
Craig	Hutchison	Roth
Enzi	Inhofe	Santorum
Sessions	Smith (OR)	Thurmond
Shelby	Thomas	Warner
Smith (NH)	Thompson	

NAYS—62

Akaka	Dorgan	Leahy
Baucus	Durbin	Levin
Biden	Feingold	Lieberman
Bingaman	Feinstein	Lugar
Bond	Ford	Mack
Boxer	Glenn	Mikulski
Breaux	Gorton	Moseley-Braun
Bryan	Graham	Moynihan
Bumpers	Grassley	Murray
Byrd	Hagel	Reed
Chafee	Harkin	Reid
Cleland	Hollings	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Sarbanes
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Torricelli
DeWine	Kohl	Wellstone
Dodd	Landrieu	Wyden
Domenici	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, will the distinguished Senator from New Jersey yield 2 minutes?

Mr. LAUTENBERG. I am happy to yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, using that 2 minutes, I ask unanimous consent to speak for the purpose of introducing legislation, if it would be appropriate to do that.

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

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1901 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 2174

Mr. FAIRCLOTH. Mr. President, I wish to offer a few remarks to make clear my vote on the Conrad amendment. I don't want to see a potential tobacco settlement degenerate into just a piggy bank for the Clinton Administration's plans to expand social programs. Certainly, the revenues need to go to health care, but I will not let the Senate forget about tobacco farmers. I voted for this amendment today because it included the tobacco farmers, and the Smith amendment does not. I do not want my vote to imply an endorsement of other programs in this amendment, however, and I do not want to see public health programs turned into politicized slush funds. I think that this scenario poses a real danger. However, I want to see the Senate on record in support of farmers, and this amendment recognizes the

need to protect them from the impact of tobacco legislation.

The PRESIDING OFFICER. The pending question is amendment No. 2175 by the Senator from Illinois, Senator MOSELEY-BRAUN.

The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent the pending amendment be temporarily laid aside.

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

Mr. LAUTENBERG. Mr. President, I yield to the Senator from Wisconsin who just wants to make an introduction. I give him 1 minute of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

AMENDMENT NO. 2224

(Purpose: To establish a disability reserve fund)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. KENNEDY and Mr. HARKIN, proposes an amendment numbered 2224.

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

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

The amendment is as follows:

At the end of title II, add the following:

SEC. ___. DISABILITY RESERVE FUND FOR FISCAL YEARS 1999–2003.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance disability programs designed to allow persons with a disability to become employed and remain independent and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels, allocations, and limits may be adjusted (but by amounts not to exceed $2,000,000,000 for the period of fiscal years 1999 through 2003) if such adjustments do not cause an increase in the deficit in the resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nondisability direct spending or increases revenue for a fiscal year or years, the Chairman of the Committee on the Budget shall submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget shall submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nondisability-related spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of revisions under paragraph (1), the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or nondisability related direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to section 302 of the Congressional Budget Act of 1974 to carry out this section.

Mr. FEINGOLD. Mr. President, I ask unanimous consent my amendment be laid aside at this time.

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

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2225

(Purpose: To state the sense of the Senate regarding the quality of teachers)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DEWINE, proposes an amendment numbered 2225.

The amendment (No. 2225), is as follows:

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF THE SENATE.Findings.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

Mr. DOMENICI. Mr. President, I understand that amendment will be put in the process whereby it will be assigned an opportunity to be voted on, if that is the case, in due course.

Mr. President, I might discuss with the distinguished Senator from New Jersey where we are now. Senator TIM JOHNSON has an amendment that he would like not only to call up but to take 3 or 4 minutes on. I am a cosponsor. I think we should accept it. We might be able to get that one done today.

Mr. LAUTENBERG. I appreciate the fact the manager is going to yield to our friend from South Dakota.

AMENDMENT NO. 2210, AS MODIFIED

(Purpose: To express the sense of the Senate regarding repair and construction needs of Indian schools)

Mr. JOHNSON. Mr. President, I ask unanimous consent to send a modified version of the amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 2210) as modified, is as follows:

At the end of Title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754 million, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include

basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal government;

(3) sixty-three percent of the BIA schools are over 30 years old, and twenty-six percent are over 50 years old. Approximately forty percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these "portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western states for ten to fifteen years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20–$30 million annually, meeting only 4% of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the federal government. Unfortunately, the failure of the federal government to live up to this responsibility has come at the expense of quality education for some of this nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than five years beginning with Fiscal Year 1999, and that the President should submit to Congress a plan for the orderly elimination of this backlog.

The PRESIDING OFFICER. Does the Senator from New Mexico yield time?

Mr. DOMENICI. I believe he is calling up an amendment and he has time on the amendment.

Mr. JOHNSON. Mr. President, the amendment that is being offered is with the cooperation of Chairman DOMENICI. It is cosponsored by Senators DASCHLE, DORGAN, BINGAMAN, WELLSTONE, MCCAIN, KOHL, CONRAD and MURRAY, and it is a sense-of-the-Senate resolution, which is designed to reflect on the crisis that we have with Indian school funding in the United States today. This is an issue that Chairman DOMENICI has shared with me as a matter of great concern on the Senate Budget Committee.

We recognize the budget resolution assumes $166 million will be allocated for Indian school repair work and replacement work. However, we recognize this is part of the budget resolution and is not binding on the Appropriations Committee.

There is a need to raise the visibility of the very real crisis that exists in terms of BIA school funding and replacement needs. That is the purpose of this sense of the Senate. The BIA manages some 143 schools within the United States. It is a Federal responsibility. This is not a question of whether the Federal Government ought to be involved in these schools or not. In this instance, these schools are Federal property and it is a Federal responsibility.

We have a repair and replacement backlog now of about $754 million. The rate at which we have been replacing some 60 schools that currently are in need of replacement has been at about one per year. So obviously the backlog is getting larger and larger as we go about this kind of underfunded replacement and renovation.

Mr. President, 40 percent of the BIA students attending class are attending class in portable classrooms. We have a fast-growing population attending these schools, and it is clear that something far different from what we have been doing in the past is absolutely essential if, in fact, we are going to meaningfully address this backlog.

It is our concern that we have to infuse more resources into the backlog problem, and that we have greater direction from the White House itself, from the BIA itself, relative to a concrete plan to get this done over a relatively modest timeframe, over the next 5 years.

So this resolution calls on the administration to work with us in arriving at a plan that is infused with sufficient funds to make significant progress over these coming years on this backlog. This resolution will send a signal, and I think an important signal, to the appropriators and to the administration that this is a crisis that we recognize and we acknowledge, and for which there is a bipartisan concern.

So that is the thrust of this resolution. I commend Chairman DOMENICI for working with me, and for the work of his staff, working with my staff, trying to arrive at a strategy that is constructive and is meaningful on this problem. The Senator represents a State with a significant Indian population, suffering many of the same problems that the Native American population in my State of South Dakota suffer. So this is a problem about which we jointly share a great concern.

The chairman is commended for a longstanding commitment to trying to enhance opportunities and the quality of life for the Native American population of his State and around the United States in general. This is one area where we both agree; I believe that higher visibility and a higher level of commitment is badly needed.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Senator will yield me 5 minutes?

Mr. JOHNSON. I yield the Senator 5 minutes.

Mr. DOMENICI. First, I want to ask, did the Senator name me as a cosponsor?

Mr. JOHNSON. Yes; I did.

Mr. DOMENICI. I wonder if Senator BINGAMAN of New Mexico has been asked about being a cosponsor?

Mr. JOHNSON. Senator BINGAMAN was also named. We are very proud to have both Senators from New Mexico on this amendment as cosponsors.

Mr. DOMENICI. Is Senator CAMPBELL, the chairman of the Indian Affairs Committee, on it?

Mr. JOHNSON. We do not have Senator CAMPBELL on it. Senator CAMPBELL held a hearing and a mark-up today at his committee, and we have not been able to reach him on this amendment as yet.

Mr. DOMENICI. I wonder if you would mind having him called and we will modify it by adding him on it. I think we should ask to have the chairman on it.

Mr. JOHNSON. That is a good idea.

Mr. DOMENICI. What has been amazing to the Senator from New Mexico is the way the U.S. Government fails to recognize its sole and singular responsibility. We are busy all the time, every year, with budgets that try to do new things. Frankly, the President of the United States had a very long list of new things, new programs. In fact, he had a suggestion that we use a lot of the money for helping classroom size, helping build public schools. But the real problem here is that if we do not rebuild the Indian schools that are run by the Government and put them under some management and maintenance, nobody will. They don't belong to anybody else. They are not being run by the State of Georgia, or the school board of Bernalillo County, Albuquerque. It is either we do it or the Indian young people go to school in buildings that are not fit for occupancy, much less for Indian education.

I don't know what to do about it. The Senator from New Mexico doesn't know what to do about it. I work at it every year. We need to get some proposal to get this huge backlog taken care of and get on with being able to say to our Indian young people and the teachers who are in those schools, "We think enough of you to give you a school that offers you an opportunity like the rest of Americans to get educated." The school building doesn't make the child, but I tell you, you can have a bad enough school building that the child can hardly learn.

So I have asked that this resolution contain another provision, just in an effort to see if we can get there, and that provision, which was in the modification that Senator JOHNSON sent to the desk, asked the President of the United States—if I am not correct—it asked the President to submit to us by a date certain a 5-year plan to see to it that, regarding the Indian schools the

Government owns, the Government must maintain them or they will not get maintained, and those where we have to build a new one because the old one is decrepit, that entire package be put in a 5-year plan and the President recommend to us how we might get that done.

Frankly, I believe unless and until that shows up in a Presidential budget, we are not going to find the resources in the Senate or the House to do what we must do. This is not a little $50 million problem; this is a hundreds-of-million-dollar problem. So I believe we are on to something here in this resolution. It is not just a hollow one; it is one that is to get something back from the Chief Executive of America, and it is going to tell us whether we agree on this problem, and if they do, how do we take care of it in a given number of years.

I anxiously await, and I will see to it that we hold this in conference, because I think it is the kind of thing that should be in the budget. Some sense-of-the-Senates don't belong in, but this belongs in because this is a problem we can't fix in a budget resolution. We can hardly fix it in appropriations, as you know. So, Senator, thanks for your leadership. I am glad to be on board. This will be welcome news in Indian country.

Mr. JOHNSON. I thank the chairman for his supportive remarks here. The chairman has a great understanding, profound understanding, of the immensity of the problem that this country faces relative to Indian schools and the need for White House leadership on this issue. We will work with the White House in that regard, but it is going to require a cooperative effort if we are going to have any success on a problem of this immensity.

Mr. President, I ask unanimous consent that Senators KOHL, CONRAD, INOUYE, and MURRAY be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. And the Senator from North Dakota?

Mr. DORGAN. Mr. President, I will be proud to be made a cosponsor of this amendment.

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

Mr. DORGAN. Let me just take 30 seconds.

Mr. JOHNSON. I yield to the Senator.

Mr. DORGAN. Mr. President, I support fully the comments made by the Senators from South Dakota and New Mexico, and in fact I hope in just a moment to be able to speak off the bill on the Moseley-Braun amendment, and I intend to address a few of these issues with respect to that as well. And I am pleased the Senator offered the amendment and pleased to hear the comments of the Senator from New Mexico as a cosponsor.

Mr. CONRAD. Mr. President, I rise today in support of the Johnson amendment, which expresses the sense of the Senate about the need to address the Bureau of Indian Affairs school construction backlog.

The conditions at the schools on America's Indian reservations are some of the worst in the nation. They are truly deplorable. In January, I accompanied the Assistant Secretary for Indian Affairs on a tour of the Standing Rock Community School at Fort Yates, North Dakota. I wish every one of my colleagues in the Senate could see the conditions at this school. The school was built in an open-classroom design, without walls between the classrooms. The noise at the school can be deafening at times, and this is not an environment in which students can learn. How is it that we can have a school in which the physical conditions actually prohibit learning from happening? In addition, the heating and cooling system at the school is grossly inadequate, so it can be 50 degrees in one wing of the school, and 80 degrees in another.

As bad as this is, things have recently gotten worse: the lights at this school and the local elementary school have begun to leak an oily substance that has been found to contain PCBs. The Bureau of Indian Affairs is in the process of removing these lights and conducting additional testing for further contamination. They are also testing the ceiling tiles, which preliminary tests show may contain dioxin. To protect the health of the students, the schools were shut down for weeks. The BIA is in the process of reopening the schools' classrooms and other facilities, as clean-up is completed. These conditions pose serious threats to the health of the children of the Standing Rock Reservation. How can we ask families to send their children to be educated in such deplorable conditions?

In looking at conditions at schools throughout Indian Country, the Standing Rock Community is not an anomaly. In January, the GAO released a report on conditions at BIA schools and the costs to repair these schools. The BIA estimates that the costs of total inventory repair need for BIA education facilities is $754 million.

Data from a 1994 National Schools Facilities Survey conducted by GAO show that BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for educational reform, and are less able to support computer and communications technology, compared to other schools nationwide.

Of the conditions found at BIA schools:

62 percent had at least one building in less than adequate condition, compared with 33 percent of all schools.

79 percent had at least one inadequate building feature (such as roofs, floors, foundations, plumbing, heating, electrical power, and life safety codes). Nationwide, 57 percent of all schools had at least one inadequate building feature.

94 percent had at least one unsatisfactory environmental condition, compared with 50 percent of schools nationwide. Environmental conditions include lighting, heating, ventilation, indoor air quality, acoustics, flexibility of instructional space, energy efficiency, and physical security of building.

These are serious school construction needs—about $754 million worth—that should be addressed, and should be addressed quickly. The Johnson amendment expresses the sense of the Senate that the BIA school construction backlog should be eliminated within five years. We need a serious, sustained effort to get the job done and provide a safe environment in which Native American children can get an education.

The Johnson amendment also requires the Administration to submit to Congress a plan for how this construction backlog will be addressed. As a member of the Senate Committee on Indian Affairs, I intend to work closely with Kevin Gover, Assistant Secretary for Indian Affairs, to ensure that the job gets done. Assistant Secretary Gover visited North Dakota and quickly grasped the magnitude of the school construction problem. He has made a commitment to me and other members of the Committee to take action on this school construction backlog.

We cannot let these conditions persist. We cannot let the BIA school construction backlog continue to grow out of control. And we cannot continue to ask parents to send their children to school where learning cannot take place and where serious health hazards exist. I hope that all of my colleagues will vote for the Johnson amendment and show their support for the well-being of Native American children.

Mr. DOMENICI. Mr. President, today there is a $1.5 billion backlog of repairs, renovation, and replacement for all federally owned and operated BIA schools, including elementary, secondary, and post-secondary schools.

A December, 1997 report by the General Accounting Office (GAO) concluded that "the cost of the total inventory of repairs needed for BIA education facilities (elementary and secondary only) is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

The footnote to this estimate notes that $754 million "does not include the costs of replacing school buildings. BIA's priority list for constructing

education facilities includes eight unfunded school replacement projects with a total estimated cost of $112 million."

THE BIA CONSTRUCTION PRIORITY LIST

Mr. President, we in the Senate who pay close attention to this BIA priority list for school construction are well aware that this list has been frozen for several years now. This means that the eight school scheduled for replacement are the ones on this frozen priority list. I am attaching this list of 16 total BIA schools from the Administration's FY 1999 budget request for the RECORD.

Obviously, a school that is replaced would be deleted from the list of school needing repair. The GAO report includes the costs of schools scheduled for replacement. In short, the GAO estimate does not fully estimate the costs of replacement schools.

To get a rough idea of the costs of replacing these schools, including those that are not on the frozen priority list, I have checked with the Assistant Secretary for Indian Affairs, Kevin Gover. His office informs me that 50% of the 185 BIA schools are over 30 years old and fail to meet current codes and standards.

The GAO, has noted that 25% of BIA schools are over 50 years old, and, of course fail to meet the same standards for safety and teaching.

TOTAL BIA SCHOOLS NEEDING REPLACEMENT AND REPAIR

There are 93 BIA schools that should be replaced—well beyond the current priority list of 16. At an average cost of $180 per square foot, these 93 schools would cost one billion dollars to replace.

Replacing these 93 oldest BIA schools would leave about $200 million in repair and renovation costs for the remaining 92 BIA schools.

This simple arithmetic gives us a current estimate of about $1.2 billion to bring all federally operated BIA schools up to par.

INDIAN COMMUNITY COLLEGES

These Indian community colleges fall into two categories: those run by the BIA and those that are tribally controlled community colleges.

In the first category, those run by the BIA, Haskell (Kansas) and SIPI (Albuquerque) are the only two that are fully federally operated by the BIA. The BIA now has 26 tribally controlled community colleges eligible to receive funds through the Tribally Controlled Community Colleges Act, and one more, United Tribes Technical College, funded through the BIA's Community Development funds.

In total, then, there are 29 Indian Community Colleges with direct BIA funding, and one, Crownpoint Institute of Technology, that is funded primarily through the Carl Perkins Vocational Education program of the U.S. Department of Education.

These Indian community colleges have an estimated repair and renovation cost of about $310 million. Replacement costs, such as the Shiprock branch of Navajo Community College, are not included. The Shiprock branch is estimating the costs for a new campus at about $28 million. The need for married student housing at Crownpoint Institute of Technology is also not included.

TOTAL BIA SCHOOLS AND INDIAN COMMUNITY COLLEGES

For the sake of simplicity, we can easily estimate that total repair, renovation, and replacement costs for all elementary, secondary, and post-secondary BIA schools and tribal schools eligible for BIA funds, exceed $1.5 billion.

GAO REPORT ON BIA SCHOOLS

For the benefit of my colleagues, I would like to submit an edited version of the GAO study on Indian school repair needs. Please keep in mind that this report is focused on elementary and secondary schools only.

The GAO finds that 47,200 Indian students are served by 173 schools. The BIA count is 185 schools and over 50,000 students. The BIA schools range in size from 15 to 1,144 students, with about half of these schools enrolling fewer than 200 pupils.

Growth is very high in these schools with an increase in student enrollment of 25 percent since 1987. Most of this growth has occurred in the last 5 years.

About 10 percent of all Indian students attend BIA schools, funded or operated by the BIA. The vast majority or 90% of Indian students in America attend regular public schools.

BIA schools are located in 23 states, but are highly concentrated in 5 states—North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA schools are generally in poorer physical condition that even central city schools and lack more key facility requirements than typical American schools.

The BIA schools are older and less able to support computer and communications technology than average American schools.

CONCLUSION (S. RES. 100 ON EDUCATION OF AMERICAN INDIANS)

In addition to the physical needs of our federally operated Indian schools and colleges, there is a parallel crisis in operating funds for Indian schools nationwide.

American Indian students have the highest dropout rate of any racial ethnic group (36%) and the lowest high school completion and college attendance rates of any minority group.

Average annual funding for Indian college students is $2,900 compared to $6,200 for Americans as a whole.

Senate Resolution 100, introduced in the First Session of this Congress which I introduced with the cosponsorship of Senators CAMPBELL, INOUYE, JOHNSON, DORGAN, and WELLSTONE, discusses the overall situation of Indian education and calls upon the 105th Congress to address these issues through major education bills under consideration.

I urge my colleagues to review Senate Resolution 100, and support its passage by this body in order to draw more needed attention to the major problems we face today in Indian education.

I ask unanimous consent that S. Res. 100 be printed in the RECORD, along with the BIA school construction priority list, and my summary of the GAO report on Indian school repairs.

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

REPLACEMENT SCHOOL CONSTRUCTION

Program Description ($19,200,000): During fiscal years 1991 thru 1997, $117.2 million was appropriated to complete construction of schools at Laguna, Choctaw, Dunseith, Pine Ridge, and the Haskell Dormitory, as well as the first eight schools on the Replacement School Construction Priority List (List). Funds appropriated in FY 1998 were used to start construction of the Many Farms School complex. This school is ranked no. 4 on the Replacement School Priority List (List). Funds appropriated in FY 1998 will be used to accomplish site work at both the Sac & Fox Settlement School and the Pyramid Lake High School. These schools are ranked 10 and 11, respectively, on the List. Congress also funded this rebuilding of the Wa-He-Lut School which was completed in seven months and is occupied. The status of each school project on the List is presented below.

Replacement school project	Project status
1. Pinon Community School Dorms	Funded, Construction is Complete, except Employee Quarters for which ***Public Law 93-638*** construction contract due for completion March, 1998.
2. Eastern Cheyenne River Consol. School	Funded, Construction is Complete; school is occupied.
3. Rock Point Community School	Funded, Construction is Complete; school is occupied.
4. Many Farms High School	Funded, Construction anticipated to start in summer of 1998.
5. Tucker Day School	Funded, Construction is Complete; school is occupied.
6. Shoshone Bannock School	Funded, Construction is Complete; school is occupied.
7. Standing Pine Day School	Funded, Construction is Complete; school is occupied.
8. Chief Leschi School	Funded, Construction is Complete; school is occupied.
9. Seba Dalkai School	Design scheduled for completion July 1998; construction funds requested in 1999.
10. Sac & Fox Settlement School	Design 70% complete; requesting construction funding in FY 1999.
11. Pyramid Lake High School	Design completed; requesting construction funding in FY 1999.
12. Shiprock Alternative School	Planning is nearly complete; funded for design; not funded for construction.
13. Tuba City Boarding School	Planning to begin Spring of 1998; funded for design; not funded for construction.
14. Fond Du Lac Ojibway School	Design is underway; not funded for construction.

Replacement school project	Project status
15. Second Mesa Day School	Design to 40% is underway; not funded for construction.
16. Zia Day School	Planning completion is anticipate in second quarter of 1998; funded for design; not funded for construction.

SUMMARY OF GAO REPORT ON CONDITION OF BIA SCHOOLS

(1) BIA reports that the cost of the total inventory of repairs needed for BIA education facilities is $754 million; (2) this includes the cost of repairs to all school buildings, including dormitories for students and employee housing; and (3) data from GAO's 1994 National School Facilities Survey show that, compared to other schools nationally, responding BIA schools: (a) are generally in poorer physical condition; (b) have more unsatisfactory environmental factors; (c) more often lack key facilities requirements for education reform; and (d) are less able to support computer and communications technology.

PERCENT OF INDIAN CHILDREN IN BIA SCHOOLS

While most Native American children attend regular public schools, about 10 percent attend BIA schools, which are funded by BIA and operated either by BIA or by various tribes through grants or contracts from BIA.

BIA schools are found in 23 states but are highly concentrated in 5—North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA funded 173 schools (including boarding schools) in school year 1996–97, with a total enrollment of 47,214. The schools ranged in size from 15 to 1,144 students, with about one-half enrolling fewer than 200 pupils.

Enrollment in BIA schools is growing and overall has increased 25 percent since 1987. Most of this growth has occurred in the last 5 years.

GAO ESTIMATES ON NATION'S SCHOOLS

We estimated that the nation's schools needed about $112 billion (+/− 6.6% sampling error) to repair or upgrade facilities to good overall condition. Responses to our survey indicated that about 33 percent of America's schools reported needing extensive repair or replacement of one or more buildings; almost 60 percent reported problems with at least one major building feature, such as plumbing; and about 50 percent reported unsatisfactory environmental conditions.

Furthermore, many reported lacking critical physical capabilities to meet the functional requirements of education reform and key technology elements to support computers and communications technology.

ISOLATION OF BIA SCHOOLS

BIA officials told us that BIA schools are often located in isolated areas and have to provide and maintain extensive campus infrastructures because they are too far from population centers to have access to town or city services. For example, one school we visited had to house and maintain a fire truck on campus because it is too far from the nearest city to use its fire department.

In addition, some schools must provide dormitory space for students and/or housing for faculty and staff because they are so distant from population centers. BIA officials told us that this isolation may also contribute to maintenance difficulties and costs when materials have to be shipped long distances and construction/repair staff have to be housed while on site.

AGE OF BIA SCHOOLS

Officials also told us that about 25 percent of BIA school buildings are at least 50 years old, and many of these buildings are on the National Historic Register. BIA officials told us that this listing often restricts the ability to make education-related renovations and improvements.

BIA TO UPDATE REPAIR INVENTORY

BIA reports that, as of October 1997, the cost of the total inventory of repairs needed for education facilities at all BIA schools is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

BIA's inventory of repairs needed—the facilities backlog—is an amalgam of information collected by architects, engineers, and BIA staff over the years. The inventory describes in detail individual work items required by national standards and codes such as the Uniform Building Code, National Fire Codes, and National Electrical Codes to repair the facilities. The facilities backlog contains the repair cost for deficiencies identified in a building or at a site.

The deficiencies may involve safety and health, access for persons with disabilities, or noncompliance with other building codes. BIA is currently developing a new Facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory. The validation will include professional estimates of the cost of all backlog repair items and a determination of the relative economic values of repair versus replacement. The system development and validation projects are scheduled for completion in fiscal year 1999.

Our 1994 survey asked school officials to estimate the total cost of all repairs, renovations, and modernizations required to put their school buildings in good overall condition. The amounts reported by the 71 BIA schools responding to our survey were generally in agreement with BIA's estimates of the costs required to address the inventory of repairs needed at these schools.

S. RES. 100

Whereas there exists a unique legal and political relationship between the United States and tribal governments and a unique Federal responsibility to American Indians and Alaska Natives;

Whereas, under law and practice, the United States has undertaken a trust responsibility to protect and preserve Indian tribes, Indians, and tribal assets and resources;

Whereas the Federal Government's commitment to Indian education has been recognized, reinforced, and carried out through most treaties with Indian tribes, Congressional legislation, numerous court decisions and Presidential executive orders;

Whereas this Federal responsibility includes working with tribal governments and their members to improve the education of tribal members;

Whereas the 1990 census shows the poverty rate for American Indians and Alaska Natives was nearly twice the national average—31 percent of Indians live below the poverty level, compared to 13 percent of the total population. Nearly 38 percent of Indian children above the age of 5 were living below the poverty level in 1990, compared with 11 percent of non-minority children;

Whereas the development of tribal economies is dependent on physical infrastructure, capital investment, and highly developed human capital and an educated labor force;

Whereas excellence in educational facilities and services is a key to building the skills necessary for Indian people to develop vibrant tribal economies;

Whereas ever-increasing regional, national, and international economic competition demands that Indians have every competitive advantage accruing from achieving excellence in education;

Whereas there are approximately 600,000 American Indian and Alaska Native children attending schools in this country. An estimated 87 percent of these children attend public schools located on or near reservations and in urban areas; another 10 percent attend schools funded by the Bureau of Indian Affairs (BIA) and an estimated 3 percent attend private schools;

Whereas these schools have experienced an increase in student population of 3–4 percent in the past 5 years, however, annual funding for the education of Indian children has not increased proportionately;

Whereas United States census data shows that the Indian and Alaska Native population has increased significantly in the past three decades. Primary growth concentrations are at ages 5 through 19;

Whereas the 1994 National Assessment of Education Progress (NAEP) showed over 50 percent of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42 percent of all students;

Whereas American Indian students have the highest dropout rate of any racial ethnic group (36 percent) and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Indians aged 25 years or older were high school graduates, compared to 78 percent of the general population;

Whereas the demonstrated need for improvements to Indian schools and colleges is acute as reflected in the great disparity between average annual college funding per student of $2,900 for Indian students, and $6,200 for non-Indians in America, and the Federal Government should assist in bringing the Indian schools and colleges up to parity with the rest of America;

Whereas tribal scholarship programs nationally are only able to serve an estimated 40 percent of the eligible college student population and funding for graduate scholarships has been cut in half in the past 2 years;

Whereas there is a major backlog of $680 million in funding need for facilities constructions, maintenance and repair for the 185 BIA-funded schools as well as for public schools located on and near Indian reservations;

Whereas there exists an alarming decline in the use of Native languages indigenous to the United States. A 1969 Senate Committee report stated that in 1969 there were 300 separate languages still being spoken. In 1996, the

number had dropped to 206 still being spoken. These languages are spoken nowhere else in the world; and

Whereas, despite these alarming statistics, funding for the education of American Indian and Alaska Native students has been reduced substantially in the past 3 years. The United States Congress in fiscal year 1996 eliminated discretionary education programs in the Office of Indian Education budget which had funded adult education, research and demonstration programs, the Indian Fellowship Program and teacher training and professional development projects. At the same time, funding for reservation-based education programs in the BIA budget was reduced by more than $100 million in the fiscal year 1996 budget: Now, therefore, be it

Resolved, That it is the sense of the United States Senate—

(1) that the Senate recognizes and supports the Federal Government's legal and moral commitment to the education of American Indian and Alaska Native children, which is a part of treaties, Executive orders, court decisions and public laws which have been enacted by the House and Senate of the United States Government;

(2) that funding for all bills, including reauthorizing legislation in the 105th Congress with specific programs for American Indians and Alaska Natives be funded at levels sufficient to meet the ever-increasing educational and economic demands facing Indian people on reservations, urban communities and Alaska Native villages;

(3) that the Senate recognizes the adult literacy needs of American Indians and Alaska Natives through the inclusion of tribal provisions in the administration's proposal to reauthorize the Adult Education Act;

(4) that the administration's bill for reauthorization of the Higher Education Act of 1965, Public Law 102-325, preserve the original purpose and intent of the Tribally-Controlled Community Colleges Act and promote access to higher education opportunities for American Indians and Alaska Natives;

(5) that during the 105th Congress' reauthorization of agricultural research programs, the needs of tribal colleges as designated land-grant institutions must be given close attention, through amendments to the Educational Equity in Land-Grant Status Act of 1994;

(6) that early childhood programs such as Head Start (Public Law 103-252) and Healthy Start contain resources needed to meet a growing number of American Indian and Alaska Native children whose rate of growth exceeds the national average; and

(7) that the Senate recognizes the need for development and implementation of a Government-wide policy on Indian education which addresses the needs of American Indian and Alaska Native people.

Mr. DOMENICI. Mr. President, from what I understand, we have no objection on this side, and I understand there are no objections on the Democratic side. Therefore, I believe if we yield back our respective times, we can accept this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. I yield back my time.

Mr. DOMENICI. If there was time in opposition—I don't know what it is—we yield it back.

The PRESIDING OFFICER. Without objection, the Johnson amendment is agreed to.

The amendment (No. 2210), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. 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. LAUTENBERG. 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. LAUTENBERG. Mr. President, I yield 10 minutes, or such time as may be needed, to the Senator from North Dakota. The time is to come off the resolution.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for such time as he may consume.

AMENDMENT NO. 2175

Mr. DORGAN. Mr. President, I very much appreciate Senator LAUTENBERG yielding me the time. I am going to visit a bit some of the items that were just discussed about Indian schools and schools generally. I wanted to come and talk about the Moseley-Braun amendment.

We talk a lot about family values in this Chamber. It seems to me that every family that sits around in the evening and talks about their lives must certainly talk about the schools their kids are going to. We have 14 million students who attend schools in this country now, schools that are in need of extensive repair—extensive repair.

This afternoon, we sit in a nice Chamber. We have people here who enjoy their lives, and they are well dressed. We talk about education and theory in the abstract. In Cannonball, ND, today there is some little kid sitting in school, and I bet you that child is smelling sewer gas backed up from the pipes, because that is the way the school is down in Cannonball. That school is 70 years old. There are 150 kids attending that school with two bathrooms and one water fountain, and that school is in serious disrepair.

I just mention that one, but I could mention thousands of schools across this country that are in desperate need of repair. Senator MOSELEY-BRAUN has proposed an amendment that says in this Budget Act let us make room for school construction, for the Federal Government to provide some incentive, some small incentive to State and local governments to help repair and rebuild our schools.

I have two children in public school this afternoon. Last year in public school, one of those children was in a classroom with 30 students. That is too big. This year, one of them is in a temporary classroom or an expanded mobile home. That is too bad. It is a good school, and both of them are getting a good education. The fact is, we can do better in all of these areas, especially with respect to school construction. We know what the problem is and we know how to fix it. The issue of the budget on the floor of the Senate is a matter of priorities. What do each of us think is important for this country.

I watched last week during consideration of the supplemental appropriations bill someone come into this Chamber and offered an amendment that went just like that, just that quick, for $170 million for missile defense. It wasn't debated, it wasn't discussed, it was just added. And there it was, $170 million.

Let me talk about these schools for a moment, and let me talk specifically about the Indian schools, because while we are talking about the 14 million students who are in school today in schools that need extensive repair, let me talk just for a moment about the students in the Indian schools run by the BIA. These are schools owned by the Federal Government. They are owned by us. We have no one else to blame if we don't fix those schools, and it doesn't take a rocket scientist to figure out how to fix it. You can look at the school, find out what is wrong and spend the money to invest in that school to help those children.

Let me tell you about the Ojibwa school. That is up on the Turtle Mountain Indian Reservation. Those children walk between portable classrooms in the middle of the winter up to six times a day in bone-chilling weather. A health and safety inspection of that school and temporary classrooms in 1995 found 156 violations—fire hazards, broken windows, roof leaking, wooden stairs and landings for portable classrooms had deteriorated so much to the point they were no longer safe, wires hanging exposed from some classrooms.

The Cannonball School is a public school. It is not a BIA school. It is on the Standing Rock Indian Reservation for grades K through five. The school is 70 years old. It has been condemned as a fire hazard, but the local tax base cannot support building a new school. The second level of the school isn't used because the stairs are unsafe. The water and sewer systems are old and regularly back up.

Last week, when we talked to the Cannonball School superintendent, she said two classes had to be moved in with other classes because the smell of sewage got so bad in the classrooms of these young children. One wing of the school doesn't have running water. Mr. President, 145 students and 40 staff share two bathrooms and one water fountain. The electric wiring is so old that it cannot support computers in

the classrooms, but it doesn't matter, because there can't be computers in these classrooms. The classrooms are 8 foot by 12 foot. The music classes take place in what used to be the janitor's closet, 8 foot by 10 foot.

Standing Rock Reservation: Standing Rock School has PCBs leaking from the light fixtures. PCB, as we know, is a carcinogen. It is very dangerous. Federal law says that PCB levels over 50 parts per million are unsafe. In the Fort Yates school, the PCBs leaking from the light fixtures measured not 50 parts per million, which is unsafe, but 143,000 parts per million. That is in our school. That is with kids attending school.

What happened? They shut the school. The took the kids out of the school and placed them around town in portable classrooms, some in a home. Six classes have been meeting in the school gymnasium. The others have been meeting in portable trailers and a private home. The extra classes, like physical education, music and art, of course, have been suspended, and the school officials don't yet know when the students will return to their classrooms.

PCBs leaking from light fixtures in a school that is in disrepair—this happens to be on an Indian reservation where, incidentally, in 9 months, 48 teenagers attempted suicide. In the last 9 months, 48 attempted suicides, 6 of which were successful.

If I sound a little angry about this, I am. Every single year I have come to the floor of the Senate to talk about this problem, and these kids go to school in conditions for which we ought to be ashamed. This Congress can do something about it, and the budget process is a process in which we make decisions. If someone stands up here and says, "No, school construction doesn't count because we have other priorities," I ask them, "What is your priority if it is not your children?" By "your children," I mean this country's children.

All across this country, when our kids go to school, I hope every parent wants their child to walk into a school that is safe, secure, and in good repair. I defy anybody in this Chamber to stand up and say to me that kids who go to school where sewer gas leaks into the classrooms and they have to move kids out of those classrooms because of the stench of sewer gas, I defy anybody to say it is a good thing for kids. If it is not a good thing for kids, and we know it is going on around this country—and anecdotically we see it in a GAO report and other investigations—then let's decide we want to do something about it. The question isn't whether, the question is what.

Senator MOSELEY-BRAUN has made a proposal. Her proposal is modest. I suspect it will be voted down. It will be voted down because we have people who construct the budget and say, "Here are our priorities; this is what we want to spend money on, and it doesn't include this."

The amount of school repairs necessary in this country last year—3 percent of the funds available to meet the needs of school repairs was allocated to the State and local governments last year. If this Congress doesn't have the nerve and the will to say on behalf of our kids that you matter, this is a problem we know we can fix and we are going to put in our budget the provisions that allow us to say to kids, "We're going to invest in your young lives," if this Congress doesn't have the capability to do that, then there is something, in my judgment, fundamentally wrong with the priorities we have established for public spending.

I said yesterday that everybody in this Chamber will be dead in 100 years. Everybody. Nobody will be around here feeling good, working. They will all be dead. We will all be dead. Only historians will evaluate through our budget, by looking back at the budget process in this Congress, the 105th Congress, what were our values; what did we think was important; what did we decide to invest in; what did we think would improve this country.

I hope historians will not look back at us and say, "Well, oh, they had discussions about a terrible deplorable condition in some schools in their country, but they decided not to invest in schools, because, somehow, schools took a backseat, schools were in second place to a range of other priorities, some of them very strange priorities."

I hope historians will say that this Congress, yes, in tight fiscal times decided that one of the most important investments they could make in America was to make a good investment in the education of our kids.

No kid in this country can go to school and learn the way we expect children to be able to learn unless those schools are in decent repair. They must be safe, in decent repair, good places of learning. You have to have a teacher who knows how to teach, a student who is willing to learn, and a parent involved in that education. When you have that at work and have invested in good school facilities that are necessary to make that take place, then we will have done our job as a country.

I wanted to come and say Senator MOSELEY-BRAUN has offered an amendment that is very, very important. I can think of a thousand reasons why people will stand up and say they are against it. None of them are good. Mark Twain was once asked to debate—I have told my colleagues this before. He said, "Of course."

"We've not told you the subject."

He said, "Doesn't matter, as long as I can take the negative side; that takes no preparation."

It takes very little preparation to oppose. The Senator from Illinois has proposed something that ought to rank right at the top of the list of what is important for this country. When we vote today, I hope the American people who listen to this debate will call the offices and say, "We agree that this represents the first priority for the Congress, the first priority for this country, to invest in the lives and education of the American children."

Mr. President, I yield the floor, and 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. LAUTENBERG. 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. LAUTENBERG. Mr. President, I yield such time as needed to my colleague from Illinois so that she may discuss her amendment. And until such time as my colleague is ready——

Ms. MOSELEY-BRAUN. I am. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Illinois is recognized for such time as she may consume.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey for his indulgence, for allowing additional time to talk about this issue because it is such an important issue and we were limited by virtue of the agreement on this budget discussion so we did not get the time to really go through all the details. But I did want to pick up on a couple points that were made while the Senator from North Dakota spoke. He was so eloquent in his support of the legislation. But he touched on two themes that I would like to touch on or respond to now.

The first one goes to, whose job is it? Whose responsibility is it to see to it that our children go to school in environments that are suitable for learning? Whose fault is it? Whose fault is it that we have crumbling schools, that we have schools that fall below building codes? We have schools where the ceilings are falling in because of faulty plumbing. We have schools where the wiring is insufficient to maintain a computer. We have schools with broken windows in this country.

Almost fully a third of the schools, according to the General Accounting Office, fall below the code standards, decent environments for learning, just basic kinds of facilities requirements. This is not bells and whistles. This is not anything exceptional, just the basic level of facilities and infrastructure. Almost a third of the schools in this country fall below that level.

So as you go through the debate, a lot of this debate really comes down to, whose fault is it that it is this way? And what the sense-of-the-Senate

amendment proposes is that we stop playing the game, the blame game, that we stop trying to pass the buck, that we stop trying to point the finger to assess the blame, to make it somebody else's problem, because, indeed, the children of this country are all of our problem.

We will not be able to maintain the standard of living that we all talk about and maintain as the American dream, we will not be able to maintain that American dream into the next century if we do not give every one of our children an opportunity to learn, if we do not give every child the best access to education that we can possibly make available to them. Quite frankly, we cannot give quality education to children in school buildings that are literally falling down.

It should be intuitive to everybody in this Chamber, but beyond intuition, the fact is that the studies actually have confirmed that performance is directly related to the condition of the environment in which learning is supposed to take place.

Children who go to schools that are falling down consistently score below children in quality facilities, across the board, on all the tests. We should have gotten a warning call as a nation just a couple weeks ago when the results came in on the international tests in math and science. What those results said to us was that the United States has fallen behind most industrialized countries.

The United States scored below Slovenia. I do not mean to disparage Slovenia, but we scored below Slovenia in math and in science. How can we possibly expect to compete in this global economy with this kind of laissez faire attitude, this kind of neglect, this kind of, I would even suggest, triage of our children, that leaves their education up to how much their parents happen to be able to afford?

That gets to the point of—there was a chart over there, and it has kind of fallen. I do not know where it went. I actually would like to use it for a second. It was on the opponents' side. It was a quote from one of the White House assistants in 1996 when this proposal got cut out of the budget. In spite of the fact that the White House said at the time they were in support, the fact is—and everybody in this room knows; and I am not embarrassed about it anymore—that the White House said, "Well, we have some other priorities. We can't afford to do this now." So they punted on the school construction proposal. They essentially let it get cut out at the table because there was opposition on the other side of the aisle, and the majority objected to it. The White House said, "OK, fine. We'll let it go." So the proposal fell once again that time just under the circumstances of that debate.

But that loss, in my opinion, should have just been temporary because, if nothing else has happened, I think in the ensuing years people have had a chance to take a look at the whole question of whose fault it is and whose responsibility it is. The truth is, we cannot just expect to pay for rebuilding our crumbling schools based on the local property tax.

Right now our school finance structure proceeds from the local property tax. That is one of the reasons why we have this patchwork of schools across the country. In much the same way General Eisenhower, when he set up the Interstate Highway System, concluded that the only way we were going to serve the national interest in transportation from one end of the country to the other was to have a system that had some congruence and some core communication and some networking, if you will, to it. So we were able then to get around the wealth of a specific community by saying we are going to have one good road that takes us from one end of this country to the other.

Well, so it is with facilities. If we just rely on the local property tax, we will be forced then to have a school system where in wealthy communities there will be good faculties, in middle class communities there will be a patchwork of full school facilities, and in poor communities there will be school facilities with broken windows and falling bricks and leaky roofs. That is the situation we are in. And that is the situation we have come to.

Let me suggest this debate and this sense of the Senate does not say that State and local governments do not have a role to play or that we should take this up as a new program for the Federal Government. Indeed, we should not. If anything, this calls on all levels of government to go into a partnership, to work together, to collaborate, to get beyond the blame game and the finger pointing and the skirting of responsibility, to say let us work together to make this happen, to fix these crumbling schools.

The property taxes have already—already—been rising. In fact, State and local taxes as a share of income have risen nearly 10 percent—nearly 10 percent. And the increase in State and local taxes has been greater than the increase in Federal taxes. It is stunning. People think, "Oh, taxes are terrible." Well, most of the tax hikes have come at the State and local level. This is going to dawn in the general conversation fairly soon, I suspect, because the problem is not coming from here, it is coming because we are pushing off to State and local governments a lot of responsibility that we could help them with. That is the point, not that we are going to take it over; we can help them.

Indeed, if we do not create a more equitable partnership to modernize our schools, the local property taxpayers will have to come up with an additional $153 billion—$153 billion. This sense of the Senate suggests that we have that partnership, that we work together, that we provide some financial assistance to local governments, that we provide an opportunity for them to give some relief of the local property taxes, that we support State efforts to rebuild the schools, that we work together for our children, because they are all our children and we have a stake as citizens of this great country in the education of each and every one of them.

It seems to me that if we form this partnership, we will be able to meet this challenge, we will be able to provide our children with decent facilities, we will be able to give them the tools they need to take up the challenges of this technological age of their time.

I thank the ranking member for giving me this time. It appears that the majority is prepared to take the floor. But I yield back to the Senator from New Jersey. I thank the Senator so much for his support of this. He has been a builder. I have to say one thing about the Senator from New Jersey. He likes and he understands the importance of infrastructure; of the basics; of making certain that our roads are good in this country, because that is how business gets done; of making certain that we have infrastructure with the bridges so we do not have accidents, so that people can get from one place to the other, can get to work; of making certain that our children have the quality education and that the infrastructure is adequate to that end.

It seems to me that there can be no more fundamental priority for us. And this is an opportunity for us to provide for educational excellence, again, in collaboration and cooperation and in partnership with State and local governments on ways in which they retain control. There is not a lot of bureaucracy with the proposal. Actually, this is not a proposal. The sense of the Senate is so general, I would expect it to have unanimous—it could very well, if it were not so partisan an issue, it could very well have unanimous support in this Senate. It should have. It should have.

The politics, frankly, should stop at the schoolroom door, and it should stop on something like a sense of the Senate that just says, look, this makes sense for us to do. It does not legislate, it does not mandate, it does not dictate anything. A sense-of-the-Senate amendment, as the Presiding Officer knows, is just a statement of what we think is the right thing to do.

And I hope that we could have unanimous support for the right thing to do by our children, by our school facilities. I hope to have 99, if not 100, votes. It would be very nice. But I am a realist in this matter. I know that it is going to fall prey to partisan politics. I think that is a shame too, because I

really think the time when we have to just have these partisan divides on these kinds of issues, that time has passed.

I think the American people have gotten to the point where they are tired of the blame game, they are tired of the finger pointing, they are tired of the argument, the argument of, "This is what's wrong with America, and isn't this a shame?" Let us move to the constructive, to the positive, and talk about what is right with America, what is right with our generation. Our generation is as capable as any of the generations that have gone before us of meeting the challenges of our times. I submit to you that this crumbling school initiative is precisely such a challenge.

When I went to school, we were in schools largely my parents' generation built, my grandparents' generation built. What is our generation going to leave as its legacy to the kids? Schools based on whether or not your parents are wealthy? Schools based on whether or not you live in a community that has a big shopping center so there are a lot of property taxes? Are we going to just leave it to an accident of geography whether or not a youngster has a chance to be educated in a decent facility? I hope not.

I hope we take advantage of this opportunity and see this sense-of-the-Senate amendment as an opportunity—as an opportunity—for us to come together as Americans for something that we all believe is the right thing to do.

I want to again thank the Senator from New Jersey. I yield to the Senator from New Jersey and thank him again for his indulgence and for all of his great support in this matter.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if I might ask a couple questions.

Ms. MOSELEY-BRAUN. Absolutely.

Mr. DOMENICI. How much is the program that you envision going to cost the Federal Treasury?

Ms. MOSELEY-BRAUN. $3.3 billion.

Mr. DOMENICI. $3.3 billion?

Ms. MOSELEY-BRAUN. Yes.

Mr. DOMENICI. Can you explain how we will get so much for so little?

Ms. MOSELEY-BRAUN. In the first instance, this sense of the Senate does not prescribe a level. The sense-of-the-Senate amendment is conceptual; it does not go to $3.3 billion. That is the underlying legislation that has that figure in it.

How do we get so much for so little? That is a very good question. I will tell you how. What we do is provide the issuers of the zero coupon bonds with the ability to give, basically, a tax break to purchasers of the bonds. So instead of having even an interest rate buydown, an individual will get a tax credit when they buy one of these instruments. They will get a tax credit instead of interest. That will allow for the leveraging to the $22 billion or thereabouts of the bond issue.

Mr. DOMENICI. Let me make sure I understand a couple more things.

Ms. MOSELEY-BRAUN. $21.8 billion. The $3 billion I mentioned will leverage into $21.8 billion worth of these bonds over the next 2 years. Again, it is calling for a partnership. It calls for private-sector investment—private-sector investment—in helping to rebuild these schools. It is not all out of the Treasury. It is largely the private sector stepping forward and saying, "As purchasers of these instruments, we want to help achieve a national goal."

Mr. DOMENICI. In a sense, if this sense of the Senate is ever carried out, the Finance Committee would have to find room on the tax side for $3.3 billion of tax cuts; is that correct?

Ms. MOSELEY-BRAUN. We have the tradition of paying for those things that are authorized out of the Finance Committee.

We passed a bill last night that wasn't fully paid for, as I know the distinguished Senator from New Mexico is aware. However, yes, we would have to find the "pay for." There is no question about it. Whether or not that would come out of some of the various revenue streams mentioned in connection with the bill we passed out last night or some other—we can be innovative. The chairman of the Finance Committee is sitting here, and he is one of the most innovative persons I know in coming up with things like that. We can work together to find the revenue stream to support the $3.3 billion. It is a small price to leverage $21 billion of private-sector investment to achieve the goal of helping to start down the path of meeting this $112 billion worth of deferred maintenance.

Mr. DOMENICI. I don't have any further questions. I think there are some other Senators on our side that do, and in due course they will come down. I have nothing further.

Are you finished on your side?

Ms. MOSELEY-BRAUN. I yielded for the Senator from New Jersey.

AMENDMENT NO. 2209

Mr. ROTH. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask for the immediate consideration of amendment No. 2209.

The PRESIDING OFFICER. That will be the pending question.

Mr. ROTH. Mr. President, this amendment deals with a vital national issue—Social Security reform. This amendment is cosponsored by Senators BREAUX, GREGG, ROBB, HATCH, NICKLES, GRAMM, GORDON, SMITH, and SANTORUM.

Let me say first that as the chairman of the Finance Committee I am acutely aware of Social Security's future financial problems. I am sure these problems are familiar to most members, but nonetheless they bear repeating.

In just 14 years, in 2012, revenues to the Social Security trust funds will no longer cover benefits. Social Security will then cash in Treasury bonds that are now accumulating in the trust funds. This will place major pressure on the Federal budget and crowd out other important spending.

By 2029 the bonds will be gone. Social Security will then be able to cover only 75 percent of benefits directly from revenues. The long-term debt of the Social Security system—the difference between revenues and benefit through 2075—is estimated to be an astounding $121 trillion.

The purpose of my amendment is simple. Nevertheless, it is important and urgent. The amendment instructs the Finance Committee to dedicate the budget surplus to establishing Social Security personal retirement accounts.

Despite its simplicity, I know that many of my colleagues will have at least two questions about this amendment. First: "Why establish personal retirement accounts this year, rather than wait until next year?" And second: "Why not begin with comprehensive Social Security reform, rather than start with personal retirement accounts?"

Mr. President, the easy course would be to wait until next year to begin Social Security reform. But the fact is, Social Security reform will be a big job. I am very concerned that trying to do it all in one year—in 1999—will simply not be possible.

Americans have learned that big, comprehensive proposals, with many parts, often run into problems in Congress and can easily take several years to enact. Particularly proposals that deal with an important, sensitive program like Social Security.

The place to start with Social Security reform is to establish a program of personal retirement accounts—funded by the budget surpluses. Dedicating the surplus to personal retirement accounts allows us to get started on reform without running into controversies over changes to the traditional program.

Personal retirement accounts themselves would be a big, new feature of Social Security. We will need to explain these accounts to the American people, and writing a bill will require thoughtful action by the Finance Committee.

Mr. President, let me note for the record that there is a growing bipartisan consensus that personal retirement accounts must be an essential feature of Social Security reform. And I want to emphasize the word "bipartisan."

In the Senate, Senator BOB KERREY, another member of the Finance Committee, was an early and vocal advocate of personal retirement accounts.

In the last Congress, he and Senator Alan Simpson, now retired, introduced a ground-breaking Social Security reform bill with personal retirement accounts that grew out of their experience on the 1994 Bipartisan Commission on Entitlement and Tax Reform.

Other Democrats support this concept. For example, Senator ROBB, another cosponsor of my amendment, proposed a sense-of-the-Senate to last year's budget resolution that would have funded Social Security retirement accounts.

And just two weeks ago, Senator MOYNIHAN, the ranking Democrat on the Finance Committee and a recognized expert on Social Security, introduced a comprehensive Social Security reform package that included personal retirement accounts.

On the Republican side of the aisle, there is strong support as well. Senators JUDD GREGG, DON NICKLES, PHIL GRAMM, RICK SANTORUM, and ROD GRAMS, among others, have been enthusiastic advocates of Social Security personal retirement accounts.

Let me explain why Social Security personal retirement accounts find so much support—not only in Congress, but among the American people. While proposals differ, the basic objective of this program is to provide each working American with funds to be deposited into personal retirement accounts.

With even conservative investment, such accounts have the potential to grow to provide a secure and generous retirement nest egg. Indeed, for the first time Americans could look forward to having real personal wealth in old age, not just enough to keep body and soul together.

A recent report by the Congressional Research Service provides many illustrations of what Social Security personal accounts may offer. For example, for an individual who is 28 years old today and earns an average wage—about $27,000, just 1 percent of an amount equal to his or her wages invested over the next 37 years in the S&P 500 would grow to $132,000, which would be worth about 20 percent of his or her Social Security benefits. By the way, CRS assumed a 10-percent rate of return for the S&P 500. In fact, over the past 10 years, the compounded annual return on the S&P 500 has been 18 percent.

Mr. President, using the budget surpluses to create retirement accounts represents an opportunity to get these accounts up and running. Once in place, we can then begin looking at Social Security benefits for the long run. It will help insure that Social Security benefits continue to provide a secure foundation of retirement income. Establishing these accounts this year—as a new program in addition to the current Social Security program—would allow us to demonstrate their value in providing retirement benefits for working Americans in the years to come.

Creating these accounts would also give the majority of Americans who do not own any investment assets a new stake in America's economic growth, because that growth will be returned directly to their benefit. More Americans will be the owners of capital—not just workers.

Creating these accounts will help Americans to better be prepared for retirement, generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement program other than Social Security; this, in spite of the fact that Social Security was never intended to be the sole source of retirement income.

Mr. President, could there be a more important use of the budget surplus? Some may believe that the budget surplus should be used to reduce the debt, not dedicated to personal retirement accounts. That is exactly what we will do by using the surplus to create these accounts. Social Security, a $121 billion unfunded liability over the next 75 years, is a huge debt and we need to recognize it as such.

Retirement accounts and other solvency proposals would be a critical first step in reform. At the same time, it would tackle that debt and protect benefits. Most observers expect a surplus upwards of $60 billion this fiscal year, enough to get started on retirement accounts and to begin reducing the Federal debt. Some may be concerned that the President and others have called for a year-long national dialog on Social Security reform. They may be erroneously believing that doing reform this year might undermine the national dialog. On the contrary, I can think of no better way to focus it than with specific proposals and action by a U.S. Senate committee.

Mr. President, Congress has talked for a long time about the need to do something to shore up Social Security. The time has come for action. It is indeed a blessing that we have a surplus to work with. Now let's put that surplus to work. The Finance Committee must get started on Social Security reform this year. The place to start is by dedicating the budget surplus to fund personal retirement accounts. This amendment will get the ball rolling. I urge Members to support it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise in support of the Roth amendment. Clearly, there is a long way to go before we have rendered Social Security solvent way into the next century. But it is even more obvious that this is the era when part of what a citizen who is working should have for retirement should be a personalized savings account or an annuity that comes from that personalized savings account. There can be no doubt that it can be structured in such a way that it will turn out to be better for the senior citizen. They will be assured of the benefits that they are getting now and, in most cases, will come out far, far ahead.

In the meantime, if it works right, the surpluses of the U.S. Government, if used partially for this, will be invested in a safe way, not solely in IOU's from the Federal Government, which is where they go now, which is the law now; rather, they will be invested where they can, without much risk, yield significantly more and, when compounded, the power of compounding is enormous.

So in a very real sense I come here today saying to the distinguished Senator, Senator ROTH, chairman of the Finance Committee, that the time has come for some significant reforms that will not put in jeopardy the Social Security system, but rather in the long run make sure that it is not short of money, that its liabilities will not be there to destroy the system, but rather that in years to come, it will be more solvent, and that ultimately, with part of it being compounded because of the annual return that will come from safe investments, it is clear that everyone gains. The seniors gain, the 21-year-old paying into the system today gains, and the American economy is the beneficiary of individuals investing in this economy across the board so that the working people of the United States will own an interest in the American companies that produce our wealth.

Frankly, I am delighted that we are going to discuss this today. If we discuss it for a long time, that is fine with me. If we discuss it for a short time and it passes, that is fine with me. But clearly, we discuss a lot of things that are not nearly as important to our future, and we adopt sense-of-the-Senate resolutions that are, in many instances, not even important to the fiscal policy of our Nation and the future well-being of our people.

This is moving in the direction of reform and personalized accounts, and is a very appropriate thing to be doing on a budget resolution. It has everything to do with what we do with our surpluses, if we have them, what we do with capital needs in the future, and how we assure senior citizens that they are going to be guaranteed a Social Security check or better, because they will have invested some portion of it in personalized accounts.

I yield the floor.

Mr. SANTORUM. Mr. President, may I have some time under the bill?

Mr. DOMENICI. How much time does the Senator want?

Mr. SANTORUM. Fifteen minutes.

Mr. DOMENICI. I yield Senator SANTORUM 15 minutes, and then Senator NICKLES needs 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in very strong support of Chairman ROTH's amendment. There is nobody in this Chamber who has done more to look out for the retirement security of Americans than Senator ROTH from Delaware. It is with his Roth IRA and other kinds of innovation in his work on the Finance Committee that he has helped to provide for retirement security for millions of Americans, which is legendary. I commend him for that and for firing, if you will, here on the floor of the Senate, the first salvo in what I believe will be a long debate, and I hope will not be a hostile debate, on the issue of transitioning Social Security.

What we have seen is now a bipartisan agreement that personal savings accounts must have a very significant role in transitioning Social Security. Why is that? Social Security is in trouble. It is not in trouble next year or the year after, but Social Security, which was "saved" back in 1983 with the most recent revision—it was supposed to save it for generations to come, but it is now scheduled to go bankrupt some 30 years sooner than originally expected. That number is not set in stone either. It is now 2029 when the system goes bankrupt. In the year 2013, the system starts running a deficit, paying out more than it takes in. Now is the time, before that bulk of the population, the baby boom generation, goes into retirement, to begin to look at how we can begin to solve this problem. Well, there are things you can do within the current structure, like changing benefits—when I say "changing," I don't mean raising them, I mean cutting benefits—increasing taxes, and do a whole lot of things to try to preserve a pay-as-you-go system that will not work over time because of very simple demographics, the most important of which is that people are living much longer, which is a good thing, and also we have very low birth rates in this country. You have people living longer and fewer people to pay for them. So you are looking at dramatic increases in taxes or cuts in benefits, and that is a mindset of a finite, fixed pie.

What Senator ROTH is suggesting here is, let's grow the pie. So when he says let's grow the pie, let's invest this money, not, as Senator DOMENICI said, in Treasury bonds that earn a very small rate of return—in fact, if you are entering the work force now, the rate of return on Social Security taxes you are going to pay is below zero. That is not a good deal for young people in this country. But what we have to do is transition the system using the ideas of growth in producing more retirement income for people who are just entering the work force, or who have been in the work force a relatively short period of time, but at the same time, make sure that we do not change what has been promised to those at or near retirement.

That is our challenge. But with challenge comes tremendous opportunity; in crisis comes a tremendous will to be innovative in using the private market systems that work so well in this country to provide wealth. As the Senator from Delaware said, our modest amount of money being paid on Social Security was never intended to be the sole source of retirement. As a result, it is a very modest amount. People living on Social Security today will tell you that if that is their only income and they have no other pension income or savings income, they are hard pressed to make a living. This is not an adequate savings system. What we need to do is enhance that, create an opportunity for more growth in people's wealth and, at the same time, protect those who are in the system or have been in the system such a long period of time, so that they will keep at least what we have promised in the past.

We can do that, but we must use the power of the marketplace, the power of investment and savings. In so doing, we will not only open up the opportunity for wealth and a better retirement income for generations to come, but open up huge economic benefits for this country with the amount of money that is going to be poured into the capital markets and the debt markets, to be able to finance future economic expansion and growth, better jobs, and higher standards of living and real wage growth. I heard earlier today from Jose Pinero, who was the Secretary of Labor during the time Chile went to a private personal saving system there, some 17 years ago. He said that 30 years prior to Chile going to that system, they had a real wage growth of 1 percent a year, on average. Since they passed the personal savings accounts in Chile, they have had a real wage growth of 7 percent a year, for almost 15 years, in that country.

What they have done is dramatically increase—over double; two and a half times—their savings rate. People now understood. Senator ROTH said a very important thing, that only 40 percent of the people in this country have some investment in the marketplace and understand the dynamics of how the market works, how our economy works. That is a disability, if you will, for millions of Americans who don't have that advantage. The average, ordinary Chilean has that knowledge now and understands the marketplace and uses that knowledge to their own benefit—and not only their own benefit in their personal savings account, but in their life and in their savings and other skills of interacting in the economic marketplace. It creates such synergy that it will have a dramatically positive impact on the future of this country.

This is the opportunity that is before us, and what I am so excited about is what I see is a real chance for a bipartisan solution to this problem. With Senator MOYNIHAN's proposal of putting 2 percent aside in private savings, I think that is a very healthy initiative. We want to build, in my opinion, from that as to how we can transform this system to provide the security for those at or near retirement, put it in the law, which is not the case today, so that those benefits will be there as long as they are alive, that we will not change the benefit structure as long as they are alive—there is no law that says that right now—guarantee it. Then we can create opportunities for those, frankly, who have very little expectation that Social Security will be there.

I talk to a lot of young people. I have been to over 110 high schools in my State since I have been in office. I can tell you, when I ask the question, "How many believe Social Security will be there when you retire?" if anybody raises their hand, the other kids in the crowd look at them and laugh at them. They have no expectation that Social Security will be there. They think it is, in fact, a pyramid scheme, a ponzi scheme, some sort of thing that the folks who are in power right now are just going to make them pay and then slash the heck out of Social Security when it comes their time.

Well, what we are going to do here is create hope. One of the things I hear so much about is how young people are cynical in this country and they don't believe in our institutions and our culture, and what we are doing here is, in fact, giving them something they can hold, they can have a passbook with their money in it so they can track it every day and see how it grows, and they can say, "This is my money," from the first day they worked flipping that first hamburger at a fast food restaurant. That money goes into their account and is building for their retirement security. They can see that happening with them at work. They can see hope. They can see the potential for wealth and for a good life. They will understand the dynamics that are so important for all of us to understand that have to survive economically in this country and in the world that is out in front. This is truly not something we should be looking at and saying, how are we going to fix Social Security? Such a problem, such a crisis. What are we going to do and have money? But to walk hand in hand and jump at the opportunity to create a whole new way of looking at providing opportunities for millions of Americans upon their retirement and energizing and uplifting an economy through that process, this is a great opportunity for all of us.

What the chairman of the Finance Committee has done today is to lay down the first mark on the budget where it should be laid down, because

what we will be doing by allowing private investment is dramatically lower—not everyone talks about how we are going to use the surplus in transition. That is a big concern we have to worry about—how we transition these costs. That is the big nut we have to crunch. But at the end, what will happen is that budget deficits and the huge unemployment liability in $7 trillion or $8 trillion of unfunded liability in the Social Security trust fund today will in effect over time vanish because of the dynamics of allowing private savings to occur.

This is in fact a multifaceted solution to many problems that are out there, one of which is the long-term problems of the budget deficit in the outyears when the baby boomers are beginning to take retirement—not only Social Security but Medicare as well—when the budget deficit comes back again. You hear so much about surplus. It comes back again. That is the era, that is the time that we can, by acting now, keep surpluses coming long into the future and grow the economy, create stability, create hope for those who now do not have it.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Pennsylvania for his statement. I also compliment Senator ROTH for his resolution. I am happy to cosponsor this resolution. I hope we will have overwhelming bipartisan support for it, and hopefully everyone can understand what we are talking about doing. We are talking about saving Social Security.

The President during his State of the Union speech says we want to save Social Security; we don't want to spend one dime of the surplus. Senator ROTH is trying to save Social Security. Because we do not just save Social Security by not spending the surplus either in the form of additional outlays—frankly, the President is violating that as we speak because he wants to have a supplemental appropriations bill and doesn't want to pay for it. He is already violating what he said in the State of the Union Address.

But I agree. We should save Social Security. This resolution says that we should take the surplus and allow individuals to set up personal savings accounts. I think that is the way to save Social Security. I think that is the way to fund Social Security. Right now we don't fund Social Security. It is an unfunded paying system. One generation pays for retired generations, or working employees today pay the Social Security tax. Social Security taxes are enormous. They have grown, and they have exploded in cost.

As a matter of fact, somebody paying Social Security today is paying a total—if you look at Social Security taxes, their contribution today is a total of $10,465 if they have the maximum amount of income, which is $68,400. That is a lot. That actually includes Social Security and Medicare, I might mention. So that is a lot. Social Security is 12.4 percent of $68,000. That is a lot of money. That is over $9,000 that people are paying. If somebody happens to be making $68,000, they are paying a lot. What do they have to show for it? Nothing. They can't open up a bank account and say, "Here is my money for an investment." Basically they are funding a previous commitment.

Senator ROTH is saying we should take the surplus and allow people to set up their own individual retirement accounts, let them be able to invest in the marketplace, let them be able to enjoy the rewards of compounding interest. Right now the rate of return on Social Security as an investment—some people say 1 percent, some people say 1.2 percent, or 1.3 percent. That is not a very good rate of return. It is pathetic if you consider what the market has done in the last several years. The marketplace—the Dow Jones or Standard & Poors 500—has been compounding in the 20 and 30 percent range for the last 4 years. But to have individuals be able to enjoy this? The answer is no, not in Social Security.

Senator ROTH has done something else. I really appreciate it, because it is important. He said not only should they be able to invest a portion, but also we should be able to use that money to reduce the unfunded promises that we now have in Social Security.

I want to do this proposal for two reasons.

One, I want millions of Americans to become millionaires. If we let them take—some people say 2 percent. I think it should be up to maybe 5 or 6 percent, maybe half of their Social Security tax. Of the Social Security tax of 12.4 percent of their income up to $68,000, you would let them put 6.2 percent of their income in for 40-some-odd years before they retire, and you will find that we will have lots of people who started out maybe making $20,000 a year who are going to be millionaires.

Senator ROTH's example is they put in 1 percent at age 28, and they can have over 100-some-odd thousands. That is 1 percent. Let's get it up, and it can really compound, and individuals can have hundreds of thousands of dollars, if not over a million dollars.

I want those individuals to be wealthy, whether they are on the lower end of the income scale or in the higher end. We want them to be independent.

Likewise, I want to reduce the unfunded promises that we don't have the money to pay for. I am really concerned about what our kids are going to have to pay for 20 years from now. If we do not do something, as Senator ROTH is proposing—Senator MOYNIHAN, Senator BREAUX, and Senator KERREY, and others of us have been working on it—our kids are going to be inheriting a debt that is twice as large as our national debt. Everybody is bragging around here. We are patting ourselves on the back. "Hey, we balanced the budget." We are balancing the budget on using a great deal of Social Security surplus. That debt right now has accumulated, the Federal debt—usually people say about $3.3 trillion or $4 trillion. The unfunded vested promises that we have in Social Security today is almost $10 trillion, twice as large as our national debt.

What this change by going to a capitalist-funded retirement system would do would provide security, provide retirement funds for individuals, and likewise could reduce the Government's obligations in the future—to me that is a very positive thing—so future generations won't have to have a payroll tax that is maybe twice as high as the payroll taxes we have today. I think it is a very positive thing.

I might mention—I see a couple of colleagues on the floor who talked about how we should not use Social Security funds to balance the budget. Today the Social Security trust fund, this year 1998, $101 billion more will go in than goes out. That is a surplus. Yet, we are using that surplus just like every administration has used it since we have had Social Security.

What I would like to see it do—I might mention the Budget Committee has already passed it. I was interested. I was going to introduce a resolution that says we should pass in 2 or 3 years—3 years, let's say—the budget resolution that doesn't use one dime of Social Security trust funds to balance the budget.

I tell my colleague from North Dakota, who has talked about this on more than one occasion, that I am willing to do it. It won't be easy, but we should do it. I tell my colleague that in 10 years the Social Security surplus will be $197 billion, almost $200 billion. I don't think we should use these Social Security revenues to balance the budget. If we balance the budget without that, we can make these moneys available for personal security accounts. Now you are talking about real money. You are talking about $200 billion in the year 2008 alone that can go into personal security accounts that can be invested in the stock market, that can be invested in mutual funds, that can be invested in bonds, that can be invested in T bills. Let the individual decide how he wants to invest it. We allow Federal employees to invest in the stock market, in bonds, and in T bills. Federal employees are able to do this. My colleague from Pennsylvania mentioned that they do it in Chile.

They make investments. Surely Americans are capable of making these investments. I think it would be exciting to allow people to be able to invest their own money. It is their money. It is not the Government's money. We have been taking it from them. Shouldn't we allow, out of that 12.4 percent, the individuals to take maybe 4 percent or 5 or 6 percent and be able to invest it for themselves? In exchange for that, they will be a lot more dependent on themselves and a lot less dependent on the Government.

This is a mandatory tax. Shouldn't we allow them to have part of that for themselves so they can have an account and look at it on a monthly basis, so it is there, and it is something they can count on, not for an unfunded Government promise that we hope will be there. Demographically, everybody who has ever looked at this problem says we have a real problem. Some people say we don't have problems until 30 years. That is hogwash. We have problems, as Senator ROTH mentioned, in 12 years.

It is estimated that by the year 2010 or 2012, for Social Security that line of more money going in switches. More money goes out. No later than 2012, more money goes out than in. We will start drawing on the trust fund. What is in the trust fund? Nothing but Government IOUs. That is the promise. The way we finance those—you say they are the same things as T bills or the paper equivalent. It is just an IOU. The way we pay for these is we issue more T bills. In 12 years we have a big problem. We will have enormously high payroll taxes and a lot of debt. You have to issue more debt. I think that is a bad solution. This is the right solution, and I will tell you that millions of people in the private sector have done this. We did it in my company. We went from a defined benefit to defined contribution plan. Our employees love us. I think we should give every American an opportunity to do this for at least part of their Social Security. It doesn't have to be for all of it. Some people say 2 percent. I said maybe it should be half of it—maybe 6.4 percent, 6.2 percent. The Government, the employer portion, can still go to meet current obligations. But, likewise, we would be reducing current or future obligations. I think that is very important.

What Congress has done in the past—we have had problems with Social Security—is raise taxes. We raised the base. We raised the tax rate.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart showing payroll taxes—Social Security taxes and employer taxes combined. For the record—my colleagues can see this—if you look at Social Security and if you look at disability, Medicare, if you add those taxes together, in 1998, for a person making maximum of the base, the base amount, which is $68,000, it shows they are paying in payroll taxes alone $10,465. That is a lot of money. I am saying we should allow individuals to take part of that, a few thousand dollars of it, and be able to put it into their own account and likewise reduce Government's obligation at the same time. I think it is awfully important.

I ask unanimous consent to have printed in the RECORD a chart that I have prepared that shows the budget deficits and Social Security and how that equates. It shows that we are becoming more and more reliant over the next several years on Social Security surpluses that I mentioned before, which disappear by the year 2012.

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

BUDGET DEFICITS & SOCIAL SECURITY

	On-budget deficit	Social Security deficit/surplus	Unified budget deficit/surplus [1]
1962	(5.9)	(1.3)	(7.1)
1963	(4.0)	(0.8)	(4.8)
1964	(6.5)	0.6	(5.9)
1965	(1.6)	0.2	(1.4)
1966	(3.1)	(0.6)	(3.7)
1967	(12.6)	4.0	(8.6)
1968	(27.7)	2.6	(25.2)
1969	(0.5)	3.7	3.2
1970	(8.7)	5.9	(2.8)
1971	(26.1)	3.0	(23.0)
1972	(26.4)	3.0	(23.4)
1973	(15.4)	0.5	(14.9)
1974	(8.0)	1.8	(6.1)
1975	(55.3)	2.0	(53.2)
1976	(70.5)	(3.2)	(73.7)
1977	(49.8)	(3.9)	(53.7)
1978	(54.9)	(4.3)	(59.2)
1979	(38.7)	(2.0)	(40.7)
1980	(72.7)	(1.1)	(73.8)
1981	(74.0)	(5.0)	(79.0)
1982	(120.1)	(7.9)	(128.0)
1983	(208.0)	0.2	(207.8)
1984	(185.7)	0.3	(185.4)
1985	(221.7)	9.4	(212.3)
1986	(238.0)	16.7	(221.2)
1987	(169.3)	19.6	(149.8)
1988	(194.0)	38.8	(155.2)
1989	(205.2)	52.4	(152.5)
1990	(277.8)	58.2	(221.2)
1991	(321.6)	53.5	(269.4)
1992	(340.5)	50.7	(290.4)
1993	(300.4)	46.8	255.1()
1994	(258.8)	56.8	(203.1)
1995	(226.3)	60.4	(163.9)
1996	(174.0)	66.4	(107.3)
1997	(103.3)	81.3	(22.0)
1998	(92.0)	101.0	8.0
1999	(104.0)	113.0	9.0
2000	(121.0)	123.0	1.0
2001	(117.0)	130.0	13.0
2002	(72.0)	139.0	67.0
2003	(94.0)	148.0	53.0
2004	(88.0)	158.0	70.0
2005	(96.0)	170.0	75.0
2006	(64.0)	179.0	115.0
2007	(59.0)	189.0	130.0
2008	(59.0)	197.0	138.0
Totals for 1999–2008	(874.0)	1,546.0	671.0

[1] The unified budget deficit/surplus includes the on-budget deficit, the Social Security surplus, and the Postal Service deficit/surplus.

PAYROLL TAXES

TAX RATE AND WAGE BASE

[Employee and employer combined]

	Tax rates (in percent)				Wage base	
	Social Security (OASI)	Disability (DI)	Medicare (HI)	Total (in percent)	OASDI	HI
1950	3.00	n/a	n/a	3.00	3,000	n/a
1955	4.00	n/a	n/a	4.00	4,200	n/a
1960	5.50	0.50	n/a	6.00	4,800	n/a

TAX RATE AND WAGE BASE—Continued

[Employee and employer combined]

	Tax rates (in percent)				Wage base	
	Social Security (OASI)	Disability (DI)	Medicare (HI)	Total (in percent)	OASDI	HI
1965	6.75	0.50	n/a	7.25	4,800	n/a
1970	7.30	1.10	1.20	9.60	7,800	7,800
1975	8.75	1.15	1.80	11.70	14,100	14,100
1980	9.04	1.12	2.10	12.26	25,900	25,900
1985	10.40	1.00	2.70	14.10	39,600	39,600
1990	11.20	1.20	2.90	15.30	51,300	51,300
1995	10.52	1.88	2.90	15.30	61,200	No limit
1996	10.52	1.88	2.90	15.30	62,700	No limit
1997	10.70	1.70	2.90	15.30	65,400	No limit
1998	10.70	1.70	2.90	15.30	68,400	No limit
1999	10.70	1.70	2.90	15.30	70,800	No limit
2000	10.60	1.80	2.90	15.30	74,100	No limit
2001	10.60	1.80	2.90	15.30	76,800	No limit
2002	10.60	1.80	2.90	15.30	79,800	No limit
2003	10.60	1.80	2.90	15.30	82,800	No limit

TOTAL PAYROLL TAX CONTRIBUTION [1]

[Employee and employer combined]

	Social Security (OASI)	Disability (DI)	Medicare (HI)	Total
1950	90	0	0	90
1955	168	0	0	168
1960	264	24	0	288
1965	324	24	0	348
1970	569	86	94	749
1975	1,234	162	254	1,650
1980	2,341	290	544	3,175
1985	4,118	396	1,069	5,584
1990	5,746	616	1,488	7,849
1995 [1]	6,438	1,151	1,775	9,364
1996 [1]	6,596	1,179	1,818	9,593
1997 [1]	6,998	1,112	1,897	10,006
1998 [1]	7,319	1,163	1,984	10,465
1999 [1]	7,576	1,204	2,053	10,832
2000 [1]	7,855	1,334	2,149	11,337
2001 [1]	8,141	1,382	2,227	11,750
2002 [1]	8,459	1,436	2,314	12,209
2003 [1]	8,777	1,490	2,401	12,668

[1] The Medicare (HI) contribution shown above is based on the OASDI wage base. The HI wage base was eliminated beginning in 1994, making the maximum HI contribution unlimited.

Mr. NICKLES. Mr. President, we need to wean ourselves and get off of this addiction to this and take that money and allow people to put it in their own account. That to me is a challenge. We shouldn't be sitting back and saying, "Oh, we balance the budget. Aren't we proud of ourselves? We are doing good. We have a unified budget."

I think we should have a unified budget. But I think we should go back and let's balance the budget without using Social Security. Then let's allow people to take that amount of money and be able to put that in their own account.

I might mention that in the 10 years, if we did that, there would be over $1.5 trillion that could go into individual accounts and we would have more constituents that would be happier with us than anything else we would do. We would do more to secure their retirement and their future than anything else we could do.

I have even told the President's representatives. I said, if the President really wants to go down in history and show that he has done something significant, this change, this evolution of allowing at least part of Social Security to be funded as a defined contribution in a personal savings accounts would be an astronomically positive

impact for not only this generation; I think it would be a positive impact for future generations, which history will record as having truly been a great thing to do for seniors, a very positive thing to do for future generations as well.

So I compliment my colleague from Delaware, the chairman of the Finance Committee. I tell him that, as a member of that committee, I will work energetically to try to see that we can make this happen as soon as possible.

Mr. President, I yield the floor.

Mr. GREGG. Mr. President, I wish to join my colleague, Senator JOHN BREAUX, in delivering a statement as to why we support the sense of the Senate language put forth by the chairman of the Finance Committee, Senator ROTH.

For the past year, Senator BREAUX and I have co-chaired the National Commission on Retirement Policy, convened by the Center for Strategic and International Studies. Our task is to review the situation facing our Nation with respect to retirement income in the 21st century.

We will soon be releasing a final report of our findings and recommendations, and we need not preview them here in detail. Suffice to say that each of the major sources of retirement income—Social Security, employer-provided pensions, and personal savings—will be under severe strain in the 21st century, as a consequence of the aging of our population, and the declining ratio of workers to retirees.

The situation facing Social Security is sufficiently dire to command our immediate attention. We, as co-chairs of the NCRP, wrote to President Clinton last December, urging him to make this issue a priority in his state of the union address, and we were extremely pleased that he did so. Social Security will begin running operating deficits in the year 2012 under current law, and even if the $2.89 trillion that the Federal Government will owe Social Security is repaid in full, the Trust Fund would still run dry in the year 2029. The unfunded liabilities of the Social Security—the gap between projected outlays and projected revenues—is on the order of $3 trillion. The true "unfunded liability," however, is much greater, because those taxes haven't been collected yet, and therefore all of the future liabilities of the program are in a sense unfunded, to be financed from tax revenue at the time that they are paid.

We have carefully studied this problem for a year, and we believe that there are several problems that must be solved simultaneously. The actuarial soundness of Social Security is but one of these. There is also a huge problem residing in the size of the tax burden that is awaiting the future economy if we do not advance fund some of Social Security's future liabilities. A solution to this problem is no solution at all if it achieves actuarial soundness at the price of an unfair tax burden on tomorrow's economy, or at the price of further worsening the quality of the deal that today's young workers will receive from the Social Security program.

It is for this reason that Senator BREAUX and I believe that personal accounts must be a component of the Social Security solution. Tough choices will need to be made in order to bring the outlays and the revenues of Social Security back into balance, and we believe that personal accounts should be established within this context. Creating a funded savings account component within the Social Security system is perhaps the only way to give something back to today's young workers to improve their treatment by the Social Security system relative to a set of traditional solutions alone. This is one way that we have found to prevent the income provided by the Social Security system from declining below the level that we expect from the program.

Before turning to Senator BREAUX, let me also note the flexibility of Senator ROTH's language with regard to the administration of such accounts. This language does not commit the Senate to any particular method of administration. Senator BREAUX and I, after a year of study, have reached the conclusion that the best way to administer personal accounts is through the existing payroll tax collection system. That money is already being paid in a timely way by employers on behalf of individual employees, and is a structure that we can practicably work through to set up accounts in every wage-earner's name through a refund of some portion of the payroll tax. The Roth language is flexible enough to permit a variety of approaches to administering the accounts, as it should be. I hope that Senators who differ as to the best administrative mechanism will be able to unite behind it.

Mr. BREAUX. I thank Senator GREGG for his unwavering leadership on this issue. It has been a pleasure to work with him over the past year. I also want to thank Chairman ROTH for his leadership. Times have certainly changed since the days when no one would even talk about Social Security reform. Today, we have key members of the Senate presenting innovative ideas about how to address the looming liabilities of the Social Security program. I applaud Chairman ROTH's efforts because he is moving this debate forward.

This is critical because the motto must be "sooner rather than later". There is no better time to tackle entitlement reform than during good economic times. While SS's financing is projected to pay full benefits until 2029—the strain on the Federal budget will begin much earlier, only 10 years from now. The Social Security Advisory Council could not agree on an approach to reform Social Security; however, they all agreed that early action should be taken. This call has been echoed time and time again by the General Accounting Office, Alan Greenspan, Chairman of the Federal Reserve Board, as well as most other experts.

The budget resolution already contains Sense of the Senate language regarding the budget surplus and Social Security reform. It reads as follows: "Congress should use unified budget surpluses to reform Social Security for future generations . . ." I support Chairman ROTH's Sense of the Senate because it takes this language a step further. It suggests that individual accounts are the direction in which Social Security reform should move. I agree with this.

The American people will hear again and again over the next several months about the financial instability of Social Security—about the promises made that we can no longer afford to keep. Americans will also hear about what is necessary to put Social Security on sound financial footing—the difficult sacrifices and the tough choices. This dialogue will only compound the already low level of confidence most Americans have in our nation's public retirement system. I adamantly believe we must do something to reverse this trend. We must provide some good news in the middle of this debate. If we include individual accounts within Social Security reform we are giving all Americans a new chance to provide substantial retirement savings for themselves—that is the good news.

This Sense of the Senate does not dictate or even suggest how these individual accounts should be administered or that they be done independently of fundamental Social Security reform. Senator GREGG and I have our own ideas about how Social Security should be reformed and, specifically, how individual accounts should be set-up and administered. I look forward to our ideas being discussed and debated during the coming weeks and months, along with all the other ideas being put on the table. The Aging Committee, which I am pleased to serve as Ranking Member, is looking at this issue closely. I hope the Finance Committee will hold hearings as soon as May.

In looking to Social Security reform we cannot lose sight of the larger budget picture and the difficult steps we have taken in this Congress to get our country's books in order. What we tried to do with the balanced budget—and what we should be trying to do with the surplus—is reduce this country's overall financial liabilities. As stated in the budget resolution, Social Security's unfunded liability stands at around $3 trillion. Obviously, Social Security is a large part of this country's debt and must be addressed.

Again, it must be addressed sooner rather than later. In conclusion, I want to again thank Chairman ROTH and Senator GREGG for their efforts in moving this debate forward.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, a few moments ago I had an opportunity to discuss with the chairman of the Budget Committee how we might proceed, because one of the things we are running into is that, although we had agreed to have a half-hour limit on amendments equally divided, as a result of courtesy, we have extended time on the resolution. It, thusly, then challenges whether or not we are ever going to get done here, because we have almost 30 amendments. If we take 30 amendments, you have 2 hours each, 7 or 8 hours of votes to accompany that, that is another, who knows, 7, 8, 10 hours.

So what we are going to do, unless there is a difference in the conversation as I remember it from what the distinguished Senator from New Mexico agreed, we are going to permit approximate time on this side equal to the two speakers that we just had. Then we are going to eliminate further time off the bill itself for amendments.

With that, I yield some time to the Senator from North Dakota, as he sees fit.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Chair and I thank the ranking member. We have just seen a proposal unveiled on the floor of the Senate which has some interesting aspects. I must say some of the concepts here are ones that I am interested in. But I am concerned about the specifics of the proposal that is before us in this regard. The chairman of the Finance Committee suggests we ought to devote the budget surpluses to building private accounts in Social Security. I am on record as one member of the Finance Committee who favors moving towards private accounts over time. But I must say, I am concerned about the specifics of the proposal of the Senator from Delaware in that it is based on, I think, a false assumption. I see the false assumption as being that we have budget surpluses.

I am certain there are people listening here, here in the Senate Chamber and people listening at home, who wonder what is this talk about budget surpluses and Social Security surpluses? What does this all mean? It is confusing. Unfortunately, the language we use here in Washington, I think, contributes to that confusion. We talk about budget surpluses but what we do not tell people is the way we have calculated their surpluses is that we have included the Social Security trust fund surpluses. This year that amounts to over $100 billion. And by throwing that money into the pot, by, in effect, raiding Social Security, we say there is a $8 billion surplus in the budget.

There is not a surplus in the budget. The truth is there is a significant deficit. Oh, yes, on a unified basis—if you take all the funds of the Federal Government and throw them into the pot and look at all of the expenditures of the Federal Government, we are in balance. That is what they call the unified budget. But the problem with that is, and the little dirty secret here, is that $100 billion of the Social Security surplus is being put into that calculation.

If any private company tried to balance their books in this way, they would be headed for a Federal institution all right, but it would not be the Congress of the United States. They would be headed for a Federal facility all right. It would be a Federal prison, because that is fraud. That is fraud. To take money for one purpose and use it for another is fraud. Unfortunately, that is the pattern and practice here and has been for 30 years. We are taking Social Security trust fund surpluses, throwing those into the pot, and this year we are saying we have balanced the budget.

If any company tried to take the retirement funds of its employees and throw those into the pot and say they balanced the operating budget of the company, they would be in violation of Federal law. So I think we want to be cautious when we have a proposal that in many ways is attractive. I want to say to the Senator from Delaware, I am on record as favoring a partial privatization. I like the idea of individuals being able to have several percentage points of Social Security trust fund payments that they make be reserved in private accounts that they could invest. I like that basic concept.

But how do you fund it? How do you fund it? It seems to me the first thing we have to do is stop the practice of looting Social Security. If we are going to secure the long-term prospects for Social Security, we ought to stop raiding it. We ought to stop looting it. And we ought to stop the talk that we have a budget surplus. Because the only way we got a budget surplus is by counting those Social Security trust fund surpluses, which we are going to need for the day when the baby boom generation starts to retire.

We have a demographic time bomb just over the horizon, and it is the baby boom generation. When they start to retire in the year 2012, all of a sudden everything that looks rosy now is going to change and change quickly. In fact, by the year 2029 we anticipate the Social Security fund will have run through these massive surpluses that are being built now. They are not built up in terms of money actually in the bank, but built up in terms of IOUs that are being registered and accumulated based on borrowing by the other parts of Government that are spending those moneys, even though we know we are going to need those funds when the baby boomers start to retire.

I think the basic concept the Senator from Delaware has merit. But I am very concerned about the specifics that he has proposed, because to take these so-called budget surpluses that we have on paper that only exist because we are raiding Social Security and use those funds before we use them to preserve and protect Social Security, has the prospect of undermining our first responsibility and our first obligation. Our first responsibility and our first obligation is to keep the promise to the tens of millions of people who are relying on that Social Security check.

Before we go off and raid the Social Security trust fund surpluses in order to claim we have a budget surplus, we ought to stop that practice. We ought to clean up our act, stop raiding Social Security, stop looting Social Security, and then we can move in the direction proposed by the Senator from Delaware. But I think the proposal that he has before us at this moment is based on a misnomer. And the misnomer is that there are budget surpluses. There are only budget surpluses because we are taking $100 billion a year from Social Security surpluses and throwing those into the pot when we make the calculation of budget surpluses. So we say we have a budget surplus next year of $8 billion, but we are taking $100 billion from Social Security surpluses in order to make that claim.

So I just say to my colleagues, I favor the notion of having some portion of Social Security in an account where people control their own investment. I like that idea. But we have to work through the transition costs of this very carefully or we will undermine and threaten the solvency, the long-term solvency, of the Social Security trust fund itself. That should not be anything that we do.

Our first obligation, I believe, is to stop raiding the Social Security trust fund, stop raiding those funds, and move to secure the long-term solvency of Social Security and then have a chance to move in the direction the Senator from Delaware has asked for.

Mr. President, I will be happy to yield back my time so the distinguished Senator from New York has a chance to comment on the issue before us.

Mr. LAUTENBERG. Mr. President, I yield up to 15 minutes to the Senator from New York, Senator MOYNIHAN.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank my friend and neighbor from

New Jersey, the manager on our side, and my friend Senator CONRAD of the Finance Committee, for his remarks.

Mr. President, I rise not so much in opposition to the proposal by the esteemed chairman of our committee, as to see if it is not possible to clarify some of these issues. And to welcome the Senate to what should be a substantive, constructive debate over the next 6 months—pending the time when our distinguished Director of the Office of Management and Budget, Mr. Franklin D. Raines, has indicated the administration plans to begin to have legislation on this issue, in the first session of the next Congress. In my view, we ought to take up such legislation as a first order of business in that session.

May I take the presumed responsibility of this body, which tends to have long tenure, to give a bit of history? In 1935, we established the Social Security system on a pay-as-you-go basis. It was no time, in the midst of a great economic depression, to take more money out of the economy than was being put back, even if it was only a nominal process.

This went on until 1977 when we moved from a pay-as-you-go system to a partially funded system. I was a member of the committee of conference between the Senate and the House which adopted that change, and I can say there was very little attention paid to it. We put in place a huge surplus to provide for the baby boom retirement, as the phrase was. But we did not put in place any mechanism to save that surplus.

Indeed, if I look around the horizon of political economy, I do not think there is any such mechanism. You can strengthen an economy by paying down debt such that the private sector grows. Theoretically you could build warehouses and fill them with cans of Campbell soup to be opened in 30 years time. But in a system of this kind, a defined benefit arrangement for retirement and for survivors and the disabled—only 62 percent of persons receiving Social Security benefits are retired persons; the rest are spouses and children of persons who have died, and the disabled—there is no way to save a surplus.

The result was that for 21, now 22 years, we have had each year a large surplus from the payroll tax. This is what Senator CONRAD was speaking about. And we have used it for other reasons altogether. We have abused it because at a minimum we have never let our debt be paid down so our private savings and investment would rise as an absolute reciprocal, as mathematicians say. For every dollar of debt you pay down you get a dollar of savings that will be used for private investment.

Instead, we used this money to conceal the enormity of the deficits we ran in the 1980s and which we now have gotten past. We are now down to a stable situation, not yet one of surplus, because we still have this money coming in from the partially funded system we put in place in 1977 with a very regressive, high payroll tax, 12.4 percent of payroll, paid on the first dollar of income and up to $68,400 this year.

But this is no longer much of a surplus. The numbers are approximately this, and I say approximately because we won't know for another year or so, but next year the combined costs of old age and survivors and disability insurance, plus hospital insurance, will be roughly equal to the combined payroll tax revenues for these two programs; thereafter you are in deficit. Technically, there are Treasury bonds that can be cashed in, but then you have to get general revenue or borrow more to convert them into benefits.

By about the year 2010, there is no longer any surplus in the primary OASDI, Old Age, Survivors, and Disability Insurance. We have 11 years until there is nothing left there either.

Senator KERREY of Nebraska and I have introduced legislation that we think accommodates the situation we are in which, first of all, does not save Social Security. Social Security does not need to be saved. What it does not need is to be destroyed. There is now abroad a powerful ideological movement to turn the system of retirement benefits and survivors benefits over to personal savings in the market. This is a legitimate idea, but I am not sure, if it were understood, it would be a very popular idea.

It puts at risk much more than we would ever wish to do in terms of the entire population. It translates the experience of successful entrepreneurial people in an age of great economic growth into a proposition that this is something that the whole of the population can and ought to want to do.

We have a plan which does two things: One, it secures Social Security as a defined benefit for retired persons, for disabled persons, for survivors indefinitely. Simultaneously, it provides for lowering payroll taxes and allowing the difference to be used for just the kind of personal savings accounts, investment accounts, that our friend from Delaware would like to do.

Specifically, we move from the current 12.4 percent payroll tax—half of it by the employee, half by the employer—to 10.4. That will pay your benefits for more than 30 years; thereafter the payroll tax is gradually increased to a combined 13.4 percent thereby, with some other adjustments I will mention, securing the system for more than a century. Then we say give the employee the option of taking his or her 1 percent as income—some will do that; young persons will do, no doubt—or having the 2 percent deposited into some kind of thrift savings plan.

We have such an arrangement in the Federal Government. You can contribute part of your salary, which the Federal Government matches. There is a booklet, and you pick the kind of investment you would like. Some people like index funds, bonds, mutual funds—there are a whole range of these products, as they are called, and you can pick what you wish, and from time to time you can change, if you wish.

The prospect for the average earner with a 2 percent investment is that, after contributing for 45 years into the system, the worker would have a nominal asset from that 2 percent contribution in the range of $400,000. This would mean Americans would have an estate. They could leave something to their grandchildren, who might even be more attentive given that prospect.

We have an idea of an America very different from the world of the 1930s and the system we put in place, which was put in place in Europe in the 1880s. We have an idea of a retirement system in which persons begin to have a three-tiered system: You have your Social Security, a fixed amount, an annuity. You have benefits from private pensions that you earned with your employer. About half of American workers now have such. And then you have income, if you wish it, from your savings and investment accounts.

That requires a few other changes. It requires that we get an accurate cost-of-living index by which to adjust the benefits for changes in the cost of living. We do not now have one. There is a small group of economists who dissent, but the overwhelming judgment of the profession is that the Bureau of Labor Statistics' Consumer Price Index is not a cost-of-living index, which the Bureau of Labor Statistics insists it is not. They do not misrepresent their product; it is we who misuse it.

I will say that again. The Department of Labor does not misrepresent its Consumer Price Index; it is we who misuse it. We began the practice in 1972 at a time when Social Security benefits were the object of a biannual auction on the House and Senate floors as Members rose to say, "I propose we raise benefits 5 percent," then 10 percent, then 15 percent. I think on one occasion we went up 20 percent. We had to stop that. The nearest thing at hand was the CPI. We can make a correction.

A committee of distinguished economists, headed by Professor Michael Boskin, the former chairman of the Council of Economic Advisers under President Bush, reported to the Committee on Finance a year and a half ago recommending a correction of 1.1 percentage points.

Different economists, different Government officials, have different judgments, but they are almost all in the same range. And just at this moment, the principal economic planners of the U.S. Government do not use the CPI as a measure of inflation. They just don't; they know otherwise.

We have to gradually increase the age of retirement to 70, as we do in our bill, way into the next century. Under current law, we are already approaching an increase to 67. The majority of beneficiaries, Mr. President, retire at age 62 at a reduced benefit, which is actuarially sound.

We get rid of that dumb earnings test. It wasn't dumb in 1935 when we were encouraging people not to be in the labor force. Right now, if you work between ages 62 and 70, you lose some or all of your benefits. At age 70 and above, you would then get increased benefits. That is, you receive the same benefits over the course of your retirement. Under our bill, you can decide when to collect your benefits, regardless of whether you are working. You don't have to fool around.

We would tax these benefits at the rate at which ordinary pension income is taxed. May I say, Mr. President, for a very, very large number of our present recipients, particularly the old ones, their Social Security benefit and any other income they might have is so low that they pay no Federal taxes of any kind and would not pay any taxes under this new proposal.

But I say that this can be done, but it won't be done if we don't understand that we are dealing with a group, a body of respectable opinion, that basically thinks Social Security is a failed plan, perhaps never should have been put in place and now should be transitioned out. This is not the view of the Senator from Delaware. He would like to see a basic annuity for all Americans continue. But it is the view of many more people than we know, or perhaps are aware of, or perhaps are collected in a coherent manner.

This morning in the Committee on Ways and Means, Mr. GINGRICH spoke very much in these terms. Typically, Senator Dole, who appeared as a witness, did not. The problem is, right now there are groups who are so attached to the present system that they will not make the changes necessary to maintain the present system. It is painful. They know who they are. If I may say, the White House knows who they are. I daresay there aren't many of us in the Finance Committee who do not know. But they must recognize that the alternative is the loss of everything we have developed over 60 years, 60 years in which the system has never been a day late or dollar short on any payment, but which has somehow lost the confidence of the public. I ask my distinguished friend for another 2 minutes to conclude.

Mr. LAUTENBERG. I will be happy to yield up to 5 minutes, as needed, by the Senator from New York.

Mr. MOYNIHAN. Mr. President, I want to make this point. I want to shout this point at the American people: They are trying to scare you out of your Social Security. You don't think you are going to get it now. Why, I am not sure. But ask anyone on the streets at home. Ask someone in their thirties or in their forties. The polls are clear. People do not expect to get it. Partly this is bad management at the Social Security Administration. It got lost in the HEW and then HHS.

In 1994, we re-created it as an independent agency with an independent Administrator, but the SSA never tells people that the agency knows their name, what they are going to get in benefits, and that they are on top of this.

I say it right now, there are people who would like to scare you into thinking you are not going to get Social Security, so don't worry about it when they take it away, and what they are going to make you instead is a millionaire in the stock market. I don't think that will happen. I don't think it should. I think we should allow the accommodation of both. I think we should begin, if I can use a term from the academy, to demystify some of these claims, not by Senator ROTH, who is loyal to this institution. He has been on the Finance Committee for 30 years and has helped maintain the system.

But there are those who are out to do away with it. Why, I do not know. They take as their model the system in the Nation of Chile, a nation of some 12 million people, I believe, a system developed under General Pinochet, which does not immediately suggest sound social policy or equity. I don't say there is anything wrong with their system, but there is nothing wrong with ours either. It is ours to maintain. We should do it, and we should not let our people be frightened into giving up something so important to them and to their children and to their parents.

I thank my friend for giving me this time. I regretfully have to say that while I very much endorse the idea of personal savings accounts, right now we should use the surplus money we have to pay down the debt, increase investment, and get on with the simple changes we need to make this system permanent and stable.

Mr. President, I yield the floor, and I thank the manager for his courtesy.

Mr. KENNEDY. Mr. President, this amendment sounds innocuous, but it is a direct assault on Social Security, and it deserves resounding rejection by the Senate.

Millions of senior citizens depend on Social Security. In fact, Social Security benefits comprise more than 75% of the income of half of the nation's 28 million recipients. It is a sacred compact between citizens and their government that says, "pay into Social Security during your working years, and we will guarantee you a decent retirement income during your golden years."

Social Security is one of the most popular programs ever enacted. It is also one of our nation's most successful anti-poverty programs. In 1959, 35% of the nation's elderly lived in poverty. Today, that number has dropped to 9%.

We all recognize that legislative action is necessary to assure that Social Security will be solvent throughout the 21st century. There is no crisis—but there is a problem, and the sooner we take action to solve it the better. All of us know that Social Security will run out of money in 2030. All of us know that the single highest priority of the American people is to see Social Security preserved.

All of us know that the President has said that none of the budget surplus should be spent until we solve the Social Security problem—and the American people strongly support this approach.

But this amendment takes a different approach. It says: "Let's forget about preserving Social Security. Let's go ahead and spend the surplus on a risky and untried experiment with individual retirement accounts."

We all know what is going on here. There are a number of members of this body who want to throw Security on the scrap heap of history. They think it ought to be privatized. They think the concept of Social Security is wrong. They think individuals, instead of relying on the tried and true and guaranteed support that Social Security provides, should take their chances by speculating in the stock market. If they do well, they can become rich. If they do poorly and are impoverished in their old age—so be it.

I reject that philosophy. The American people, I believe, also reject that philosophy. And the Senate should reject that amendment.

Mr. LAUTENBERG. Mr. President, just to be certain, if we combine the time that was yielded off the resolution and off of the amendment, the proponents used a total of?

The PRESIDING OFFICER. Forty minutes.

Mr. LAUTENBERG. We to this point have used a total of?

The PRESIDING OFFICER. Thirty minutes.

Mr. LAUTENBERG. Thirty. So I will yield myself some time off of the amendment, which I understand is the time that remains to respond to the proposal by the distinguished chairman of the Finance Committee, the Senator from Delaware, whose proposals we always take seriously. This is a man who is intelligent, who is committed to the proper procedure of getting things done. We have great respect and regard for the Senator from Delaware. But we can nevertheless disagree.

On this particular proposal, I do disagree because I see things in perhaps a different light. When I think of the prospect—and I thank the Senator from New York because, as usual, he has a grasp of issues that goes way beyond the capacity of the average

human being. And, boy, do we learn, and we learn in a hurry here. But nevertheless, I listened carefully to what the Senator from New York said. He talked about the possibilities of some investment on the private side, and I respect that, when combined with other changes that have to be made. I think otherwise we are rushing almost willy-nilly into a change, if this proves to be law at some time, that would rock the timbers of our society.

When we think of Social Security, we think of the foundation that it holds for senior citizens. I kind of ask myself, well, would we recommend to the elderly across this country that they go ahead with some investment adviser, or make a decision on their own, whether it is to buy fund X, A, B, or C? We saw what happened to this investment club that was doing so well, according to the papers, and finally they admitted they made a few accounting mistakes. Would anyone want to have to face that widow who perhaps gets $700, $800 a month and say, "Sorry, there's an error; you don't have $800 a month, you have $400 a month or $500 a month"? Or would you rather say, "Listen, what you have is guaranteed. It may not have provided the kinds of things that your husband and you had when you were living together, but you will not be chased out of your room or your house. You will have a chance to continue to live at some scale, modest as it may be."

But when I look at companies like the Prudential Insurance Company, one of the great companies of the world, one of, if not the largest company in the world—it was among the top five—it had some inappropriate management problems there. And they are good friends of mine, so I do not knock the company. But they, nevertheless, had to reduce the interest they were paying on policies, on cash reserves on their policies. This giant company, the Rock, the Rock of Gibraltar was their trademark, and they had to reduce their interest rates.

In October, a few years ago, 1987, the market lost a substantial portion of the holdings. I was at a meeting in Boston and people up there were shaken to their foundation to see their investments, their growth in investments, suddenly whittled away by some 15-plus percent. While I am excited about the market and where it is going, just like everybody else, I know one thing: That going down is always faster than going up when there is any velocity attached to it.

I think that without full deliberation about what the consequences might be, pro and con, with this kind of investment, it is excessively hasty. I would not want to be talking to people who suddenly decided they wished they had had Social Security IOUs, as they were described here. I do not know about you, but I know that I still feel pretty good about an IOU owed by the U.S. Government, by the people of America. Those are, as they say in the movies, as good as it gets, not high-paying but everybody pretty much feels that, listen, the worst that happens, we are going to get paid. We may even have it monetized a little bit with inflation, but the fact is we know it is there.

So when I look at the proposition that is offered, I say that I hope my colleagues will vote against it. When you cast your vote, you must look or try to look in the eyes of an elderly parent or grandparent, or perhaps, at some of our ages, a brother or sister, who are totally dependent on Social Security for their survival—for their survival.

I tell you, I would not recommend on a personal basis—and I have had a lot of experience. I ran a big company. And I managed, as part of my responsibilities, the company's investments. I managed acquisition. I had a lot to do with the financial side of things. I could hardly imagine myself recommending to someone whose principal asset, exclusive asset in some cases, was Social Security, that they invest in the market a little bit, buy a hedge fund maybe or, gee, your adviser—I remember when one of the great unions, I say to Senator MOYNIHAN, sued a bank in New York, who I will not identify here, for the poor performance that this bank had with hundreds of millions of dollars that belonged to this union's pension funds because it underperformed.

Who, with an investment of a couple thousand dollars a year or a thousand dollars a year or less, is going to be able to pick just the right adviser? There is some genius sitting there waiting to take your $1,000 a year and monitor it and watch it? Come on, what do we think this is? The guys who get that kind of attention are the guys who hit the new scales on the heights—$500 million in net worth, $1 billion in net worth, the people who are outside.

I know of one university fund, common among investments, being made today by university endowments, who wants to get into investments that they can be out of in 5 years. They do not want to be stuck in investments that carry them indefinitely. And you will find that true in place after place.

I say also that everyone is aware today that capital is not a problem in this country. Capital is chasing investment all over. I know people in the real estate business. I know people in the investment business and merchant banks. And people are coming to them—institutions, universities, companies, individuals—with money saying, "Please help me invest it properly. Please help me place it securely. Please help me make sure that it's safe."

So how is a person who has a modest Social Security income going to have the security to know that they have the right person advising them or whether they know how to read a financial statement? It is an interesting idea, but an idea, in my view, whose time has not come. I hope that we will stand securely against it, give it a chance, led by the leadership that the chairman of the Finance Committee can so aptly provide, and have a full review of what it means.

We have discussed it. We have discussed it in the Budget Committee, and we have discussed it with other committees, with Alan Greenspan and with other distinguished economists: What does it mean? What about privatization? Some say yes, some say no. I tell you this, I would far rather be one who said no, just leave it where it is, than take the risk that we have to face someone who is depending on Social Security and not finding the reserve there when they need it.

So I hope this amendment does not pass. I urge my colleagues to vote against it. No disrespect to the chairman of the Finance Committee or those who are supporting it, but it just needs more time than we have.

Mr. President, as I stated, I must oppose the proposal to allocate the surplus for personal savings accounts. In my view, this proposal has serious ramifications for the future of Social Security. And we shouldn't endorse it without first carefully examining all of its implications.

Mr. President, let me just discuss a few of the concerns raised by this amendment.

First, this proposal represents a major step toward privatizing Social Security. And privatization, in my view, is directly inconsistent with the fundamental purpose of the program.

Social Security is supposed to guarantee that all American seniors can avoid poverty and live their lives with a basic level of dignity. It is a social insurance program. It is not supposed to be the only source of retirement income for most seniors.

Moving to a system of private accounts represents a dramatic shift in risks. Away from government. And onto the backs of individual senior citizens.

Under a privatized system, seniors would lose: protection against declines in stock prices; protection against inflation through cost of living adjustments; and protection against outliving their assets.

Mr. President, protections against these kinds of risks—which are completely beyond the control of any individual—are why we need social insurance in the first place.

Let me be clear. I'm all for private retirement savings. I support IRAs and 401(k)s, and believe Americans need to save more. But private savings should supplement, not replace, social insurance. Otherwise, most Americans will

spend their old age walking a financial high wire, without a safety net. And as someone who lived through the Great Depression, that is not what I want for my children and grandchildren.

If we use a surplus to roll back payroll taxes and force people to put this money into private accounts, money would be drained from the Social Security trust funds. That would accelerate the date when the program will go bankrupt. And that is the opposite of what we should be doing.

There are many other points I could make about this proposal, but I will not get into great detail here. Let me just say again that this is not the kind of change that we should endorse without a great deal of careful and thoughtful debate. That discussion is only now just getting underway. And it would be premature to rush to judgment on such a fundamental change in our system.

So I hope my colleagues will oppose this proposal. Let us fix Social Security. But let us do it carefully. And let us do it right.

I ask unanimous consent to have printed some editorials in the RECORD. The Senator from New York has asked us to do that, and I put them forward.

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

[From USA Today, Mar. 17, 1998]

SOCIAL SECURITY NEEDS REPAIR, BUT POOR SHOULDN'T PAY FOR IT—MOYNIHAN'S PLAN ISN'T PERFECT, BUT AT LEAST HE'S GOT PEOPLE TALKING

(By Michael Tanner)

Before the nation can solve its $15 trillion problem of financing 70 million baby-boomer retirements, people need to start talking about it. On Monday, Sen. Daniel Patrick Moynihan, D–N.Y., gave them a place to begin.

His conversation starter: a 15% cut in the Social Security payroll tax that could all go into a personal retirement account.

In a speech at Harvard, Moynihan tacked that concept on to his long-standing plan to put Social Security on a pay-as-you-go basis. That's a small step, perhaps, but one that could help break a political stalemate over Social Security reform.

It bows to GOP plans to give people more control over Social Security contributions while keeping the safety net Democrats favor.

To pay for these enticements. Moynihan proposes some hard medicine members of both parties have balked at swallowing.

Neither party has shown enthusiasm for Moynihan's plan to end their balanced-budget charade. Payroll tax cuts now would take away revenue that's used to mask government's $100 million operating deficit.

And even those who embrace budget honesty aren't likely to enjoy the senator's proposals for making up the money and ensuring Social Security's fiscal soundness.

He'd reduce cost-of-living adjustments for both tax deductions and benefit increases. He'd also subject more income to the payroll tax, raise the retirement age to 67 more quickly than now planned, and raise payroll taxes higher than today's levels after 2025.

Trade-offs like those are inevitable if Social Security is to be saved. But the real problem with Moynihan's plan is the risk that it may not go far enough to protect the poorest workers in their old age.

That is Social Security's fundamental goal. And it has almost been achieved.

In 1935 when the program was initiated, more than half of all elderly were supported by their children. Today, most are independent. In 40 years, poverty rates among the elderly have plummeted from 35% to under 11%, with Social Security providing the bulk of income for 40% of elderly households.

Unlike most plans to privatize all or part of Social Security, Moynihan's would not make savings mandatory. So low-income families, squeezed for pennies, likely would spend the $4 a week they'd get from the payroll tax cut.

That permissiveness is counterproductive. If the money were saved for 40 years at 7% interest, it would generate more than $40,000. The income from those savings—about $2,800 a year at the same 7% rate—combined with other Social Security payments would keep recipients out of poverty. Such savings are essential for laborers who may not be able to work into their late 60s as Moynihan's higher retirement age would require.

Congress needs to start moving soon on Social Security reform. Time is the great enemy of affordable answers. And enabling people to invest some Social Security themselves may be part of the answer.

But the test for any changes is whether they'll assure all Americans of an adequate retirement. Social Security shouldn't be saved or altered by robbing the poor.

[From USA Today, Mar. 17, 1998]

TINKERING WON'T DO THE JOB—THE ONLY SENSIBLE SOLUTION ALLOWS PRIVATE INVESTMENT

(By Michael Tanner)

From President Clinton on down, there is now a national consensus that Social Security is in trouble. Indeed, the retirement program will begin running a deficit by 2012, just 14 years from now. The program's total unfunded liabilities top $9 trillion.

Yet, in the face of the coming crisis, some still resist serious change. They will suggest that a little tinkering around the edges will be enough to fix Social Security.

Some want to raise taxes. But payroll taxes have already been raised more than 38 times since Social Security began. Even after accounting for inflation, payroll taxes are 800% higher than at the program's inception. Three out of four American workers now pay more in payroll taxes than they pay in federal income taxes.

Others want to cut benefits. But young workers are already going to receive less back in benefits than they pay in Social Security taxes. Reducing benefits will only make Social Security a worse deal for these young workers.

Tinkering will not fix Social Security's most basic flaw. Social Security is a pay-as-you-go program, similar to the type of pyramid scheme that is illegal in every state.

Taxes paid by today's workers are not saved for their retirement, but rather are spent immediately to pay benefits for today's retirees. When those workers retire, they have to hope that the next generation of workers will be large enough to support them. But with people living longer and having fewer children, the number of workers supporting each retiree is shrinking.

What we really need is a new Social Security system based on the power of private investment and individual savings.

Under such a plan, benefits to current retirees would be guaranteed, but workers would be given the option of shifting their payroll taxes to individually owned retirement accounts, similar to IRAs or 401(k) plans.

Those accounts would be privately invested in real assets such as stocks, bonds, annuities, etc. Because private investment brings much higher returns, individuals could expect to receive much higher retirement benefits.

It's time to stop tinkering and get on with the fundamental reform necessary to preserve retirement security for future generations.

[From the Wall Street Journal, Mar. 18, 1998]

PUBLIC TRUST BUSTING

When Senator Pat Moynihan speaks, liberals listen. So it just might mark a watershed in the Social Security reform debate that the New York Democrat this week embraced private investment retirement accounts.

Mr. Moynihan's welfare state credentials are impeccable. He helped to expand it during the Johnson and Nixon years and he's been its most intellectually nimble defender since. He bitterly opposed President Clinton's decision to sign a welfare reform law. And only last year, writing in the New York times, he seemed to rule out any significant change in Social Security.

Well, he's now revising and extending those remarks. On Monday at Harvard, he said Social Security can be saved only by changing it. And not merely with the usual political kamikaze run of raising taxes and slashing benefits. He's also endorsing a redesign that would allow individuals to invest two percentage points of their payroll tax as they please, presumably in stocks, bonds and other private investments.

This is a big breakthrough, ideologically and politically. The idea of a private Social Security option has until recently been the province of libertarians and other romantics. When Steve Forbes talked up the concept in 1996, he was demagogued by fellow *Republicans*. Even such a free-marketeer as Ronald Reagan was forced to accept a Social Security fix in 1983 that relied mostly on tax hikes.

What's changed? Only the world, as Mr. Moynihan admits. The weight of the looming Baby Boom retirement has caused a loss of public faith in Social Security's sustainability. Few Gen-Xers even expect to receive it. More and more Americans also began to see the virtue of private retirement vehicles like IRAs and 401(k)s, which grew like Topsy as the stock market boomed.

"In the meanwhile the academic world had changed," Mr. Moynihan also told the mostly liberal academics at Harvard. "The most energetic and innovative minds had turned away from government programs—the nanny state-toward individual enterprise, self-reliance, free markets." (No, he wasn't quoting from this editorial page.) Privatizing Social Security suddenly became thinkable, in many minds even preferable.

In short, the same economic and political forces that have remade American business are now imposing change on government. Global competition and instant information have forced industry to streamline or die. Now those forces are busting up public monopolies—the public trusts, to adapt a Teddy Roosevelt phrase—that deliver poor results.

In the U.S. that means breaking a public school monopoly that traps poor kids in mediocrity or worse. And it means reforming a

retirement system that gives individuals only a fraction of the return on their savings that they know they'd receive if they invested the money themselves. These are ultimately moral questions, because in the name of equity these public trusts are damaging opportunity for those who need it most.

The rich have known for years how to exploit the magic of compound interest, for example. Why shouldn't working stiffs have the same chance? Mr. Moynihan shows that a worker earning $30,000 a year can, at a modest 5% annual return, amass $450,000 in savings over 45 years by shifting just 2% of the payroll tax into a private account. Thus do even liberals become capitalists.

Now, let us acknowledge that "privatizing" Social Security is not what Mr. Moynihan desires. His political goal is to reform Social Security just enough to be able to save its universal guarantee. He fears, sensibly enough, that if liberals oppose any change they may find the debate has moved on without them. "The veto groups that prevented any change in the welfare system," he says, "looked up one day to find the system had vanished."

No doubt many conservatives will want to go much further than the New Yorker, us among them. If investing 2% of the payroll tax rate is desirable, why not more? Workers ought to be able to decide for themselves if they want to trade lower taxes now for a lower Social Security payment at retirement.

We also disagree with Mr. Moynihan on some of his details. To defray the cost of reducing the payroll tax, he would increase the amount of wages subject to that tax—from $68,400 now to $97,500 by 2003. This is a large increase in the marginal tax rate for many taxpayers that would defeat reform's very purpose. He'd also raise the payroll tax rate down the line as the Boomers retire—something that needn't happen if the reform were more ambitious than the Senator says he wants.

Yet for all of that, Mr. Moynihan moves the debate in the direction of more individual control and more market sense. Along with his pal and co-sponsor, Nebraska's Bob Kerrey, he has broken with liberal orthodoxy. Maybe their daring will even give courage to Republicans.

[From the New York Times, Mar. 29, 1998]

WRONG WAY ON SOCIAL SECURITY

Proposals from archconservatives to chip away at a gargantuan Government program like Social Security shock no one. But when an influential moderate like Senator Daniel Patrick Moynihan proposes to divert Social Security taxes into private retirement accounts, a flawed idea gains ominous support. Mr. Moynihan's rationale is complex. But it is also misleading and unwise.

Mr. Moynihan exaggerates the financial predicament by pointing to 2029 as the date that actuaries say the Social Security trust fund will empty out. But actuaries also say that annual revenues will continue to cover almost all of each year's outlays. Indeed, the financial gap amounts to only about 2 percent of payrolls and can be eliminated with modest benefit trims, changes in retirement rules and small tax increases. Instead, Mr. Moynihan proposes a cut of up to 30 percent in future benefits, larger even than what is needed to balance the trust fund's books. He does so because his plan includes a second agenda—partial privatization.

Mr. Moynihan would temporarily cut payroll taxes and invite workers to deposit the money saved into individual tax-sheltered retirement accounts. Some will accept the invitation and, depending on the outcome of risky investment, replace some or all of the 30 percent benefit cut. But based on past behavior, most workers will not save for their future. Mr. Moynihan's reasons for cutting revenues of a program that he depicts as near bankrupt are political. He wants to stop Congress from frittering away the current temporary surpluses in the program to support other programs in the Federal budget. He also proposes partial privatization to ward off a more sweeping privatization assault by conservatives.

Private accounts are popular because, if invested in stocks, they can grow faster than money deposited in the trust fund, which is invested in low-yielding Treasury bonds. Mr. Moynihan warns that liberals who oppose his partial privatization risk having the entire Social Security program scrapped, along with its magnificent record in redistributing money from the rich to poor and thereby lifting millions of retirees out of poverty each year.

But Mr. Moynihan refuses to acknowledge the harm his partial privatization scheme would do. Small savings accounts are expensive to administer, threatening to burn up a quarter of a low-wage worker's annual deposit in commissions and bank fees. Besides, the seemingly small return on money turned over to Social Security is partly an optical illusion.

Social Security has promised to pay millions of retirees benefits that far exceed the amounts they pay into the trust fund. Part of the payroll tax that workers turn over to the Social Security system covers these unfunded benefits. If part of the money that workers would deposit in private retirement accounts under the Moynihan plan were siphoned off to pay their fair share of unfunded benefits, then the yield on these accounts would look puny too.

By reinforcing the false notion that private accounts are far superior to public accounts, Mr. Moynihan risks setting off a political process that would feed the conservative goal to replace virtually the entire public program with private savings.

Mr. Moynihan's warning that Social Security looks like a lousy deal for workers should be heeded. The best way to increase retirement funds is to invest payroll taxes in stocks. But rather than having a hundred million workers invest itsy-bitsy amounts on their own, the trust fund itself, through a process insulated from politics, should invest in equities on behalf of everyone. The Social Security problem is modest. So too are the right solutions

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[From the Christian Science Monitor, Mar. 19, 1998]

SOS FOR SS

Always pungent Sen. Daniel Patrick Moynihan has gotten to the heart of America's Social Security problem. In a speech at Harvard this week he offered a specific, tough-minded formula for saving Social Security from the demographic collision it faces in future decades.

Moynihan, long an expert on Social Security, shrewdly weds (a) a conservative plan to allow workers to invest a portion of their SS payroll tax in a private nest egg to (b) a return to a Rooseveltian pay-as-you-go pension system.

As ranking Democrat on the Senate Finance Committee, he plans to propose such a reform immediately.

Compare that with the official Washington crawl on Social Security.

In his state of the union speech last month, President Clinton claimed to be concentrating mightily on Social Security, but then sent it out for yet another scrutiny by commission. Mr. Clinton also cast himself as a latter day Horatius telling politicians to keep their hands off federal budget surpluses. He said he was earmarking those surpluses to save SS.

Good theater. Poor economics. The best way to preserve those surplus revenues for a need starting two decades hence would be to use them now to reduce the national debt. That would trim those huge interest bills on the debt for years to come. And that, in turn, would allow more pay-as-you-go money for SS.

Instead, Clinton announced a clutch of new programs that would eat up the surpluses—despite iffy funding from tobacco revenues.

Hence the appeal of Moynihan's approach. It would allow Americans to voluntarily use as much as 15 percent of their SS payroll tax for personal pension savings accounts. Because that's optional and restricted to a modest percentage, it would minimize the danger that at retirement a pensioner might suffer from a market drop. And the upside—higher compounded returns over decades of savings—would compensate for increased risk.

Meanwhile, Moynihan would seek to ensure that the basic SS pension remains rock solid by assuring its yearly pay-as-you-go integrity. To make bearable the tax burden borne by next generation workers paying for their retiring baby boom parents, he adapts two existing ideas: (1) Speed the move to a standard retirement age of 70, reflecting longevity statistics. (2) Trim the rate of indexing for inflation.

There will be battles to come. But at least one of our most thoughtful political statements has gotten a realistic mix of elements on the table. Now it's up to his colleagues.

Mr. LAUTENBERG. With that, Mr. President, I yield back the time on our side and hope that we can proceed forthwith.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. The Senator wants to ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. I also ask unanimous consent that Senator BROWNBACK be added as a cosponsor.

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

Mr. LAUTENBERG. I have a request.

Mr. DOMENICI. Did you have a request?

Mr. LAUTENBERG. I do.

Mr. President, the Senator from Iowa has asked for some time to discuss something, and I would give him 5 minutes off of the resolution to do that, unless there is an objection.

Mr. DOMENICI. Let me just see if we can get an agreement that you and I have spoken to.

I say to the Senator, are you going to speak on the subject that is before us? Or do you just want consent to speak on a subject not pertaining to the budget for 5 minutes?

Mr. HARKIN. It has something to do with the budget.

Mr. DOMENICI. But it is not a proposal?

Mr. HARKIN. No.

Mr. DOMENICI. We are going to be able to arrange that for the Senator.

Mr. President, I want to suggest that when we entered into the unanimous consent agreement, the idea was that we would expedite the voting on amendments and minimize the number perhaps that was going to be voted on in the so-called "votarama" with 1 minute on a side by amending the statutorily allotted amount of time for amendments and second-degree amendments. And we did so agree. But we were not specific in saying that there shall be no time yielded off the bill to those new time agreements. So I just ask, with the concurrence of my friend from New Jersey, unanimous consent that there be added to the unanimous consent agreement regarding the time allotted on amendments and second-degree amendments, the following language: And that no time, no additional time, shall be allotted from time remaining on the bill by either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

I say to the Senator, did you want to do something?

Mr. LAUTENBERG. If we can let our friend from Iowa make his statement.

Mr. DOMENICI. I say to the Senator, we will yield you 5 minutes off the bill.

Mr. HARKIN. I thank the Senator. I appreciate it.

The PRESIDING OFFICER. The Senator from Iowa.

THE AGRICULTURAL RESEARCH CONFERENCE REPORT

Mr. HARKIN. Mr. President, I want to speak for a couple of minutes about a conference report that is now before the Senate which is of the utmost urgency that we proceed to and pass yet today. I am hopeful we can do it. That is S. 1150. It is the agricultural research bill which we passed here last year by unanimous consent. What happened is, the House passed it also last year but the House, for one reason or another, refused to go to conference, and then the session ended last year.

About 3 weeks ago, the House finally consented to go to conference. We went to conference. We worked out our agreements on a very important bill. And that bill now is before the Senate.

In the ag research bill, there are at least three very important parts: The ag research; crop insurance, to work out the problems in crop insurance so we can have a disaster crop insurance program for the next 5 years; and there is also a food stamp provision for refugees and the asylees that were inadvertently left out of the welfare-to-work reform bill that we passed in August of 1996.

We need to pass this bill today. It is of the utmost urgency. We have over 717,000 catastrophic crop insurance policies in America today, farmers all over this country, from California to Maryland, from North Dakota to Texas. All rely upon this crop insurance program.

If we don't pass this bill very soon, those policies will start to lapse and those farmers who have to plant in the summertime for winter crops will not be able to get their crop insurance. That means if they were to have a natural disaster that would wipe them out completely, they would be in here to Congress again begging us to bail them out. That is why it is so important we pass this today.

Now, why today? Because we have a very strange parliamentary situation. If we don't pass it today and this budget passes tomorrow, which it will, then we lose all the money that we have for crop insurance to help out our farmers. I might also add, we lose the money that is in there to meet a need for refugees and asylees who are legal immigrants in this country. Some of them, like the Hmong who fought alongside our American troops in Laos during the Vietnam war, were inadvertently cut out of the welfare reform bill. This is in the bill before us, S. 1150.

As I said, S. 1150 had bipartisan support in conference, Republicans and Democrats, House and Senate. We worked out all the differences. There are no objections in our committees to this. That is why it is so vitally important that we pass it today.

I guess I ask here on the floor, the majority leader, and to the staff who are here, if they could possibly bring up S. 1150 today, sometime by the end of the day. I don't know if the managers of the bill would mind if we set it aside for 15 minutes—I don't think it would take longer than that; after all, it passed by unanimous consent last year—and pass it today. I don't think it would take much time. As I said, I am sure Senator LUGAR, being the chairman, and I, the ranking minority member, don't need more than 15 minutes on this bill. It is vitally important, because if we don't pass it, we will lose the crop insurance for our farmers, especially those who need to plant summer crops.

I yield to Senator CONRAD from North Dakota.

Mr. CONRAD. Mr. President, I want to add my voice to the strong voice of the Senator from Iowa, Senator HARKIN. We are now facing an emergency with respect to the research bill. The research title is a bit of a misnomer because much more is involved here than agricultural research, although that is critically important. That is critically important because we have been hit all across the country with a set of diseases because we are in a wet cycle. That wet cycle has been devastating in my State. We lost 30 percent of the crop last year, over $1 billion of economic loss because of scab and vomitoxin, and those losses continue.

Now we are in a situation where we desperately need research into those diseases, but it goes much beyond that. It goes to the heart of the crop insurance system in America. As the Senator from Iowa has indicated, there are 700,000 policyholders in America. They are about to get a notice that there is no crop insurance available for them. That is the danger that we risk if we fail to act, and act today.

The crop insurance shortfall may result in farmers across the Nation receiving cancellation notices. This is a dire emergency.

The PRESIDING OFFICER. All time is expired.

Mr. LAUTENBERG. I am delighted to yield 1 minute to our colleague from North Dakota.

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

Mr. DORGAN. I will be brief.

The Senator from Iowa raised a concern of some urgency for the United States Senate. What he is describing is a bipartisan agreement on legislation that is critical to our part of the country. It deals not only with research, but also with crop insurance. It deals with critically needed investment for research in crop diseases such as fusarium head blight or scab which produces vomitoxin in wheat and barley.

We have an awful problem out in our part of the country with these crop diseases and crop losses. We need a viable crop insurance program. We were delighted when the Senator from Iowa and the Senator from Indiana and others reached this bipartisan agreement and moved it through the conference with the House of Representatives. I know how hard that was. That was a tough thing to do because the sides were quite far apart. When they reached this agreement, we were delighted with that. It is an important agreement.

Now, as usual, in the case of politics, timing is everything. It is very important for this bipartisan conference agreement to be considered by the Senate and moved along. Time is of the essence here.

I commend the Senator from Iowa.

Mr. HARKIN. I thank both Senators from North Dakota for their strong voices and strong support for the crop insurance program.

To sum it up, our farmers, our refugees, our asylees, should not be penalized because of the delay on the part of the House last year—not going to conference—and they should not be penalized because of this odd parliamentary situation we have.

I hope the majority leader and his staff who are listening to this will

hopefully bring up this bill today, and let's get it passed. I don't think it will take more than 10 or 15 minutes to get the job done and we can say to our farmers that their crop insurance policies are, indeed, going to be renewed for next year.

I thank both of the managers of the bill for yielding us this time to talk about this very important subject.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, AND 2003

The Senate continued with consideration of the concurrent resolution.

VOTE ON AMENDMENT NO. 2209

The PRESIDING OFFICER. The question is on agreeing to the Roth amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—51

Abraham	Gorton	McConnell
Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bennett	Grassley	Robb
Breaux	Gregg	Roberts
Brownback	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Coverdell	Inhofe	Smith (OR)
Craig	Kempthorne	Specter
DeWine	Kyl	Stevens
Domenici	Lott	Thomas
Enzi	Lugar	Thompson
Faircloth	Mack	Thurmond
Frist	McCain	Warner

NAYS—49

Akaka	Durbin	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Jeffords	Rockefeller
Coats	Johnson	Sarbanes
Collins	Kennedy	Snowe
Conrad	Kerrey	Torricelli
D'Amato	Kerry	Wellstone
Daschle	Kohl	Wyden
Dodd	Landrieu	
Dorgan	Lautenberg	

The amendment (No. 2209) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

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

Mr. LAUTENBERG. Mr. President, once again, I don't think we are going to hear any profound speeches in the next few minutes, but at least we ought to know what it is that is going on, because if those amendments are not up there by the witching hour of 6 o'clock, they will not have a chance to get an amendment considered, whether it is a "vote-a-thon," "vote-a-rama," "rapid fire," or whatever you want to call it, or whether there will be a chance for debate. Six o'clock is it. We all turn into pumpkins at that time.

AMENDMENT NO. 2204, AS MODIFIED, AND AMENDMENT NOS. 2226 THROUGH 2247, EN BLOC

Mr. LAUTENBERG. Mr. President, I have amendments to send to the desk on behalf of the following Senators: Senator KOHL from Wisconsin has a modification to amendment No. 2204, Senator ROCKEFELLER, Senator CONRAD, Senator BUMPERS, Senator FEINSTEIN, Senator JOHN KERRY, Senator WELLSTONE, Senator CHARLES ROBB, Senator BIDEN, Senator BOXER, Senator BINGAMAN, Senator BINGAMAN again, Senator ROBERT KERREY, Senator MOSELEY-BRAUN, Senator MOSELEY-BRAUN again, Senator MOSELEY-BRAUN again, Senator DURBIN, Senator DORGAN, Senator LAUTENBERG, Senator LAUTENBERG again, Senator TORRICELLI, Senator TORRICELLI again, and Senator MOYNIHAN.

I offer those amendments and ask for their consideration. I ask unanimous consent that we suspend the reading of the amendments.

Mr. President, I offer them en bloc. I also ask unanimous consent that they be put aside after being laid at the desk.

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

The amendment numbered 2204, as modified, and amendments numbered 2226 through 2247, en bloc, are as follows:

AMENDMENT NO. 2204, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs (412 U.S.C. 1395 et seq.; 1396 et seq.) to conduct background checks on prospective employees.

AMENDMENT NO. 2226

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

"$51,000,000,000.
(B) Outlays, $42,300,000,000.
Fiscal year 2000:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2001:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2003:
(A) New budget authority, $48,000,000,000.
(B) Outlays, $42,900,000,000."

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

"$200,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2000:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$3,600,000,000.
Fiscal year 2001:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$1,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$4,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$1,400,000,000.
(B) Outlays, −$1,000,000,000."

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2227

(Purpose: To ensure that the tobacco reserve fund in the resolution may be used to strengthen Social Security)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be revised for legislation that reserves the Federal share of receipts from tobacco legislation for the Medicare Hospital Insurance Trust Fund or the Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation shall not be taken into account.

AMENDMENT NO. 2228

(Purpose: To provide for funding to help the states comply with the Individuals with Disabilities Education Act by eliminating an unjustified tax loophole)

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $66,000,000.

On page 3, line 12, increase the amount by $67,000,000.

On page 3, line 13, increase the amount by $69,000,000.

On page 3, line 14, increase the amount by $71,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 4, line 1, increase the amount by $66,000,000.

On page 4, line 2, increase the amount by $67,000,000.

On page 4, line 3, increase the amount by $69,000,000.

On page 4, line 4, increase the amount by $71,000,000.

On page 4, line 19, increase the amount by $39,000,000.

On page 4, line 20, increase the amount by $66,000,000.

On page 4, line 21, increase the amount by $67,000,000.

On page 4, line 22, increase the amount by $69,000,000.

On page 4, line 23, increase the amount by $71,000,000.

On page 5, line 5, increase the amount by $39,000,000.

On page 5, line 6, increase the amount by $66,000,000.

On page 5, line 7, increase the amount by $67,000,000.

On page 5, line 8, increase the amount by $69,000,000.

On page 5, line 9, increase the amount by $71,000,000.

On page 16, line 9, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $39,000,000.

On page 16, line 13, increase the amount by $66,000,000.

On page 16, line 14, increase the amount by $66,000,000.

On page 16, line 17, increase the amount by $67,000,000.

On page 16, line 18, increase the amount by $67,000,000.

On page 16, line 21, increase the amount by $69,000,000.

On page 16, line 22, increase the amount by $69,000,000.

On page 16, line 25, increase the amount by $71,000,000.

On page 17, line 1, increase the amount by $71,000,000.

AMENDMENT NO. 2229

(Purpose: To express the sense of the Senate on education goals)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this nation.

AMENDMENT NO. 2230

(Purpose: To ensure that the tobacco reserve fund in the resolution protects public health)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products;

(D) improving the availability, affordability and quality of child care;

(E) increased funding for education;

(F) increased funding for health research;

(G) reimbursements to States for tobacco-related health costs; or,

(H) expanding children's health insurance coverage; and,

"(2) savings for the Medicare Hospital Insurance Trust Fund or the Social Security Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

AMENDMENT NO. 2231

(Purpose: To express the sense of the Senate supporting additional funding for fiscal year 1999 for medical care for veterans)

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $159,116,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

AMENDMENT NO. 2232

(Purpose: To ensure that the tobacco reserve fund in the resolution protects tobacco farmers)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medical Hospital Insurance Trust Fund or for providing transition assistance to tobacco farmers.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to providing transition assistance to tobacco farmers.

AMENDMENT NO. 2233

At the appropriate place, insert:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that:—

(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1990 which is the lowest since 1990;

(2) Through a comprehensive effort to attack violence against women mounted by state and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) Recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women

are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) The Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

AMENDMENT NO. 2234

(Purpose: To expand the uses of the tobacco reserve fund to include funding for health research, including the National Institutes of Health)

On page 28, beginning on line 5, after "Medicare Hospital Insurance Trust Fund," strike all through the end of line 17, and insert the following:

", or for health research, including funding for the National Institutes of Health (NIH).

"(b) REVISED BUDGETARY LEVELS AND LIMITS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may adjust all appropriate budgetary levels and limits, including aggregates and allocations, to carry out this section. These budgetary levels and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the budgetary levels and limits contained in this resolution.

"(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to health research, including the National Institutes of Health."

AMENDMENT NO. 2235

(Purpose: To express the sense of the Senate regarding the analysis of civilian science and technology expenditures in the budget

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"(a) FINDINGS.—The Senate finds the following:

"(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled 'Allocating Federal Funds for Science and Technology,' that the Federal science and technology budget 'be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total federal budget is disaggregated and sent to the appropriations committees and subcommittees.'

"(2) Civilian federal agencies are supporting more than $35 billion of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

"(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget for the United States for fiscal years 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all federal civilian departments and agencies, in Budget Function 250.".

AMENDMENT NO. 2236

(Purpose: To express the sense of the Senate regarding long-term civilian science and technology budget trends)

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008.".

AMENDMENT NO. 2237

(Purpose: To express the sense of the Senate on long-term Federal budgeting and the repayment of the public debt)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE..—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

AMENDMENT NO. 2238

(Purpose: To express the sense of the Senate regarding tax legislation that increases the complexity of any tax return)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

(a) FINDINGS.—The Senate finds the following:

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spend between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of paid tax preparers.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increase compliance costs for the taxpayer.

AMENDMENT NO. 2239

(Purpose: To express the sense of the Senate that the President should submit a generational study with the budget request)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

AMENDMENT NO. 2240

(Purpose: To express the sense of the Senate regarding the value of the social security system for future retirees)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

AMENDMENT NO. 2241

(Purpose: To express the sense of Congress regarding the right to affordable, high-quality health care for seniors)

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

AMENDMENT NO. 2242

(Purpose: To express the sense of the Senate on ensuring Social Security solvency)

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY SOLVENCY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled;

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year therafter. . .until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century";

(6) the nation will engage in a national dialogue during 1998 on the future of Social Security, which will include 4 regional conferences organized by the Concord Coalition and the American Association of Retired Persons, a White House summit on private retirement savings in July, and a White House Conference on Social Security in December; and

(7) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that:

(1) Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled;

(2) enactment of such legislation will require a broad base of public support that should be developed during 1998 through a national bipartisan discussion of alternative approaches to ensuring Social Security solvency; and

(3) since that discussion has just begun, Congress should not act now to foreclose policy options that could help ensure Social Security solvency.

AMENDMENT NO. 2243

(Purpose: To express the sense of the Senate that the Congress and the Administration should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, P.L. 105–134, authorizing appropriations of $1,058,000,000 for FY99; $1,023,000,000 for FY00, $989,000,000 for FY01; and $955,000,000 for FY02, totaling $4.025 billion FY99–02;

(2) in P.L. 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2.2 billion provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, no supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five fiscal years for Amtrak to implement its FY 1998-FY 2003 Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

AMENDMENT NO. 2244

The text of Amendment No. 2244 is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 2245

(Purpose: To express the sense of the Senate on battlefield preservation)

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2246

(Purpose: To express the sense of the Senate on the Land and Water Conservation Fund)

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

AMENDMENT NO. 2247

(Purpose: To express the Sense of the Senate that the Committee on Finance should consider legislation to preserve Social Security and ensure its long-run solvency; and that no policy options, affecting either outlays, revenues, or the manner of investment of funds, should be excluded from consideration)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON THE FUTURE OF SOCIAL SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Public confidence in the long-term viability of the Social Security System is low, with opinion polls repeatedly indicating that a majority of non-retired young adults do not believe they will receive Social Security when they retire;

(2) In the year 2012, outlays for Old Age Survivors and Disability Insurance will exceed its tax revenues;

(3) Early action by the Congress is needed in order to strengthen public confidence in Social Security and address the long-run actuarial deficit of the program;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that:

(1) the Committee on Finance should at the earliest possible date hold hearings on and begin consideration of legislation to preserve the Social Security program and ensure its long-run solvency; and that no policy options affecting either revenues, outlays or the manner of investment of funds, should be excluded from consideration.

AMENDMENTS NOS. 2203, 2212, AND 2193, EN BLOC

Mr. LAUTENBERG. Mr. President, I have three more amendments that are currently at the desk, and I ask unanimous consent that they be called up and then put aside: Senator WYDEN's amendment No. 2203, Senator TORRICELLI's amendment No. 2212, and Senator HOLLINGS' amendment No. 2193.

Again, I ask unanimous consent that they be brought up and then put aside.

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

Mr. LAUTENBERG. I ask unanimous consent that we forgo the reading of the amendments.

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

The amendments numbered 2203, 2212, and 2193, en bloc, are as follows:

AMENDMENT NO. 2203

(Purpose: To direct the Congressional Budget Office to calculate inflation swings or shortfalls in each function of the Government)

At the end of title II, add the following:

SEC. ___. CALCULATING INFLATION SAVINGS OR SHORTFALLS.

For each fiscal year, the Congressional Budget Office shall calculate the inflation savings or shortfall that occurs when inflation is less or more than anticipated for each function of the Government and report its findings to Congress in March and August of each year. If inflation is less than anticipated the report shall also include a detailed explanation of how surplus funds are allocated.

AMENDMENT NO. 2212

(Purpose: To express the sense of the Senate on battlefield preservation)

On page 53, after line 22, add the following:

SEC. 3__. SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2193

(Purpose: To provide a supermajority point of order against any change in the off-budget status of Social Security)

At the end of title II, add the following:

SEC. ___. PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional Budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BUMPERS. Mr. President, will the Senator yield for a question? In the calling off of the names of the amendment, I have an amendment there, and I did not hear my name called. Is it at the desk?

Mr. LAUTENBERG. Yes.

Mrs. BOXER. Mr. President, if my colleague will yield for a question on one of the amendments, I did not hear my name mentioned. I have two amendments. I am hopeful that you received both amendments.

Mr. LAUTENBERG. In response to the Senator, both amendments were received that she offered and were sent to the desk.

Mrs. BOXER. Thank you very much.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 2266, 2222, AND 2208, EN BLOC

Mr. DOMENICI. Mr. President, pursuant to the unanimous consent request, it is now my privilege to introduce the amendments that we have on this side.

Let me start it this way. There is pending at the desk an amendment numbered 2266, Senator GRAMS numbered 2222, and an amendment numbered 2208 by Senator HUTCHISON.

I would like to call them up and set them aside. I ask unanimous consent to do that.

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

The amendments numbered 2266, 2222, and 2208, en bloc, are as follows:

AMENDMENT NO. 2266

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

AMENDMENT NO. 2222

(Purpose: To use any budget surplus to reduce payroll tax and establish personal retirement accounts for hard-working Americans)

At the appropriate place in the resolution, insert the following new section:

SEC. . USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume—

(a) the Congress and the President should use any budget surplus to reduce the Social Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(b) the Congress and the President should not use the Social Security surplus to finance general government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

AMENDMENT NO. 2208

(Purpose: to express the sense of the Senate that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON THE USE OF BUDGET SURPLUS FOR TAX RELIEF OR DEBT REDUCTION.

It is the sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

AMENDMENTS NOS. 2248 THROUGH 2272 EN BLOC

Mr. DOMENICI. Mr. President, I send to the desk the following amendments: Senator BOND amendment, Senator ABRAHAM, Senator THURMOND, Senator SESSIONS, Senator DOMENICI in behalf of Senator FAIRCLOTH, Senator SPECTER, a second amendment in behalf of Senator SPECTER, and a third amendment in behalf of Senator SPECTER, Senator NICKLES, Senator FRIST, Senator MCCONNELL, Senator SESSIONS, Senators CRAIG and DOMENICI, Senators COVERDELL and SHELBY, Senator SANTORUM, second Santorum amendment, Senator KEMPTHORNE, Senator GRAMM, Senator COVERDELL, second Senator COVERDELL, a third, fourth, fifth, and Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:.

The Senator from New Mexico (Mr. DOMENICI) proposes amendments numbered 2248 through 2272, en bloc.

The amendments are as follows:

AMENDMENT NO. 2248

At the appropriate place insert:

It is the Sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2 million for the establishment of INS circuit rides in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

AMENDMENT NO. 2249

(Purpose: To express the sense of Congress that the Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families)

In the pending resolution, insert the following section at the appropriate place:

SEC. . SENSE OF CONGRESS REGARDING BUDGET ACT REFORMS.

It is the sense of the Congress that the provisions of this resolution assume that The Budget Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families, including:

(1) Eliminating Paygo rules with regard to revenue reductions while the unified budget is in surplus; and

(2) Striking points of order against reducing the Social Security payroll tax.

AMENDMENT NO. 2250

(Purpose: To express the Sense of the Senate regarding long-term care needs)

On page 43, strike line 4 through line 17 and insert the following:

(a) FINDINGS.—The Senate finds that—

(1) Our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) Many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

AMENDMENT NO. 2251

(Purpose: To express the sense of the Senate that the Congress should begin to phase out the marriage penalty this year)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1380 a year;

(5) This penalty is one of the factors behind the decline of marriage; and

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

AMENDMENT NO. 2252

(Purpose: To express the sense of the Senate regarding the display of the Ten Commandments by a judge on the circuit court of the State of Alabama)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted.

AMENDMENT NO. 2253

(Purpose: Setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year—)

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter dated March 31, 1998, the Director of the Office of Management and Budget identified multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

AMENDMENT NO. 2254

(Purpose: To modify the use of the tobacco reserve fund)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) tobacco-related programs and activities, including extending the solvency of the Medicare Hospital Insurance Trust Fund; and

(2) not less than $2,000,000,000 for biomedical research in fiscal year 1999 and other public health research.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

AMENDMENT NO. 2255

(Purpose: To modify the tobacco reserve fund to allow up to $10.5 billion to be spent on post-service smoking related Veterans compensation benefits)

On page 28, line 17, after the material that appears on line 17, insert the following:

"(d) VETERANS.—

"(1) Notwithstanding any other provision of this section, upon the consideration of legislation pursuant to section (a), the Chairman of the Budget Committee may increase the appropriate budget authority and outlay aggregates and allocations by the amount such legislation increases spending for post-service smoking related Veterans compensation benefits.

"(2) The adjustments made pursuant to this subsection shall not exceed $500,000,000 for fiscal year 1999 and $10,500,000,000 for fiscal years 1999 through 2003."

AMENDMENT NO. 2256

On page 28, line 17, after the material that appears on line 17, insert the following:

(d) Notwithstanding any other provision of this section, $500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal year 1999 and additional outlays for fiscal year 1999; and $10,500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal years 1999–2003, and additional outlays for fiscal years 1999–2003.

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2257

(Purpose: Prohibiting precatory language on budget resolutions)

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PRECATORY AMENDMENTS.

In setting forth the budget authority and outlay amounts in this resolution, the Senate assumes that the Senate of the United States instructs the Senate Parliamentarian to interpret Section 305(b)(2) of the Congressional Budget Act of 1974 as amended by inserting after the second sentence the following: "For purposes of the preceding sentence an amendment is not germane if it states precatory language."; and that precatory includes, in the context of Senate consideration of any budget resolution, amendments which reference the budget resolution's assumptions regarding budgetary levels; federal revenues; Federal Insurance Contributions Act revenues for hospital insurance; budget authority; budget outlays; deficits; public debt; social security revenues, and outlays; loan obligations; loan guarantees; allowances; undistributed, and distributed, offsetting receipts; reconciliation; reserve funds; allocations; revenue, spending, and revised aggregates; offsets; appropriations; mandatory spending; entitlements; and any other term or definition employed, under the Budget Act, in a budget resolution.

AMENDMENT NO. 2258

(Purpose: To express the sense of the Senate regarding funding for the Airport Improvement Program)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

AMENDMENT NO. 2259

(Purpose: Expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON PAYMENT OF COSTS OF LITIGATION.

(a) FINDINGS.—The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate and dishonest conduct of Federal Government officials and lawyers involved with the Task Force.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the functional totals in this concurrent resolution on the budget assume that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

AMENDMENT NO. 2260

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize those funds to pay attorneys' fees, on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action, in excess of the reasonable and customary fee for similarly skilled legal services for the specific locale. In no event should the rate exceed $500 per hour.

(2) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(3) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided State officials with a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

AMENDMENT NO. 2261

(Purpose: To express the sense of the Senate on the eligibility of individuals suffering from post-service smoking-related illnesses for VA compensation)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.

(a) FINDINGS.—The Senate finds that—

(1) the President has twice included in his budgets not permitting the program expansion that the Veterans Administration (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(2) Congress has never acted on this program expansion;

(3) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 in additional costs to the VA;

(4) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review; and

(5) the programs expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(1) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA compensation until the study and report required by paragraph (2) are completed.

(2) The Veterans Administration and the Office of Management and Budget are jointly required to—

(A) jointly study (referred to in this section as the "study") the VA General Counsel's determination (O.G.C. 2-93) and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(B) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(3) The study should include—

(A) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(B) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(C) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(4) The study shall be completed no later than July 1, 1999.

(5) The Veterans Administration shall report its finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

AMENDMENT NO. 2262

(Purpose: To express the sense of the Senate on the procurement of Blackhawk utility helicopters for Colombia to reduce illicit drug trafficking)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the

United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105-118, expeditiously procure and provide to the Colombian National Police three UH-60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH-60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH-60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

AMENDMENT NO. 2263

(Purpose: Expressing the Sense of the Senate regarding reauthorization of the Farmland Protection Program)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 105TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Eighteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for eighteen states and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) The United States is losing two acres of our best farmland to development every minute of every day;

(7) These lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 105th Congress, 2nd Session will reauthorize funds for the Farmland Protection Program.

AMENDMENT NO. 2264

(Purpose: To express the sense of the Senate concerning health care quality for participants in the Federal Employees Health Benefits Program)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(A) FINDINGS.—The Senate makes the following findings:

(1) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, only 186 were fully accredited;

(2) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

AMENDMENT NO. 2265

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The Market Access Program (MAP) continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In FY 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural

trade surplus of approximately $22 billion, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the nation's economy. More than one million Americans now have jobs that depend on U.S. agricultural exports. Further, every billion dollars in additional U.S. agricultural exports helps create as many as 17,000 or more new jobs.

(4) U.S. agricultural, including farm income and related jobs, is more dependent than ever on maintaining and expanding U.S. agricultural exports as federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, U.S. agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artificial trade barriers and other unfair foreign trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the U.S. by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7.2 billion for export subsidies aimed at capturing a larger share of the world market at the expense of U.S. agriculture.

(B) EU and other foreign competitors also spent nearly $500 million on market promotion activities. The EU, spends more on wine promotion than the U.S. currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan-historically, the largest single market for U.S. agriculture exports.

(7) U.S. agriculture is the most competitive industry in the world, but it can not and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect U.S. agriculture's ability to remain competitive in today's global marketplace. A reduction in U.S. agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) U.S. success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the U.S. negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

AMENDMENT NO. 2266

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and 289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

AMENDMENT NO. 2267

(Purpose: To express the sense of the Senate regarding the Department of Justice's pursuit of Medicare fraud and abuse)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT MEDICARE FRAUD AND ABUSE.

It is the sense of the Senate that the provisions of this resolution assume that while fighting Medicare fraud and abuse is critical, so is the avoidance of criminalizing those parties whose errors were made inadvertently. The Senate applauds heightened attention to fraud and abuse issues in the effort to promote Medicare solvency. In evaluating the enforcement activities of the Department of Justice regarding fraud and abuse, the Senate should ensure that standards of proof as prescribed by law are present in these activities. It is incumbent upon the Senate to ensure that parties are not subject to criminal penalties absent a finding of specific intent to defraud.

AMENDMENT NO. 2268

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING NATIONAL RESPONSE TO THE THREAT OF ILLEGAL DRUGS.

SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution assume that Congress will significantly increase funding for drug interdiction operations by the Immigration and Naturalization Service, Customs Service, Coast Guard, Department of Defense and other responsible agencies;

(2) the provisions of this resolution assume that Congress will continue to support and increase funding for anti-drug education and prevention efforts aimed at informing every American child in the middle school and high school age brackets about the dangers of drugs and at empowering them to reject illegal drug use;

(3) increasing grassroots parental involvement should be a key component of our national drug education and prevention efforts; and

(4) Congress should promote efforts to establish annual measures of performance for evaluating the effectiveness of the National Drug Control Strategy.

AMENDMENT NO. 2269

(Purpose: To express the sense of the Senate on Wasteful Spending in Defense Department Acquisition Practices)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WASTEFUL SPENDING IN DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) according to the Defense Department's Inspector General, despite efforts to streamline government purchases, the military, in some cases, paid more than "fair value" for many items; and

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the FY 99 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for U.S. armed forces around the globe.

AMENDMENT NO. 2270

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES RESPONSE TO THE CHANGING NATURE OF TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) The threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997;

(2) The terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploiting technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) On a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) Chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) The multi-faceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) Terrorist groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) Terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) Terrorists are also making use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors to terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a treat to essential public and private information systems in the United States;

(10) The infrastructures deemed critical to the United States are the telecommunications networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of government services, the disruption of which could result in significant losses to the United States economic well-being, public welfare, or national security;

(11) A national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) We as a nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) The federal government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among federal, state, and local levels of government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) Technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) The United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) The United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to raise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) A national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

AMENDMENT NO. 2271

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

FINDINGS.—The Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere; and

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nations of the region.

SENSE OF THE SENATE.—It is the sense of Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

AMENDMENT NO. 2272

(Purpose: To express the sense of the Senate that, at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

Mr. DOMENICI. Mr. President, I would like to explore with the Senate how we might proceed.

Mr. President, what I have discussed with the leader and with the ranking member is that we try to have three amendments ready to vote pursuant to the order at 7 o'clock. I think we can do that.

First, we will attempt to have the amendment of Senator MOSELEY-BRAUN. It would be on or in relation thereto. Then I understand Senator

HOLLINGS has an amendment. Could he quickly tell us what it is?

Mr. HOLLINGS. Just requiring a 60-vote margin relating to the Social Security trust fund.

Mr. DOMENICI. Then we have a sense of the Senate; Senator FAIRCLOTH, or I in behalf of, on the marital deduction disparity and efforts that we want the Senate to make in terms of clearing that deficiency with reference to the marital deduction. The first vote will be 15 minutes, and 10 minutes thereafter, as we have already agreed to.

Would Senator LAUTENBERG like to let Senator HOLLINGS proceed?

Mr. LAUTENBERG. Yes. I ask unanimous consent that the next amendment that is brought up be that offered by the Senator from South Carolina.

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

Mr. LAUTENBERG. I ask the Senator from New Mexico. As part of the structure that we have arranged, which is a half hour for those amendments that can be heard that are equally divided, and then there is a provision for 20 minutes for any second-degree amendment.

AMENDMENT NO. 2273

(Purpose: To assure that use of the tobacco reserve fund is consistent with comprehensive tobacco legislation approved by the Senate)

Mr. DOMENICI. Mr. President, before the clock strikes 6, I have one additional amendment which would not be in order after that.

In behalf of Senator HATCH, I send this amendment to the desk. It is the last one.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. HATCH, proposes an amendment numbered 2273.

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts for tobacco-related programs and activities authorized by Senate-passed comprehensive tobacco legislation.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

Mr. LAUTENBERG. I wanted to just explore publicly a question that arose, and that is we have not yet had an opportunity to examine these amendments and there may be an interest on either side to have a second degree. So we are not precluded, I assume, by that. I just wanted to confirm that with the chairman of the Budget Committee as to the process, assuming that there is no obstruction to that, and I know of none now, but I do have an inquiry that says what happens in a particular case if we have a second degree? There is no prohibition to that?

Mr. DOMENICI. I understand when we entered into the unanimous consent request we very particularly and specifically did not mention the issue of second-degree amendments, other than the amount of time that would be allotted to debate them. That means when an amendment comes up or as it is getting prepared, Senators who are interested in a second degree would obviously have time before the amendment and have time during the amendment, which is 30 minutes, to prepare and send to the desk the second-degree amendment.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee. I ask one more question, or at least seek to get a clarification among those who hear us. That is, it is my understanding we are going to be very strict.

The PRESIDING OFFICER (Ms. COLLINS). The Senator will suspend. The Senate will be in order.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I understand, with the approval of the leadership, which I am asking indirectly, that we will be very strict about the time on these amendments. The traditional 15- or 20-minutes will be as it is and thereafter 10 minutes. But I ask all of our colleagues—because as I did a mental count here, we probably have 60 or 65 amendments sitting there—that we ought to not have anybody saying just give me a minute more. We made those decisions as of this moment and we are going to try to move the agenda along as expeditiously as we can.

Last, everyone should understand that this is done at the request of Senators on both sides, lots of Senators who say let's get our business done, let's complete our agenda and let's be prepared to conclude the week, hopefully, by tomorrow evening. I do not mean to put words in the mouth of the Senator from New Mexico, but as I remember our discussion, that's where we want to be.

Mr. DOMENICI. That is correct.

Mr. KYL addressed the Chair.

Mr. DOMENICI. Madam President, I ask consent that it be in order to file an amendment in behalf of Senator SESSIONS. It was not part of my package. I ask it be in order nonetheless at this time.

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

AMENDMENT NO. 2274

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SESSIONS, proposes an amendment numbered 2274.

The amendment follows:

At the end of title III add the following:

SEC. ___. SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize more than $5,000,000 to pay attorneys' fees on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action.

(2) The limitation described in paragraph (1) shall apply to attorneys' fees provided for or in connection with an action of the type described in such paragraph under any—

(A) court order;

(B) settlement agreement;

(C) Contingency fee arrangement;

(D) arbitration procedure;

(E) alternative dispute resolution procedure (including mediation); or

(F) other arrangement providing for the payment of attorneys' fees.

(3) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(4) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

Mr. DOMENICI. Madam President, I ask that Senator GRASSLEY be added as a cosponsor on amendment No. 2213 on behalf of Senator BOND.

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

Mr. DOMENICI. I want to follow up on the remarks of my distinguished ranking member. The leader has indicated to me that we are supposed to proceed as the floor managers see best tonight. We are going to try to have three votes at 7 p.m.. They will be expeditious in terms of time allotted to

both, and then we intend to continue on for the evening, perhaps an hour, hour and a half. After that we will have another group of amendments, and we will do this until we see some daylight, in terms of the entire time running out on this bill.

With that I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2193

Mr. HOLLINGS. Madam President, I call up my amendment No. 2193 on behalf of Senator DASCHLE, Senator CONRAD, Senator FEINGOLD, Senator DORGAN and Senator REID of Nevada.

The PRESIDING OFFICER. The amendment is pending.

Mr. HOLLINGS. Madam President, this goes right to the point of the requirement of a 60-vote supermajority in order to spend the Social Security funds or report a budget with respect to Social Security funds. It conforms to the sense of the Senate that the Members will find on page 37 and 38 of the concurrent resolution itself. We passed in the Budget Committee the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume that Congress and the President should continue to rid our country of debt and work to balance the budget without counting Social Security trust fund surpluses.

There was, of course, a unanimous vote in the Budget Committee. Incidentally, it was partly a response to the clarion call of the President of the United States, in his State of the Union address to the joint session of Congress, that we "save Social Security first." And, incidentally, some 8 years ago, 98 Senators voted for the very same thing.

The reason for the 98-Senator vote back in 1990 was to comply with the suggestions of the Greenspan Commission on Social Security. The Greenspan Commission in 1983 suggested a very high payroll tax, not just to balance Social Security's budget, but also to build up a surplus for the baby boomers in the next generation. For example, the Commission's report included projections to the year 2056.

We have constantly heard on the floor of the Congress, in both Houses, "Oh, the baby boomers are going to cause a problem, the baby boomers are going to cause a problem in the next generation." Not at all, not at all, Madam President. The fact is, if we quit looting the Social Security trust fund, we could get along well with just minor adjustments to the Social Security program. The problem is being caused not by the baby boomers, but by the adults on the floor of the Congress itself—in that we have this euphemism called the unified budget.

Let me tell you about that unified budget. The unified budget is a device of the financial community, of corporate America, of the Federal Reserve Board, to keep interest rates low. They could care less about the burden of having to pay the bill. They are not Congressmen. They are not Senators. They don't have to face up to the present deficit of $631 billion we owe Social Security now, or the $1.2 trillion this government will owe Social Security by the end of the budget under consideration.

We are going right up against the wall. We will owe this money and then someone will say, "Well, we can't raise taxes." Someone is going to say, "Well, we have to raise the age." Then someone will say, "We have to limit the benefits." These are the remarks we can expect to hear in this Congress at the turn of the century.

The President, to his credit, grabbed ahold of this particular issue, which we have been working on for years. He said, "Save Social Security first." We passed, already, one sense of the Senate by a vote of 100 to nothing. We passed the one I now propose by 20 to nothing in the Budget Committee. I would like to remark on a comment made in the Commerce Committee's markup of the tobacco bill just a few moments ago, when the distinguished chairman turned to another Senator and said, "Now, wait a minute, is this a sense of the Senate?"

And the Senator responded, "No, this is real. This counts."

I want, and I am sure every Senator here wants, the desire to save Social Security to count. One of the best ways to make sure it counts here is to require—for the first time on the parliamentary treatment of issues here, in the reading of bills and concurrent resolutions—at least a 60-vote supermajority margin in order to spend Social Security surpluses, or list them, or waive the requirement they not be expended.

To return to the Greenspan Commission report for a moment, I believe that report was very judicious in its vision with respect to the baby boomers. The report said we know we have this high tax and we are going to have surpluses. But we want to make sure these surpluses are not expended by some tricky device called a unified budget, or a unified deficit. Section 21 of the Greenspan Commission report required just that, that Social Security be put off-budget. After the Commission made its report, we struggled within the Budget Committee for years to implement its suggestions. It wasn't until 1990 that we finally were able to require, by a vote of 20 to 1, that trust funds be taken off-budget. And then, on the floor of the Senate, by a vote of 98 to 2, we passed section 13301 of the statutory law of the Budget Act—which was then passed by the House and signed into law by President Bush on November 5, 1990. Section 13301, which I have a copy of now, prohibited Congress from including Social Security trust funds in the budget.

I ask unanimous consent it be printed in the RECORD at this particular point.

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

SUBTITLE C SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in . . .

Mr. HOLLINGS. As you can see, we passed the law. But it has been ignored. And we are ignoring it again, Madam President, because if you look on page 67 of the committee's report, you will find at the bottom line: "on budget for 1998, minus $95.6 billion." Then: "off budget, $103.4 billion." The report then states a total surplus of "$7.8 billion."

That is not the actual deficit, Madam President—not at all. That is the so-called unified deficit, which its adherents arrive at by looting trust funds. But if you look on page 5 of the resolution itself, you will see the deficit is listed for fiscal year 1999 as $108.2 billion. This is a far cry from a surplus. That is in response to section 13301. That is the actual deficit. Just go down one step further to the section, on that same page 5, labeled "Public debt." You will find that from 1998 to 1999, in the present budget under consideration, all you need to do to compute the actual deficit is to subtract the increase in the national debt. That is the actual spending that occurs that we do not pay for. That is the actual outlay that is not taken care of by revenues themselves. You only have to do simple arithmetic to find that for the year 1999, according to this present budget under consideration, the deficit will be $186.3 billion.

Madam President, it is interesting, in this time of headlines that tout surpluses as far as the eye can see, to just look at the deficits for the next 5 years—the additions to the national debt. You will see that they add up

each year to a total of $905 billion. In other words, under the budget currently being considered, the government will spend almost $1 trillion more than it receives in revenue. Yet, we have people claiming on the floor of the Congress, and in newspapers and editorials, "Look at what a wonderful job we have done."

The fact is, instead of balancing the budget, instead of continuing to lower deficits as we have done 6 years in a row—and I give the current administration credit for having done so —we are going to turn and change course and, for the first time now with this 1999 concurrent resolution for this particular budget for 1999, we will increase rather than lower the deficit. We will increase the deficit some $32 billion. We will go from $153 to $186 billion—$31 billion, not counting decimals here. That is $31 billion that we are increasing the deficit.

Madam President, I would like to return to the original point: some kind of parliamentary restriction to bring sobriety to this body, to prevent politicians from claiming, "I voted for a sense of the Senate; I voted not to spend Social Security." That was just not real. That was just a sense of the Senate. This resolution would be binding at least for a 60-vote majority. It ought to really have 100 votes, because that is what we voted time and time again when actually voted on.

I yield the floor to my distinguished colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. How much time is remaining on the time of the Senator from South Carolina?

The PRESIDING OFFICER. The Senator has 4 minutes 15 seconds.

Mr. FEINGOLD. Madam President, I thank the Senator from South Carolina for yielding and, more importantly, for taking the lead on this amendment. There is no more important amendment in this whole budget resolution than the Hollings amendment. This goes to the heart of the matter.

Madam President, I am pleased to join my good friend, the Senator from South Carolina (Mr. HOLLINGS), in offering this amendment to close a loophole in the rules protecting the Social Security Trust Fund balances.

Let me note it gives me particular pleasure in cosponsoring this amendment with Senator HOLLINGS; both in this body and in the Budget Committee, he has been a consistent voice for fiscal prudence.

There is a fundamental difference between the way many in Congress approach the budget, and the way I approach it.

That difference is Social Security.

Since the time Lyndon Johnson lived in the White House, Presidents of both parties and Congresses controlled by both parties have included the Social Security Trust Fund balances in their budget calculations.

The result is a false picture of our country's fiscal health, and, just like a false medical report that covers up a serious illness, it can lead to major problems in the future.

This false budget picture has been used so often it has become almost a matter of "budget convention," and it has so impressed itself into the vocabulary of the budget that we now hear the word "surplus" when there is no surplus.

We hear people talking about a budget "surplus" in Congress, in news stories, and in the letters we receive from constituents.

But there is no surplus; there is a deficit that is still being hidden, and Social Security is the curtain used to hide it.

We need look no further than the budget resolution itself.

On page 5 of S. Con. Res. 86, the deficit levels are listed for Fiscal Years 1998 through 2003.

For Fiscal Year 1998, the deficit is $95 billion.

The deficit rises to over $120 billion in Fiscal Years 2000 and 2001 before returning to levels below $100 billion, reaching $92 billion in Fiscal Year 2003.

With surpluses like these, who needs deficits?

Despite these continuing deficits, many in this body want to act as if we have a surplus—free money to hand out in the form of new spending or new tax cuts.

The notion of a so-called unified budget, which began as a political convenience to mask the deficit almost 30 years ago, has now become the budget reality for many.

This must stop.

"Surplus" is supposed to mean something extra, like a bonus.

It means, all the bills are paid and there is money left over.

One dictionary defines "surplus" as: "something more than or in excess of what is needed or required."

The so-called unified budget surplus is not "more than or in excess of what is needed or required."

Those funds are needed; they are needed to pay future Social Security benefits.

They were raised by the Social Security system, specifically in anticipation of commitments to future Social Security beneficiaries.

When Congress makes budget obligations today based on those Social Security funds—whether in the form of tax cuts or spending increases—we are committing to a path of fiscal policy that jeopardizes future Social Security benefits.

The amendment Senator HOLLINGS and I are offering is designed to shore up protections surrounding Social Security, and end talk of budget surpluses that are not really there.

Our amendment does so by closing a loophole in the supermajority protections we give to Social Security.

It establishes a point of order against any measure that would allow Congress to change the off-budget status of Social Security, directly or indirectly, without a supermajority vote.

Under most circumstances, our rules require a supermajority vote to change the budget treatment of Social Security.

But while supermajority points of order usually protect the Social Security Trust Fund balances, in certain circumstances those points of order are subject to amendment or repeal by only a simple majority vote.

While legislation to amend budget rules and laws generally is subject to a supermajority point of order, under Section 306 of the Congressional Budget Act of 1974, this point of order does not apply to legislation or a budget resolution that has been reported or discharged from the Senate Budget Committee, or to any amendments to such legislation.

Our amendment eliminates this loophole in the supermajority protections we have established for Social Security.

We must play it straight with the American people, and we must give them an honest balanced budget.

This means Congress must stop pretending there is a surplus, and start acknowledging we still have a way to go before our budget is truly in balance.

I very much hope our colleagues will support this sensible protection for Social Security, and will join us in making it harder to change our budget rules in a way which would allow Social Security Trust Fund balances to be used to pay for spending increases or tax cuts.

Madam President, let me reiterate, the fact is, we do not have a surplus. All this talk about a surplus is not accurate, and the American people know it. We have made tremendous progress. I am glad that much of it was done in 1993. Some of it was done last year. But the fact is, we have a long way to go.

What the Senator from South Carolina is doing is just trying to make this body face up to the reality by creating a little higher standard, a 60-vote rule rather than a majority-vote rule to continue this practice. This practice should not be continued at all. There should not be any 60 votes or 70 votes or 80 votes to use Social Security to try to pretend there is a real balanced budget. At least under the Hollings amendment, the standard would be tougher. It would require 60 votes. You couldn't sanitize the process by running it through the Budget Committee.

This is to me the most fundamental issue here, because we are, in effect, telling the American people something that just is not true. We have done well. The economy has stayed very

solid throughout this, but to pretend that there is extra money, to pretend that we can do spending or big tax cuts at this time is not straightforward. This, of course, is not just with regard to our senior citizens.

The Social Security fund is in good shape for a number of years to come but it has more to do with the baby boomers and the young people in their twenties and thirties and those in high school and even younger.

I have had the experience of having high school kids ask me at high school forums not just about the issues one expects high school students to ask about, but whether or not Social Security will be there when they get to that age. That is an unusual question for a high school student, but they know they are potentially being taken for a ride.

Many of them are working. They are getting a check from, let's say, McDonald's, and they notice something is being taken out of their checks. "What is it being taken out for?"

"Well, for Social Security."

Then they find out it might not be there for them.

What the Senator from South Carolina is saying is the Congress should stop borrowing from Social Security to try to make this look better. This is a very, very important amendment for truth in budgeting.

I thank the Senator from South Carolina and yield back any time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank my distinguished colleague from Wisconsin. He has been a Trojan in the trenches working on the same side.

I ask unanimous consent to add the distinguished Senator from California, Mrs. BOXER, as a cosponsor.

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

Mr. LAUTENBERG. Madam President, I rise in support of this amendment, which would establish a new point of order to protect the Social Security surplus. It's designed to enforce the principle that President Clinton emphasized in his State of the Union address: "save Social Security first."

The Social Security program is the most important social insurance program in the United States. It's dramatically reduced poverty among older Americans. And it provides a critical safety net for those who suffer from disabilities, or the death of a family member.

Unfortunately, Social Security's long-term viability is now threatened by the impending retirement of the baby boom generation, and the significant new pressures that will place on the system. Congress needs to act promptly to address this problem.

Congress already has made a clear commitment to Social Security, and we've created various procedural protections to enforce that commitment. For example, Section 301(i) of the Budget Act prohibits the Senate from considering a budget resolution that would reduce a Social Security surplus. And Section 311(a)(3) prohibits us from considering any measure that would decrease a Social Security surplus below the level set in the budget resolution.

The point of order proposed today is consistent with these precedents. But rather than directly protecting Social Security, this point of order would protect the rules that protect Social Security.

These budget rules, in effect, require 60 votes to reduce a Social Security surplus. The problem, though, is that there's a loophole. And the loophole is that these rules themselves can be amended under certain circumstances with only 50 votes.

In general, legislation to amend budget laws is subject to a supermajority point of order, under Section 306 of the Budget Act. But this point of order doesn't apply to legislation that's been reported from the Budget Committee, or to any amendments to such legislation.

So, for example, if the Budget Committee reports a minor bill to make technical corrections to the Budget Act, an amendment to gut the Social Security rules could be adopted by a simple majority vote.

In my view, that's a loophole that we need to close.

Let's not just proclaim our commitment to saving Social Security first. Let's put it in writing. And let's make it enforceable.

I hope my colleagues on both sides of the aisle will support the amendment.

Mr. HOLLINGS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. How much time has Senator HOLLINGS used?

The PRESIDING OFFICER. The Senator from South Carolina has used 13 minutes 44 seconds.

Mr. DOMENICI. So he has 1 minute-plus left.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Madam President, unless my friend from New Jersey desires to speak, I will not use my entire 15 minutes. I will make a point of order that the Senator's amendment violates the Budget Act and requires 60 votes.

Frankly, I do not understand what the distinguished Senator is talking about. He has been a longtime friend, and he has been on the Budget Committee. He has served on it. Actually, the Budget Committee is the source of the firewall that protects Social Security now. This amendment says he is taking away our jurisdiction, that we can't do anything with reference to Social Security, and we are the committee to make the recommendations.

If, indeed, the recommendations in some other provision of law requires 60 votes to pass, that is a different thing. To say to a committee of jurisdiction that you cannot pass on anything because there is a supermajority requirement just seems to me that we could take every committee of jurisdiction, we could take away their jurisdiction all under the rubric that we are trying to keep them from spending money. Maybe we don't like Commerce. They have been putting out too many bills. So we adopt a process that says whatever your jurisdiction is, you can't report out any bills without a supermajority in these different areas.

That is not right. The Senator apparently has some great goal in mind. I remind the U.S. Senate and my friend Senator HOLLINGS, he does not like us to use the word "balance," that we are in balance. So every time we use it, we better say the "unified budget is in balance."

Let's acknowledge that only 6 years ago, 5 years ago, if he is worried about Social Security, the unified budget was $300 billion in the red. Have we made any headway in keeping the Social Security trust fund from getting spent? Of course. For starters, we have made $300 billion worth, and right now we have a $10 billion surplus. That does not mean we have a surplus without the Social Security trust fund, but it means that we are borrowing $10 billion less from the Social Security fund because of the balance in the unified budget of the United States. Is that bad? That seems to me to be good.

If some think that they can wipe out the nonunified deficit quicker, then there are only two ways to wipe it out quicker: One is to cut more expenditures or to raise taxes.

That is what somebody has to be talking about if they want to make us stop the $90 billion worth of borrowing, which used to be more, and it is down from $100 billion to $90 billion this very year because of the surplus. Instead of talking about the Budget Committee doesn't have any jurisdiction without supermajorities to move anything with reference to Social Security—all we are doing is making recommendations to the Senate.

To act as if this will in some way make the Social Security trust fund more solvent, frankly, in all honesty, I just don't understand how this is going to do any good, and I have not heard anything from the Senator yet that indicates that it will do anything good.

In all respect, I just do not believe it is going to accomplish what the Senator wants. Social Security is not going to be any more protected, and we are just going to say that there is a 60-vote point of order against anything the Budget Committee would do with reference to recommending Social Security changes or reforms, which just

seems to me doesn't have anything to do with the problems that he describes because we are still borrowing from the Social Security trust fund.

I repeat, we are doing a lot better than we were 5 years ago, 6 years ago, and a lot better than we expected to do. That means Social Security is getting closer and closer to a stable state because the unified budget is getting more and more surplus, which the surplus is for now being applied to that debt, and we are borrowing less, which is now easy to understand. There is all kind of confusion. There are trust funds, IOUs. But the truth is, on paper, we are borrowing $10 billion less when we have a surplus than otherwise. If it gets up to $100 billion, we won't be borrowing anything. That is pretty good, and that is reality.

The Budget Committee had something to do with that. There is a firewall that does not permit us to spend any Social Security money that would, in any way, affect the actuarial soundness of the Social Security system. That is a firewall of 60 votes. That was recommended by the Budget Committee. If we put that in before and came to the floor, it would require 60 votes to become law. It doesn't seem to me that is right.

When the time has expired, I will make a point of order and then we will have a vote and try to stack it as early as possible so we can dispose of the amendment.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished Senator from New Mexico doesn't have to remind the Senator from South Carolina that we are doing better than we were 6 years ago, because this Senator voted for that particular plan, which included spending cuts and which included tax increases to get this economy turned around. It included a tax increase on Social Security, as well. And we didn't get a single Republican vote for that Budget Act—not one vote from that side of the aisle.

Now the Senator from New Mexico says we are borrowing $10 billion. Turn, if you please, to the analysis of the President's budget proposal by the Congressional Budget Office put out the day before yesterday. On page 36, you will find the actual debt increases to $184 billion. So we are not borrowing $10 billion less. The actual facts, according to the Congressional Budget Office, are that we are borrowing $31 billion more.

Tell me about the budgets and requirements of the Budget Committee supermajority. You have to get a supermajority to get the tobacco money. Why not a supermajority to protect Social Security? We have section 13301 of the Budget Act itself that is a firewall anyone disobeys when he spends that money.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. If I need more time, I can get some, I guess, off the resolution. But let me hear it. My time has expired.

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

The PRESIDING OFFICER. The Senator from New Mexico has 8 minutes 54 seconds.

Mr. DOMENICI. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DOMENICI. Madam President, I make the point of order that the amendment of the distinguished Senator, Senator HOLLINGS, is out of order under the Budget Act. It is not germane.

Mr. HOLLINGS. Madam President, pursuant to Section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment.

Mr. DOMENICI. We will stack the vote as soon as we can for three votes.

Mr. HOLLINGS. Can we get the yeas and nays?

Mr. DOMENICI. Surely.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

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

Mr. DOMENICI. Madam President, I am going to call up the Faircloth amendment with reference to the marriage penalty, and then we are going to stack four votes which will include two Democrat votes and two Republican votes. In order to get the second Republican vote, I would have to have Senator CRAIG offer a second one so we would have two. And that would make the votes be on two Democrat and two Republican amendments. Is that acceptable? All right.

If you have another one that is ready—Madam President, 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. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2251

Mr. DOMENICI. I call up amendment No. 2251.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

Amendment numbered 2251 previously proposed by the Senator from New Mexico [Mr. DOMENICI] for Mr. FAIRCLOTH.

Mr. DOMENICI. I yield 5 minutes of the opening remarks to Senator SESSIONS with reference to this amendment.

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

Mr. SESSIONS. Madam President, I would like to offer some comments in support of this sense-of-the-Senate resolution regarding the elimination of the marriage penalty. Marriage is an institution to be venerated, and our public policy should affirm marriage and we should have laws that treat married couples on an equal basis with those that are not married. That is the fundamental principle of fairness.

The fact is that under our current laws, married couples suffer a financial penalty when it comes to taxation. In fact, married couples pay often substantially more tax than they would pay if they were not married.

For example, the U.S. Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system. The Congressional Budget Office also found that the average tax penalty amounts to $1,380 per year. That is a $100-a-month tax penalty on people who choose to be married rather than those who choose not to marry. As a result of that, we are taking more of their money to in fact subsidize people who are not married who receive those benefits.

I think some people have suggested this is in fact a realistic cause of people not to marry. For example, in 1970, just .5 percent of the couples in the United States were not married. By 1996, that number had risen to 7.2 percent.

So, Madam President, I would say that this is a very important debate. And I will not belabor the subject. This is a matter that has been the subject of much debate, with much intellectual and financial study, and the conclusion of these numbers is plain and obvious. Under our current tax system, married couples are being subjected to an unfair financial penalty. This is a matter that this Senate must address.

It may be a bit late this year to make those changes. I wish it could have been done this year, but it is a change we are going to have to make. We are going to have to eliminate the circumstance in which a married couple is penalized for being married. It is not just, it is not fair, not appropriate, and it is unbecoming of the laws of the United States.

So, Madam President, I support this resolution and yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I compliment the Senator on his remarks. They are right on point. As a matter of fact, the resolution as drafted says to the U.S. Congress to begin to cure this marital tax inequity this year. In essence what we are saying is, if we are going to have a tax bill, we have no authority to dictate its content, but we are saying it is the sense of the Senate that we shall start down the road of eliminating that this year.

Now, I might add——

Mr. SESSIONS. If the Senator will yield, I would like to say how much I appreciate the Chairman's support for this concept, and for this resolution. I think we can begin now to take the kind of steps necessary to improve the tax laws in this regard.

Mr. DOMENICI. I say to the Senator, I just want to ask a question. You used the figure of $1,380 a year or $1,340?

Mr. SESSIONS. The number I have is $1,380.

Mr. DOMENICI. Is this what you mean? If you have two single people earning a combined income, that are single and filing separate returns, and you have a married couple with exactly the same amount of income, the married couple, everything else being equal, will pay $1,380 more in taxes per year?

Mr. SESSIONS. The Senator is exactly correct. That is the average for those who suffer a penalty. That is the average amount of penalty that is suffered, according to the Congressional Budget Office.

Mr. DOMENICI. So it could be a very large amount of money for people above the average?

Mr. SESSIONS. That is correct.

Mr. DOMENICI. I assume it could be $2,000, $3,000, $5,000, $10,000?

Mr. SESSIONS. The Senator is correct.

Mr. DOMENICI. Of course, for those under the average it would be less. But is it not true that you have heard, as I have, that some people do not get married who are living together saying they are doing better on taxes without being married, and that this is frequently used in conversation if not in reality?

Mr. SESSIONS. The Senator from New Mexico is exactly correct. Certainly we have more people, more men and women living together without being married today than ever before.

Mr. DOMENICI. I reserve the remainder of my time.

Mr. LAUTENBERG. Madam President, I tell you what, I am going to support this amendment. So I ask if I can talk as one of the proponents for a minute to raise a question.

Mr. DOMENICI. Sure. How much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes 16 seconds.

Mr. DOMENICI. How much of that would you like?

Mr. LAUTENBERG. No. I would like a short period of time. I think if we can agree—and I do not see anybody here that wants to talk in opposition—we ought to yield back the time.

Mr. DOMENICI. We do have Senator FAIRCLOTH en route. If he is not here shortly, then we will be able to do what you suggest. But I am trying to hold a little bit of time for him.

Mr. LAUTENBERG. I see. My only question relates, frankly, to the schedule that is proposed here. The one thing I have to remind my friend and colleague, the Senator from New Mexico, about is the volume of the sense-of-the-Senate resolutions. We are building—we may have a record year this year, I say to the chairman.

Mr. DOMENICI. We might.

Mr. LAUTENBERG. So we just let it flow, go with the flow, as they say. None of us want to do anything to impose a penalty on marriage. The statistics are not as good as we would like to see in the first place, so we do not want to make it any more difficult. But when the schedule says "shall begin to phase out the marriage penalty this year," I think that is somewhat precipitous. But hearing the Senator from Alabama confirm I think what we all know, all we can do is kind of make this abstract recommendation and hope that it gets picked up along the way. So with that, with that caution, I am ready to go to a vote. I hope, I say to the chairman, in the interest of time, that we might be able to move it along.

Is Senator FAIRCLOTH still on his way?

Mr. DOMENICI. Yes, he is. And Senator HUTCHISON is one of the original cosponsors. She would like some of the time. I yield the Senator 4 minutes.

Mrs. HUTCHISON. Four minutes. I thank the Senator. I appreciate that.

This is the Faircloth-Hutchison amendment and it is also the Faircloth-Hutchison bill that would eliminate the marriage penalty tax.

All this amendment says is, it is a priority of Congress to eliminate the marriage penalty tax. We don't think Americans should have to choose between love and money. Yet 21 million American couples today have to make that exact choice, because they go into a higher tax bracket when they get married.

Let me give an example. A rookie policemen in Houston, TX, makes $33,500. His wife is a schoolteacher in the Pasadena independent school district making $28,200 a year. When this young couple got married, they owed Uncle Sam $1,000 more a year. This is at a time when they would like to buy their first home, when they have to buy a second car. They are having to pay Uncle Sam $1,000 because they got married. That could be two house payments, three or four car payments, and we are taking it away from them by an unfair Tax Code.

Our Tax Code does not meet the fairness test. I think this sense of the Senate says it best—that it will be the highest priority of Congress to correct this inequity in the law. I don't think Congress intended it, but that is the way it happened, and Congress does have the power to correct it.

I hope we will take this opportunity to speak with a loud, firm, clear voice, that Americans should not have to pay more money because they get married than they would have to pay if they stay single. That is the issue, a very simple amendment. I hope we will have a unanimous vote when this amendment comes forward to show that we intend to do something about this if we possibly can within the constraints of the surplus, and that if we are not able to do something, it will be the highest priority when we do have that budget surplus that I have seen spent in so many ways already in the last year. We haven't seen that budget surplus, so I think spending it is a little premature.

I do appreciate the fact that this committee set aside $10 billion for the first year for tax cuts, and I think if we can build on that, we can do some good for the hard-working American. We should continue to give money back to the people who earned it. You can always tell who cares about the people who earn the money, and that is by how they refer to tax dollars. We refer to tax dollars as belonging to the people who worked for them, and we are going to try to let people keep more of the money they earned. They deserve it. That is what setting this priority will do for 21 million American couples.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I concur with most of what has been said here. I read this resolution, and it is hard to argue with a resolution that is praising marriage and the married. I think we are all for that. Anything in the law of this land, whether tax law or otherwise, which detracts from that institution, should be examined and seriously considered.

But I keep wondering—I am not an expert on tax law, but there are some situations where marriage actually reduces the tax burden; where, in fact, if you have one of the spouses who has a high income and marries someone with a much lower income, it could reduce the tax rate. I certainly hope there is nothing in this sense-of-the-Senate resolution which suggests we should change that. I think we want to try to encourage people, and when the Tax Code rewards those who are married, we should continue doing that.

What I am told is there are two sides to the story. As there are those who

are losers and are penalized by the Tax Code by marriage, there are those who are benefited by the Tax Code.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. HUTCHISON. I would love to address that issue. It is a valid point.

We will not take away the break that a couple has in the one-income-earner family; that is, where people are ahead if they have one income in the family, they get a break on taxes. The people who get hit are the low-income people with two wage-earners in the family. They are the ones that often have to work to make ends meet, and yet they are penalized because they get married. It is a couple that makes $28,000 a year and $33,000 a year, and together they move into the higher bracket, but separately they would not be in the higher bracket, they would stay at the 15 percent bracket.

What we are trying to do is create an equity for those lower- and middle-income two-earner couples that right now are paying a hefty penalty.

Mr. DURBIN. I thank the Senator from Texas for that clarification. I hope we can do everything in our power to make the Tax Code not only friendly to those who are married but more progressive so that those in the lower- and middle-income categories get a helping hand from the Federal Government instead of the backhand.

Mrs. HUTCHISON. I thank the Senator from Illinois for allowing me to clarify that. It is certainly important for us to keep the advantage for the one-income-earner couple, but that we give that added advantage to that two-income-earner couple that really does need it.

Mr. DOMENICI. Madam President, I am prepared to yield back the time.

Mr. LAUTENBERG. I am prepared to yield back.

Mrs. HUTCHISON. Will the Senator yield?

If Senator FAIRCLOTH is not going to be able to give remarks, I would like to be able to say on his behalf what a leader he has been.

Mr. DOMENICI. I will try to arrange this right now, if you listen to my consent. If it doesn't work, we will use some time here.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. I ask unanimous consent that after the time is yielded back and we proceed to the next amendment, that nonetheless, prior to the vote at 9 o'clock or thereafter on the Faircloth amendment, that he be permitted to speak for 3 minutes.

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

Mr. LAUTENBERG. May I reserve the right to ask a question? That is, this depends on the time, because we agreed we were going to control the time carefully. I ask how much time is left for the proponents of the amendment.

The PRESIDING OFFICER. There are 6 minutes 36 seconds.

Mr. DOMENICI. What I was trying to do is give back the 6 minutes.

Mr. LAUTENBERG. And trade for 3.

Mr. DOMENICI. And trade for 3.

Mr. LAUTENBERG. I consent to that.

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

Mr. LAUTENBERG. Would this be included in this batch of votes?

Mr. DOMENICI. When we take up Senator Moseley-Braun, Senator Hollings, this would be the third one in that sequence.

Mr. LAUTENBERG. That would be at 7 o'clock—you said 9 o'clock.

Mr. DOMENICI. Nine o'clock.

Mr. LAUTENBERG. I thought we talked about a series of votes at 7 o'clock.

Mr. DOMENICI. I think people heard 9 o'clock or 9ish, so we ought to get on with more amendments.

I thought the 7 o'clock was precluded when the Chair went right ahead and made us vote on previous amendments.

Mr. LAUTENBERG. Is there a unanimous consent request at the desk calling for a specific time?

Mr. DOMENICI. Let me correct that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me correct that. I believe that only I was thinking that that previous vote did that and nobody else was, so I must not have told anybody. Everybody on the staff agrees. They must be right. We can't do anything without them.

Perhaps what we can do—Senator CRAIG, would you be willing to spend 15 minutes on your amendment?

Mr. CRAIG. I can.

Mr. DOMENICI. I would like to get one more stacked.

Mr. LAUTENBERG. Just to clear the air and be sure we are both hearing what each other is saying, that is that if that is the case, then we are going to ask for another unanimous consent that would enable Senator CRAIG to offer his amendment, give us a chance to take a look at it, but Senator CRAIG, I thought, debated his amendment last night.

Mr. CRAIG. I did.

Mr. DOMENICI. Yes, he did.

Mr. LAUTENBERG. So what time would be available for Senator CRAIG now if the debate was conducted last night? What system are we operating under?

Mr. DOMENICI. I assume we are operating on the half hour.

Mr. LAUTENBERG. But how much time did Senator CRAIG use last night to debate his amendment?

Mr. DOMENICI. That was before we had an agreement. I don't want to argue over it. That is what we did with anybody who argued an amendment two nights ago. If he could have 15 minutes, you 15 minutes, we will get 4 votes in here in 15 or 20 or 30 minutes—assuming you won't use all the time.

Mr. LAUTENBERG. That is all right with us. I agree, certainly.

Mr. DOMENICI. All time is yielded back then on the Faircloth amendment, and we will proceed to Senator CRAIG at this point.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 2211

Mr. CRAIG. Madam President, last night I offered an amendment called the Surplus Protection Amendment for myself and several other colleagues here in the Senate: Senator ALLARD, Senator COVERDELL, Senator GRAMS, Senator HELMS, Senator HUTCHINSON, Senator INHOFE, Senator SESSIONS, and Senator THOMAS. My amendment is a fundamentally simple amendment which sets forth very clearly a new approach toward how we handle mandatory spending. Pay-as-you-go budget enforcement rules were established to help put Washington's fiscal house in order.

Since fiscal year 1994, the Senate has had a point of order requiring 60 votes to waive against any legislation that would increase the deficit. However, mandatory spending in Washington is Washington's version of a fiscal autopilot. Once enacted, it requires no further congressional action to operate. Rather than a perpetual motion machine, what we have found out with mandatory spending, of course, is that it is a perpetual spending machine. It is, if you will, the Energizer Bunny of budgeting and has kept growing and growing and growing.

What all this means—and I think it concerns us all greatly—is an increase in mandatory spending must be paid for with a tax increase. Any tax cut must be paid for by a mandatory spending cut. As anyone can tell, pay-go, in its present form, is very insufficient to control mandatory spending.

Mandatory spending has increased dramatically and will continue to increase dramatically over the next few years. According to the Congressional Budget Office, in 1987 mandatory spending accounted for 47 percent of the Federal budget; in 1997, it accounted for approximately 56 percent; in the year 2008, it will account for 70 percent. Many of us have struggled mightily, as has the chairman of the full committee, to control this.

What is happening is that mandatory spending is crowding out, rapidly crowding out, Federal Government spending for schools, for roads, for law enforcement, and for those infrastructure maintenance kinds of programs that most citizens in our country feel are legitimate spending areas for our Government.

I have sensed, as many of my colleagues have, that it is time to make a

modest adjustment to try to change the process by which we deal with this issue. Current estimates are that the budget will be balanced this year, and the chairman of the full committee and many colleagues on this floor deserve credit for that because it will be, and we are pleased about it, excited about it, and I think the country is also. It is true that we are nearly 4 years ahead of schedule in balancing the budget, and there is a lot to be credited for that—certainly our ability to begin to control spending here, but also our ability to help free this economy and to see it move as successfully as it has, has been another major contributing factor.

However, we must look not just to the horizon of spending, as this budget resolution does, but look well beyond it. If we fail to look beyond it, we fail to recognize what is out there in the very, very near future of additional spending as a result of the drive of mandatory entitlement-style spending. To avoid what will happen in the future, I think we have to change the way we work now, because if we don't gradually move into controlling these kinds of spending areas, the step that we would want to take or have to take out there or be forced to take would be uncontrollable—tax increases, major budget cuts of the kind many might find intolerable. What I am proposing is a modest step. I guess I am a bit like a doctor tonight. I am going to suggest that we first pledge to do no harm. What I am offering tonight does no harm to this budget.

My amendment establishes a point of order that requires new mandatory spending programs to be paid for by mandatory spending savings. In other words, it would require 60 votes in the Senate to create a new mandatory spending program that was not funded by an equivalent mandatory spending savings. Tough choices? Not necessarily. But it forces the Congress to do the work that it probably hasn't liked to do over the years, and that is to do oversight to see whether these programs are working or they ought to be adjusted or changed, and if they are changed, is there something better that we might adjust to? If all of the new mandatory spending programs had been paid for, as we had claimed, we would not be facing a fiscal future of exploding spending and exploding deficits.

I think anybody who might be listening to what I am saying tonight would be scratching their heads and saying: But, Senator, the budget you are proposing this night is balanced. The budget that the senior Senator from New Mexico, chairman of the Budget Committee, is offering is at balance, and we are talking about the potential of surplus revenues.

My point is—and it is a point that nobody disputes—that the current budget path that we are on, which is the right path, is unsustainable. As good as a balanced budget is today, it will not remain a balanced budget for long. The path that we are traveling is no secret that it is unsustainable. It is not. We all know because so many have told us so, including some of our own colleagues here on the floor. Senator KERREY of Nebraska, who chaired the bipartisan commission on entitlement and tax reforms, has said so. The General Accounting Office has said so. Interestingly enough, the President's budget has said so. And in the most recent report, the Congressional Budget Office said:

> Currently, more than half of the nearly $1.7 trillion in Federal spending goes for entitlements and other mandatory spending programs. As a share of the total outlay, mandatory spending has jumped from 32 percent in 1962 to 56 percent in 1997. If current policies remain unchanged, such spending will continue to grow faster than other spending, reaching 63 percent of total outlays by the year 2002, or twice the size of discretionary outlays.

Under baseline assumptions, continued growth in mandatory outlays would raise their share of the budget to 70 percent by the year 2008. Last year, the Congressional Budget Office wrote that this year's budgetary news should not lull people into complacency and, most assuredly, this budget, the budget resolution we have before us, should not. It is an excellent work and it controls spending. It gets us to a balanced budget.

But let me suggest that the retirement of a large baby boomer generation is just over the horizon. If the budgetary pressure from both demographic and health care spending is not relieved by reducing the growth of expenditures or increasing taxes, deficits will mount and seriously erode future economic growth. That report concluded:

> Current budget policy is unsustainable and attempting to preserve it would severely damage the economy.

How serious are the future projections? The Congressional Budget Office concluded that even if the budget were balanced in the year 2002—and that is our goal and we are going to get there—we would have a deficit equal to 34 percent of the gross domestic product by the year 2050 and the public debt would be 283 percent of the gross domestic product. Those are the outward projections of the current path of expenditure.

There will be a demographic shift to older populations. This Senator standing before you tonight is part of that group. I am part of that baby boomer crowd. I am going to be one who will be collecting my Social Security and my Medicare. And there is no question that, in 1995, there were 34 million 65-year-old and older citizens. But by the year 2030, there will be twice that number, or 68 million. There will be more elderly. They will live longer and they will be using Federal services more intensively. There will be relatively fewer workers around to put foot all of these bills. If we don't sense that now—and several sense-of-the-Senate resolutions have talked about it today, but my amendment changes the process, forces the issue, causes us to work our way through these kinds of tough decisions.

In 1950, there were 7.3 workers for every senior. In 1990, there were 4.8 workers for every one senior. In 2030, there will be 2.8. We all know the reality of that. What I am talking about are the taxpayers paying into the programs that will fund that one individual. It will take all 2.8 of those workers working together at a very large chunk—a 60-plus percent tax rate on their income to fund that one individual, along with all the other Government services and necessary programs that we think are appropriate.

So what the demographic shift means is that spending rises very rapidly relative to revenue. Quoting the Congressional Budget Office:

> Revenues will be squeezed as the number of people working and the economy grows slower. At the same time, outlays for Government programs that aid the elderly will burgeon as the number of people eligible to receive benefits from these programs will shoot up.

What the fiscal squeeze means is major new revenues in the form of taxes or enormous deficits. The deficit, last year, was less than 1 percent of GDP. It would be 29.8 percent by the year 2030. The Federal debt was 50 percent of GDP last year; it would be 250 percent by the year 2035. Those are not my numbers; that is the Congressional Budget Office speaking. Those are valid numbers, and anybody who studies the budget curves understands that. This is unprecedented. We have never had a period of time in our country's history where these numbers became reality, because we never have spent that much of the gross domestic product of our country. The deficit has been higher than 10 percent of GDP only briefly, during major wars. And we understand those reasons—when our Nation is at risk and our freedoms are to be secured. The debt exceeded 100 percent only once and that was during World War II. The result would be based on the figures by the year 2035 of economic catastrophes. I don't know of any other way to explain it, any other way to compare it. Those would be the realities. Even to make the burden sustainable, the Congressional Budget Office terminology allowing debt to rise, but keeping constant in relation to the gross domestic product, would have dire consequences. The tax burden would have to increase 20 percent just to continue running deficits and adding debt.

Of course, someone will say that the budget agreement solves the problem.

No, the budget agreement doesn't solve the problem. It addresses the immediate, it addresses the desire to maintain current spending while mandatory spending within this continues to grow at the rates offered in these projections that brings us to the year 2035. It is certainly an improvement, and I am very laudatory of the chairman of the Budget Committee, and others. It delays the scenario I have just outlined. But according to the CBO, if the budget is balanced through the year 2010—and that is what I believe this Congress strives to do—it will take less than 15 years to reach the same scenario that I have just described—a huge deficit and a debt of 230 percent of gross domestic product by that time. Quoting the Congressional Budget Office:

> Regardless of how the budget is balanced in the near term, congressional budget action would still be needed to put the budget on a sustainable path.

So what I am proposing is a modest first step. The years 2030 to the year 2050 are not real to us on this floor. We cannot even begin to appreciate the kinds of budget numbers those years will produce. But they are very real to our children or any child that might be in the galleries tonight, because they are the ones who will be paying that huge tax rate out there to fund these kinds of programs that we have already put in progress today. So those are the realities of what we are dealing with. My amendment is a first step in that direction.

The PRESIDING OFFICER (Mr. GREGG). The time of the Senator has expired.

Who yields time?

Mr. LAUTENBERG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 14 minutes 43 seconds.

Mr. LAUTENBERG. I thank the Chair. Has the proponent side used all of its time at this juncture?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I rise in opposition to Senator CRAIG's amendment. This amendment would prohibit using revenues to offset new mandatory spending and, instead, require all new mandatory spending to be offset with other mandatory cuts. The amendment would prohibit using revenues to offset new mandatory spending. Alternatively, instead, it would require all new mandatory spending to be offset with mandatory cuts.

The amendment would represent a significant departure from current pay-as-you-go rules. It would give special protection to special interest tax loopholes at the expense of programs like Social Security and Medicare. It would further undermine the prospects for comprehensive tobacco legislation.

There is nothing new about using revenues to offset mandatory spending. The pay-as-you-go rule has been in place for many years and it has worked well. That rule says that new mandatory spending must be fully offset either by revenue increases or mandatory savings. In other words, new mandatory spending must be deficit neutral.

Under Senator CRAIG's proposal, however, deficit neutrality is not enough. Under this amendment, legislation to provide a new mandatory benefit, like Medicare coverage for a new medical procedure, would have to be offset with other mandatory spending cuts. No new revenue could be used.

If you think about that for a minute, it really doesn't make sense. If we are looking to pay for a new benefit, why would we say that cutting Social Security is fine, but closing a wasteful tax loophole is not? Why would we say that cutting Medicare is OK, but eliminating a corporate tax subsidy is not? Well, Mr. President, maybe some people think that the Tax Code is just fine the way it is and that it doesn't contain any loopholes or special breaks for the special interests. I happen not to be one of them. I don't think many Senators on either side of the aisle would make that claim. After all, we are now hearing calls to scrap the entire Tax Code even without a replacement. Can these same Senators now also be claiming that there is not one special tax break or loophole that deserves closing, even if the savings could be used to provide for new health benefits for people stricken with newly discovered deadly diseases? I hope that not many of my colleagues really believe that. In my view, we ought to be intensifying our efforts to eliminate wasteful tax loopholes. The last thing we should do is give any special protections to them at the expense of Social Security or Medicare. So it is a little out of balance.

This amendment would compound the obstacles already created in this budget resolution for comprehensive tobacco legislation. Under this amendment, tobacco legislation could not use tobacco revenues to pay to finance antitobacco activities. It doesn't make sense, and it would undercut what could be the most important piece of legislation in this session of the 105th Congress.

I urge my colleagues to oppose this amendment. It would change a fundamental rule that has worked well for many years. It would give special protection to wasteful tax loopholes at the expense of programs like Social Security and Medicare and could seriously impair the ability to get us to a comprehensive tobacco program.

The pending amendment is not germane. I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

I don't see anyone else in opposition. I yield the time.

Mr. CRAIG. Mr. President, I move to waive the Congressional Budget Act.

I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, parliamentary inquiry: Are we scheduled to start voting now?

Mr. LAUTENBERG. That is the condition, as I understand it. I ask the manager of the bill.

Mr. DOMENICI. We are going to vote on four amendments very shortly. Senator MOSELEY-BRAUN is going to be first with her amendment, then we are going to follow that with Senator HOLLINGS' amendment, which is subject to a point of order, and then we are going to follow that and Senator FAIRCLOTH's marriage penalty, to be followed in fourth place by Senator CRAIG.

I have a parliamentary inquiry with reference to Senator MOSELEY-BRAUN's amendment. What is the unanimous consent? Does the Senator have some time, and do we have some time at this point?

The PRESIDING OFFICER. The Senator from Illinois has used all of her time. The Senator from New Mexico rises in opposition.

Ms. MOSELEY-BRAUN. Mr. President, it was my understanding that the unanimous consent agreement had 1 minute before for each side in addition to the time budgeted for the amendment. There was supposed to be 1 minute for each side before the vote.

The PRESIDING OFFICER. That unanimous consent has not been entered into relative to this amendment. But that is the standard agreement. That is the usual practice.

Mr. DOMENICI. We would like to make sure that occurs. So I ask unanimous consent that be the case with reference to this amendment.

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

Mr. DOMENICI. It will be the case with the subsequent ones, will it not?

You said it is not a part of the unanimous consent already. I thought it was.

The PRESIDING OFFICER. Is the Senator making that request?

Mr. DOMENICI. I make that request.

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

Mr. DOMENICI. I had my entire time left on Senator MOSELEY-BRAUN's. I yield that back and will use 1 minute before I move to table.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. LAUTENBERG. Mr. President, I ask the manager whether this now precludes second degrees. Are we going to go ahead? Are we just going to vote?

Mr. DOMENICI. My understanding is there will be no second degrees. I ask unanimous consent that no second-degree amendments be in order to the four amendments that are pending.

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

AMENDMENT NO. 2175

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Ms. MOSELEY-BRAUN. Thank you very much.

Mr. President, our amendment is a sense of the Senate that the fiscal year 1999 budget resolution assumes that we will enact legislation creating a partnership between the State, local, and national governments to rebuild and modernize our schools and the classrooms for the 21st century.

Winston Churchill once said, "We shape our buildings, thereafter they shape us." Nowhere is that more true than with schools.

The poor condition of America's schools has a direct effect on the ability of our students to learn the kinds of skills they will need to compete in the 21st century global economy. America cannot compete if our students cannot learn, and our students cannot learn if their schools are crumbling down around them.

Our amendment would ensure that school districts around the Nation have the resources they need to address school improvement priorities so we can give our children an environment suitable for learning.

I encourage support for this amendment. It is, after all, a sense-of-the-Senate amendment. It will give everyone an opportunity to express without the particularity of the actual legislation. I express the support of doing the right thing by our kids.

Mr. LAUTENBERG. Mr. President, I have a question I would like to resolve that I think is agreed upon. The first vote would be the traditional 15, plus 5, and thereafter 10-minute votes. All of them are strictly controlled so we can move the program along.

The PRESIDING OFFICER. Is there a unanimous consent?

Without objection, it is so ordered. That will be the order.

Mr. DOMENICI. I would like to ask. I thought when we entered into the unanimous consent agreement earlier in the day about stacking votes that we said we were going to have them 15, 10 and 10.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair.

I have 1 minute on this amendment. Let me just say there is a statement behind me that was made in the budget by the President of the United States. It is very simple. It says:

> The construction and renovation of school facilities has traditionally been the responsibility of State and local government, financed primarily by local taxpayers; we are opposed to the creation of a new Federal grant program for school construction.

I acknowledge that is a grant program. But I believe that we should change that word and say, "We are opposed to tax credits for school construction," because I don't believe the U.S. Government ought to change its tax laws to allow a total tax deduction, which is what a credit is for the interest that a bond will yield if it is for construction of schools in the United States.

There is no formula. We don't know how we will do this. We don't know whether poor districts will get it. I think we ought not start down this path. I know for some any education program is difficult. I understand this may be one of those. But I truly don't believe we ought to do this.

I remind everyone, in any event, this is a sense-of-the-Senate resolution. It is not binding. That will give you latitude to vote differently than I recommend, since it is not binding. But I don't believe we ought to tell the Finance Committee we want them to start down this path in a big way with reference to school construction.

Having said that, I move to table, and I ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—54

Abraham	Faircloth	Mack
Allard	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Roth
Byrd	Hagel	Santorum
Campbell	Hatch	Sessions
Chafee	Helms	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner

NAYS—46

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerrey
Biden	Durbin	Kerry
Bingaman	Feingold	Kohl
Boxer	Feinstein	Landrieu
Breaux	Ford	Lautenberg
Bryan	Glenn	Leahy
Bumpers	Graham	Levin
Cleland	Harkin	Lieberman
Conrad	Hollings	Mikulski
D'Amato	Inouye	Moseley-Braun
Daschle	Johnson	Moynihan
Murray	Rockefeller	Wellstone
Reed	Sarbanes	Wyden
Reid	Specter	
Robb	Torricelli	

The motion to lay on the table the amendment (No. 2175) was agreed to.

Ms. MOSELEY-BRAUN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. We have three votes to go. We can move them along promptly if we can have order in the Chamber.

Mr. DOMENICI. Mr. President, I announce that when we finish this series of votes tonight, there will be no more votes tonight, but we will stay and debate five additional amendments—three from the Democratic side, two from the Republican side. Those will be stacked in the morning under the previous order, a 15-minute vote followed by 10-minute votes.

I will tell everyone, we now have in excess of 75 first-degree amendments filed. We will take care of five of them tonight, and that will probably leave us with about 70. Obviously, we could not dispose of 70 amendments at 10 or 15 minutes each in a very short period of time. So tomorrow morning, we will have, and my friend Senator LAUTENBERG says his staff will have some charts to show you your amendments while we are voting in the morning.

We would like you to be honest; we don't ask you tonight in the full light of everybody which ones you really want to vote on and which ones you would like for us to consider and which ones you might withdraw. We are going to work on accepting as many as we can, with the idea that there is still a conference to go to, during which time those accepted amendments will be given due consideration.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. BUMPERS. Does the Senator intend to stack the votes on these five amendments for in the morning?

Mr. DOMENICI. Yes.

ADJOURNMENT OF THE TWO HOUSES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 257, the adjournment resolution, which was received from the House.

I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 257) was agreed to, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, April 1, 1998, it stand adjourned until 12:30 p.m. on Tuesday, April 21, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 2, 1998, Friday, April 3, 1998, Saturday, April 4, 1998, or Sunday, April 5, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 20, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2193

The PRESIDING OFFICER. The pending amendment is the Hollings amendment No. 2193. A point of order has been raised against the amendment on the basis that it is not germane. The pending question is the motion to waive the Budget Act to allow for the consideration of the amendment on which a rollcall vote has been ordered.

There is 1 minute on each side for debate. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, on behalf of myself, Senator DASCHLE, Senator CONRAD, Senator FEINGOLD, Senator DORGAN, and Senator REID of Nevada, we put this in to do just exactly what was called for by the President. We want to save Social Security first.

As we all know, we have used the euphemism of a unified budget, a unified deficit, and we have been spending, looting, the Social Security trust fund. Some say that actuarially there is a surplus in there. That is on a sheet of paper. Actually, the money is gone.

The PRESIDING OFFICER. Will the Senator from South Carolina suspend until we can get order in the Chamber? The Senator from South Carolina has a right to be heard.

Mr. HOLLINGS. Mr. President, this more or less puts into parliamentary procedure what we voted for time and again, what the distinguished Senator from New Mexico has voted for. It is in the law, section 13301, that we save Social Security and quit looting the fund.

If you really want to put your money where your mouth is, as the expression goes, rather than just a sense of the Senate, then support this particular resolution now under consideration and put on some parliamentary controls, which is what this amendment does. If you want to save Social Security, vote for the amendment; waive the Budget Act, because that is what the Budget Act says to do in section 13301. If you don't want to, vote against the waiver.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, if I thought this amendment would do anything to save or preserve Social Security, I would be for it. In my humble opinion, it does absolutely nothing to save Social Security. What it does is attempt to change the process and procedures so that if the Budget Committee reports out for Senate consideration anything on Social Security, it is subject to a 60-vote point of order.

We could get to the point where we will take every committee of jurisdiction and pass a process rule because there was something in their jurisdiction we didn't want them to do business on. We could say anything you report out has to have 60 votes. Then we would take that to the floor, and the chairman of the committee of jurisdiction would stand up and say, "What have we come to?"

This seems like some kind of exuberance that is not calculated to do anything except have some words suggesting we are trying to save Social Security. I raised a point of order. There is a motion to waive it. I hope we do not waive it. I urge Senators to vote "no" on the motion to waive. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Hollings amendment No. 2193. The yeas and nays have been ordered. The clerk will call the roll. This will be a 10-minute vote.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 42, nays 58, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—42

Akaka	Feingold	Levin
Biden	Feinstein	Lieberman
Boxer	Ford	Mikulski
Breaux	Glenn	Moseley-Braun
Bryan	Graham	Moynihan
Bumpers	Harkin	Murray
Byrd	Hollings	Reed
Cleland	Inouye	Reid
Conrad	Johnson	Robb
Daschle	Kennedy	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Torricelli
Durbin	Landrieu	Wellstone
Faircloth	Lautenberg	Wyden

NAYS—58

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Baucus	Grams	Nickles
Bennett	Grassley	Roberts
Bingaman	Gregg	Roth
Bond	Hagel	Santorum
Brownback	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Coats	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Kempthorne	Stevens
Coverdell	Kerrey	Thomas
Craig	Kyl	Thompson
D'Amato	Leahy	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2251

The PRESIDING OFFICER. The pending question is the Faircloth amendment, amendment No. 2251. There is 1 minute of debate allocated to each side.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I believe the RECORD will reflect that Senator FAIRCLOTH was granted permission to speak for 3 minutes since we yielded back 6 minutes of his time.

The PRESIDING OFFICER. If the Senator would kindly put that in the form of a UC request.

Mr. DOMENICI. I ask unanimous consent that Senator FAIRCLOTH have 3 minutes.

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

The Senator from North Carolina.

Mr. FAIRCLOTH. I rise to speak on the Hutchison-Faircloth marriage tax elimination amendment. It is cosponsored by a number of Senators: Senator DOMENICI, Senator INHOFE, Senator HUTCHINSON of Arkansas, and Senator GRAMM of Texas.

Mr. President, I want to thank Chairman DOMENICI for the tremendous help on the issue he has given us on the elimination of the marriage tax in this budget resolution. What this amendment says is very simple, that it is the sense of the Senate that eliminating the marriage penalty tax should be one of the highest priorities for tax relief this year.

The Congressional Budget Office has reported that in 1996, 21 million American couples paid an average of $1,400 more in income tax simply because they were married. The marriage penalty, as it is sometimes called, comes

about as a result of the way the Tax Code is written. It needs to be rewritten so that couples who chose to marry do not get a hefty tax bill for choosing to make that decision.

We should be encouraging couples to marry, not handing them a $1,400 tax bill. I introduced this legislation along with Senator HUTCHISON to correct this problem. The majority leader, Senator TRENT LOTT, has also been tremendously supportive. Senator HUTCHISON, Senator LOTT, and I recently pledged on Valentine's Day that we would work to remove this burdensome tax known as the marriage penalty. I think that it is a reasonable goal. We are a step closer today with the budget resolution. I urge support for the amendment, and I yield back any time.

Mr. THURMOND. Will the Senator add me as a cosponsor?

Mr. FAIRCLOTH. I would be delighted to.

I ask unanimous consent that Senator THURMOND be added as a cosponsor to my amendment.

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

Who seeks recognition? Who yields time?

Mrs. HUTCHISON. Mr. President, if there is any time left on Senator FAIRCLOTH's amendment, I would like to just say I am very pleased to support his leadership on the marriage penalty tax.

The PRESIDING OFFICER. There are 40 seconds left allocated to the Senator from North Carolina.

Mrs. HUTCHISON. I ask unanimous consent to have that 40 seconds.

The PRESIDING OFFICER. Does the Senator from North Carolina yield his 40 seconds to the distinguished Senator from Texas?

Mr. FAIRCLOTH. Yes.

Mrs. HUTCHISON. Thank you.

I urge all my colleagues to vote for the sense of the Senate, which basically says it will be a priority of Congress to eliminate the marriage penalty tax. People should not have to choose between love and money in this country, but 21 million couples are doing it. And they are the police and schoolteachers, people making $28,000 and $32,000 that are getting hit the worst with taxes up to $1,400 just because they got married. That is not right. It is a priority of Congress to change that. And I urge my colleagues to say that the U.S. Senate is going to fix this problem very soon.

Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, I have expressed myself before. I am concerned about trying to initiate change this year, but I think it is fairly clear that this amendment has support. We do not want to continue a penalty in any way, whether it is marriage and taxes or marriage and any place. So unless there is someone else on my side who wants to use a few seconds, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—99

Abraham	Faircloth	Lieberman
Akaka	Feingold	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Glenn	McConnell
Biden	Gorton	Mikulski
Bingaman	Graham	Moseley-Braun
Bond	Gramm	Moynihan
Boxer	Grams	Murkowski
Breaux	Grassley	Murray
Brownback	Gregg	Nickles
Bryan	Hagel	Reed
Bumpers	Harkin	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Roth
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Coats	Inhofe	Sessions
Cochran	Inouye	Shelby
Collins	Jeffords	Smith (NH)
Conrad	Johnson	Smith (OR)
Coverdell	Kempthorne	Snowe
Craig	Kennedy	Specter
D'Amato	Kerrey	Stevens
Daschle	Kerry	Thomas
DeWine	Kohl	Thompson
Dodd	Kyl	Thurmond
Domenici	Landrieu	Torricelli
Dorgan	Lautenberg	Warner
Durbin	Leahy	Wellstone
Enzi	Levin	Wyden

NOT VOTING—1

Rockefeller

The amendment (No. 2251) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. This is the last vote tonight. Senator DASCHLE and I talked and we want the Members to know there will be a series of votes beginning tomorrow morning at 9 o'clock—probably two on judges and five amendments that the managers are going to have ready to vote on in the morning—beginning at 9 o'clock, with seven votes in a series.

I yield the floor.

AMENDMENT NO. 2211

The PRESIDING OFFICER. The pending amendment is the Craig amendment No. 2211. The point of order was raised against the amendment on the basis that it is not germane. The pending question is on the motion to waive the Budget Act to allow the consideration of the amendment for which a rollcall vote has been ordered. One minute is allocated to each side.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask my colleagues tonight to vote with me to waive the Budget Act. It is the first step to reigning in the uncontrolled costs to mandatory spending programs. Your vote tonight merely extends the same treatment to mandatory spending that already exists to annually appropriated discretionary spending; that new programs will offset with savings in existing programs; that mandatory spending is out of control—we all know that.

While this is a balanced budget in the outyears of 2020, and 2035, we will be looking at spending up to 200 plus percent of the gross domestic product.

The Craig amendment will not affect a single current beneficiary of a single existing program. The Craig amendment will not affect a single person who will qualify to become a beneficiary under current entitlement programs.

We need to start with a single, simple, first step, toward reigning in mandatory spending. An aye vote starts us in that direction.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I hope that the Senators will oppose this attempt to waive the point of order.

This is a new scheme for things. It says that we ought to depart from present pay-as-you-go rules. It would give special protection to special interest tax loopholes at the expense of programs like Social Security and Medicare.

Mr. President, very simply, I urge my colleagues to vote against the waiver.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—54

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Byrd	Hatch	Santorum
Coats	Helms	Sessions
Cochran	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Coverdell	Inhofe	Smith (OR)
Craig	Kempthorne	Snowe
D'Amato	Kerrey	Stevens
DeWine	Kyl	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—45

Akaka	Durbin	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Mikulski
Breaux	Graham	Moseley-Braun
Bryan	Harkin	Moynihan
Bumpers	Hollings	Murray
Campbell	Inouye	Reed
Chafee	Jeffords	Reid
Cleland	Johnson	Sarbanes
Conrad	Kennedy	Specter
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER (Mr. HUTCHINSON). On this vote the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I gather the sequencing would be that Senator DORGAN will start and then Senator ALLARD will follow, and then Senator LAUTENBERG, and then Senator BOND, and then Senator BUMPERS. We will arrange for Senator BUMPERS by unanimous consent.

Mr. President, before we start the order here, might I suggest that Senator BUMPERS would be our fifth amendment tonight, but we have agreed with him that we will come in at 8:30 in the morning instead of 9. He will offer his amendment, and thus the half-hour between 8:30 and 9 will be available for the agreed-upon time, which is a half-hour, equally divided, for the Bumpers amendment. He is here.

I ask unanimous consent that when we start up in the morning at 8:30 the order of business be the Bumpers amendment, and pursuant to the previous order there be a half-hour equally divided on that and the vote eventually be on or in relationship to that and we waive no points of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Senator, I wonder if the Senator would accommodate me for about 6 or 7 minutes. Senator GORTON would like to speak on a matter. I ask consent he be permitted to speak for 6 minutes.

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

MR. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1904 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. I thank the Senator from New Mexico.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2218, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 2218 be called up and that my amendment be modified with the modification I now send to the desk.

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

The amendment, as modified, is as follows:

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

Mr. DORGAN. Mr. President, I ask the Chair to notify me when I have used 5 minutes. I will then yield 5 minutes to the Senator from Arkansas and yield back the remainder of the time.

My amendment is very simple. There is in the budget resolution brought to the floor of the Senate a sense-of-the-Senate provision that will sunset the Internal Revenue Code on December 31, 2001.

My amendment strikes that provision and in its place it inserts language saying it is the sense of the Congress that we support the continued tax deductibility of the home mortgage interest deduction, charitable contributions, and so on.

My point is this: It is irresponsible, in my judgment, to talk about sunsetting the Tax Code and a progressive income tax without providing any means of telling the American people what you would put in its place.

I want to read something from the Tax Executives Institute. They represent some 5,000 corporations around the country.

They write that it is folly to make tax policy by sound bite, and proposals to sunset the Tax Code without making provisions for its replacement or telling the American people what you propose for replacement ought to be rejected.

This is what they say:

> For example, a company that otherwise would invest millions of dollars in a multiyear expansion of its manufacturing facilities might well demur if the pending legislation were enacted because of uncertainty over whether or how, after December 31, 2001, it would recover its costs.

They wouldn't know:

> To repeal the Internal Revenue Code without specifying a replacement system—to exalt the exhilaration of "doing it now" over the necessity of "doing it right"—is to threaten major disruptions of the economy and the lives of the American people.

The question I have is this: For those who say let's sunset the entire Tax Code, I say, when you say sunset the Tax Code in 2001, what are you going to replace it with, a national sales tax? A Brookings Institution study on that says if you want to replace the current progressive income tax with a national sales tax, you are probably talking about at least a 35 percent tax rate. I know that the proponents of a national sales tax say a 15 percent rate will work. But study after study shows that you are probably talking a 35 percent tax rate, and that is the 35 percent sales tax, for example, when you buy a home. Think of adding 35 percent to the cost of buying a home.

How about a flat tax or a VAT tax? A Treasury Department analysis in 1996 took a look at one of the major flat tax proposals in the Congress. It says the flat tax will reduce taxes for families with incomes of $200,000 or more, and increase taxes for families with incomes under $200,000. Is that what the American people want? To sunset the entire Tax Code and replace it with—tax breaks for the highest income folks and higher taxes for the rest?

I ask the question, Is the current Tax Code perfect? No. Are there significant troubles with it? Yes. I have a proposal on what we ought to do about that. I think my plan would greatly simplify the tax system for most Americans. But it does not include flat tax, VAT tax, sales tax, all of which would tax work and exempt investment, cut only upper-income folks' taxes and increase taxes on working folks. That is exactly what all the proposals are about ricocheting around this Chamber.

Don't take it from me, take it from the Treasury analysis, take it from the Congressional Budget Office analysis, take it from any study you like. But those who want to abolish the current Tax Code rather than fix what is wrong with the current Tax Code want to replace it, in most cases, with something

that says, "Let's tax work and let's exempt investments. Let's propose a new system that lowers the tax burden on upper-income folks and raises the tax burden on the rest."

I will tell those who offer this proposal that everyone out there in this country who owns a home and understands their home mortgage interest is deductible from their income tax, if this sort of thing ever passes, they will be told by this Congress, "Don't count on deductibility of your home mortgage interest, because we may not have a tax system that allows that. Don't count on the deductibility of your home mortgage interest, because we may abolish the tax system. In fact, we want to sunset it, abolish it, replace it with something else, but we don't want to tell you what that something else is."

It is highly irresponsible, in my judgment, to say let us just abolish the Tax Code as of December 31, 2001 before agreeing on a replacement.

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

Mr. DORGAN. I ask for 30 additional seconds, and then I will yield 5 minutes to the Senator from Arkansas, or as much time as he needs under the allotment.

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

Mr. DORGAN. Mr. President, I understand this proposal to terminate the tax code has been ricocheting around for some long while. The Tax Executives Institute says it best. This is a good sound bite, but it is a poor excuse for good policy. Don't take it from me, take it from American corporations and taxpayers who need certainty.

Those who want to terminate the entire Internal Revenue Code in this manner risk creating financial trouble for millions of homeowners. Nearly thirty million homeowners who would ask you: If you want to get rid of the current Tax Code, what are your intentions with respect to the tax deductibility of my home mortgage interest? Do you intend to keep that? If not, why not? What do you say to folks who have invested in a home and whose home values will now drop because this proposal would abolish the deductibility of home mortgage interest?

If this extreme measure is enacted, future home buyers would likely find it more difficult to purchase a new home and realize the American Dream of home ownership. This is because, in addition to losing the tax deduction, such a move would surely result in great uncertainty for our financial markets, lead to higher interest rates, and otherwise increase the costs of purchasing a new home—already the largest single financial investment for most families.

Another one of the many important casualties caused by these efforts to terminate the Tax Code would be the tax incentives that encourage millions of taxpayers to make gifts to charities that provide services to needy families and others. Charities perform an important public service by providing help to others when the government is unwilling or unable to do so. At a time when the government is downsizing and we are asking charities and other groups to do more, we ought not take away their key tax tools for attracting the funds they need to meet future challenges. But that's exactly what would happen should this sunsetting proposal become law.

These are just two examples of the serious problems caused by this wrongheaded proposal. For all of the uncertainties this proposal would create, one thing seems certain to me: this sunset provision will leave most Americans in the dark.

My amendment is simple, it strikes the sunset provision and inserts something in place of it that I think makes sense: support for the continued tax deduction for home mortgage interest, charitable giving and more. I hope my colleagues will support that motion to strike.

I yield as much time as he may consume to the Senator from Arkansas, Senator BUMPERS.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first I express my sincere gratitude to the Senator from North Dakota for taking on this issue. I decided perhaps nobody was going to offer such an amendment. But I take this opportunity to say to my colleagues and the American people, for that matter—we are not supposed to call attention to C-SPAN2, but I hope a lot of people are watching C-SPAN2 because I want to say that this is my 24th year in the Senate, and this is the most irresponsible, without question, the most irresponsible provision I have ever seen in a piece of legislation. The very idea of saying we are going to abolish the Internal Revenue Code without a clue as to what we are going to replace it with is the height of irresponsibility.

I know the applause lines. As the old saying goes, I know how to bring people to their feet. The object of any responsible legislator is to bring people to their senses. Everybody knows that when you talk to the Chamber of Commerce, if you are looking for that nice applause, just get on the Internal Revenue Service. Everybody has his own favorite horror story. I have my own. I daresay every Member of this body has his own horror story about their arrogance, how overbearing they are, how they have cost you money. Those are indefensible. I am not defending those.

But I can tell you, if you think the year 2000 computer glitch is bad, if you think that may bring this country to the brink of disaster, you just eliminate the Internal Revenue Code with absolutely no thought of what you are going to replace it with, just as this country is on a sound financial basis, and as we are looking forward to a surplus this year, what in the name of all that is good and holy are we thinking about?

Is it going to be a flat tax? That gets a lot of applause in some places. As far as I am concerned, the flat tax was created by the "Flat Earth Society," but that is beside the point. I know how to get applause talking about a flat tax. Everybody "pays the same amount."

Is it going to be replaced by some kind of a flat tax where your church contributions won't be deductible? Is it going to be a flat tax where, as the Senator from North Dakota has pointed out, your mortgage interest will not be deductible? "Mr. Businessman, before you applaud, are you willing to give up depreciation? Are you willing to give up hundreds of other things that are in the code now that you know about?"

I will tell you one thing, I will take the known, no matter how bad it may be, before I will take the unknown. And for the Members of the Senate to buy into this proposition of saying we are going to eliminate—eliminate—the Internal Revenue Code with nothing to replace it—do you know something, I didn't vote for that extra thousand pages in the Internal Revenue Code last summer. All the people who were so hot for the balanced budget amendment and the big tax cuts and what do we get? A thousand more pages in the Internal Revenue Code so they can go out and tell the Chamber of Commerce what a horror it is—the same people who bring you this piece of trash.

Mr. President, I, again, thank my friend from North Dakota for alerting the people of this body and, hopefully, across America, that we are not just going to take this country to the brink of a disaster, we are going to take it right over the brink, and if you get to the year 2000 after you eliminate the Internal Revenue Code and you don't have anything to collect $1.7 trillion with, you tell the Social Security recipients how that is going to work out. Tell everybody—the Medicare people—how that is going to work out.

I plead with my colleagues on both sides of the aisle, do not buy into an applause line. Keep your sanity and do the rational thing and strike this from this resolution.

I yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, one of the proponents of this provision, although I saw to it that it was put in the resolution, is Senator BROWNBACK who is standing now and wants to be recognized. Is the Senator going to lead off on his side?

Mr. BROWNBACK. Yes.

Mr. DOMENICI. I yield 5 minutes to the Senator, and then I will yield 5 minutes to the next Senator who is his copartner in getting this done.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President. I thank the chairman of the Budget Committee for including this provision in the budget and for being a cosponsor, along with 37 other Members of the U.S. Senate, of this provision.

I have a quiz, if I can, for the Members who are still watching. Just a simple question; a series of facts and then a question.

Let me ask people to, if they will, go through this quiz with me of, what is 10 million words long, cost over $150 billion annually just to comply with, is unintelligible by almost every American, including those with advanced degrees, advanced law degrees, advanced tax degrees, and is the lead way Washington mismanages and micromanages our lives? What one thing is that?

It is the Tax Code.

The Tax Code is over 10 million words, costs over $150 billion just to comply with before anybody pays a thin dime on this Tax Code. It is unintelligible to people who are tax law experts, and is the lead way that Washington micromanages individual lives across this country. It is no wonder this is an applause line. It is because people despise this code. It has been amended and added to and jiggered with over the years and years to where it just does not make any sense.

All the resolution says is that we should sunset the code at the end of the year 2001. We sunset many Federal programs when many Federal programs are required for reauthorization.

I heard the arguments on the other side from my colleagues from North Dakota and Arkansas—very good men, with a great deal of integrity and honor. But we disagree on this. I have to say their arguments sound very familiar. They sound very familiar to the time when we had the debate about balancing the budget by a date certain.

The President then was saying, "If we balance the budget by a date certain, by 7 years, it's going to throw the economy into a tailspin, it's going to do all these terrible things. You don't know how you're going to balance the budget, do you?" We said, "We know a number of ways to balance this budget. And if we don't set a date by which we're going to accomplish it, it'll never get done."

That is the same theory with this bill. There are a number of ways to redo the Tax Code. I am glad to hear Senator DORGAN has a proposal himself. There is a flat tax proposal, there is a consumption tax proposal, there is a VAT tax proposal. Congressman GEPHARDT has proposals. There are a number of them. And we will be phasing in transitions the same as phasing in on different programs we have gone to.

But the point of it here is, if we do not start, we will never get there. If we do not start, we are going to enter the next century for long periods of time with this same Tax Code in place. Let me say to the people here who are listening, we cannot have another American century built on this Tax Code. It is so big and so intrusive that people live in fear of it. Small businesses live in fear of this Tax Code because they use so many resources to comply with it. And when they comply with it, they still do not know what they have actually done to comply with the law.

So all we are saying by this little provision that is in the budget accord is, let us deal with this Tax Code by the end of the year 2001. It leaves alone Social Security and Medicare. Those are not touched in this. So in case people are saying that they are worried about Social Security and Medicare, it is not touched in the bill.

We are saying, if we are ever going to get rid of this that has haunted us for so long, we have to set a date certain by which we will do it. I think it is a good provision in the budget resolution. I urge my colleagues to vote against this amendment so we can have another American century with a different taxation system.

I yield to my colleague from Arkansas.

Mr. DOMENICI. I yield to Senator HUTCHINSON who has been one of the coleaders on this issue.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I wish my good friend and colleague from Arkansas, Senator BUMPERS, had been able to stay because he called this the most irresponsible piece of legislation that he has heard of during his time. This isn't about applause lines and not about flat taxes or flatter. It is about whether or not we are going to vote to defend the status quo, whether we are going to vote to defend an incomprehensible monstrosity called the IRS Tax Code.

I want to begin my remarks by just quoting the words of James Madison in Federalist Paper No. 62 when he said:

> It will be of little avail to the people. . .if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.

I think if he were writing today, he would be talking about the IRS Tax Code being incomprehensible. The biggest issue raised against it is that it is going to cause uncertainty if we repeal it, if we sunset it, and that it is going to cause uncertainty.

Mr. President I can think of no greater expert on the economy or the effects of public policy on the economy than Alan Greenspan, the Chairman of the Board of Governors of the Federal Reserve. All of this "the sky is falling," all of this fearmongering, all of this rhetoric that this is going to somehow cause economic chaos—Mr. Greenspan said, in testifying before the Senate Banking, Housing and Urban Affairs Committee in 1995:

> Sunsetting is a very important process for both regulation and various different types of legislation.

He was asked:

> If we're talking about sunsetting regulations, should we sunset taxes as well. . .?

He responded:

> I cannot find reasons why all programs should not have specific time-certain ends to them and be required to be reauthorized.

He went on:

> After a period of years, I would say yes to that. I would say all institutions of a democratic society should be reviewed. . .the presumption that institutions should not be reviewed periodically in a democratic society is a mistake.

Mr. President, we just passed in this Chamber a transportation funding bill, the ISTEA bill. We would not have done it had it not been sunsetted, had it not expired, had it not had to be reauthorized. We would have never forced ourselves to do it.

Today I spent most of my day in a higher education reauthorization markup. We did that because the last one is expiring, because it was sunsetted. We do that on spending bills all the time—the IDEA bill. Why should we not also do that on bills on the Tax Code that has become so incomprehensible to the American people?

Senator BUMPERS, my good friend from Arkansas, said it is the height of irresponsibility to sunset something before you know what you are going to replace it with. I am so glad—I am so glad—that our Founding Fathers did not adopt such a position. To say that you cannot pass a law until a new law is ready to replace it ignores the rich history of this country that was founded by a group of freedom lovers who signed the Declaration of Independence 12 years before the Constitution was drafted and implemented. Surely we can do that with just one title of the U.S. Code.

To say that it is the height of irresponsibility—can you imagine our Founding Fathers saying, "Well, it's very irresponsible for us to declare independence before we know what the Constitution is going to look like or before we know what the Government is going to look like or before we know what the Tax Code is going to look like."

We know one thing. We may not know, I say to my colleague, whether we want a flat tax, sales tax, value added tax, or some other hybrid, but we, as the American people, know that of what we have, we deserve better, that this serves no one, and the April

Fool's joke is to defend this Tax Code, which is the nightmare for the American people 2 weeks before they reach this deadline.

I urge my colleagues to vote no on this resolution which would delete this important sunset provision sense of the Senate from our budget resolution. I thank the chairman for his leadership on this issue.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I think that 3, 4 years ago, 5 years ago, someone might have walked up to me and said, "Senator DOMENICI, why are you on such a measure?" But for many years, more than 5, I have been telling New Mexicans and every American that I could speak to that we are going to reform the tax laws of America. And guess what has happened. They now consist of 17,000 pages of laws. That is not the regulations and all the other things—17,000. And every year that passed, since that 5 or 6 years ago when we started talking about basic reform, the tax laws got more complicated, more difficult, cost more money, and more detrimental to the American economy with the passage of each year.

Frankly, I am on this bill and I decided to put it in the budget resolution because it seemed to me that we were muscle bound. We could not get anything done. I believe the right thing to do when you are in that condition, and the people are suffering from it, and the country is suffering from it, is that you say there is going to be an "or else" to this—"you fix it or else."

That is what sunsetting is. But nobody should think that we are talking about sunsetting a code without prescribing some basic fundamentals about the code we intend to replace, that defective, deficient one. And anybody who is interested in knowing whether we just said, "Let's do away with the code," or whether we spoke intelligently and with great common sense, right to what the American people are worried about, just turn to page 33 of S. Con. Res. 86—and if my time runs out in the middle of these next two or three paragraphs, just stop me. But the findings are found in this resolution. And it says:

Findings—Congress finds that a simple and fair Federal tax system is one that—

(1) applies a low rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families;

(7) provides for a taxpayer-friendly collections process. . . .

And then it goes on to say that the reason for this sunset is "that a new Federal tax system"—not nothing, as was suggested, but "a new Federal tax system will be enacted that is both simple and fair as described in" the provisions that I just read 2 minutes ago.

That is what the American people want to hear, that we are going to do away with this one because we want to pass a new one and more like it. And if we can pass the law and send it to the President with the real sunset, it is a message to the committees of the Congress, to the reformers who seem to never end in terms of, what are we going to get in place of this one, that the time is running out, the clock is ticking. And that is what this is about.

I believe the American people, although they have been fed some shock medicine by the President, who talks about how irresponsible this is, if they heard this read, what we propose, that we are saying stop what is currently an abomination and substitute it with a new one that does the following things, would say, "Hallelujah. Let's do it."

So I believe we should turn down the proposal that attempts to wipe this out of the budget. It is the right place to have it. It is the right thing to do. And if we want a good future, we are right on track. Fix Social Security in the way we have been discussing, take care of Medicare, and fix it, and reform this Tax Code; and we will be giving our children and future generations the best present that we could give anyone as elected adult leaders.

I yield the floor.

Mr. DORGAN. Mr. President, I yield to my friend from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Yes. Mr. President, I sat and listened here with wonderment. We are about ready to say, "Let's get rid of this other thing because that will make us behave like responsible citizens. That's the only way we can do it." We heard the same speeches, with all due respect, about whether or not we needed a balanced budget amendment because we cannot discipline ourselves, and, thank the Lord, that failed. And we did not alter the Constitution, and we did not get into the ridiculous kind of arguments that we would have. We just went out and did it.

To my friends on the other side I would say, have faith, have faith in your own ability that you can make a difference. You have a majority. Let us change it. But if you want to burn down the house so we can be forced to move and find another location, I think that is a pretty poor way of conducting business. I see what the distinguished Senator from New Mexico has proposed as an alternative, something that promotes economic growth, something that is a low tax rate.

This amendment would delete the provision in the resolution calling for scrapping the tax code without an alternative. Instead, the amendment calls for the continued tax deductibility of home mortgage interest and charitable contributions.

I share the frustration of most Americans about the Internal Revenue Service, and believe strongly that we must pass IRS reform legislation as soon as possible. The House approved similar legislation last year. It's long past time for the Senate to act.

At the same time, I have serious concerns about the proposal to scrap the tax code without an alternative. I think, with all due respect, that it is a reckless political gimmick that would backfire on this Congress.

The main problem with this proposal is that it would create enormous uncertainty about the continued availability of many important tax code provisions. And that could create economic chaos and other problems for millions of Americans.

The Finance Committee needs to consider these problems before we scrap the whole tax code. For example, what will this do to the value of homes? How will uncertainty affect contributions to charities, or savings plans for retirement and education purposes? How will employers react to health and retirement plans; will they refuse to set up new plans? Will they reduce contributions to existing plans?

What will be the overall effect of uncertainty on economic growth and job creation? These are important questions that need to be publicly examined.

The Finance Committee ought to consider these types of questions before we approve sunsetting legislation. But I do think it is important that, in the meantime, we reaffirm our support for the mortgage interest deduction and the deduction for charitable contributions.

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

Mr. LAUTENBERG. Mr. President, in short, I hope that the amendment by the Senator from North Dakota will prevail, because it makes good sense and it tests the mettle of those who are voting. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I guess I have 3 minutes remaining. The other side has 2. I will take my 3 minutes. They are welcome to finish.

There is a wonderful legislative strategy, I guess, that if you cannot change the facts, change the subject. The subject here isn't about the current Tax Code; the subject is about what do you want to put in place of a Tax Code you want to abolish? Something new, we are told. Well, it is interesting. There is nothing new around here that I see about the proposals to change the Tax Code. All the proposals I have seen are the same tired, old proposals—exempt the rich, tax the rest, and call it reform.

You think that is not the case? The plans out here are: Tax work and exempt investment; tax people to go to work; tax the income from work; say to those that clip coupons, you are exempt. Nothing new about that. People have been trying to do that for a century.

The question I would ask the opponents of this amendment is, do you think the American people will be better off with a national sales tax plan? Is that what you are going to replace it with?

Bill Gale at Brookings, who did this piece, says your national sales tax rate, by the way, despite all the numbers they tell you, will be 35 percent. Want to pay a 35 percent sales tax on a home you buy? Do you think you are better off with that kind of tax program? Do you think you are better off with a program that has also been introduced here in the Congress that the Treasury Department analyzes that everybody over $200,000 gets a big tax cut? Everybody under $200,000 a year in income gets a big tax increase? Do you think you will be better off with that kind of Tax Code? I don't think so. Is a business going to be better off when they find they can't get their existing depreciation deductions ? Or tens of millions of homeowners will be better off when they discover they can't deduct their home mortgage interest?

No, this isn't about change. And with respect to Mr. Greenspan, who we are told about here—Mr. Greenspan, of course, is the fellow who said if we ever go below 6 percent unemployment we have calamity in this country. It has been about 45 months that we have been below 6 percent unemployment and the economy is doing well and inflation is in check. He was wrong about that. He said we will have a new wave of inflation, every month. He has been wrong about that for 4 years. Inflation is way down. I was about ready to think maybe the Senator had merit until he started talking about Greenspan supporting his case.

Sunset the Tax Code—what will you replace it with? Will the American people be better off with a flat tax? A VAT tax? A national sales tax?

This is the only town in America where people think it is a bold new stroke, having a billionaire proposing a tax plan that would cut his taxes by hundreds of millions of dollars. That is not bold or new. It is the same tired old argument the American people have heard for years and years and years.

Mr. LAUTENBERG. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. LAUTENBERG. Does the Senator know that Chairman ROTH in a March 13, 1998, letter—

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico has 1 minute 45 seconds.

Mr. BROWNBACK. Will the Senator yield 1 minute?

Mr. DOMENICI. I yield 1 minute.

Mr. BROWNBACK. I guess the rationale of the Senator from North Dakota is we are stuck with this Tax Code forever and that is the way it will be.

Frankly, there are a lot of different ideas floating around. I heard the Senator from North Dakota has a tax proposal, as well.

I simply ask people looking at this, could we do any worse than this current Tax Code? If I had a stack of books here now, it would be this tall. I am a lawyer. I confess that sin. I looked at this Tax Code and it is unintelligible. We couldn't do any worse with something different.

Mr. HUTCHINSON. Will the Senator yield some time to me?

Mr. DOMENICI. I yield 40 seconds.

Mr. HUTCHINSON. The language contained in our budget resolution mimics the language of the Tax Code Termination Act. Thirty-eight Members of the Senate are cosponsoring it; 154 Members of the House. It is responsible language that will force this Congress to act. It will force the national debate, it will force a consensus, and it will force us to make a decision.

We can do better and the American people deserve better. We need to set a sunset for this Tax Code.

Mr. LAUTENBERG. If the discussion on the amendment is done, I yield myself 2 minutes off the bill.

Mr. DOMENICI. I thought we weren't going to do that. We entered a unanimous consent agreement that we couldn't do that. Or did we say we would only do it for ourselves?

Mr. LAUTENBERG. I guess that is what I thought we said, but it is like the Senator made a mistake and thought 7 o'clock was 9 o'clock.

Fair enough.

Mr. DOMENICI. How many seconds do I have?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I gave him 40 seconds and you said I had 57 seconds.

The PRESIDING OFFICER. Time was counting as the Senator was asking the question.

Mr. LAUTENBERG. Thirty seconds apiece.

Mr. DOMENICI. Thirty seconds apiece.

Mr. LAUTENBERG. In my 30 seconds, by unanimous consent, Mr. President, I say that it is important to note that in a March 13, 1998, letter to the Budget Committee, Chairman ROTH wrote, "I believe a comprehensive overhaul of the Tax Code should be in place before any action is taken to sunset the existing Tax Code."

I rest my case.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator DORGAN proposed to us, and I think to the American people, that he is not for reform and he likes the current tax system. Unless that is the case, then it seems to me he would at least permit those who write the tax laws to try to write a new one that is better than this one.

My question is, do you like the Tax Code the way it is? Do you like tax reform, which has never been passed yet? We don't know what it will be, except it will be better than this one.

The PRESIDING OFFICER. All time has expired.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2170

Mr. ALLARD. I ask the pending amendment be laid aside and I ask to call up amendment No. 2170.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2170, previously proposed by the Senator from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. President, the purpose of the Allard amendment, which we did debate last night—I brought it back to continue the debate this evening—is to explain just how easy it is for us to make a commitment to pay down the debt by making some commitment of revenue flow for that sole purpose.

I have a chart with a provision called the "American Debt Repayment Act." Basically, what it does is take the budget bill, the 5-year plan we have before us, take the revenues, and say we don't spend it, we save it to pay down the debt, and after 5 years we will take $11.7 billion, less than 1 percent of the total budget allocated over 30 years, and we will eliminate the debt by doing that.

The American family today, when they take out their largest loan—usually to buy a new home—has a 30-year mortgage. I am just saying that we can make a minimal commitment from the budget and we can pay off this debt within 30 years. That is the reason I propose my amendment, because I want this body to make a minimal commitment to paying down the debt.

When you do this, several things happen. First of all, there is tremendous savings on interest, some $3.7 trillion in interest over that 30 years that is saved that can be used for other programs, whether it is tax cuts or whether it is additional spending. I am not in favor of additional spending. I think tax cuts is the way to go, but the money is there to do it. We do this with this commitment, and yet when we do that we still let our budget grow traditionally at the rate it has been growing in the past.

We are really not making a sacrifice but we are making a commitment, if

we pass this Allard amendment, to help pay off the debt. If we pay off the debt in 30 years, that gets us out to year 2027, 2028. If that has a familiar ring, let me remind Members that is the same date that many economists predict Social Security will be bankrupt. So this is a key first step in us being able to address some very serious problems that we are faced with today, and that is a Social Security that is getting ready to go bankrupt, a Medicare system that is even in worse shape than the Social Security system. This frees up revenue to address those kinds of problems.

I asked the chairman of the Federal Reserve when he testified before the Banking Committee, Alan Greenspan, if he would comment about paying down the debt. He said he agrees that paying down the debt or eliminating the Federal debt would have several positive impacts on Social Security reform. I will quote his testimony before the Senate Banking Committee on the 25th of February:

> The notion to pay down the debt creates a very large amount of savings in the system, a very big window to do a lot in the area of Social Security, if you go that direction.

In a letter that I received from Alan Greenspan on March 26, 1998, he said: "Budget surpluses will not by themselves make the current structure of Social Security taxes and benefits viable over the long run. Assuring payment of intended benefits beyond that date will require some statutory adjustments to Social Security receipts and or benefits." So he does recognize that there is definitely a correlation between Social Security reform and making a commitment to pay down that debt.

I will comment about the impact of paying off the debt on the total economy. Again, I will quote the Chairman of the Federal Reserve, Alan Greenspan, when he testified before the Senate Banking Committee, again on the 25th of February. In regard to the economy he says: "The means by which you pay off the debt is to run very substantial unified budget surpluses. What happens when you do that is you shift the issue of debt from the public to the private sector. I think there are very major benefits from that occurring."

So I think there is a lot of support from people who really know about the budget, know about the economy, know about Social Security, about this, and there are a lot of Americans who support the idea we ought to be paying down the debt. I think the Senate ought to show a similar commitment to pay down this huge debt, which is somewhere around $5.6 trillion.

I have on the floor with me a colleague, and I yield 8 minutes to the Senator from Wyoming to talk about paying down the debt.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise to express my support for the common sense amendment, No. 2170, which would pay down the national debt.

When Congress was in session, and on most weekends, I traveled thousands of miles throughout the vast State of Wyoming. I polled people on what they think is the most important thing we can be doing with their money. I consistently heard many people say, "If there's a surplus, pay down the debt." I have to tell you, they don't quite believe in the surplus we keep talking about back here because they understand Social Security. But they don't want us squandering it on new spending and new ideas.

If recent CBO statistics hold true, we should see a budget surplus of $8 billion in fiscal year 1999—not counting Social Security. However, we did not get to this point by exercising fiscal constraint. We still spend too much. We spend about $1.7 trillion every year. I voted against the spending portion of the balanced budget amendment of 1997 because it seemed clear to me that more could have been done to cut down the size and scope of the Federal Government. We could have enacted more meaningful entitlement reform. We could have gotten the fiscal house in order faster. If not for the unexpected revenues that came as a result of 7 years of economic expansion, we would not be close to eliminating that deficit today.

Just the interest that we are now paying on the Federal debt has reached about 15 percent of the total budget outlays. That amounts to about $250 billion that cannot be used for education or military readiness or national defense. The only way we can cut down on the amount and percentage of interest paid is to reduce the Federal debt.

This amendment will accomplish just that. It will set Congress on a path of fiscal responsibility and will require a 30-year pay down of the Federal debt. In the past few months, I have seen a unique attitude transformation take place in this city. Even though a budget surplus or zero deficit, only estimated, has not yet occurred, the administration did not hesitate to offer around $100 billion worth of new or expanded programs that would easily create a larger deficit in the proposed balanced budget. It seems their eye for spending is still bigger than the taxpayers' wallet.

Even though the economy is strong, I am surprised that so few in Congress are concerned about what we, as a nation, are in danger of passing on to our children and our grandchildren. It seems we are tied to the immediate gratification we receive from spending more money that we don't have, that we don't see the danger that looms in the not-too-distant future if we don't stop spending on credit with reckless abandon. That danger is a massive Federal debt and the changing demographics that will place a tremendous amount of pressure on young taxpayers who, if no change is made with the entitlement programs, will see a bankrupt Social Security and Medicare system and a mountain of high debt and an economy so weak that there will be no hope of passing it off—paying it off; we are trying to pass us off.

Somehow we have convinced ourselves that we deserve these benefits and we will it to our children to figure out a way to pay for them. Throughout the debate in the budget resolution it becomes even more evident that it does not matter whether the economy is performing at record highs or lows, some Members of Congress will always propose more spending and more programs. I have heard numerous excuses this week of why we should spend more of our Federal dollars.

There seems to be a belief that no matter how much we spend, we are not spending enough for the American people. Before I came to Washington as a Senator, I knew we had a plethora of Federal programs. Now that I am here, however, I am even more astounded at the number of programs available for nearly everything and everyone under the sun. But some still believe the Federal Government is not doing nearly enough to help those in want or need, or more.

It is very short-sighted to believe that our children or grandchildren will not be left with the bill that is accruing. Do we ever stop to think what the possible consequences are before we propose a program expansion or creation? The Allard amendment would require us to focus on our priorities. It would help us focus on a limited, less-expansive Federal Government. A limited, responsive Federal Government is what the people of Wyoming expect from any government, whether at the State, local or Federal level. They and the other American people deserve a disciplined Federal Government. This amendment will help Congress focus on limiting the scope of Government.

With a Federal debt of over $5.5 trillion, we must run budget surpluses not just for 1 or 2 years, but for 30 or more years to pay off the debt. I believe the administration and Congress should heed the words of Federal Reserve Board Chairman Alan Greenspan. He noted in his testimony in the Senate Budget Committee on January 29, 1998, that we should be cautious in our spending because Federal revenues are not guaranteed and may fall short of expectations. He, again, advised that we should be aiming for budgetary surpluses and using the proceeds to retire the outstanding Federal debt. He mentions how that will help the economy and save Social Security.

The Allard amendment follows the advice of Chairman Greenspan. It requires budgetary surpluses every year,

with these surpluses going toward payment of the Federal debt. These payments would amortize the debt over the next 30 years, similar to mortgage payments on a $5.5 trillion mansion. Anybody who purchases a house must pay the mortgage that accompanies it. Why should the Federal Government be exempt from a similar requirement? It is the ethical thing to do and it just makes sound economic sense. Yes, we bought a house for ourselves and our kids and our grandkids, and we will pass on the house and we will pass on the debt. But let's be sure that we are current on the payments.

The Allard amendment will not take money from the Social Security system. To the contrary, it will extend the life and solvency of the Social Security system and other entitlement programs. The best way to shore up Social Security is to pay down the national debt while we work on reforms to the system.

Now is the time to start making those mortgage payments and to begin to chip away at the mountain of debt. It is irresponsible, reckless, and selfish to wait any longer. Any delay will further jeopardize the national security and economic freedom of our Nation and our children. Some may ask if we can afford to do this now. In response, I will borrow the words of President Ronald Reagan: "If not now, when? If not us, who?"

I urge my colleagues to support the Allard-Enzi amendment.

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

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds remaining.

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

Mr. LAUTENBERG addressed the Chair.

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

Mr. LAUTENBERG. Mr. President, I watched with interest the development of this amendment and the others that we heard over the last couple days. It seems like there is a testimonial here to Alan Greenspan. He is a very smart guy, and I will tell you how I know how smart he is. He used to be on the board of my company, and when I left to come to the Senate, he was still on the board of my company. He didn't leave there until he was chosen to be chairman of the Fed. At that point, he could not stay and continue enjoying the private side of things. It was very nice.

He is a very bright guy. At our board meetings, everybody used to listen so attentively to what Alan said. Fortunately, in this country of ours, there are lots of smart people. It doesn't mean that he is wrong, but it means that others can have a differing view. I think that this amendment—and I am not putting myself in his league, I must tell you; but we talked to economists, too, and we see a problem with this.

This amendment would establish a point of order against any budget resolution in which revenues do not exceed outlays for any given year. We are considering a budget resolution today. There would be a point of order against any budget resolution in which revenues do not exceed outlays for any given year. Well, this amendment would lock us into a rigid formula for fiscal policy, threaten to make future recessions more severe, jeopardize our national security—I don't use these words casually—and deprive the Nation of needed investments in our future well-being.

We all know that reducing the Federal debt is an important goal of fiscal policy. I don't think it is unknown that our President, President Clinton, is a very strong advocate of doing that. He proposed using any surpluses to pay down debt and, yes, to shore up Social Security, which it does at the same time—pay down that. That is what the President said, "I am not going to let you tinker with that. If I have anything to do about it, I don't want you to use that money for anything but paying down the debt." So we have a common goal here, but it should not be pursued to the exclusion of all other worthy goals.

If this amendment were to pass, it would make future recessions deeper by eliminating the budget's ability to stabilize the economy automatically. We use it that way—perhaps to the surprise of some—and when an economic downturn hits, tax revenues go down automatically and spending for unemployment benefits increases automatically. That is the way, frankly, I think it should be. The budget's automatic response helps to offset some of the economic pain and to shorten the recession's duration.

Handcuffing our fiscal policy in times of economic crisis, as this amendment would do, risks turning recessions into depressions. As one who lived through the Great Depression myself, I know very well what that would mean to our Nation. I know what it did to help my family, the only time—other than the GI bill—that we had to reach out. My father was humiliated when his job was finally lost in the Depression and he had to go to work for the WPA, a Government program. It was embarrassing to him, but that was the only way he could see to try to support his family. That is the way it happens in times of stress like that.

So when I look at what is being proposed here, I say thank goodness we have the capacity in times of need to make changes. For instance, the Allard amendment doesn't just pose a threat to our economic security; it also jeopardizes our national security. The cold war may be over, but that doesn't mean we won't face serious new military threats in the future. What would happen if America confronted an enemy that was building up its military in preparation for conflict? We would not be able to arm ourselves to meet the challenge because of this fiscal straitjacket.

I know that the Senator from Colorado wants to do the right thing and, again, we share a goal, but the approach is radically different. The Allard amendment does include an exception in matters of Defense, when a declaration of war is in effect. There is very significant meaning to those few words. We faced a variety of major military challenges since war was last officially declared, and the year was 1941. This amendment, in those several times, would have tied our hands behind our backs. I also say to Senators who care about public investment that this amendment could prevent us from providing prudently for our future.

Here is an example: If Congress were to decide that it's important to make significant new investments in our telecommunications infrastructure or our transportation infrastructure and we wanted to amortize the cost over several years, even though we don't have amortization formally in our financial statement, the Allard amendment would create a new roadblock. I want to say especially to our friends on the other side of the aisle who believe that tax cuts underwrite our future prosperity, this amendment would also make it more difficult to enact tax cuts.

My point is not at all to advocate huge, new tax breaks. But I want to highlight the fact that this amendment will tie everybody's hands behind our backs and limit flexibility for Senators on all sides of the ideological spectrum. We have eliminated the deficit, restored fiscal discipline, and helped create the strongest economy in decades—maybe retroactively we are going to say it has been the strongest decade ever. We have done it all without procedural gimmicks that limited our flexibility. We did it the old-fashioned way, with hard work and hard choices. That is the way I think we ought to do it now and in the future. There is just no need for this kind of rigid rule.

I urge my colleagues to oppose this amendment. I think it would be a huge mistake. It could wreak havoc on our economy, could weaken our national security to a dangerous point. It could impede our ability to make needed investments either directly or through the Tax Code.

Mr. President, at the appropriate time, I intend to raise a point of order against this amendment. It is not germane. If the proponents of the amendment move to waive my point of order, I hope my colleagues will vote no on the motion to waive.

With that, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to summarize and make sure that any opposition to my amendment has had an opportunity to speak. When they are finished, I would like to make concluding comments, if I might.

Mr. LAUTENBERG. Mr. President, I can't promise that. If we have time left, we will use it. It is there now for the proponents to make their case.

Mr. ALLARD. Mr. President, it is my understanding that we have 2 minutes remaining on our time.

The PRESIDING OFFICER. The Senator is correct. The Senator has 1 minute 31 seconds. The opponents have 7 minutes 38 seconds.

Who yields time?

If neither side yields time, time runs equally.

Mr. ALLARD. Mr. President, I would like to have an opportunity to summarize my remarks. I ask that my opposition yield back the remainder of their time so I can summarize my comments.

Apparently, they don't want to do that. I will briefly make comments so that we can move along.

First of all, we heard many arguments about voting against the balanced budget amendment. Those who voted against the balanced budget amendment said that we should not tie down the hands of the Senate, the Senate should have the discipline in order not to go into deficit spending. My argument has been that the Senate—I have always supported it because I never felt the Senate, although well-intentioned, would ever allow that to happen. We are asking for a simple amendment to pay down the debt, and one of the arguments made against this is that it may raise a point of order if the Senate goes into deficit spending. Most of us, I think, in this Chamber agree that we should not have deficit spending. So it points out again how very important it is to have these types of plans before us if we really are serious about eliminating deficit spending and pay down the debt. If we want a secure economy and we want to make sure that our children and grandchildren have a secure future and we want to continue to see economic growth, the way we do that is to make a commitment to pay down the debt. So I am here to ask for an aye vote on the Allard amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, the pending amendment is not germane and I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

Is the time available all on our side?

The PRESIDING OFFICER. Having made the point of order, all time has elapsed.

Mr. DOMENICI. Mr. President, if the Senator from Colorado is not going to move to waive, I will.

Mr. ALLARD. I was going to do that, but the chairman can do it.

Mr. DOMENICI. Mr. President, I move to waive the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2195

Mr. LAUTENBERG. Mr. President, I call up amendment No. 2195.

Mr. President, I want to point out that we have the following cosponsors on our amendment. They include Senators DASCHLE, KERRY, BAUCUS, BINGAMAN, BOXER, GRAHAM, MOYNIHAN, LEAHY, REID, WYDEN, LIEBERMAN, and MURRAY.

Mr. President, this amendment would establish a reserve fund that would allocate funding from a reinstated Superfund tax on polluters for several important environmental initiatives.

Mr. President, President Clinton has made environmental protection a top priority. And the American people agree with that. Americans feel strongly about the need to keep our water and air clean, and our national parks well maintained. And, in my view, they're right.

The President has urged that several related environmental initiatives be funded by reinstating the Superfund tax on polluters. But the resolution before us largely rejects this approach. It does allow for spending up to $200 million next year from this tax, if it is reinstated, and if the reinstatement is part of broader Superfund reauthorization legislation.

However, the Superfund tax raises $1.7 billion per year. And the Resolution would allow the extra $1.5 billion per year to be used for purposes that have nothing to do with environmental protection.

By contrast, my amendment would use these environmental taxes for environmental objectives.

My proposal largely incorporates the President's Environmental Resources Fund for America, as proposed in his budget.

Under the proposal, revenue from a reinstated Superfund tax could be used for a variety of environmental priorities. These include, but are not limited to the following: cleanup of hazardous waste sites; clean water initiatives to assist states in protecting waterways from polluted runoff; construction and maintenance for our deteriorating national parks, forests, refuges, public lands and tribal schools; and purchases of valuable natural resources through the Land and Water Conservation Fund.

The funding for hazardous waste cleanup would increase the Superfund budget by 40%. This would double the pace of cleanups, bringing the total number of cleanups to 900 by the end of 2001.

Let me be clear, also, that this amendment does not raid the Superfund program to pay for other initiatives. Under the amendment, we would still appropriate more money for hazardous waste cleanup than is collected from the Superfund tax, as has been our practice in the past.

Mr. President, let me take a moment to highlight the Clean Water and Watershed Restoration Initiative. Today, the major source of pollution of our rivers, lakes and other sources of drinking water is not industry, and it's not municipal sewage treatment plants. It's polluted runoff from our cities and farms.

This program would provide funds—not to increase the federal bureaucracy—but to aid states and localities in their efforts to address this problem.

Mr. President, I want to emphasize that this amendment would not increase the deficit or reduce a surplus by one penny. It's entirely deficit neutral.

I would also note that the amendment is broad enough to allow the appropriate committees to make the specific decisions about where this additional $1.5 billion per year would be spent. The amendment does not limit the committees to the particular proposals in the President's budget. Rather, it allows them flexibility to shape programs based on their needs and priorities when the Superfund tax is passed.

I would note that the amendment is supported by the League of Conservation Voters, the Natural Resources Defense Council and the American Planning Association.

In conclusion, Mr. President, the American people want us to protect the environment and to protect our investments in our national parks, refuges and forests. This amendment could go a long way toward meeting these goals in a deficit-neutral manner. I hope my colleagues will support it.

We have a letter from the Council on Environmental Quality responding to our request for administration views on the proposed amendment.

> Please be assured that the Administration strongly supports your efforts to secure adequate funding for pressing environmental challenges facing this country.

I submit that and the letter from the League of Conservation Voters, as well as a letter signed by 44 environmental groups.

Mr. President, I ask unanimous consent they be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,

Washington, DC, April 1, 1998.

Hon. FRANK LAUTENBERG,

Ranking Member, Senate Committee on Budget, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing in response to your request for the Administration's views on your proposed amendment to the Senate budget resolution. Please be assured that the Administration strongly supports your efforts to secure adequate funding for pressing environmental challenges facing this country.

As you are well aware, the President's Fiscal Year 1999 budget proposes significant investments to protect our environment and public health. It would accelerate Superfund cleanups, provide new resources for the President's Clean Water Action Plan, and continue our efforts to restore and protect our national parks and other public lands.

Despite your efforts in the Budget Committee, however, the resolution now before the Senate fails to provide adequate funds for each of these priorities. The effect of the resolution would be quite serious. It would jeopardize public health by delaying cleanup of Superfund sites in communities across the country. It would significantly limit nationwide efforts to curb polluted runoff, the largest remaining threat to the health of our lakes, rivers and coastal waters. And it would hamper our ability to repair deteriorating infrastructure at national parks and other facilities, posing a threat to the health and safety of visitors and workers.

Your proposed amendment to correct these deficiencies by securing $1.7 billion in Fiscal Year 1999 and a total of $7.4 billion over five years is consistent with the Administration's budget request. Furthermore, it is important to note that your amendment is budget-neutral because it would ensure that reinstatement of the Superfund tax is committed to these environmental priorities.

The Office of Management and Budget advises me that this letter is consistent with the President's program.

I greatly appreciate your effort to ensure that these vital environmental priorities are met.

Sincerely,

KATHLEEN A. MCGINTY,
Chairman.

LEAGUE OF CONSERVATION VOTERS,

Washington, DC, March 30, 1998.

U.S. Senate,

Washington, DC.

Re Senate Concurrent Resolution 86, Supporting the Lautenberg amendment to fund environment and national resource protection.

DEAR SENATOR: The League of Conservation Voters is the bipartisan, political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

Last year's balanced budget agreement contemplated decreasing spending every year until at least 2003 for natural resources and environmental programs. The American public has made clear that clean water, our public lands, fisheries and wildlife management, and other environmental programs require a higher priority than was reflected in this agreement.

During consideration of the Budget Resolution, S. Con. Res. 86, LCV urges you to support an amendment by Senator Lautenberg (D-NJ) that would restore funding for critical environment and natural resource programs that were proposed in the President's budget but omitted from the Resolution. This amendment would address the following crucial environmental initiatives.

The Clear Water Action Plan, which will provide increased resources to states, tribes and individuals in order to address polluted runoff from urban areas, agriculture, mining and other sources.

A continuation of funding for the Drinking Water and Clean Water State Revolving Loan Funds which will help to ensure that our drinking water and wastewater treatment infrastructure can meet water quality and public health needs for the next century.

The Land, Water and Facility Restoration Initiative, which provide increased funding for "Safe Visits to Public Lands" and "Supporting the Land and Water Conservation Fund Vision".

An increase in funding to continue progress in cleanups at Superfund sites around the nation, where many communities have been waiting for over a decade to have toxic and hazardous sites restored to safety.

In addition, LCV urges you to support any amendments to address the following:

We understand that an amendment may be offered to reduce or eliminate the existing tax subsidy for mining on public and patented lands—known as the percentage depletion allowance.

The Budget Resolution assumes that landowner incentives programs for endangered species would be funded from the proceeds of the sale of public lands under the Interior Department's Bureau of Land Management. This proposal would set an unacceptable precedent regarding the sale of public lands and would fail to provide a sustainable, long-term revenue mechanism for endangered species protection.

America's land, water, fish, wildlife and plants are irreplaceable natural assets that belong to, and benefit, our entire nation; their protection and stewardship warrant the modest increase in funding that Senator Lautenberg's amendment would allow. LCV's Political Advisory Committee will consider including votes on S. Con. Res. 86 in compiling LCV's 1998 Scorecard. Thank you for your consideration of this issue. If you need more information please call Paul Brotherton in my office at 202/785-8683.

Sincerely,

DEB CALLAHAN,
President.

March 27, 1998.

SUPPORT THE LAUTENBERG AMENDMENT TO FUND ENVIRONMENT AND NATURAL RESOURCES

Attention: ENVIRONMENTAL LA.

DEAR SENATOR: On behalf of the undersigned organizations, we strongly urge your support for the amendment to the Budget Resolution, S. Con. Res. 86, that will be offered by Senator Lautenberg during Floor consideration. Senator Lautenberg's amendment would provide funding for critical environment and natural resource programs proposed in the President's budget. America's land, water, fish, wildlife, and plants are irreplaceable natural assets that belong to, and benefit, our entire nation; their protection and stewardship warrant the modest investment of funds that will be provided by Senator Lautenberg's amendment.

Some of these crucial environmental initiatives fall under the President's proposed Environmental Resources Fund for America and include:

The "Clean Water Action Plan", which will provide increased resources (a total of $568 Million for this multi-agency initiative) to States, tribes and individuals in order to address polluted runoff from urban areas, agriculture, mining and other sources. Polluted runoff is the single biggest cause of water quality impairment in the nation today. The "Clean Water Action Plan" will help to reduce its impacts through improved coordination among different levels of government and through increased spending to help farmers and other individuals improve their water quality management practices.

A continuation of funding for the Drinking Water and Clean Water State Revolving Loan Funds (a total of $1.875 Billion for both) which will help to ensure that our drinking water and wastewater treatment infrastructure can meet water quality and public health needs for the next century.

The "Land, Water and Facility Restoration Initiative", which provides increased funding for "Safe Visits to Public Lands" and supports the "Land and Water Conservation Fund (LWCF) Vision". "Safe Visits to Public Lands" would begin to address the critical multi-billion dollar maintenance backlog on our public lands by providing a $92 Million (eight percent) increase in funding to repair and refurbish the aging infrastructure in our national parks, forests, wildlife refuges and other public lands. Supporting the "LWCF Vision" would provide a 43% increase in LWCF spending over the next five years to continue acquisition and permanent protection of key land, water, and open space resources for future generations. Even this modest increase still falls far below the level of $900 Million authorized yearly for LWCF.

An increase in funding to continue progress in cleanups at Superfund sites around the nation, where many communities have been waiting for over a decade to have toxic and hazardous sites restored to safety. The Environmental Resources Fund for America proposes $2.1 Billion in spending, which would be a forty percent increase over 1998.

In addition, the Senate Budget Resolution does not include crucial FY99 increases requested for the Fish and Wildlife Service (FWS). The Lautenberg amendment would provide funding for these increases including:

An increase in funding for Enhancing Endangered Species Act (ESA) Efforts. In the last five years, the number of listed U.S. species has doubled and a growing number of species require management to survive. The requested increase will allow the FWS to carry out necessary activities to conserve species, to provide more efficient implementation for regulated interests, and to offer new incentives for private landowners. The FY99 increase for FWS is $38.8 million.

An increase in funding for FWS National Wildlife Refuge System Operations. The nearly 93 million acre National Wildlife Refuge System is the only federal public lands system dedicated primarily to the conservation of fish and wildlife; yet chronic and severe funding shortfalls threaten its mission. The requested $15 Million increase for FY99 would take a small step in addressing the current $410 Million shortfall in operating needs.

Last year's balanced budget agreement contemplated decreasing spending every year until at least 2003 for natural resources and environmental programs. The American

public has made clear that clean water, stewardship of our public lands, fisheries and wildlife management, and other environmental programs require a higher priority than was reflected in this agreement. At the same time, we would be happy to work with the Senate to weed out environmentally destructive spending that would more than pay for the funding increases reflected in the Lautenberg amendment to fund environment and natural resources.

A 'yes' vote on the Lautenberg Amendment will send a clear signal of your support for protection of the environment and public health, and in particular for clean water, vibrant public lands, and protection of species and habitat. Thank you in advance for your support.

Sincerely,

David Younkman, Executive Director, American Oceans Campaign, Washington, DC; Rebecca R. Wodder, President, American Rivers, Washington, DC; Roger E. McManus, President, Center for Marine Conservation, Washington, DC; Roger Schlickeisen, President, Defenders of Wildlife, Washington, DC; Fred D. Krupp, Executive Director, Environmental Defense Fund, New York, NY; Brent Blackwelder, President, Friends of the Earth, Washington, DC; Paul Hansen, Executive Director, Izaak Walton League of America, Gaithersburg, MD; John Flicker, President, National Audubon Society, New York, NY; Thomas C. Kiernan, President, National Parks & Conservation, Association, Washington, DC; Mark Van Putten, President & CEO, National Wildlife Federation, Washington, DC; John H. Adams, Executive Director, Natural Resources Defense Council, New York, NY; Robert K. Musil, Executive Director, Physicians for Social Responsibility, Washington, DC; David Burwell, President, Rails to Trails Conservancy, Washington, DC; Carl Pope, Sierra Club, Executive Director, San Francisco, CA; Will Rogers, President, The Trust for Public Land, San Francisco, CA; Gene Karpinski, Executive Director, U.S. Public Interest Research Group, Washington, DC; William H. Meadows, President, The Wilderness Society, Washington, DC; William M. Eichbaum, Vice President, US Conservation and Global Threats World Wildlife Fund, Washington, DC; Becky Cain, President, League of Women Voters, Washington, DC; Jackie Savitz, Executive Director, Coast Alliance, Washington, DC; Jason E. Klein, President, The Outdoor Company, Field & Stream and Outdoor Life, New York, NY; Steve Moyer, Vice President, Conservation Programs, Trout Unlimited, Arlington, VA; Liz Raisbeck, Watershed Program Manager, River Network, Washington, DC; Michael F. Hirshfield, Ph.D., Vice President, Resource Protection, Chesapeake Bay Foundation, Annapolis, MD; Jim Jontz, Executive Director, Western Ancient Forest Campaign, Washington, DC; Frank So, Executive Director, American Planning Association, Washington, DC; William R. Neil, Director of Conservation, New Jersey Audubon, Bernardsville, NJ; Robin Cunningham, Executive Director, Montana River Action Network, Bozeman, MT; Judith D. Petersen, Director, Kentucky Waterways Alliance, Munfordville, KY; Ralph H. Goodno, President, Merrimack River Watershed Council, Lawrence, MA; Barry Nelson, Senior Fellow, Save the San Francisco Bay Association, San Francisco, CA; Mark Davis, Executive Director, Coalition to Restore Coastal Louisiana, Baton Rouge, LA; Peter Shelly, Vice President, Conservation Law Foundation, Boston, MA; John Atkin, Executive Director, Save the Sound, Inc., Stamford, CT; Lisa Carey, Coordinator, Long Island Sound Watershed Alliance, Stamford, CT; Todd Miller, Executive Director, North Carolina Coastal Federation, Newport, NC; Peter Clark, Executive Director, Tampa Bay Watch, Tampa, FL; Kathy Fletcher, Executive Director, People for Puget Sound, Seattle, WA; David W. Bott, Executive Director, West Virginia Rivers Coalition, Elkins, WV; Cynthia Chapman, Executive Director, Frontera Audubon Society; George Lea, President, Public Lands Foundation; Norene Chase, Local Conservation Chair, Big Bend Sierra Club, Tallahassee, FL; Nancy Backstrand, Friends of the Santa Margarita River, San Diego County, CA; and Marion Sizemone, Environmental Programs, Wyandotte Tribe of OK, Wyandotte, OK.

[From the New York Times, March 1, 1998]

A PROMISING CLEAN WATER STRATEGY

The 1972 Clean Water Act has been the most effective of all the landmark environmental measures enacted in the early 1970's. But while it has done a good job of controlling pollution from so-called "point sources" like factories and waste treatment plants, the act has failed to stem poisonous runoff from "non-point" sources like farms and city streets. This runoff is the main reason why nearly 40 percent of the nation's lakes and streams remain unfishable and unswimmable.

The Clinton Administration has now offered a strategy to remedy this flaw. Given the hostility of this Congress to new environmental legislation, the President has chosen to attack the problem with a series of administrative actions by the Environmental Protection Agency, the Interior Department and other agencies. But Congress will be asked to provide about $2.4 billion in new money over five years to make the plan work. We urge it to do so. This is a modest, common-sense strategy that merits bipartisan support.

For the first time, the plan would establish enforceable limits on runoffs of nitrogen and phosphorus—two destructive nutrients found in fertilizers, sewage and animal wastes. At the same time, Washington would make available hundreds of millions of dollars to states and individual landowners to pay for setting aside land for stream buffers that prevent the nutrients from entering the water in the first place. These nutrients have been linked not only to outbreaks of Pfiesteria piscicida, a fish-killing microbe, in Maryland and North Carolina, but also to the 6,000-square-mile "dead zone" of oxygen-depleted water in the Gulf of Mexico.

The plan would also impose new restrictions on huge corporate farming operations that generate mountains of waste that are typically stored in "lagoons" the size of several football fields. These gigantic pits, which sometimes overflow during rainstorms, would be regarded as "point sources" subject to regular inspections and, when violations occur, heavy fines.

Another ambitious element of the plan seeks to add 100,000 acres a year to the nation's declining inventory of valuable wetlands. To do so, however, the Administration must win the cooperation of the Army Corps of Engineers, which oversees wetlands policy and has been parceling out the land bit by bit to developers. One of the more attractive features of the Clinton strategy is that it promises to involve every Federal agency in the fight for cleaner water. Without the corps, the strategy will be incomplete.

[The Washington Post, March 3, 1998]

THE PRESIDENT ON CLEAN WATER

The Country's leading water pollution problem is no longer the industrial and municipal waste that flows from particular pipes but the elusive agricultural and urban runoff that accumulates across entire watersheds. The Clean Water Act provides only indirect authority to deal with it, and the current Congress is hardly likely to strengthen the relevant provisions. In the last Congress, House Republicans tried instead to weaken them. The clean-water initiative the president announced the other day is thus an effort to make the most of a limited arsenal. Within those limits, it does a reasonable job.

The government will use existing authority to set new standards for nutrients in lakes, streams and estuaries—the nitrogen and phosphorus that are byproducts of agricultural operations especially. Excessive amounts do harm. The states are then meant to apply the standards to water within their jurisdiction, and to draw up plans to reduce them where required. If the plans are too weak, the Environmental Protection Agency can disapprove them, but it lacks the power to enforce them except indirectly if the states default. The administration seeks to fill the enforcement hole with financial inducements both to the states and to farmers to reduce the spread of the pollutants. It has assembled a fairly impressive package of money, much of it from existing programs. Some of the largest are in the Agriculture Department, including the mighty Conservation Reserve Program which each year pays farmers to idle vast amounts of vulnerable land across the country and now supports such things as water quality projects as well.

Watersheds extend across state boundaries, and the president's initiative includes some fuzzy talk about the need for interstate cooperation. Among much else, a program embracing an entire watershed can liberate states from the fear that if they take strong action, neighboring states may use weaker environmental standards to lure away industry. That's part of the argument that Congess has ignored for a stronger federal law. The administration uses what it has—mostly words and a little money—to push in this useful direction.

The initiative also promises, again a bit fuzzily, to convert the current annual loss of wetlands across the country into a net gain within a few years. Exactly how is left unclear. The last time anyone looked, the Corps of Engineers was proposing to ease the rules under which developers and others are allowed to invade wetlands. This would mark a more aggressive policy, if it occurs. Likewise, there is a promise to do a better job of managing the government's own lands. Because the government is such a large landowner, this would be important.

This administration generally has pushed in the right directions on environmental issues. But its penchant for show over substance—this report trumpets "more than 100 major new actions"—often gets the best of it. Many of these are neither major steps nor new. We hope they take them anyway.

Mr. LAUTENBERG. Mr. President, in conclusion, the American people want to protect the environment and to protect our investments in our national parks and refuges and forests. This amendment could go a long way toward meeting these goals in a deficit-neutral manner.

I urge my colleagues to support it.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise in opposition to the proposal by the distinguished Senator from New Jersey.

At the appropriate time I will raise a point of order.

First, let me say that this proposal exceeds the spending caps set in the balanced budget amendment by $600 million in budget authority, and $900 million in outlays.

The budget before us assumes $1 billion in additional spending over 5 years of the Superfund as originally agreed upon in the balanced budget amendment.

The budget resolution provides $1.4 billion in budget authority, and $1.3 billion in outlays to fund critical construction programs within the Corps of Engineers rejecting the proposal of the President to cut it 47.4 percent.

It fully funds the President's request for National Park Service operations at $1.3 billion; $1.2 billion in outlays. It fully funds the President's request for the National Oceanic and Atmospheric Administration, NOAA, with $2.3 billion in budget authority; $2.19 billion in expected expenditures.

It assumes funding for the Landowner Incentives Program of the pending Endangered Species Recovery Act, a step forward for both the environmental community and private owners and protecting the Nation's endangered species.

It rejects the President's proposed reductions in the Environmental Protection Agency and tribal assistance grant funds; $2.7 billion above the President's budget over 5 years for clean water, drinking water, and targeted wastewater funds.

It provides $1.1 billion more in budget authority over 5 years than the alternative that was provided in the committee by the minority.

Frankly, when all of that is said and done, this is another one of these funds that is set up. The money that is going to be needed to do all the things that Senator LAUTENBERG contends should be done is not provided for, nor are cuts in programs provided for that would go into the fund.

I guess while it sounds good, I firmly believe that it will never really happen.

But, in all events, it is not germane. I will make that point of order as soon as time is available.

I yield any additional time that I may have.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, there is no additional spending that is provided for by virtue of the Superfund tax. These are not entitlements. We are talking now about direct appropriations. If the funds aren't there obviously out of this fund, out of this reserve fund, if money doesn't come in, it can't be spent. There were programs developed by the Environment and Public Works Committee. I assume the Senator is aware that we have finished a Superfund reauthorization bill out of the committee. I didn't support it. But it is due to come to the floor sometime after our recess. The committee has mandatory spending authority for minimum allocation for ISTEA, the orphans' share funding for Superfund, and funding for landowner incentives under the proposed Endangered Species Act. Under current law the committee has mandatory spending authority for the Wallop-Breaux Sports Fishery Act and other legislation.

So this isn't a casual proposal. It is going to be paid for by taxes that accrue to the Superfund reserve fund. It will be used for environmental purposes. That is what we are talking about. It is fairly simple. We offer the amendment, and we are ready to have it processed and hope that our colleagues will vote for it.

Mr. DOMENICI. Mr. President, I make a point of order that the pending amendment violates the Budget Act and is not germane.

The PRESIDING OFFICER. Until the time has been used or yielded, a point of order is not in order.

Mr. LAUTENBERG. I yield back my time.

Mr. DOMENICI. I yield all time back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I make a point of order, as I previously indicated, that it violates the Budget Act and is not germane.

Mr. LAUTENBERG. I move to waive the point of order, and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2213, AS MODIFIED

Mr. DOMENICI. Mr. President, I call up the Bond-Mikulski amendment, as modified.

Mr. President, Senator BOND has argued this at length here on the floor of the Senate during the pendency of this budget resolution, and does not desire any time tonight.

I would merely indicate that amendment No. 2213, as modified, opposes the President's proposed reduction in elderly housing by expressing the sense of the Senate that the budget resolution levels for elderly housing programs shall be funded between 1999 and 2003 at no less than the 1998 level of $645 million dollars.

I yield any time that Senator BOND might have with reference to his amendment.

Mr. LAUTENBERG. We have no comment. We yield any time that we have in response.

Mr. DOMENICI. I ask for the yeas and nays on the Bond amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2205

Mr. DOMENICI. Mr. President, I call up the Durbin amendment, No. 2205.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2205, previously proposed by the Senator from New Jersey, [Mr. LAUTENBERG], for Mr. DURBIN.

AMENDMENT NO. 2205, AS MODIFIED

Mr. DOMENICI. Mr. President, I send a modification of the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DURBIN and Mr. KYL, proposes an amendment numbered 2205, as modified.

The amendment follows:

At the end of title III, insert the following:

SEC. ___. FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

Mr. DOMENICI. Senator KYL of Arizona is an original cosponsor. The amendment should be known as Durbin-Kyl.

Mr. President, Senator KYL and Senator DURBIN have cooperated on this amendment. There is no objection to it. We don't have to have a vote. I yield back any time there might be on the amendment.

Mr. LAUTENBERG. We yield back all time as well.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2205), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2275

(Purpose: To express the sense of the Congress regarding a permanent extension of income averaging for farmers)

Mr. DOMENICI. Mr. President, Senators BURNS and BAUCUS have a new amendment. I send it to the desk and ask for its immediate consideration. I ask it be in order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BURNS, for himself and Mr. BAUCUS, proposes an amendment numbered 2275.

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

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

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

Mr. DOMENICI. We have no objection to the amendment. We yield back any time we might have on the amendment.

Mr. LAUTENBERG. We yield back time. We have no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2275) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2203

Mr. WYDEN. I appreciate the cooperation of the Chairman of the Budget Committee, Mr. DOMENICI, in working with me on this matter. My purpose in offering the original amendment in Committee was truth in budgeting. The truth I am seeking has been masked by inflation. With inflation being lower than anticipated, the CBO and GAO estimate there is as much as a $3 billion inflationary windfall surplus in the budget for 1999, and as much as a $26 billion surplus over the next five years. My concern is the American taxpayer never sees this inflationary windfall and probably doesn't even know it exists. The money is not accounted for by the agencies and is not returned to the taxpayer. Unfortunately, the windfall appears to end up as walk-around money in the pockets of bureaucrats. That is why I am pleased that together with the Chairman of the Budget Committee we will request the General Accounting Office to tell Congress by May 15 the exact amount of the inflationary windfall for FY99, how the agencies intend to use the inflationary windfall and how CBO can go about making this calculation for future years. Our request will also direct the GAO by August 15 to develop for us a methodology for correctly calculating inflationary estimates that is applicable to both defense and non-defense spending and how the agencies expect to use the additional funds. I ask unanimous consent to have printed in the RECORD the GAO's chart for FY99 Economic Adjustments as well as the CBO's March 24, 1998 letter to me on the inflationary windfall.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 24, 1998.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has estimated adjustments to budget authority for defense programs, as allocated under last year's budget resolution for the 1999–2002 period, that would preserve its implied purchasing power for nonsalary expenses given the changes in CBO's estimates of inflation. Specifically, you asked us to adjust the year-by-year amounts in the budget resolution using actual inflation during 1997 and new estimates of inflation for the 1998–2002 period.

Last year's budget resolution called for defense budget authority of $271.5 billion for 1999 and $289.6 billion for 2002. A year ago, CBO projected that the chain-type price index for the Gross Domestic Product (GDP) would grow by an average of 2.5 percent a year during the 1997–2002 period. CBO currently projects that annual inflation, as measured by the GDP index, will grow by an average of 2.2 percent over that six-year period. Thus, the budget authority in last year's budget resolution could be reduced and still maintain the same inflation-adjusted levels.

Under its current inflation projection, CBO estimates that lowering last year's budget resolution for defense appropriations by $1.7 billion in 1999 and $9.8 billion over the 1999–2002 period would provide about the same level of real resources for nonsalary purchases as assumed a year ago for that period. Similarly, we also calculated adjustments for 2003 given the assumptions specified in your request. If last year's defense budget authority for 2003 was pegged at $297.8 billion, reducing that figure by $3.5 billion would maintain the purchasing power for nonsalary expenses. The enclosed table shows the adjustments to budget authority and the corresponding changes in outlays for the five-year period.

CBO does not attempt to forecast the prices of defense-related goods and services. Instead, we follow the common practice of using a general measure of inflation—The GDP price index—to adjust purchasing power. The lower growth in our inflation forecast stems from an unexpectedly rapid decline in import and computer prices and slower growth in medical care prices. Although these factors could affect defense-related purchasing power, the changes in assumptions for the growth in the GDP price index do not necessarily indicate a commensurate change in purchasing power for the defense budget.

If you have further questions, we will be pleased to answer them. The CBO staff contacts are John Peterson, who can be reached at 226–2753 for questions on price indexes, and Kent Christensen, who can be reached at 226–2840 for questions pertaining to their impact on the defense budget.

Sincerely,

JUNE E. O'NEILL,
Director.

INFLATION ADJUSTMENTS FOR BUDGET FUNCTION 050, NATIONAL DEFENSE

[By fiscal year, in billions of dollars]

	1999	2000	2001	2002	[2] 2003	Total
1998 Budget Resolution:						
Budget Authority [1]	271.5	275.4	281.8	289.6	297.8	1,416.1
Outlays	266.5	269.0	270.7	273.1	280.8	1,360.1

INFLATION ADJUSTMENTS FOR BUDGET FUNCTION 050, NATIONAL DEFENSE—Continued

[By fiscal year, in billions of dollars]

	1999	2000	2001	2002	[2] 2003	Total
Adjustments to Reflect Current Inflation Projections:[3]						
Budget Authority	−1.7	−2.3	−2.7	−3.1	−3.5	−13.4
Outlays	−0.8	−1.6	−2.2	−2.7	−2.9	−10.2
Adjusted Levels:						
Budget Authority [1]	269.8	273.1	279.1	286.5	294.3	1,402.7
Outlays	265.7	267.4	268.5	270.4	277.9	1,349.9

[1] These figures represent funding for discretionary defense programs.
[2] The 1998 budget resolution contained budget authority and outlay levels through 2002. The amounts shown for 2003 correspond to the assumptions requested by Senator Wyden.
[3] These changes would keep inflation-adjusted funding for nonsalary expenses at the same levels assumed in the 1998 budget resolution. They use actual inflation in 1997 and CBO's current projection of the 1998–2003 period.
Note: Details may add to totals due to rounding.

FYDP 99—ECONOMIC ADJUSTMENTS

[Dollars in millions]

	FY99	FY00	FY01	FY02	FY03	FYDP total
DOD Savings: [1]						
Nonpay Purchases Inflation	2,785	3,537	4,373	4,945	5,698	21,338
Fuel Inflation	159	173	194	216	238	979
Foreign Currency Fluctuations	367	347	354	361	369	1,798
Total Savings	3,311	4,056	4,921	5,522	6,305	24,115
Allocation of Nonpay Purchases Inflation: [2]						
Civilian/Military Pay Raise	377	810	1,216	1,633	2,073	6,109
Defense Health Program	.....	500	500	300	300	1,600
Nuclear Stockpile Stewardship	.....	600	500	700	600	2,400
Chemical Demilitarization Program	.....	121	320	469	11	921
Additional Procurement	2,000	1,200	900	1,600	2,700	8,400
All Other	400	300	900	200	.....	1,800
Total Allocated	2,777	3,531	4,336	4,902	5,684	21,230

[1] DOD savings for Nonpay Purchases Inflation in FY1998 is $846 million.
[2] Allocation of the remaining $2,885 million in savings over FY1999–2003 is unknown.

Mr. DOMENICI. Mr. President, I share the Senator's concern about this issue. It is correct that when inflation increases less than projected, the buying power of a dollar increases. According to CBO, inflation projections for the National Defense Budget Function for 1999 through 2003 have decreased from the 2.6 percent of the GDP Price Index projected last year to rates varying from 2.2 percent to 2.4 percent. This translates into a 1999 inflation "dividend" for National Defense of $1.7 billion in budget authority and $0.8 billion in outlays. For 1999–2003, the amounts are $13.2 billion in budget authority and $10.3 billion in outlays.

The Department of Defense reports to us that it has already reinvested this dividend in other defense programs. Therefore, taking this money out of the 050 budget this year will cause real program reductions, and I would strongly oppose that. However, DoD does not routinely report these budgetary data to Congress, and I agree that it is important for us to have the data for oversight purposes. I also agree it would be useful to have similar data for both defense and nondefense purchases.

I am concerned, however, that an appropriate methodology needs to be developed that is applicable to both defense and nondefense agencies. I am also concerned that we collect information from each major agency and analyze what they do with the additional funds, when such "dividends" are generated. Also, I would argue that when inflation is increasing faster than projected, we need to know from the Department of Defense and others what constraints this imposes on purchases.

I believe the appropriate agency to develop the methodology and to perform the agency-by-agency research is the General Accounting Office. Once appropriate methodologies have been developed for making estimates of economic changes, we could ask CBO and GAO to perform further research.

I am happy to work with the Senator from Oregon on this issue, and I will gladly join with him to request the GAO to perform the needed work. I look forward to starting this research in a timely fashion and making it a part of the information we use to exercise our oversight.

Mr. President, I ask that Senator WYDEN'S amendment, No. 2203, be withdrawn.

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

The amendment (No. 2203) was withdrawn.

AMENDMENT NO. 2226

Ms. MIKULSKI. Mr. President, I want to go on record today in support of the amendment to the Fiscal Year 1999 Budget Resolution offered by the Ranking Member of the Veterans Affairs Committee, Senator ROCKEFELLER.

Mr. President, since the VA was founded, we have fought a World War, a Cold War and a Gulf War. From the World Wars to Korea, Vietnam to the Persian Gulf, each conflict produced a new generation of veterans with unique needs.

The particular needs may vary somewhat for veterans of different eras, but one thing should never change - the commitment that we make to our veterans.

Our veterans entered into a covenant with this nation when they agreed to risk their lives for our freedom.

We must ensure that promises made must be promises kept. Our veterans must receive quality medical care, effective services and timely processing of benefits.

I have fought for many years, and continue to fight, to ensure that our veterans receive the medical care and benefits that they have earned.

Mr. President, our veterans didn't waiver when they put their lives on the line. When they were fighting to defend our liberty, risking death to ensure that we could sleep easy at night, they didn't waiver.

Mr. President, we should not waiver on our veterans. The VA General Counsel issued a ruling in 1997 that veterans who develop illnesses linked to nicotine dependence developed while in service were entitled to compensation benefits.

The Department of Veterans Affairs, beginning in Fiscal Year 1998, is due to begin paying those benefits. There is now a proposal before us to eliminate the VA's obligation to pay those benefits.

The Congressional Budget Office estimates that by eliminating the benefits, the government would save $10 billion.

Well, apparently that money was too attractive to resist, and is included in the Budget Resolution to offset ISTEA spending.

Mr. President, let me be clear. I support the much needed money that is going to provide critical infrastructure work throughout the country. And like many Senators, I am pleased to see federal support of transportation spending in my home state of Maryland.

But Mr. President, our benefits for our veterans should not be traded and bartered. The funds that are due for our veterans must be protected.

It is wrong to take money that is targeted for the benefits that our veterans have earned and use it for anything else - no matter how noble it may be.

Mr. President, I urge my colleagues to support the Rockefeller amendment and prevent the raiding of these veterans benefits.

Mr. KYL. Mr. President, I want to commend the Senator from New Mexico, the Chairman of the Budget Committee, Senator DOMENICI, for the budget resolution that he has brought to the Senate floor. It is not exactly as I would have written it—and my hope is that we will be able to make some improvements during the course of debate over the next few days—but I believe it is generally on the right track and compares favorably to the alternative budget submitted by President Clinton.

First and foremost, the Senate budget resolution would balance the unified budget and keep it in balance during each of the next five years. We will even run a small surplus.

By comparison, President Clinton's budget appears to throw fiscal discipline out the window with proposals to spend billions of dollars on new government programs. According to the Congressional Budget Office, the Clinton budget would take us back into deficit as early as the year 2000.

Second, the Senate budget would adhere to the spending limits that both Congress and the President agreed to just last year. The Clinton plan, by contrast, would bust the spending caps outright—by $12 billion in FY99, and a total of $68 billion over the next four years. I think we ought to keep our word and stick to the spending limits, and we do.

Third, the Senate budget would reserve the anticipated surplus for Social Security. The President said that is what he wanted, too, but he then submitted a budget that would spend down the unified budget surplus on myriad new government programs. And of course, he is asking us to spend every dime of the Social Security surplus on general operating expenses of the government.

Fourth, our budget would set aside any proceeds from a tobacco settlement to shore up the Medicare trust fund for our nation's senior citizens. The Clinton budget would spend all of the tobacco money on other programs.

And fifth, the Senate budget would accommodate another, albeit small, installment of tax relief for hard-working Americans. By comparison, President Clinton's budget would raise taxes yet again.

Mr. President, let me turn for a moment to the portion of the Senate budget resolution that deals with education, training, and employment programs, since that seems to be what we are hearing about most from the other side. Last year's budget agreement made education, training, and employment a protected category and called for spending—outlays—of $61 billion next year. It called for a total of $318.3 billion over five years.

Here is what President Clinton said about the level of education spending in the budget agreement when he signed off on it last year. These are comments the President made on the South Lawn of the White House on July 29, 1997:

> . . . at the heart of this balanced budget [agreement] is the historic investment in education—the most significant increase in education funding in more than 30 years.

He went on to call it "the best education budget in a generation and the best for future generations." The level of spending the President was referring to then is exactly what is included in the Senate budget resolution that is before us today. It is the exact level.

What about health research? Over the next five years, spending at the National Institutes of Health would increase substantially under the Senate budget. We are talking about an 11 percent increase in 1999, on top of the seven percent increase provided in 1998. And we would provide these additional funds within the overall spending limits, and regardless of whether a tobacco settlement is passed later this year.

By contrast, President Clinton would link increased NIH spending to the fate of the tobacco settlement. That means that if there is no settlement, there is no increase for the NIH either. I do not think that is good enough. We should devote more to health research whether or not we are able to achieve a tobacco settlement, and we do that in our budget.

If there is any revenue derived from the tobacco settlement, we say that it ought to go into the Medicare trust fund. And that is what this budget resolution would do. We all know that Medicare's long-term solvency is still tenuous at best. We ought to shore up the system before tapping new sources of revenue for a multitude of new government programs.

So these are some of the things I think the Senate does better than the alternatives. But, in my opinion, it still does not do enough to limit the growth of federal spending. It is true that the committee-reported budget is within the spending caps that were set last year, but those caps are still too high. The caps allow total spending to grow from $1.73 trillion next year to $1.95 trillion in 2003. That will amount to a nearly 13 percent increase at the end of the five-year period.

And it comes on top of the 25 percent increase in spending that has occurred in just the last five years. What does that mean for taxpayers?

The Tax Foundation estimates that the median income family in America saw its combined federal, state, and local tax bill climb to 38.2 percent of income last year—up from 37.3 percent the year before. That is more than the average family spends on food, clothing, and shelter combined. Put another way, in too many families, one parent is working to put food on the table, while the other is working almost full time just to pay the bill for the government bureaucracy.

Here is a different way to measure how heavy the federal tax burden is. Consider that federal revenues this year will claim about 19.9 percent of the nation's income, the Gross Domestic Product. Next year, that portion would climb to 20.1 percent, according to the administration's projections. That would be higher than any year since 1945. It would be only the third year in our nation's entire history that revenues have exceeded 20 percent of national income—and the first two times, our economy tipped into recession.

So the question we need to ask is whether a balanced budget is the only goal, even if it means we achieve balance at a level where taxes and spending are too high? Or is the real goal of a balanced budget to limit government's size and give people more choices and more control over their lives?

For me, there is not great achievement in balancing the budget if it means that hard-working families continue to be overtaxed. There is no great achievement in a balanced budget if the government continues to grow, even as it balances its books. If it is doing that, it is continuing to take choice and freedom away from its citizens. A balanced budget is really the means of right-sizing the government so that it is more respectful of hard-working taxpayers' earnings and their desire to support their own families.

With that in mind, I believe we have got to do much better in providing tax relief. Currently, this budget calls for tax relief amounting to $30 billion over the next five years. Although that may initially sound like a lot, let me put it into perspective.

The federal government expects to collect nearly $9.3 trillion—that is, $9.3 trillion—over the next five years. So a tax cut of $30 billion really amounts to just about 0.3 percent. It is too little. We must find a way to do more. And the way to do more within the confines of a balanced budget is to reduce nonpriority spending and limit spending growth.

At the very least, if we cannot provide more tax relief, we should at least be able to agree that taxes are high enough and should go no higher. I intend to offer an amendment to express the sense of the Senate that it should be harder to raise taxes—at least as hard to raise taxes as it is to cut them.

Recall that President Clinton's record-setting tax increase in 1993 failed to win support from even a simple majority of elected Senators—Vice President GORE's vote in favor broke a 50 to 50 tie. By contrast, it would have taken a supermajority vote to provide tax relief two years later; President Clinton vetoed our tax-relief bill, and it would have required a two-thirds vote—67 votes in the Senate—to overcome the President's resistance and provide tax relief. That is wrong. A supermajority vote to raise taxes would ensure that future tax increases, if they are needed, are approved with broad bipartisan support in Congress and around the country.

Mr. President, I again want to commend the chairman of the Budget Committee for his work on this measure. It is a good proposal, and I think we have an opportunity during the next few days to make it even better.

Mr. DOMENICI. Mr. President, how much time remains on the budget resolution with the completion of work?

The PRESIDING OFFICER. The Senator from New Mexico has 4 hours 58 minutes, and the Senator from New Jersey has 4 hours 58 minutes.

Mr. LAUTENBERG. Mr. President, while we have a minute, I must once again apologize to the pages, who work so hard, for keeping them out of school tomorrow by working them past 10 o'clock. I am sorry, really.

Mr. DOMENICI. They seem very happy to be excused today.

We will keep you slightly later tonight.

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

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

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO FIRST SERGEANT CHARLES W. PARKER

Mr. LOTT. Mr. President, I wish to rise and take this opportunity to say farewell to an outstanding Non-Commissioned Officer of the Mississippi Army National Guard, First Sergeant Charles W. Parker, upon his retirement. Throughout his military career, First Sergeant Parker served the people of Mississippi with valor and distinction. It is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Mississippi Army National Guard and the Nation for the past 32 years.

First Sergeant Parker enlisted in the Mississippi Army National Guard in August 1965, and served as a federal technician from October 1971, until February 1981. He then began an active duty career in the Guard as a Training Non-Commissioned Officer from February 1981, until his retirement in April 1998. He served the majority of his military career with Company B, 223rd Engineer Combat Battalion, in Calhoun City, Mississippi. During his 32 years of service, First Sergeant Parker was activated three times to provide relief due to flooding, ice storms and tornadoes.

First Sergeant Parker served the Great State of Mississippi with honor. He received the Army Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal (4), Reserve Components Achievement Medal (5), Armed Forces Reserve Medal (3), National Defense Medal (2), Army Physical Fitness Award (14) and achieved the highest score in his company, battalion, group and brigade on more than one occasion.

During his 32 years of military service, First Sergeant Parker led his men selflessly by continuously putting his subordinate soldiers before himself. He is known by all throughout the State of Mississippi in National Guard circles for helping young people get into the Guard and continue their education.

Most importantly, First Sergeant Parker is also a loving husband and father to his wife Sandra, sons Brent and Kent, daughter Vanessa. While he missed valuable time away from his family during his military career, he must look forward to spending many wonderful years with them in retirement.

I know his family and the Mississippi Army National Guard are proud of his many accomplishments. My colleagues in the Senate join me in wishing First Sergeant Parker well upon his retirement. The Great State of Mississippi and the Nation are indebted to him for his many years of distinguished service.

BELLA ABZUG

Ms. MIKULSKI. Mr. President, I wanted to rise very briefly and share with my colleagues the fact that a colleague who served in the House has passed on to God's glory. I knew her as a very dear friend. Congresswoman Bella Abzug died yesterday of complications of heart disease. I knew Mrs. Abzug as friend. I knew her as a wonderful Congresswoman. I want to state on the Senate floor how much she will be missed.

Congresswoman Abzug fought for the rights of women. She fought for civil rights. She fought for human rights. She was known as "Battling Bella." She had a very big heart and a very large agenda.

I cannot believe that she died of heart disease, because if there was one fault that Bella did not have, it was heart problems. In fact, it was her very big heart that wanted to be sure that women were fully included in our society and enjoyed equal protection under the law in the Constitution. She wanted to be sure that she spoke out for the women of this country and that we also included everyone else who was left out and left behind.

Also, when she left the Congress, she spoke very eloquently and added to her agenda the human rights of women and children all around the world.

She will be deeply missed. Her hat stood there. You could always find Bella in a crowd. But when the history books are searched, we will find that Congresswoman Abzug is the indelible mark on the history of the United States of America for those who worked with her. She will be greatly missed. But, most of all, she will be missed by the people she fought for and championed all of her life.

DOUBLE CHARGING FOR ATM USE

Mr. D'AMATO. Two years ago today, the Nation's two largest electronic banking networks, Plus and Cirrus, better known as MasterCard and VISA, lifted their longstanding ban on the practice of double charging ATM users. They had a ban; it was not permitted.

Now, since that fateful April Fool's Day in 1996, the joke has been on the consumers, and it has been a costly joke. They have had to shell out billions of dollars just to take their own money out of the bank.

Today, I hold up a report "Big Banks, Bigger ATM Fees" from the U.S. Public Interest Research Group. In that report they indicate that double chargers in 28 States and the District of Columbia have shown that 71 percent of all banks today are double charging consumers for the privilege of getting their own money out. That percentage is more than twice the number reported by the General Accounting Office in May of 1997. So, more and more people have less and less opportunity to be able to withdraw their money without that double charge.

Going further, it says the price of the average double charging has also risen to $1.23. Keep in mind this charge is on top of a fee that the consumer already pays to his or her own bank. The survey found that 83 percent of the banks charged their own customer an average of $1.18 per transaction whenever they use another ATM. So that means a consumer pays $2.41, on average, every time they use an ATM that does not belong to their own bank.

So what we have, if a person uses an ATM six times a month—a relatively small utilization—they can be paying an average of $173 a year more. What an April Fool's joke on the people of America.

This situation is not going to get better; it is going to get worse. What a windfall for the large banks who are now making profits of over $3 billion a year by charging people twice to get their own money.

I am not going to say more about this except to say we will be voting on this issue. Make no mistake about it, we will be voting. When that amendment comes to the floor—and I will pick what I consider to be legislation that must be acted on—there will be hoots and hollers, why on this bill? But make no mistake about it, the people are entitled to know where their representatives stand with respect to this issue.

To date we have 10 cosponsors, evenly divided between Democrats and Republicans. I know the power and the pressure of those who oppose this, but I think it is about time we began to look at the little guy, and I'm talking about the American taxpayer.

TRIBUTE TO LIEUTENANT COLONEL CHARLES WILSON, III

Mr. FORD. Mr. President, I wanted to let my Senate colleagues know of the retirement of Lieutenant Colonel Charles Wilson, III, a truly outstanding soldier in the United States Army. Colonel Wilson is most deserving of our attention. His career accomplishments reflect the type of military leader this nation was depended upon for two hundred years during peace and war.

Colonel Wilson has distinguished himself throughout his 23-year career as a soldier and officer in the United States Army. A native of Bowling Green, Kentucky, Charles began his service as a Military Police enlisted soldier in October 1969. As a young soldier, Charles's Battalion Commander recognized his special skills in leading and working with fellow soldiers. He received responsibility for key positions in his company, earning promotion quickly.

Within his first year he was already selected for leadership responsibility within his military police platoon. Colonel Wilson only served as a military policeman for two years before he was honorably discharged in September 1971, to pursue his college degree, which included studies as a Reserve Officer Training Corps cadet. During this short period of duty, Charles had earned the rank of sergeant. He graduated from the University of Tennessee-Chattanooga and the ROTC program as a distinguished military graduate, and he was commissioned a Second Lieutenant in the Infantry in May 1977. After graduation as an Infantry Lieutenant, he was assigned to Fort Leonard Wood, Missouri. Again, Charles' inherent leadership skills were soon recognized. As a junior Second Lieutenant, his Brigade Commander selected him to command Bravo Company, 5th Battalion, 3rd Basic Training Brigade.

Because of his mature and talented leadership and his competence, the Commanding General later designated Charles' company as the first at Fort Leonard Wood to integrate women trainees into the basic training program. His hard work and enthusiasm as a company commander ensured that his unit successfully accomplished the challenging task.

Subsequent assignments found Lieutenant Colonel Wilson with increasing amounts of responsibility to include duties as a Company Commander with 197th Separate Infantry Brigade, Fort Benning, Georgia; G3 for Operations and Plans, Schweinfurt Military Community, 3d Infantry Division, Germany; and Deputy Division Comptroller for the 101st Airborne Division (Air Assault), at Fort Campbell, Kentucky.

In September 1990, Charles deployed with the "Screaming Eagles" to Desert Shield and Desert Storm. He was one of only five Combat Comptrollers in the desert. His expertise in resource management and contracting was invaluable. The Division's units and soldiers had the items they needed to go to war and the items they needed to maintain quality of life at Camp Eagle, Saudi Arabia.

The Army reassigned Colonel Wilson in 1993 to the Pentagon to work in the Inspections Division of the Office of the Inspector General and later with the Army Budget Office as the "point man" for developing and validating the Army's cost of conducting contingency operations. His current and final assignment has been as the Deputy Chief of the Congressional Budget Liaison Office, Army Budget Office. Through his tireless effort and positive "can do" personality, Wilson ensured that soldiers were well represented on Capitol Hill.

Speaking for Kentucky and the nation, I wish to thank this distinguished soldier, his wife Melissa, sons Jason, Andy and daughter Kathryne, and to wish him continued success in future endeavors.

DEATH OF COLLEEN CLEARY-MYERS

Mr. SANTORUM. Mr. President, I rise today to offer tribute to the late Ms. Colleen Cleary-Myers and to offer condolences to her family on their loss.

Mrs. Cleary-Myers was a beloved wife, daughter and mother. I describe her this way not only because it is true, but because, in a very literal way, it was these ties to these people that helped to define her life. It is these ties which are her legacy.

Mrs. Cleary-Myers, only 30 years old, died of complications associated with a rare form of leukemia called chronic myleogensis. When she learned she was suffering from this illness, she was joyfully pregnant with her first child. Her husband, Michael, shared in this joy and grateful anticipation. In this way, she resembled most other young mothers. But unlike them, she was faced with a cruel choice: she could be treated immediately and risk the life of her baby or she could delay chemotherapy and a bone marrow transplant, be treated after the child's birth and be unable to have more children. When faced with this dilemma, she did a noble thing. She chose to postpone treatment and looked forward to the birth of her son, Derek Vincent.

Upon learning the news, Mrs. Cleary-Myers' family resolved to support her in any way that they could. Two of her sisters were compatible matches for the required bone marrow transplant and both were eager to assist her.

Tragically, Mrs. Cleary-Myers died on March 15th. While I join her family in mourning her untimely death, I also am uplifted by the example and the standard she sets for all of us. Her example is the example of unselfish love and the standard she sets of willing and uncomplaining sacrifice for the sake of another life is one to which we can all aspire. Because this young woman knew, in an intimate way, a simple truth: Every life is infinitely precious and valuable.

Too often, when confronted with an example of courage and sacrifice, we tell ourselves that others are capable of, and perhaps called to, such behavior, but we, most surely, are not. I believe this conclusion is a mistake. The example of Mrs. Cleary-Myers, a young woman living happily and without notoriety, reminds us that we are all capable of such gallantry and, in different ways, are called to it. Her son, Derek Vincent, provides us with eloquent testimony that such gallantry can sometimes mean nothing less than the protection of life itself. May God bless her, her husband and little Derek Vincent.

FOOD STAMPS TO LEGAL IMMIGRANTS

Mr. KENNEDY. Mr. President, the 1996 welfare law unfairly reduced SSI, Medicaid and food stamp benefits for legal immigrants. Food stamps alone were cut by $25 billion. No other program has been cut as deeply.

Last year, recognizing that these cuts were too extreme, Congress restored SSI and Medicaid to many elderly and disabled immigrants. It's time to finish the job and ensure that those whose Medicaid and SSI were restored, do not go hungry. And we should do the same for children of legal immigrants.

Last week, the conferees on the Agricultural Research bill made a down payment toward restoring food stamps for the needy legal immigrants. The conference report on the bill includes $818 million for this program. It is far less than the $2 billion proposed in the President's budget, and it covers a much smaller group of immigrants.

The conferees' proposal is a bipartisan effort. Both Republicans and Democrats urged them to take this step as soon as possible.

Yet, the Republican leadership in the Senate is ignoring the urgent need. The Republican budget does not include a single penny to restore food stamps to immigrant children, refugees, Hmong veterans, or elderly and disabled legal immigrants, and the Republican leadership has declined to allow the Senate to pass on the Agricultural Research bill.

According to Department of Agriculture estimates, at least 935,000 low-income legal immigrants lost their federal food stamps in 1997 as a result of the 1996 welfare law. Nearly two-thirds are immigrant families with children.

Many legal immigrants live in poverty and have great difficulty feeding their families. In fact, according to the Department of Agriculture, the average legal immigrant denied food stamps has an income equal to just 62 percent of the poverty line, or about $8,000 for a family of three.

In addition, thousands of refugees who have applied for citizenship could lose food stamps as they wait in the naturalization backlog for their applications to be processed if the 5 year limit on food stamps for this group is not extended to 7 years.

The effects of these food stamps terminations is not limited to legal immigrants. Their children born here are American citizens but they too are facing sharp reductions in their food stamps. Their children remain eligible for food stamps themselves, but the removal of their parents from the program has meant that the food stamp benefits for their families have been cut by 50 to 70 percent in many cases. 600,000 poor children who are American citizens live in families where food stamp benefits have been reduced for this reason, resulting in less food for all family members, including the children.

The food stamp cut-off has hurt immigrant families, and it has also hurt state and local governments, who must fill the gap. As a result, governors and state legislatures have joined Congress to restore these food stamp benefits. As Governor Bush of Texas said, "Food stamps are a federal program and the federal responsibility, but the federal government is shirking its responsibility. The rules have changed unfairly and retroactively for those least able to help themselves."

It is time for the Senate to act on the bill. It is unconscionable that these benefits can continue to be denied.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H.Con.Res. 257. Concurrent resolution providing for an Adjournment of both Houses.

ENROLLED BILL SIGNED

At 10:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private minerals interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1889. A bill to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States, and local communities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4498. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the consolidated financial statements of the U.S. government for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4499. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on government-wide spending to combat terrorism; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–375. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 330

Whereas, Since 1989 the Pennsylvania National Guard Counterdrug Program has supported 2,965 counterdrug missions at Federal, State and local law enforcement levels in this Commonwealth; and

Whereas, Pennsylvania National Guard counterdrug efforts have supported drug law enforcement missions that have taken 10,221 pounds of cocaine, 402 pounds of heroin and 21,689 pounds of marijuana off Pennsylvania streets; and

Whereas, Since 1994 Pennsylvania National Guard counterdrug personnel have cleaned and sealed or razed over 2,270 units of houses in seven different municipalities within this Commonwealth; and

Whereas, The Pennsylvania National Guard Counterdrug Program has provided construction support in the rehabilitation of three victims' centers in Philadelphia and five pocket parks in Chester; and

Whereas, Since 1993 the Pennsylvania National Guard Counterdrug Program has assisted in drug seizures of over $1,600,000,000 in Pennsylvania; and

Whereas, The President of the United States and Congress have proposed a reduction in the amount of the Federal appropriation to the Pennsylvania National Guard Counterdrug Program; and

Whereas, The antidrug efforts being performed by the Pennsylvania National Guard have been very valuable to the citizens of this Commonwealth; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress to maintain and increase funding for the Pennsylvania National Guard Counterdrug Program.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development for the remainder of the term expiring May 19, 2000.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

Paul J. Hoeper, of California, to be an Assistant Secretary of the Army.

Sue Bailey, of Maryland, to be an Assistant Secretary of Defense.

David R. Oliver, of Idaho, to be Deputy Under Secretary of Defense for Acquisition and Technology.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, for the term of five years.

Melvin R. Wright, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Rebecca T. Bingham, of Kentucky, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2001.

Scott Snyder Fleming, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Martha B. Gould, of Nevada, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2002. (Reappointment)

Cherryl T. Thomas, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 1894. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1895. A bill for the relief of Augusto Segovia and Maria Segovia, husband and wife, and their children; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. 1896. A bill to transfer administrative jurisdiction over Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERREY):

S. 1897. A bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1898. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1899. A bill entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998"; to the Committee on Indian Affairs.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, and Mr. DEWINE):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. ASHCROFT, Mr. REID, and Mr. WYDEN):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. THURMOND, Mr. HELMS, Mr. HAGEL, and Mr. SMITH of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition of Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mrs. FEINSTEIN, Mr. BIDEN, Mr. LOTT, Mr. THURMOND, Mr. TORRICELLI, Mr. BREAUX, Mr. GRASSLEY, Mr. DEWINE, Mr. FORD, Mr. REID, Mr. GRAMM, Mr. MACK, Ms. LANDRIEU, Mr. CLELAND, Mr. COVERDELL, Mr. CRAIG, Mr. INOUYE, Mr. BRYAN, Ms. SNOWE, Mr. THOMAS, Mr. WARNER, Mr. LIEBERMAN, Mr. ALLARD, Mrs. HUTCHISON, Mr. D'AMATO, Mr. SHELBY, Mr. CAMPBELL, Mr. COATS, Mr. FAIRCLOTH, Mr. FRIST, Mr. SMITH of New Hampshire, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. SMITH of Oregon, Mr. HUTCHINSON, Mr. INHOFE, Mr. MURKOWSKI, Mr. BOND, and Mr. GRAMS):

S.J. Res. 44. A Joint Resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 1894. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement; to the Committee on Commerce, Science, and Transportation.

ALCOHOLIC BEVERAGE LABELING ACT AMENDMENTS

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a bill to amend the Alcoholic Beverage Labeling Act of 1988. Current law requires all containers of alcoholic beverages to display the following warning on the label:

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

For nine years this warning has made consumers aware of some of the potential dangers associated with the consumption of alcohol. While I am confident that this warning appropriately illustrates the hazards of drinking during pregnancy and drinking and driving, I am concerned that it does not adequately describe the negative health effects associated with drinking alcohol. There is no shortage of well-substantiated information about the detrimental health effects of drinking. Excessive consumption of alcohol can raise the risk of stroke, heart disease, high blood pressure, certain cancers, malnutrition, cirrhosis of the liver, inflammation of the pancreas, and damage to the brain and heart. Obviously, there are so many adverse consequences of excessive alcohol consumption that it would be impossible to include them all on the face of a label. The bill I am introducing today, however, will warn consumers of the dangers associated with moderate consumption of alcohol. I am concerned that citizens may not realize that even moderate consumption of alcohol can put their health at risk. A recent study conducted by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) indicates that there is an increased risk of breast cancer associated with moderate drinking. Specifically, there is a 40 percent increase in the risk of breast cancer associated with an average intake of one drink per day, and a doubling of the risk of breast cancer with an average consumption of three drinks per day. The NIAAA study also revealed that a moderate alcohol intake of about two drinks per day can lead to an increase in blood pressure.

Mr. President, the use of alcoholic beverages, even in moderate amounts, can have very serious health consequences that might ultimately be fatal. The government has a legitimate and important role to play in helping to assure that Americans understand

these dangers. The legislation I am introducing today will supplement the current warning on labels to inform consumers of the dangers of moderate alcohol consumption. Further, this legislation will require that the warning label indicate that consumption of alcohol may lead to alcoholism. Alcohol has an addictive effect much like illegal drugs, and it is important that consumers are aware of this fact.

I urge my colleagues to join me in cosponsoring this critical legislation and look forward to its speedy passage.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LABELING REQUIREMENT.

Section 204(a) of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215(a)) is amended by striking "may cause health problems" and inserting "may lead to alcoholism. (3) Moderate consumption of alcoholic beverages may cause health problems such as hypertension and breast cancer".

By Mr. MCCONNELL:

S. 1896. A bill to transfer administrative jurisdiction over Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Environment and Public Works.

THE LAND BETWEEN THE LAKES PROTECTION ACT OF 1998

Mr. MCCONNELL. Mr. President I have come to the floor today to introduce a bill known as the Land Between the Lakes Protection Act. Land Between the Lakes is a national treasure that must be protected. It is visited by more than 2 million tourists a year who enjoy its natural beauty, whether by camping, fishing, hunting, or just taking a long hike with the family.

That's why, after studying this issue for over a year, we have drafted a bill to ensure that the LBL, which so many Kentuckians enjoy today, will be there for them—unchanged—tomorrow.

As a member of the Senate Appropriations Committee, my top priority has been to provide LBL the money it needs to operate—including $6.9 million last year. I remain committed to providing that funding to ensure that LBL remains a national treasure just like Mammoth Cave or Daniel Boone National Forest.

But because of TVA Chairman Craven Crowell's harmful and ill-considered request last year to zero-out LBL's funding, it may be that Congress will deny funding to TVA's non-power budget this year. Because of this reality, LBL needs a safety net. That's what this bill is—a safety net.

If Congress decides to fund TVA then TVA will remain LBL's steward. If TVA is denied funding, my bill will safely and seamlessly transition LBL to a less controversial steward without interrupting the myriad of recreational activities that millions of visitors have come to enjoy every year.

There may be some who want to gamble everything on TVA receiving its appropriation. But I believe LBL is far too precious for such an all or nothing gambit. That's why our bill provides for both contingencies.

Mr. President, let me take a moment to explain some of the provisions I have included in this legislation based on the input I have received from area residents, and those who enjoy LBL. The goal of this bill is to ensure that the day to day operations of LBL remain the same for its visitors. Therefore, this bill codifies LBL's 1972 mission statement and ensures that the Forest Service continues to manage LBL for multiple use with a focus on recreation, conservation and environmental education.

This legislation also gives the U.S. Fish and Wildlife Service the authority to assist the Forest Service in managing the wildlife populations and educating visitors on the unique species at LBL, with an emphasis on endangered species, like the American bald eagle. LBL is home to over 100 eagles.

One of the most important aspects of this bill is the creation of a 17-member citizen advisory board that will assist the Forest Service in establishing a management plan at LBL. I believe this will ensure that LBL managers are more responsive to the local concerns about development at LBL. This will ensure that proposals like the "Five Concepts" proposed by TVA in 1995 will never be considered again.

We have given the authority to Federal, State and local officials to appoint the members to the board. While the board will represent a variety of interests, I am confident that each will have the best intentions for LBL foremost in mind.

The Secretary will appoint 4 individuals, two from each state. The Governors from Kentucky and Tennessee will each nominate two individuals from their state. The Kentucky and Tennessee Fish and Wildlife Commissioners will each nominate 1 person. The Land Between the Lakes Association, which is a non-profit organization that operates the gift shops, planetarium and welcome stations at LBL, will nominate one individual. The County Judge Executives from each of the three counties, which make up LBL will each nominate two individuals.

This bill also protects existing TVA payments to counties, and increases federal payments in lieu of taxes. This will ensure that county schools and county services are not negatively impacted.

This bill creates a $5 million trust fund to be used for internships, education grants, and regional economic and tourism promotion.

Finally, the bill also seeks to minimize any disruption to the employees working at LBL. We have sought to ensure that all eligible benefits provided to an employee will not be diminished or lost as a result of transferring this facility. This bill also provides a generous severance package based on a previous downsizing package offered by TVA.

Mr. President, we are rapidly nearing the end of the fiscal year and we need to ensure that this safety net is available if TVA doesn't receive sufficient funding. I look forward to working with my colleagues in the House and Senate, Republican and Democrat alike, putting aside politics and doing right by all those who treasure LBL.

Finally, I want to thank the hundreds of Kentuckians who have worked so closely with us in drafting this bill. I believe the plan we have arrived at together will help secure LBL's future for a long, long time.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 1896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be referred to as "The Land Between the Lakes Protection Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Purposes.

TITLE I—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

Sec. 101. Establishment.
Sec. 102. Civil and criminal jurisdiction.
Sec. 103. Payments to States and counties.
Sec. 104. Forest highways.

TITLE II—MANAGEMENT PROVISIONS

Sec. 201. Land and resource management plan.
Sec. 202. Advisory Board.
Sec. 203. Fees.
Sec. 204. Disposition of receipts.
Sec. 205. Special use authorizations.
Sec. 206. Cooperative authorities and gifts.
Sec. 207. Designation of national recreation trail.
Sec. 208. Cemeteries.
Sec. 209. Resource management.
Sec. 210. Dams and impoundments.
Sec. 211. Trust Fund.
Sec. 212. Electricity.

TITLE III—TRANSFER PROVISIONS

Sec. 301. Effective date of transfer.
Sec. 302. Statement of policy.
Sec. 303. Memorandum of agreement.
Sec. 304. Records.
Sec. 305. Transfer of personal property.
Sec. 306. Compliance with environmental laws.
Sec. 307. Personnel.

TITLE IV—FUNDING

Sec. 401. Tennessee Valley Authority transitional funding.

Sec. 402. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVISORY BOARD.—The term "Advisory Board" means the Land Between the Lakes Advisory Board established under section 202.

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Board of Directors of the Tennessee Valley Authority.

(4) ELIGIBLE EMPLOYEE.—The term "eligible employee" means a person that was, on the date of enactment of this Act, a full-time employee of the Tennessee Valley Authority at the Recreation Area.

(5) ENVIRONMENTAL LAW.—

(A) IN GENERAL.—The term "environmental law" means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural and cultural resources, or the environment.

(B) INCLUSIONS.—The term "environmental law" includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(6) FOREST HIGHWAY.—The term "forest highway" has the meaning given the term in section 101(a) of title 23, United States Code.

(7) GOVERNMENTAL UNIT.—The term "governmental unit" means an agency of the Federal Government or a State or local government, local governmental unit, public or municipal corporation, or unit of a State university system.

(8) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(9) PERSON.—The term "person" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(10) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) RECREATION AREA.—The term "Recreation Area" means the Land Between the Lakes National Recreation Area.

(12) RELEASE.—The term "release" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(13) RESPONSE ACTION.—The term "response action" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means the State of Kentucky and the State of Tennessee.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to transfer without consideration administrative jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary so that the Recreation Area may be managed as a unit of the National Forest System;

(2) to protect and manage the resources of the Recreation Area for optimum yield of outdoor recreation and environmental education through multiple use management by the Forest Service;

(3) to authorize, research, test, and demonstrate innovative programs and cost-effective management of the Recreation Area;

(4) to authorize the Secretary to cooperate between and among the States, Federal agencies, private organizations, and corporations, and individuals, as appropriate, in the management of the Recreation Area and to help stimulate the development of the surrounding region and extend the beneficial results as widely as practicable; and

(5) to provide for the smooth and equitable transfer of jurisdiction from the Tennessee Valley Authority to the Secretary.

TITLE I—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—On the transfer of administrative jurisdiction under section 301, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) EMPHASES.—The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) STATUS OF UNIT.—The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

(c) AREA INCLUDED.—

(1) IN GENERAL.—The Recreation Area shall comprise the federally owned land, water, and interests in the land and water lying between Kentucky Lake and Lake Barkley in the States of Kentucky and Tennessee, as generally depicted on the map entitled "Land Between the Lakes National Recreation Area—January, 1998".

(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Office of the Chief of the Forest Service, Washington, D.C.

(d) WATERS.—

(1) WATER LEVELS AND NAVIGATION.—Nothing in this Act affects the jurisdiction of the Tennessee Valley Authority or the Army Corps of Engineers to manage and regulate water levels and navigation of Kentucky Lake and Lake Barkley and areas subject to flood easements.

(2) OCCUPANCY AND USE.—Subject to the jurisdiction of the Tennessee Valley Authority and the Army Corps of Engineers, the Secretary shall have jurisdiction to regulate the occupancy and use of the surface waters of the lakes for recreational purposes.

SEC. 102. CIVIL AND CRIMINAL JURISDICTION.

(a) ADMINISTRATION.—The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation Area in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System.

(b) STATUS.—Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 515 et seq.).

SEC. 103. PAYMENTS TO STATES AND COUNTIES.

(a) PAYMENTS IN LIEU OF TAXES.—Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31, United States Code.

(b) DISTRIBUTION.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under the Act of May 23, 1908 (16 U.S.C. 500).

(c) PAYMENTS BY THE TENNESSEE VALLEY AUTHORITY.—After the transfer of administrative jurisdiction is made under section 301—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 13 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831*l*); and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.

SEC. 104. FOREST HIGHWAYS.

(a) IN GENERAL.—For purposes of section 204 of title 23, United States Code, the road known as "The Trace" and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) STATE RESPONSIBILITY.—

(1) IN GENERAL.—The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) REIMBURSEMENT.—To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

TITLE II—MANAGEMENT PROVISIONS

SEC. 201. LAND AND RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—As soon as practicable after the effective date of the transfer of jurisdiction under section 301, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) INTERIM PROVISION.—Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority management plan to provide interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

SEC. 202. ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish the Land Between the Lakes Advisory Board.

(b) MEMBERSHIP.—The Advisory Board shall be composed of 17 members appointed as follows:

(1) 4 individuals appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee.

(2) 2 individuals, including—

(A) 1 individual appointed by the Kentucky Fish and Wildlife Commissioner or designee; and

(B) 1 individual appointed by the Tennessee Fish and Wildlife Commission or designee.

(3) 1 individual appointed by the Land Between the Lakes Association.

(4) 4 individuals, including—

(A) 2 individuals appointed by the Governor of the State of Tennessee; and

(B) 2 individuals appointed by the Governor of the State of Kentucky.

(5) 6 individuals, including 2 individuals appointed by each of the counties containing the Recreation Area.

(c) TERM.—

(1) IN GENERAL.—The term of a member of the Advisory Board shall be 5 years.

(2) SUCCESSION.—Members of the Advisory Board may not succeed themselves.

(d) CHAIRPERSON.—The Regional Forester shall serve as chairperson of the Advisory Board.

(e) RULES OF PROCEDURE.—The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) FUNCTIONS.—The Advisory Board may advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area; and

(2) environmental education.

(g) MEETINGS.—

(1) FREQUENCY.—The Advisory Board shall meet at least biannually.

(2) PUBLIC MEETING.—A meeting of the Advisory Board shall be open to the general public.

(3) NOTICE OF MEETINGS.—The chairperson, through the placement of notices in local news media and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(h) TERMINATION.—The Secretary may terminate the Advisory Board on or after the date as of which the Secretary determines that implementation of the initial land and resource management plan for the Recreation Area under section 201 has begun.

SEC. 203. FEES.

(a) AUTHORITY.—The Secretary may charge reasonable fees for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) FACTORS.—In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) LIMITATION.—No general entrance fees shall be charged within the Recreation Area.

SEC. 204. DISPOSITION OF RECEIPTS.

(a) IN GENERAL.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the "Land Between the Lakes Management Fund".

(b) USE.—Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

SEC. 205. SPECIAL USE AUTHORIZATIONS.

(a) IN GENERAL.—In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

(1) convey for no consideration perpetual easements to governmental units for public roads over U.S. Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;

(2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and

(3) lease or authorize developed recreational sites or other facilities, consistent with sections 3(2) and 101(b)(2), to for-profit and not-for-profit corporations and organizations for renewable periods not to exceed 30 years.

(b) CONSIDERATION.—

(1) IN GENERAL.—Consideration for a lease or other special use authorization within the Recreation Area shall be based on fair market value.

(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) PROCEDURE.—The Secretary may use any fair and equitable method for authorizing special uses within the Recreation Area, including public solicitation of proposals.

(d) EXISTING AUTHORIZATIONS.—

(1) IN GENERAL.—A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of enactment of this Act may continue on transfer of administration of the Recreation Area to the Secretary.

(2) REISSUANCE.—A permit or authorization described in paragraph (1) may be reissued on termination under terms and conditions prescribed by the Secretary.

(3) EXERCISE OF RIGHTS.—The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

SEC. 206. COOPERATIVE AUTHORITIES AND GIFTS.

(a) FISH AND WILDLIFE SERVICE.—

(1) MANAGEMENT.—

(A) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) FEES.—

(i) IN GENERAL.—Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) DEPOSIT.—The fees shall be deposited in accordance with section 204.

(2) COOPERATION.—The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) SUBORDINATION OF FISH AND WILDLIFE ACTIVITIES TO OVERALL MANAGEMENT.—The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) AUTHORITIES.—For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under Public Law 95–442 (7 U.S.C. 2269) notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

SEC. 207. DESIGNATION OF NATIONAL RECREATION TRAIL.

Effective on the date of enactment of this Act, the North-South Trail is designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 208. CEMETERIES.

The Secretary shall conduct an inventory of and ensure access to all cemeteries within the Recreation Area for purposes of visitation and maintenance.

SEC. 209. RESOURCE MANAGEMENT.

(a) MINERALS.—

(1) WITHDRAWAL.—The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) USE OF MINERAL MATERIALS.—The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) HUNTING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) PROHIBITION.—

(A) IN GENERAL.—The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

(B) CONSULTATION.—Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

SEC. 210. DAMS AND IMPOUNDMENTS.

(a) IN GENERAL.—The Tennessee Valley Authority and the Army Corps of Engineers, as appropriate, shall be responsible for the maintenance of all dams, dikes, causeways, impoundments, subimpoundments, and other water resources facilities, including appurtenant roads and boat ramps, existing within the Recreation Area on the date of enactment of this Act.

(b) REMOVAL.—A facility described in subsection (a) may be removed and the associated land and water area restored to a natural condition only with the approval of the Secretary.

SEC. 211. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a special interest-bearing fund known as the "Land Between the Lakes Trust Fund".

(b) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary, until expended, for—

(1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and

(2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

(c) DEPOSITS.—From revenues available to the Tennessee Valley Authority from any source, the Tennessee Valley Authority shall deposit into the Fund $1,000,000 annually for each of 5 fiscal years that begin after the date of enactment of this Act.

SEC. 212. ELECTRICITY.

The Tennessee Valley Authority shall compensate distributors in providing the Secretary, at no charge, continued electrical service, including maintenance of all lines, poles, and other facilities necessary for the distribution and use of electric power.

TITLE III—TRANSFER PROVISIONS

SEC. 301. EFFECTIVE DATE OF TRANSFER.

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least $6,000,000 for the Recreation Area, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

SEC. 302. STATEMENT OF POLICY.

It is the policy of the United States that, to the maximum extent practicable—

(1) the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary should be effected in an efficient and cost-effective manner; and

(2) due consideration should be given to minimizing—

(A) disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees; and

(B) adverse impacts on permittees, contractees, and others owning or operating businesses affected by the transfer.

SEC. 303. MEMORANDUM OF AGREEMENT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of agreement concerning implementation of this Act.

(b) PROVISIONS.—The memorandum of understanding shall provide procedures for—

(1) the orderly withdrawal of officers and employees of the Tennessee Valley Authority;

(2) the transfer of property, fixtures, and facilities;

(3) the interagency transfer of officers and employees;

(4) the transfer of records; and

(5) other transfer issues.

(c) TRANSITION TEAM.—

(1) IN GENERAL.—The memorandum of understanding may provide for a transition team consisting of the Tennessee Valley Authority and Forest Service employees.

(2) DURATION.—The team may continue in existence after the date of transfer.

(3) PERSONNEL COSTS.—The Tennessee Valley Authority and the Forest Service shall pay personnel costs of their respective team members.

SEC. 304. RECORDS.

(a) RECREATION AREA RECORDS.—The Secretary shall have access to all records of the Tennessee Valley Authority pertaining to the management of the Recreation Area.

(b) PERSONNEL RECORDS.—The Tennessee Valley Authority personnel records shall be made available to the Secretary, on request, to the extent the records are relevant to Forest Service administration.

(c) CONFIDENTIALITY.—The Tennessee Valley Authority may prescribe terms and conditions on the availability of records to protect the confidentiality of private or proprietary information.

(d) LAND TITLE RECORDS.—The Tennessee Valley Authority shall provide to the Secretary original records pertaining to land titles, surveys, and other records pertaining to transferred personal property and facilities.

SEC. 305. TRANSFER OF PERSONAL PROPERTY.

(a) SUBJECT PROPERTY.—

(1) INVENTORY.—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary with an inventory of all property and facilities at the Recreation Area.

(2) AVAILABILITY FOR TRANSFER.—

(A) IN GENERAL.—All Tennessee Valley Authority property associated with the administration of the Recreation Area as of January 1, 1998, including any property purchased with Federal funds appropriated for the management of the Tennessee Valley Authority land, shall be available for transfer to the Secretary.

(B) PROPERTY INCLUDED.—Property under subparagraph (A) includes buildings, office furniture and supplies, computers, office equipment, buildings, vehicles, tools, equipment, maintenance supplies, boats, engines, and publications.

(3) EXCLUSION OF PROPERTY.—At the request of the authorized representative of the Tennessee Valley Authority, the Secretary may exclude movable property from transfer based on a showing by the Tennessee Valley Authority that the property is vital to the mission of the Tennessee Valley Authority and cannot be replaced in a cost-effective manner, if the Secretary determines that the property is not needed for management of the Recreation Area.

(b) DESIGNATION.—Pursuant to such procedures as may be prescribed in the memorandum of agreement entered into under section 303, the Secretary shall identify and designate, in writing, all Tennessee Valley Authority property to be transferred to the Secretary.

(c) FACILITATION OF TRANSFER.—The Tennessee Valley Authority shall, to the maximum extent practicable, use existing appropriated and unappropriated funds and current personnel to facilitate the transfer of necessary property and facilities to the Secretary, including replacement of signs and insignia, repainting of vehicles, printing of public information, and training of new personnel.

(d) SURPLUS PROPERTY.—

(1) DISPOSITION.—Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

(A) sold by the Secretary on such terms and conditions as the Secretary may prescribe to achieve the maximum benefit to the Federal Government; or

(B) disposed of under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) DEPOSIT OF PROCEEDS.—All net proceeds from the disposal of any property shall be deposited into the Fund established by section 211.

SEC. 306. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) DOCUMENTATION OF EXISTING CONDITIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Chairman and the Administrator shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the Recreation Area property.

(2) ADDITIONAL DOCUMENTATION.—The Chairman and the Administrator shall provide the Secretary with any additional documentation and information regarding the environmental condition of the Recreation Area property as such documentation and information becomes available.

(b) ACTION REQUIRED.—

(1) ASSESSMENT.—Not later than 120 days from the date of enactment of this Act, the Chairman shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on Recreation Area property.

(2) MEMORANDUM OF UNDERSTANDING.—If the assessment concludes action is required under any environmental law with respect to any portion of the Recreation Area property, the Secretary and the Chairman shall enter into a memorandum of understanding that—

(A) provides for the performance by the Chairman of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(c) DOCUMENTATION DEMONSTRATING ACTION.—On the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary, the Chairman shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on Recreation Area property.

(d) CONTINUATION OF RESPONSIBILITIES AND LIABILITIES.—

(1) IN GENERAL.—The transfer of the Recreation Area property under this Act, and the requirements of this section, shall not in any way affect the responsibilities and liabilities of the Tennessee Valley Authority at the Recreation Area under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other environmental law.

(2) ACCESS.—After transfer of the Recreation Area property, the Chairman shall be accorded any access to the property that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) NO LIABILITY.—The Secretary shall not be liable under any environmental law for matters that are related directly or indirectly to present or past activities of the Tennessee Valley Authority on the Recreation Area property, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and

Liability Act of 1980 (42 U.S.C. 9601 et seq.) at or related to the Recreation Area; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Recreation Area or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Recreation Area, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this Act affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Recreation Area resulting in the release or threatened release of a hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or their derivatives.

SEC. 307. PERSONNEL.

(a) IN GENERAL.—

(1) HIRING.—Notwithstanding section 3503 of title 5, United States Code, and subject to paragraph (2), the Secretary may—

(A) appoint, hire, and discharge officers and employees to administer the Recreation Area; and

(B) pay the officers and employees at levels that are commensurate with levels at other units of the National Forest System.

(2) INTERIM RETENTION OF ELIGIBLE EMPLOYEES.—

(A) IN GENERAL.—For a period of not less than 5 months after the effective date of transfer to the Forest Service—

(i) all eligible employees shall be retained in the employment of the Tennessee Valley Authority;

(ii) those eligible employees shall be considered to be placed on detail to the Secretary and shall be subject to the direction of the Secretary; and

(iii) the Secretary shall reimburse the Tennessee Valley Authority for the amount of the basic pay of those eligible employees, and the Tennessee Valley Authority shall remain responsible for all other compensation of those employees.

(B) NOTICE TO EMPLOYEES.—The Secretary shall provide eligible employees a written notice of not less than 30 days before termination.

(C) TERMINATION FOR CAUSE.—Subparagraph (A) does not preclude a termination for cause during the 5-month period.

(b) APPLICATIONS FOR TRANSFER AND APPOINTMENT.—An eligible employee shall have the right to apply for employment by the Secretary under procedures for transfer and appointment of Federal employees outside the Department of Agriculture.

(c) HIRING BY THE SECRETARY.—

(1) IN GENERAL.—Subject to subsection (b), in filling personnel positions within the Recreation Area, the Secretary shall follow all laws (including regulations) and policies applicable to the Department of Agriculture.

(2) NOTIFICATION AND HIRING.—Notwithstanding paragraph (1), the Secretary—

(A) shall notify all eligible employees of all openings for positions with the Forest Service at the Recreation Area before notifying other individuals or considering applications by other individuals for the positions; and

(B) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(3) NONCOMPETITIVE APPOINTMENTS.—Notwithstanding any other placement of career transition programs authorized by the Office of Personnel Management of the United States Department of Agriculture, the Secretary may noncompetitively appoint eligible employees to positions in the Recreation Area.

(4) PERIOD OF SERVICE.—Except to the extent that an eligible employee that is appointed by the Secretary may be otherwise compensated for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for the purposes of probation, career tenure, time-in-grade, and leave.

(d) TRANSFER TO POSITIONS IN OTHER UNITS OF THE TENNESSEE VALLEY AUTHORITY.—The Tennessee Valley Authority—

(1) shall notify all eligible employees of all openings for positions in other units of the Tennessee Valley Authority before notifying other individuals or considering applications by other individuals for the positions; and

(2) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(e) EMPLOYEE BENEFIT TRANSITION.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall enter into a memorandum of understanding providing for the transition for all eligible employees of compensation made available through the Tennessee Valley Authority Retirement System.

(B) EMPLOYEE PARTICIPATION.—In deciding on the terms of the memorandum of understanding, the Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall meet and consult with and give full consideration to the views of employees and representatives of the employees of the Tennessee Valley Authority.

(2) ELIGIBLE EMPLOYEES THAT ARE TRANSFERRED TO OTHER UNITS OF TVA.—An eligible employee that is transferred to another unit of the Tennessee Valley Authority shall experience no interruption in coverage for or reduction of any retirement, health, leave, or other employee benefit.

(3) ELIGIBLE EMPLOYEES THAT ARE HIRED BY THE SECRETARY.—

(A) LEVEL OF BENEFITS.—The Secretary shall provide to an eligible employee that is hired by the Forest Service a level of retirement and health benefits that is equivalent to the level to which the eligible employee would have been entitled if the eligible employee had remained an employee of the Tennessee Valley Authority.

(B) TRANSFER OF RETIREMENT BENEFITS.—

(i) IN GENERAL.—All retirement benefits accrued by an eligible employee that is hired by the Forest Service shall be transferred into the Federal Retirement System of the Forest Service.

(ii) FUNDING SHORTFALL.—

(I) IN GENERAL.—For all eligible employees that are not part of the Civil Service Retirement System, the Tennessee Valley Authority shall meet any funding shortfall resulting from the transfer of retirement benefits.

(II) NOTIFICATION.—The Secretary shall notify the Tennessee Valley Authority Board of the cost associated with the transfer of retirement benefits.

(III) PAYMENT.—Not later than 60 days after notification under subclause (II), the Tennessee Valley Authority, using nonappropriated funds, shall fully compensate the Secretary for the costs associated with the transfer of retirement benefits.

(IV) NO INTERRUPTION.—An eligible employee that is hired by the Forest Service and is eligible for Civil Service Retirement shall not experience any interruption in retirement benefits.

(B) NO INTERRUPTION.—An eligible employee that is hired by the Secretary—

(i) shall experience no interruption in coverage for any health, leave, or other employee benefit; and

(ii) shall be entitled to carry over any leave time accumulated during employment by the Tennessee Valley Authority.

(C) PERIOD OF SERVICE.—Notwithstanding section 8411(b)(3) of title 5, United States Code, except to the extent that an eligible employee may be otherwise compensated (including the provision of retirement benefits in accordance with the memorandum of understanding) for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for all purposes relating to the Federal employment of the eligible employee.

(4) ELIGIBLE EMPLOYEES THAT ARE DISCHARGED NOT FOR CAUSE.—

(A) LEVEL OF BENEFITS.—The parties to the memorandum of understanding shall have authority to deem any applicable requirement to be met, to make payments to an employee, or take any other action necessary to provide to an eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause and that does not accept an offer of employment from the Secretary, an optimum level of retirement and health benefits that is equivalent to the level that has been afforded employees discharged in previous reductions in force by the Tennessee Valley Authority.

(B) MINIMUM BENEFITS.—An eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause shall, at a minimum, be entitled to—

(i) at the option of the eligible employee—

(I) a lump-sum equal to $1,000, multiplied by the number of years of service of the eligible employee (but not less than $15,000 nor more than $25,000);

(II) a lump-sum payment equal to the amount of pay earned by the eligible employee for the last 26 weeks of the eligible employee's service; or

(III) the deemed addition of 5 years to the age and years of service of an eligible employee;

(ii) 15 months of health benefits for employees and dependents at the same level provided as of September 30, 1998;

(iii) 1 week of pay per year of service as provided by the Tennessee Valley Authority Retirement System;

(iv) a lump-sum payment of all accumulated annual leave;

(v) unemployment compensation in accordance with State law;

(vi) eligible pension benefits as provided by the Tennessee Valley Authority Retirement System; and

(vii) retraining assistance provided by the Tennessee Valley Authority.

(C) SHORTFALL.—If the board of directors of the Tennessee Valley Authority Retirement System determines that the cost of providing the benefits described in subparagraph (B) would have a negative impact on the overall retirement system, the Tennessee Valley Authority shall be required to meet any funding shortfalls using nonappropriated funds.

TITLE IV—FUNDING

SEC. 401. TENNESSEE VALLEY AUTHORITY TRANSITIONAL FUNDING.

(a) AVAILABILITY TO THE SECRETARY.—

(1) IN GENERAL.—After the effective date of transfer of jurisdiction of the Recreation Area from the Tennessee Valley Authority to the Secretary, all of the funds authorized to be appropriated to the Tennessee Valley Authority for the administration of the Recreation Area shall be available to the Secretary to carry out this Act.

(2) INTERAGENCY AGREEMENT.—Funds made available to the Tennessee Valley Authority for the transition shall be made available to the Secretary pursuant to an interagency agreement.

(b) AVAILABILITY TO THE UNITED STATES FISH AND WILDLIFE SERVICE.—Funds appropriated to the Secretary of the Interior for purposes of the United States Fish and Wildlife Service shall be available to administer any portions of the Recreation Area that are authorized for administration by the Service under section 206(a).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) AGRICULTURE.—There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to—

(1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this Act; and

(2) administer the Recreation Area area as a unit of the National Forest System.

(b) INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERREY):

S. 1897. A bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PROTECTION ACT

Mr. ROCKEFELLER. Mr. President, it took Congress a decade to forge consensus necessary to pass the 1996 Telecommunication Act. This bold law was designed to promote competition in the dynamic telecommunications industry, but such competition is to be balanced by maintaining the commitment to universal service, a fundamental principle which has ensured affordable access to communications for every American, especially those in rural areas.

I voted for this historic legislation because in my view it struck the right balance.

I support competition, but I will insist on universal service.

And I will insist on time to fully implement the Act. This bold law seeks to move the $200 billion telecommunications industry to a more competitive market, but it will not happen overnight. President Clinton signed this major legislation into law in February 1998, just two years ago. This started the telecommunications industry on the path toward competition, but there have been some road blocks along the way with implementation snags, mergers instead of competition, and excessive litigation.

The current result, unfortunately, is confusion.

I do not want to reopen the Telecommunications Act, but I do want to relieve the confusion among consumers who seem to be bearing the brunt of this transition. Today, I am introducing bipartisan legislation called the Consumer Protection Act to ensure "truth in billing." I believe that consumers deserve to have the truth, the whole truth about changes in billings.

As the telecommunications industry moves from a regulated, monopolistic model into a more competitive model, we need to ensure that consumers get the information they need to make wise decisions in selecting their telecommunications carriers. In a regulated market, the regulations are intended to protect consumers' interests. Under a more competitive model, we need to ensure that accurate information is provided to consumers so they can protect themselves and use their ability to choose in the market place.

This legislation is very simple. It directs the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) to investigate billing practices, and report on the findings to Congress. If this investigation exposes misleading practices, we need to have disciplinary action to protect consumers.

If telecommunications companies choose to use line-items on phones bills, those companies must accurately report all regulatory actions, including how federal actions reduce costs, such as the $1.5 billion in access reductions provided in July 1997.

This legislation ensures that telecommunications companies cannot selectively disclose only those pieces of information that are in the companies' interest. When federal actions bring rates down, consumers have the right to know. As the industry makes the transition to a more competitive market, consumers deserve a full accounting so they can make informed decisions when they choose their telecommunications provider.

The Consumer Protection Act will ensure that consumers will see on their own bill how companies allocate savings resulting from deregulation of the industry, as companies are required to disclose how savings are passed along to residential rates, small business rates and other customer payment plans. This is not re-regulation. Nothing in this dictates how much companies can charge for their services. And nothing prevents companies from putting line items on bills. Those choices are still entirely at the companies' discretion. This legislation simply requires them to tell the whole truth if they choose to put a line item on customers bills.

The legislation has a third provision that requires companies using a line-item on customer bills to file with the FCC all the revenue and company reports they now file with the Securities and Exchange Commission (SEC).

The idea behind this requirement is simple. Since we require companies to report their revenues to the SEC in order to protect stockholders, shouldn't we provide the same information to the FCC in order to protect consumers?

During this period of transition from a monopoly-based system to a market-based system, there will be some ups and downs. But we should act to minimize confusion and protect consumers as the new market evolves.

At the state level, public service commissions are beginning to take steps to provide fuller, more accurate information to consumers. In January of this year, New York Administrative Law Judge Eleanor Stein recommended that telecommunications carriers be required to disclose fully, in bills of all classes of customers, the fee increases and fee reductions resulting from the enactment of the 1996 Telecommunications Act.

In February the National Association of Regulatory Utility Commissioners (NARUC) passed a resolution that clearly noted that line-items are a business choice made by companies not a mandate from the federal government. The NARUC resolution called on the FCC to take action to require interstate carriers to provide accurate customer notice and the purpose of line-items.

Some state officials are taking action. NARUC is calling on the FCC to lead. Now Congress needs to end the confusion, and tell consumers the truth.

I am proud that the Consumers Union supports this bipartisan legislation. I welcome the support of my colleagues, Senator SNOWE of Maine and Senator KERREY of Nebraska.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Billing practices by telecommunications carriers may not reflect accurately the cost or basis of the additional telecommunications services and benefits that consumers receive as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(2) Congress has never enacted a law with the intent of permitting providers of telecommunications services to misrepresent to customers the costs of providing services or the services provided.

(3) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as "line-item charges".

(4) Certain providers of telecommunications services have described such charges as "Federal Universal Service Fees" or similar fees.

(5) Such charges have generated significant confusion among customers regarding the nature of and scope of universal service and of the fees associated with universal service.

(6) The State of New York is considering action to protect consumers by requiring telecommunications carriers to disclose fully in the bills of all classes of customers the fee increases and fee reductions resulting from the enactment of the Telecommunications Act of 1996 and other regulatory actions taken since the enactment of that Act.

(7) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission to require interstate carriers to provide accurate customer notice regarding the implementation and purpose of end user charges.

(b) PURPOSE.—It is the purpose of this Act to require the Federal Communications Commission and the Federal Trade Commission to protect consumers of telecommunications services by assuring accurate cost reporting and billing practices by telecommunications carriers nationwide.

SEC. 2. INVESTIGATION OF TELECOMMUNICATIONS CARRIERS BILLING PRACTICES.

(a) INVESTIGATION.—

(1) REQUIREMENT.—The Federal Communications Commission and the Federal Trade Commission shall jointly conduct an investigation of the billing practices of telecommunications carriers.

(2) PURPOSE.—The purpose of the investigation is to determine whether the bills sent by carriers to their customers accurately assess and correctly characterize any additional fees paid by such customers for telecommunications services as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(b) DETERMINATIONS.—In carrying out the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission shall determine the following:

(1) The amount, if any, of additional fees imposed by telecommunications carriers on their customers as a result of the requirements of the Telecommunications Act of 1996 (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act during the period beginning on June 30, 1997, and ending on the date of enactment of that Act.

(2) In the event that additional fees described in paragraph (1) are being imposed, the following:

(A) Whether the amount of such fees accurately reflect—

(i) the additional costs to carriers as a result of the enactment of that Act (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act; and

(ii) any reductions in costs, or other financial benefits, to carriers as a result of the enactment of that Act (including such amendments) and other Federal regulatory actions taken since the enactment of that Act.

(B) Whether the bills that impose such fees characterize correctly the nature and basis of such fees.

(c) REVIEW OF RECORDS.—

(1) AUTHORITY.—For purposes of the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission may obtain from any telecommunications carrier any record of the carrier that is relevant to the investigation.

(2) USE.—The Federal Communications Commission and the Federal Trade Commission may use records obtained under this subsection only for purposes of the investigation.

(d) DISCIPLINARY ACTIONS.—

(1) IN GENERAL.—In the event that the Federal Communications Commission or the Federal Trade Commission determine as a result of the investigation under subsection (a) that the bills sent by a telecommunications carrier to its customers does not accurately assess or correctly characterize any fee addressed in the investigation, the Federal Communications Commission or the Federal Trade Commission, as the case may be, shall take such actions against the carrier as such Commission is authorized to take under law.

(2) ADDITIONAL ACTIONS.—If the Federal Communications Commission or the Federal Trade Commission determines that such Commission does not have adequate authority under law to take appropriate actions under paragraph (1), the Federal Communications Commission and the Federal Trade Commission shall notify Congress of that determination in the report under subsection (e).

(e) REPORT.—Not later than 45 days after the date of enactment of this Act, the Federal Communications Commission and the Federal Trade Commission shall jointly submit to Congress a report on the results of the investigation under subsection (a). The report shall include the determination, if any, of either Commission under subsection (d)(2) and any recommendations for further legislative action that the Commissions consider appropriate.

SEC. 3. REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS IMPOSING CERTAIN FEES FOR SERVICES.

(a) REQUIREMENTS.—Any telecommunications carrier that includes on any of the bills sent to its customers a charge described in subsection (b) shall—

(1) specify in the bill imposing such charge any reduction in charges or fees allocable to all classes of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) by reason of any regulatory action of the Federal Government; and

(2) submit to the Federal Communications Commission the reports required to be submitted by the carrier to the Securities and Exchange Commission under sections 13(a) and 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78*o*(d)).

(b) COVERED CHARGES.—Subsection (a) applies in the case of the following charges:

(1) Any specific charge included after June 30, 1997, if the imposition of the charge is attributed to a regulatory action of the Federal Government.

(2) Any specific charge included before that date if the description of the charge is changed after that date to attribute the imposition of the charge to a regulatory action of the Federal Government.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1899. A bill entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998"; to the Committee on Indian Affairs.

THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to introduce the "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998" along with my colleague Senator BURNS.

This bill represents the culmination of sixteen years of intensive technical studies and six years of negotiations involving the Chippewa Cree Tribe, the State of Montana, local governments, water districts and ranchers as well as the United States Departments of justice and Interior.

The 108,000 acre Rocky Boy's Reservation is located west of Havre, Montana in the Bears Paw Mountains with portions extending onto the plains between the mountains and the Milk River in north-central Montana. Historically, the area was part of the large territory north of the Missouri and Musselshell Rivers designated for the Blackfeet Nation in the treaty of 1855.

In 1880 the Fort Assiniboine military reservation was established. In 1916 Congress set aside 56,035 acres for the Chippewa and Cree Bands of Chief Rocky Boy. In 1947 it was expanded by 45,523 acres bringing it to near its current size. None of the land has been allotted although some individual assignments have been made.

The reservation is home to over 3,000 tribal members and has an annual population growth exceeding 3%. While unemployment is estimated at nearly 70% the tribe has made important progress in economic development. Production of cattle and grain, development of timber and tourism provide solid sources of tribal income.

The reservation is located in an area of scarce water supply. Studies have demonstrated that the reservation could not sustain tribal membership without additional supplies of water for drinking, agricultural and municipal purposes.

Since 1992, the tribe, state and federal government have worked hard to reach an equitable water rights settlement.

The tribe and state reached tentative agreement on the compact in January

1997. The tribal Council passed a resolution supporting ratification of the agreement shortly thereafter. In the spring of 1997, the Montana State Senate unanimously ratified the compact and the State House gave its approval on a 91–9 vote. It was signed into law by the Governor of Montana on April 14, 1997.

This legislation ratifies the compact and settles the tribe's claims against the United States. The bill provides for:

(1) quantification of the tribe's water rights including 10,000 acre feet from surface and groundwater sources on the reservation as well as reserving 10,000 acre feet for the tribe from Lake Elwell, a US Bureau of Reclamation Project located approximately 50 miles from the reservation. The settlement does not provide for transport of this water to the reservation;

(2) mitigation of impacts on off-reservation water use including designating two pools of water stored in Bonneau Reservoir on the reservation for irrigation, stockwatering and maintenance of water quality on Box Elder Creek. Additional water will also be made available for protecting the Brook Trout fishery in upper Beaver Creek;

(3) authorization of two feasibility studies by the Bureau of Reclamation to examine water and related resources for both reservation and off-reservation water supplies in the area, and;

(4) authorization of $25 million in Federal funding for development of reservation water supplies including enlargement of Bonneau, Towe, Brown and East Fork Reservoirs; a $3 million dollar economic development fund for the tribe and $15 million for future importation of drinking water to the reservation, a much needed project in north central Montana. Additionally, $3 million will be provided for tribal administration of the agreement.

This legislation would never have become a reality without the hard work and cooperation of many people. I would especially like to recognize the staff and tribal council of the Chippewa Cree Tribe, the staff of the Montana Water Rights Compact Commission, the Department of Interior and the Native American Rights Fund. I am particularly grateful for the efforts of David Hayes, Special Counselor to Secretary Babbitt. Mr. Hayes' involvement was like a breath of fresh air, he moved forward when others were ready to give up on negotiations.

Mr. President, I look forward to working with Senator BURNS to expedite passage of this historic settlement.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998".

SEC. 2 FINDINGS.

Congress hereby finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable and sovereign homeland for the Tribe and its members;

(4) the Chippewa Cree Tribe's sovereignty and Reservation economy depend on the development of the Reservation's water resources;

(5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Cree-Montana Water Rights Compact;

(6) the Rocky Boy's Reservation is located in a water short area of the State of Montana and the Compact contemplates the development of additional water supplies, including importation of domestic water, to meet the needs of the Chippewa Cree Tribe;

(7) proceedings to determine the full extent of the Chippewa Cree Tribe's water rights are currently pending before the Montana Water Court as a part of "In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana;"

(8) recognizing that final resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Chippewa Cree Tribe and the State of Montana entered into a Water Rights Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the situation involved.

SEC. 3. PURPOSES OF ACT.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States of America for the benefit of the Chippewa Cree Tribe;

(2) to approve, ratify, and confirm, as modified herein, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary to its implementation;

(3) to authorize the Secretary of the Interior to execute and implement the Water Rights Compact and to take such other actions as are necessary to implement the Compact consistent with this Act;

(4) to authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in North Central Montana, including, but not limited to, mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation;

(5) to authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact;

(6) to authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to implement the Compact; and

(7) to authorize appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) "Compact" means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana published at 85–20–601 MCA (1997);

(2) "Final" with reference to approval of the decree in section 5(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to 85–2–235, MCA (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last;

(3) "Missouri River System" means the mainstem of the Missouri River and its tributaries, including but not limited to the Marias River;

(4) "Secretary" means the Secretary of the United States Department of the Interior, or his or her duly authorized representative;

(5) "Towe Ponds" means the reservoir or reservoirs referred to as "Stoneman Reservoir" in the Compact;

(6) "Tribal Compact Administration" means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact;

(7) "Tribal Water Right" means the right of the Chippewa Cree Tribe of the Rocky Boy's Reservation to divert, use, or store water as described by Article III of the Compact;

(8) "Tribe" means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and departments thereof;

(9) "Water development" includes all activities that involve the use of water or modification of water courses or water bodies in any way.

SEC. 5. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) WATER RIGHTS COMPACT APPROVED.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified and confirmed and the Secretary shall execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act, and to take such other actions as are necessary to implement the Compact.

(b) APPROVAL OF "PROPOSED DECREE".—No later than 180 days after the date of the enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the "Proposed Decree" agreed to by the United States, the

Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe and the State of Montana. Resort may be had to the Federal District Court in the circumstances set forth in Article VII.B.4 of the Compact. In the event the approval by the appropriate court, including any direct appeal, does not become final within three (3) years following the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court, the Compact shall be void. The Secretary may act for the United States to extend this three (3) year deadline twice in one (1) year increments on agreement with the State and the Tribe.

SEC. 6. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.

(a) ADMINISTRATION AND ENFORCEMENT.—As provided in the Compact, until the adoption and approval of a tribal water code, the Secretary shall administer and enforce the Tribal Water Right.

(b) TRIBAL MEMBER ENTITLEMENT.—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions thereof. Such entitlement shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2. of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) TEMPORARY TRANSFER OF TRIBAL WATER RIGHT.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, including limitation on transfer of any portion of the Tribal Water right to within the Missouri River Basin, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water rights confirmed to the Tribe in the Compact; provided, however, that no service contract, lease, exchange or other agreement entered into under this subsection may permanently alienate any portion of the Tribal Water Right.

SEC. 7. FEASIBILITY STUDIES AUTHORIZATION.

(a) MUNICIPAL, RURAL AND INDUSTRIAL FEASIBILITY STUDY.—The Secretary of the Interior, through the Bureau of Reclamation shall perform a municipal, rural, and industrial (MR&I) feasibility study of water and related resources in North Central Montana to evaluate alternatives for an MR&I supply for the Rocky Boy's Reservation. The study shall include but not be limited to the feasibility of releasing the Tribe's Tiber allocation as provided in section 8 of this Act into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation. The MR&I Study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa-Cree Tribe.

(b) ACCEPTANCE OR PARTICIPATION IN IDENTIFIED OFF-RESERVATION SYSTEM.—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-reservation water supply system identified in the MR&I Feasibility Study authorized in subsection 7(a) of this Act.

(c) REGIONAL FEASIBILITY STUDY.—The Secretary, through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a Regional Feasibility Study to evaluate water and related resources in North Central Montana in order to determine the limitations of such resources and how they can best be managed and developed to serve the needs of the citizens of Montana. The Regional Study shall evaluate existing and potential water supplies, uses, and management; identify major water related issues, including environmental, water supply and economic issues; evaluate opportunities to resolve such issues; and evaluate options for implementation of resolutions to issues. Because of the regional and international impact of the Regional Study, it may not be segmented. The Regional Study shall utilize, to the maximum extent possible, existing information and shall be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 8. TIBER RESERVOIR ALLOCATION.

(A) ALLOCATION OF WATER TO THE TRIBE.—(1) The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall be effective when the requirements of section 5(b) of this Act are met.

(2) The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or persons claiming water through any Indian Tribe.

(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—(1) Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this Section to any use, including, but not limited to, agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the rocky Boy's Reservation.

(2) Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section: *Provided, however*, That no service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) REMAINING STORAGE.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a)(1) of this section.

(d) WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.—The United States shall have no responsibility or obligation to provide any facilities for the transport of the water allocated by this section to the Rocky boy's Reservation or to any other location. Except for the contribution set forth in section 11(b)(3) of this Act, the cost of developing and delivering the water allocated by this section or any other supplemental water to the Rocky Boys Reservation shall not be borne by the United States.

(e) ACT NOT PRECEDENTIAL.—The provisions of this Act regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be precedent for any other Indian water right claims.

SEC. 9. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) WATER DEVELOPMENT PROJECTS.—The Secretary of the Interior, through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b) of this section, for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement

(3) Brown's Dam Enlargement.

(4) Towe Ponds' Enlargement.

(5) Such other water development projects as the Tribe shall from time to time deem appropriate.

(b) IMPLEMENTATION AGREEMENT.—The Secretary, at the request of the Tribe, shall enter into an agreement with the Tribe to implement the provisions of this Act through the Tribe's Self-Governance Compact and Annual Funding Agreement by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) BUREAU OF RECLAMATION PROJECT ADMINISTRATION.—The Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to P.L. 93-638, as amended by the Self Governance Act, defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a) of this section; establishing the standards upon which the projects will be constructed; and for other purposes necessary to implement this section. This agreement shall be effective on the Tribe exercising its right under subsection (b) of this section.

SEC. 10. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the "Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund." Pursuant to the provisions of the Trust Fund Management Act of 1994, 25 U.S.C. 4001 et seq., the Tribe, with the approval of the Secretary, may transfer the Fund to a mutually agreed upon private financial institution. The Fund shall consist of the following accounts:

(1) Tribal Compact Administration Account.

(2) Economic Development Account.

(3) Future Water Supply Facilities Account.

(b) FUND COMPOSITION.—The Fund shall consist of such amounts as are appropriated to its accounts in accordance with the authorizations for appropriations in subsections (b)(1), (2), and (3) of section 11 of this Act together with all interest which accrues on the Fund: *Provided*, That, if the Tribe exercises its right pursuant to subsection (a) of this section to transfer the funds to a private financial institution, except as provided in the transfer agreement, the Secretary shall retain no oversight over the investment of the funds. In addition, the transfer agreement shall provide for the appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (c)(2) and (c)(3) of this section.

(c) USE OF FUND.—The Tribe may use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with tribal compact administration, only interest accrued on the Tribal Compact Administration Account shall be available to satisfy the Tribe's obligations for tribal compact administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account shall be available to the Tribe for expenditure pursuant to an Economic Development Plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account shall be available to the Tribe for expenditure pursuant to a Water Supply Plan approved by the Secretary.

(d) AGREEMENT REGARDING FUND EXPENDITURES.—If the Tribe does not exercise its right under subsection (a) of this section to transfer the funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (e)(2) and (c)(3) of this section.

(e) PER CAPITA DISTRIBUTIONS PROHIBITED.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

(f) CONGRESSIONAL INTENT.—Nothing in this Act is intended—

(1) to alter the trust responsibility of the United States to the Tribe; or

(2) to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) FEASIBILITY STUDIES.—There is authorized to be appropriated to the Department of Interior, Bureau of Reclamation, not to exceed $4,000,000 for the purpose of conducting the Feasibility Studies authorized in section 7(a) and (c) of this Act as follows:

(a) $1,000,000 in FY 1999 to be divided equally between the two studies.

(2) $3,000,000 in FY 2000; $500,000 for the study authorized in section 7(a) and the balance for the study authorized in section 7(c).

(b) CHIPPEWA CREE FUND.—There is authorized to be appropriated to the Department of the Interior, Bureau of Indian Affairs, for the Chippewa Cree Fund, established in section 10 of this Act, $21,000,000 as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For tribal compact administration assumed by the Tribe under the Compact and this Act $3,000,000 in FY 1999.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For Tribal economic development, $3,000,000, in FY 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the total Federal contribution to the planning, design, construction, operation, maintenance and rehabilitation of a future Reservation water supply system, $15,000,000 as follows:

(A) $2,000,000 in FY 1999.

(B) $5,000,000 in FY 2000.

(C) $8,000,000 in FY 2001.

(c) ON-RESERVATION WATER DEVELOPMENT.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, $24,000,000 for the construction of the on-Reservation water development projects authorized by section 9 of this Act as follows:

(1) $13,000,000 in FY 2000 for the planning, design and construction of the Bonneau Dam Enlargement. The Federal contribution is provided for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact.

(2) $8,000,000 in FY 2001 for the planning, design and construction of the East Fork Dam and Reservoir enlargement ($4,000,000), of the Brown's Dam and Reservoir enlargement ($2,000,000), and the Towe Ponds enlargement ($2,000,000).

(3) $3,000,000 in FY 2002 for the planning, design and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may deem appropriate or for the completion of the four projects enumerated in subsections 11(c)(1) and (2) of this Act.

(4) Any unexpended balance in the funds appropriated under paragraphs (c)(1) and (c)(2) of this section, after substantial completion of all of the projects enumerated in section 9(a)(1), (2), (3), and (4) shall be available to the Tribe first for completion of the enumerated projects and then for other water resource development projects under Section 9(a)(5).

(d) ADMINISTRATION COSTS.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, in FY 2000, $1,000,000 for its costs of administration: *Provided*, That, if such costs exceed $1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (c) of this section for such costs: *Provided, further*, That, the Bureau of Reclamation shall exercise its best efforts to minimize such costs to avoid exceeding $1,000,000.

(e) AVAILABILITY OF FUNDS.—The monies authorized in section 11(a) and (b)(1) shall be available for use immediately upon appropriation. Those monies deposited in the Chippewa Cree Fund accounts shall draw interest consistent with section 10(a), but the monies appropriated under section 11(b)(2) and (3) and 11(c) are not available for expenditure until completion of the requirements of section 5(b) of this Act and execution of the waiver and release required of Sec. 13(c).

(f) WITHOUT FISCAL YEAR LIMITATION.—All money appropriated pursuant to authorizations under this Act shall be available without fiscal year limitation.

SEC. 12. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Article VI.C.2. and C.3. of the Compact, the State contribution to settlement shall be as follows:

(1) $150,000 for the following purposes: water quality discharge monitoring wells and monitoring program; diversion structure on Big Sandy Creek; conveyance structure on Box Elder Creek; and purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) NON-EXERCISE OF TRIBE'S RIGHTS.—The Tribe shall not exercise the rights set forth in Article VII(A)(3) of the Compact.

(b) WAIVER OF SOVEREIGN IMMUNITY.—The United States shall not be deemed to have waived its sovereign immunity except to the extent provided in subsections (a), (b), and (c) of section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

(c) TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.—(1) Upon passage of this Act, the Tribe shall execute a waiver and release of the following claims against the United States, the validity of which are not recognized by the United States: *Provided* That the waiver and release of claims shall not be effective until completion of the appropriation of the funds set forth in section 11 of this Act and completion of the requirements of section 5(b) of this Act.

(2) Any and all claims to water rights (including water rights in surface water, groundwater, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(3) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(4) In the event the waiver and release does not become effective as set forth in subsection (c)(1), the United States shall be entitled to set-off against any claim for damages asserted by the Tribe against the United States any funds transferred to the Tribe pursuant to section 11 and any interest accrued thereon up to the date of set-off, and the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this Act is intended to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian Tribe other than the Chippewa Cree Tribe.

(e) ENVIRONMENTAL COMPLIANCE.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et. seq.), and all other applicable environmental acts and regulations.

(f) EXECUTION OF COMPACT.—Execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal Action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing this agreement.

(g) ACT NOT PRECEDENTIAL.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement acts.

Mr. BURNS. Mr. President, today, I am pleased to join with my colleagues from Montana, Senator BAUCUS, to introduce the The Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998, a bill to settle the claims and quantify the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation. This bill is the culmination of many years of work and negotiations in our state and will result in the federal government sanctioning the water rights compact that has been adopted by the Montana State Legislature. This settlement may represent a textbook example of how state and tribal governments, together with off-reservation local representatives, can sit down and resolve their differences. I am pleased that local ranchers were involved in every step of the discussions.

The Rocky Boy's Indian Reservation, the present homeland of the Chippewa Cree Tribe, is located in area of scarce water supply. The region is arid with an average annual precipitation of 12 inches suitable for growing hay. However, an average annual precipitation

of 30 inches of snowpack in the Bearpaw Mountains contributes to a significant spring runoff. A more efficient and effective utilization of that runoff is a critical part of this package. The state legislation authorized funding for efficiency improvements that mitigate the impact of tribal water development on off-reservation water use.

By reaching an out of court settlement, the parties will—once this package is implemented—go to the state water court and ask that all pending litigation involving claims by the Tribe, and by the United States on behalf of the Tribe, be dropped. The quantification of the Tribe's water right will also clearly benefit upstream and downstream users of water in the effected drainage, including the Big Sandy and Beaver Creek as well as the Milk River. These other users will be able to plan for their future because they will know precisely how much water the Chippewa Cree Tribe is entitled to. One of the progressive components of this settlement is a Water Compact Board made up of three members, a tribal representative, an off-reservation representative and a third person mutually agreed to by the state and tribe. This Board will be tasked with resolving disputes between users of the tribal water right and users of water rights recognized under state law.

The bill set ups a Chippewa Cree Fund that will include funds for the administration of the compact, a tribal economic development account and a future water supply facilities account. The bill allows for increased on reservation storage at existing dams and two feasibility studies for alternative sources and methods of delivery for MR&I water supplies for both the reservation and the region. Finally, all parties to this settlement agree that the Tribe will need more water in the future for drinking purposes. While the settlement reserves 10,000 acre feet of water in Tiber Reservoir, it does not propose a method of delivery. We are all committed to revisiting the on-reservation drinking water matter in the near future either through a pipeline or other methods that will be part of the authorized studies.

Mr. President, I ask unanimous consent to include in the RECORD a letter from our state's Governor, Marc Racicot, endorsing this legislation. Senator BAUCUS and I will soon be asking the Indian Affairs Committee to hold hearings and then to act favorable on this bill as expeditiously as the Committee's schedule will allow.

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

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, March 30, 1998.

Hon. CONRAD BURNS,
Dirksen Senate Office Bldg.,
Washington, DC.

DEAR SENATOR BURNS: I write to express my strong support for Congressional ratification of the compact settling the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and to express my appreciation for your efforts in this process. The settlement of reserved water rights claimed within the State of Montana is of utmost importance to the State, particularly the reserved water rights claimed within the water-short Milk River basin where the Rocky Boy's Reservation lies. The Rocky Boy's Compact provides for the development of much needed water resources on the Reservation, while at the same time protecting existing water development adjacent to, and downstream from the Reservation. The federal funding for development will help alleviate some of the very dire needs of Montana citizens who are Tribal members living on the Reservation.

Thank you again for your efforts in helping us finalize this historic agreement.

Sincerely,

MARC RACICOT,
Governor.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, and Mr. DEWINE):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today along with Senators MOSELEY-BRAUN, SHELBY, FAIRCLOTH, BENNETT, HAGEL, SARBANES, DODD, KERRY, BRYAN, BOXER, REED and DEWINE to introduce the U.S. Holocaust Assets Commission Act of 1998. This legislation will create the "Presidential Advisory Commission on Holocaust Assets in the United States," that will examine the disposition of assets of Holocaust victims, survivors, and heirs here in the United States.

For two years now, I have worked closely with Ambassador Stuart Eizenstat who has labored tirelessly to close this difficult chapter of history in an honorable, speedy, and satisfactory manner. He cares passionately that the survivors receive justice and I could not agree more. I am pleased to say that the Administration fully supports this legislation and we have worked with them closely over the past four months to craft the language to bring this commission to reality.

While we have sought answers from Switzerland and other nations on the disposition of dormant bank accounts and Nazi gold, we have not pursued the issue here in the United States. Today, we begin this search. Now we are obliged to set history straight and correct any injustices in our own country. The United States has a moral responsibility to address the same issues to which we have sought answers from Switzerland and other nations in Europe. The spirit of American decency demands no less.

If we are to provide long overdue justice to Holocaust survivors and the heirs of the victims, we must do so as expeditiously as possible. Time is of the essence if we are going to provide the necessary restitution to this already aged and rapidly dwindling survivor community. Moreover, by creating this commission we establish even greater moral authority and diplomatic credibility with other nations from which we seek answers on these important questions. Thus far, twelve nations have already set up national commissions to look into these issues.

With this legislation we will create a commisison that will seek to find the disposition of the following assets in this country: dormant bank accounts of Holocaust victims in U.S. banks; brokerage accounts, securities, & bonds; artwork & religious/cultural artifacts; German-looted gold shipped to the U.S. through the Tripartite Gold Commission; and insurance policies.

As far as funding is concerned, the Commission will be funded for $3.5 million, with the costs split by the interested agencies of the U.S. Government. The Commission will operate through December 31, 1999, the date its final report is due to the President.

The Commission will comprise members appointed by both the Congress and the President, as well as private citizens who have demonstrated their leadership on issues relating to the financial community, public service, and the history of the Holocaust.

Mr. President, we need this Commission. We must leave no stone unturned. If we are to fully examine the disposition of the assets of the victims of the Holocaust, we cannot ignore what happened in this country. While it is not within our power to change what happened during WWII, it is within our power to correct a historic wrong by providing answers to questions that have remained unanswered for over fifty years. If we do at least this much now, then we will provide a measure of comfort and justice for the survivors of the greatest evil mankind has ever known. I encourage my colleagues to join me in this legislation and I urge its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Holocaust Assets Commission Act of 1998".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Presidential Commission, to be known as the "Presidential Advisory Commission on Holocaust Assets in the United States" (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) NUMBER.—The Commission shall be composed of 23 members, appointed in accordance with paragraph (2).

(2) APPOINTMENTS.—Of the 23 members of the Commission—

(A) 11 shall be private citizens, appointed by the President;

(B) 3 shall be representatives of the Department of State, the Department of Justice, and the Department of the Treasury (1 representative of each such Department), appointed by the President;

(C) 2 shall be Members of the House of Representatives, appointed by the Speaker of the House of Representatives;

(D) 2 shall be Members of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

(E) 2 shall be Members of the Senate, appointed by the Majority Leader of the Senate;

(F) 2 shall be Members of the Senate, appointed by the Minority Leader of the Senate; and

(G) 1 shall be the Chairperson of the United States Holocaust Memorial Council.

(3) CRITERIA FOR MEMBERSHIP.—Each private citizen appointed to the Commission shall be an individual who has a record of demonstrated leadership on issues relating to the Holocaust or in the fields of commerce, culture, or education that would assist the Commission in analyzing the disposition of the assets of Holocaust victims.

(4) ADVISORY PANELS.—The Chairperson of the Commission may, in the discretion of the Chairperson, establish advisory panels to the Commission, including State or local officials, representatives of organizations having an interest in the work of the Commission, or others having expertise that is relevant to the purposes of the Commission.

(5) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The Chairperson of the Commission shall be selected by the President from among the members of the Commission appointed under subparagraph (A) or (B) of subsection (b)(2).

(d) PERIOD OF APPOINTMENT.—Members of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson at any time after the date of appointment of the Chairperson.

(g) QUORUM.—Thirteen of the members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

SEC. 3. DUTIES OF THE COMMISSION.

(a) ORIGINAL RESEARCH.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (3), the Commission shall conduct a thorough study and develop an historical record of the collection and disposition of the assets described in paragraph (2), if such assets came into the possession or control of the Federal Government at any time after January 30, 1933, either—

(A) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(B) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(2) TYPES OF ASSETS.—Assets described in this paragraph include—

(A) gold;

(B) gems, jewelry, and non-gold precious metals;

(C) accounts in banks in the United States;

(D) domestic financial instruments purchased before May 8, 1945 by individual victims of the Holocaust, whether recorded in the name of the victim or in the name of a nominee, and whether or not held in a brokerage account;

(E) insurance policies and proceeds thereof;

(F) real estate situated in the United States;

(G) works of art; and

(H) books, manuscripts, and religious objects.

(3) COORDINATION OF ACTIVITIES.—In carrying out its duties under paragraph (1), the Commission shall, to the maximum extent practicable, coordinate its activities with, and not duplicate similar activities already or being undertaken by, private individuals, private entities, or government entities, whether domestic or foreign.

(b) COMPREHENSIVE REVIEW OF OTHER RESEARCH.—Upon request by the Commission and permission by the relevant individuals or entities, the Commission shall review comprehensively research by private individuals, private entities, and non-Federal government entities, whether domestic or foreign, into the collection and disposition of the assets described in subsection (a)(2), to the extent that such research focuses on assets that came into the possession or control of private individuals, private entities, or non-Federal government entities within the United States at any time after January 30, 1933, either—

(1) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(2) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(c) GOVERNMENTS INCLUDED.—A government referred to in this subsection includes, as in existence during the period beginning on March 23, 1933, and ending on May 8, 1945—

(1) the Nazi government of Germany;

(2) any government in any area occupied by the military forces of the Nazi government of Germany;

(3) any government established with the assistance or cooperation of the Nazi government of Germany; and

(4) any government which was an ally of the Nazi government of Germany.

(d) REPORTS.—

(1) SUBMISSION TO THE PRESIDENT.—Not later than December 31, 1999, the Commission shall submit a final report to the President that shall contain any recommendations for such legislative, administrative, or other action as it deems necessary or appropriate. The Commission may submit interim reports to the President as it deems appropriate.

(2) SUBMISSION TO THE CONGRESS.—After receipt of the final report under paragraph (1), the President shall submit to the Congress any recommendations for legislative, administrative, or other action that the President considers necessary or appropriate.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION.—No member of the Commission who is a private citizen shall be compensated for service on the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) IN GENERAL.—Not later than 90 days after the selection of the Chairperson of the Commission under section 2, the Chairperson shall, without regard to the civil service laws and regulations, appoint an executive director, a deputy executive director, and a general counsel of the Commission, and such other additional personnel as may be necessary to enable the Commission to perform its duties under this Act.

(2) QUALIFICATIONS.—The executive director, deputy executive director, and general counsel of the Commission shall be appointed without regard to political affiliation, and shall possess all necessary security clearances for such positions.

(3) DUTIES OF EXECUTIVE DIRECTOR.—The executive director of the Commission shall—

(A) serve as principal liaison between the Commission and other Government entities;

(B) be responsible for the administration and coordination of the review of records by the Commission; and

(C) be responsible for coordinating all official activities of the Commission.

(4) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director, deputy executive director, general counsel, and other personnel employed by the Commission, without regard to the provisions of chapter 51 and subchapter

III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that—

(A) the rate of pay for the executive director of the Commission may not exceed the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; and

(B) the rate of pay for the deputy executive director, the general counsel of the Commission, and other Commission personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) EMPLOYEE BENEFITS.—

(A) IN GENERAL.—An employee of the Commission shall be an employee for purposes of chapters 84, 85, 87, and 89 of title 5, United States Code, and service as an employee of the Commission shall be service for purposes of such chapters.

(B) NONAPPLICATION TO MEMBERS.—This paragraph shall not apply to a member of the Commission.

(6) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management—

(A) may promulgate regulations to apply the provisions referred to under subsection (a) to employees of the Commission; and

(B) shall provide support services relating to—

(i) the initial employment of employees of the Commission; and

(ii) other personnel needs of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement to the agency of that employee, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) STAFF QUALIFICATIONS.—Any person appointed to the staff of or employed by the Commission shall be an individual of integrity and impartiality.

(g) CONDITIONAL EMPLOYMENT.—

(1) IN GENERAL.—The Commission may offer employment on a conditional basis to a prospective employee pending the completion of any necessary security clearance background investigation. During the pendency of any such investigation, the Commission shall ensure than such conditional employee is not given and does not have access to or responsibility involving classified or otherwise restricted material.

(2) TERMINATION.—If a person hired on a conditional basis as described in paragraph (1) is denied or otherwise does not qualify for all security clearances necessary for the fulfillment of the responsibilities of that person as an employee of the Commission, the Commission shall immediately terminate the employment of that person with the Commission.

(h) EXPEDITED SECURITY CLEARANCE PROCEDURES.—A candidate for executive director or deputy executive director of the Commission and any potential employee of the Commission shall, to the maximum extent possible, be investigated or otherwise evaluated for and granted, if applicable, any necessary security clearances on an expedited basis.

SEC. 6. SUPPORT SERVICES.

During the 180-day period following the date of enactment of this Act, the General Services Administration shall provide administrative support services (including offices and equipment) for the Commission.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report under section 3.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(b) PUBLIC ATTENDANCE.—To the maximum extent practicable, each meeting of the Commission shall be open to members of the public.

SEC. 9. FUNDING OF COMMISSION.

Notwithstanding section 1346 of title 31, United States Code, or section 611 of the Treasury and General Government Appropriations Act, 1998, of funds made available for fiscal years 1998 and 1999 to the Departments of Justice, State, and any other appropriate agency that are otherwise unobligated, not more than $3,500,000 shall be available for the interagency funding of activities of the Commission under this Act. Funds made available to the Commission pursuant to this section shall remain available for obligation until December 31, 1999.

Ms. MOSELEY-BRAUN. Mr. President, I am very proud to introduce this legislation along with my colleague, Chairman D'AMATO. The establishment of this commission is the next logical step in the work we have been doing on this issue, and it is something that should have been done in 1948 rather than 1998.

This bill will establish an independent Presidential Commission to comprehensively examine issues pertaining to the disposition of Holocaust assets in the United States before, during, and after World War II. It will investigate the disposition of Holocaust victims' assets in the United States, including but not limited to: dormant bank accounts, securities, bonds, insurance policies, artwork, and German-looted gold shipped to the U.S. through the Tripartite Gold Commission, as revealed in the Eizenstat report. The Commission will issue reports, and make recommendations to the President on further action.

The amount of assets the Commission finds is likely to be significantly smaller than that discovered in other countries, but there are certainly assets here. This matter even touches my hometown of Chicago. Currently, there is a dispute about the origins of a Degas pastel, "Landscape with Smokestacks," owned by a trustee of the Art Institute of Chicago. Heirs of Freidrich and Louise Guttman, who were killed by the Nazis, are litigating this issue and expect to have a verdict later this spring.

It is vitally important that the U.S. lead by example. As citizens of the world, we must ensure that all of the relevant financial transactions of this era are brought to light. Then, as now, those who enslave their own populations often try to use the international banking system to further their own illegitimate ends. We cannot fully avoid repeating the tragedies of history until we have entirely uncovered and have a full understanding of the past.

We all have a responsibility to deal with the consequences of that horrific act, no matter how much time has passed, and no matter how much effort it takes. We have an obligation to ensure that the Swiss, and other neutral countries that played a role in hiding the stolen possessions of innocent Jewish families continue to work with the U.S. so that restitution is made. The vast majority of our work in the Committee focused on the actions of other countries, especially the Swiss banks. Now it is time to look in the mirror. In the Eizenstat report, released last year, we learned that the actions of the United States before, during and after the war were not all that could have been desired. I am saddened to learn that America did not work as hard as it could to ensure compensation for Holocaust survivors and other refugees, but I realize that the goal of that report was to unearth the truth, and that is what it has done, and what we will continue to do with the establishment of this Commission.

Already, a dozen countries have formed similar commissions. This is due in no small part to the leadership role the United States has taken in searching for the truth. We would not have come this far without the commitment of the Clinton Administration, the efforts of the Senate Banking Committee and, especially, the tenaciousness of our Committee Chairman, ALFONSE D'AMATO.

Over the past several years, the Banking Committee has held many hearings on the disposition of the assets of Holocaust victims. Each hearing has brought to light valuable but distressing information about events surrounding the tragedy that was the Holocaust. It has been over 50 years since the nightmare of the Holocaust, during which, over 7 million Jewish men women and children were stripped of their homes, businesses, their possessions, the very clothes off their backs and, ultimately, their lives—by a government that industrialized death and literally attempted to exterminate the Jewish people.

We have made a tremendous step through our commitment to finding the truth. We must now commit to work together to do everything possible to put whatever assets belonging to victims or survivors into the proper hands before it is too late. Time is of the essence. With the passing of each day, the few remaining Holocaust survivors continue to age and their numbers decrease. This is why it is imperative that we enact this legislation quickly and allow this commission to begin work as soon as possible.

It will not be possible to track down every asset, but complete success is not required. What is required is that everyone who had a role in this tragedy does their best to right the wrongs that have been committed, and that they understand that much more than money is at stake.

By Mr. LEAHY (for himself, Mr. ASHCROFT, Mr. REID, and Mr. WYDEN):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

THE TAXPAYERS INTERNET ASSISTANCE ACT OF 1998

Mr. LEAHY. Mr. President, it is time for the Internal Revenue Service (IRS) to use the latest technology to deliver better service to the American people. Our nation's taxpayers deserve no less.

Today, Senator ASHCROFT and I are introducing the Taxpayers Internet Assistance Act of 1998. I am pleased that Senator REID and Senator WYDEN are original cosponsors of our bill.

Our bipartisan legislation requires the IRS to provide taxpayers with speedy access to tax forms, publications, regulations, and rulings via the Internet. It also authorizes the Treasury Department, with input from the public, to develop more online services to help taxpayers.

Mr. President, I want to praise the Senate Finance Committee, Chairman ROTH, Senator MOYNIHAN, Senator KERREY and Senator GRASSLEY for their leadership in moving the IRS reform legislation to the full Senate. I strongly support the bill approved by the Finance Committee last night.

As the Senate prepares to debate IRS reforms, we must use technology to make the IRS more effective for all taxpayers. What better way to do that then to require the IRS to maintain online access to the latest tax information. Every citizen in the United States, no matter if he or she lives in a small town or big city, should be able to receive electronically the latest tax ruling or download the most up-to-date tax form.

The IRS web page at > http://irs.ustreas.gov < provides timely service to taxpayers by increasing electronic access to some tax forms and publications. I commend the IRS for its use of Internet technology to improve its services. More information and services should be offered online and not just as a passing fad. Our legislation is needed to build on this electronic start and lock into the law for today and tomorrow comprehensive online taxpayer services.

Our bipartisan bill protects the privacy of taxpayers by amending the Freedom of Information Act (FOIA), which already calls for the deletion of identifying details to prevent an unwarranted invasion of personal privacy. For more than 30 years, the FOIA has served the nation well in maintaining the right of Americans to know what their government is doing—or not doing—while protecting personal privacy. Our legislation does not give new access to private tax information, but merely provides a new, easier method of receiving public tax information.

Under the FOIA, the IRS must maintain public access to Treasury Regulations, Internal Revenue Manuals, Internal Revenue Bulletins, Revenue Rulings, Revenue Procedures, IRS Notices, IRS Announcements, General Counsel Memorandum and other taxpayer guidance. Under our legislation, the IRS must post this public tax information on the Internet in a searchable database, giving all taxpayers quick access to it. In addition, our bipartisan bill requires the IRS to post on its web site all Tax Forms, Instructions and Publications, the most essential information for the average taxpayer.

To keep any administrative burden and taxpayer cost to a minimum, our legislation limits the Internet posting of past tax information. For information available under the FOIA, our legislation requires online posting of documents created on or after November 1, 1996, the same date electronic access is required under the Electronic Freedom of Information Act Amendments of 1996. I am proud to have been the chief Senate sponsor of that new law enacted in the last Congress.

For Tax Forms, Instructions and Publications, our legislation provides for online posting of documents created during the most recent five years, the same period of time that the IRS now keeps these documents on CD-ROM for Congressional offices.

With these common sense requirements, the IRS will be able to enhance its web page with comprehensive tax guidance in a matter of days at little cost to taxpayers under our bipartisan bill. In fact, the Congressional Budget Office has scored our legislation as adding no new direct spending.

We strongly believe that the IRS must prepare itself for the next millennium now. That is why our legislation authorizes the Treasury Department to study and report back to the American people on online access to taxpayer information, the protection of online taxpayer privacy rights, the security of online taxpayer services and public comments on online taxpayer services.

Thomas Jefferson observed that, "Information is the currency of democracy." Let's harness the power of the information age to make the IRS a truly democratic institution, open to all our citizens all the time.

I thank Senator ASHCROFT for his support and I look forward to working with him on other high technology issues to help the Internet reach its full potential such as encryption legislation.

I urge my colleagues to support the Taxpayers Internet Assistance Act of 1998.

Mr. ASHCROFT. Mr. President, one of my fundamental beliefs is that we should labor to make sure that the collective voice of our constituents is heard and followed in everything we do here. That is to say, the values of Washington, D.C. should not be imposed on the country, but instead the values of the country should be imposed on Washington. One of the best ways to make sure we follow this principle is to provide the country with best information possible about what we do and how we do it.

We must do what we can to open the doors to government so that all may access the available information. In 1995, I introduced an on-line term limits petition. Thousands of people singed petition. In 1996, I began an effort to educate Missouri's students on how to access the federal government's available information on the Internet. This program, Gateways to Government, was presented by myself or my staff in every county of Missouri, and in more than 135 individual schools. My homepage continues to act as a "gateway" to a great wealth of electronic information about congress and the federal government.

In this same spirit I rise today to join with Senator LEAHY to introduce the Taxpayers Internet Assistance Act of 1998. He has been a real leader on technology issues and shares a great interest in guaranteeing that U.S. citizens enjoy an environment that allows them to know the operations of their federal government. In addition, he has for years championed the rights of individuals to keep their private affairs private, particularly with his principal sponsorship of the Electronic Freedom of Information Act.

I am also pleased that several other senators are joining our effort as original co-sponsors. Our intent is to provide to the American public an easy and inexpensive way to receive the latest information related to the IRS, including forms, instructions, and recent rulings.

Under the Taxpayers Internet Assistant Act individuals will be able to access a great deal of material from the IRS beginning in November of 1996. Revenue rulings, treasury regulations, internal revenue bulletins, and IRS general counsel memorandum are just a few of the documents that will routinely be made available in an easy to use format. This information should provide for an easier and more understandable approach to tax planning and preparation. Individuals will be able to see rulings that may be similar to a situation they are in currently and plan accordingly.

"The difference between death and taxes," quipped Will Rogers, "is that

death doesn't get worse every time Congress meets." Unfortunately, Mr. Rogers' observation has held true for more than six decades. The Tax Code has become increasingly complex and onerous. My wife is a tax attorney, she even teaches tax law at Howard University, and we do not even prepare our own tax forms. My hope is that this modest effort will provide the public with timely, reliable information that may assist in their efforts to prepare their taxes.

In fact, taxpayers are working longer than ever to pay their taxes. According to the non-partisan Tax Foundation, the average American now works until May 9—a full week longer than when Bill Clinton assumed the presidency—to pay federal, state, and local taxes. I can't help but think of President Reagan's definition of a taxpayer as "someone who works for the federal government but doesn't have to take a civil service examination." At the very least we can assist taxpayers with easy to access, timely and inexpensive information that can help them in preparing their individuals taxes.

In addition, our legislation amends the Freedom of Information Act, which maintains the personal privacy of individuals by guaranteeing that any reference to identifying details be deleted to prevent an invasion of personal privacy. Importantly, this legislation does not give any new access to tax information, but instead provides an additional means of receiving the same information already made available in hard copy form or, in some cases, on CD.

Finally, the legislation requires that the Department of Treasury evaluate the process to ensure that all technical advances are being used that would provide more timely and efficient service to taxpayers. In addition, a further consideration of individual privacy will occur and a process developed to receive comments from the public regarding the on-line taxpayer services.

This bipartisan approach to continuing the opening of the federal government to all citizens should be viewed as a first step in changing our fundamental interaction with the IRS. We can pass this legislation and provide greater information to anyone who can gain access to a PC. I urge all senators to support and pass this year the Taxpayers Internet Assistance Act of 1998.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

THE HEALTH INSURANCE TAX RELIEF ACT

Mrs. BOXER. Mr. President, today I am introducing legislation to allow individuals to deduct up to $2,000 a year for the costs of health insurance (for themselves and their dependents). If health insurance costs are shared by an individual and an employer, the individual could deduct the amount of his or her share. If an individual pays the full cost of health insurance, the entire amount could be deducted, subject to the $2,000 annual limit.

The Joint Tax Committee has estimated that my bill would reduce revenues to the federal government by approximately $11 billion per year.

WHY THIS BILL IS NEEDED

Every year, as employers continue to roll back health benefits, and as the costs of those benefits keep rising, the number of uninsured Americans increases. There are now 41 million Americans lack health insurance. That number increases by one million each year. An estimated eighty percent of the uninsured are workers or the dependents of workers.

Under the current tax code, corporations can deduct the cost of providing health insurance for their employees. The Taxpayer Relief Act of 1997 also expanded the deductibility of health insurance for the self-employed. Health insurance-related tax deductions for corporations and the self-employed are now taken to the tune of about $50 billion annually.

But for the 16 million Americans who purchase health insurance for themselves and their dependents, the current tax code is much less generous. They may deduct only the cost of health insurance if their total health care expenditures exceed 7.5 percent of adjusted gross income—a threshold few Americans meet.

HOW THE BOXER BILL WOULD HELP

My bill would create an "above the line" deduction, which would be listed on all tax returns. Taxpayers need not itemize in order to receive "above the line" deductions.

The benefit to an individual taxpayer will depend on the amount of health insurance expense claimed and on the individual's tax bracket. Those claiming the full $2000 deduction could save $300 or more.

For example, if Jane Doe makes $30,000 a year, has no investment income, and pays for her own health insurance, she currently pays, $3,476 in federal income taxes. Under my bill, assuming Ms. Doe takes the full $2,000 deduction, she would pay only $3,176, a savings of $300, or nearly 10 percent of her tax bill.

Another example is Joe and Sally SMITH, a married couple who file jointly, have two children, and have a total income of $75,000 a year. They purchase an insurance policy that covers the entire family. Currently, they pay $10,751 in federal income taxes. Under my bill, assuming they take the entire $2,000 deduction, they would pay only $10,191, a savings of $560 off their tax bill.

I hope that senators will join with me to help expand opportunities for all Americans to acquire health insurance by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Tax Relief Act".

SEC. 2. FIRST $2,000 OF HEALTH INSURANCE PREMIUMS FULLY DEDUCTIBLE.

(a) IN GENERAL.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the following amounts not compensated for by insurance or otherwise—

"(1) the amount by which the amount of expenses paid during the taxable year (reduced by the amount deductible under paragraph (2)) for medical care of the taxpayer, the taxpayer's spouse, and the taxpayer's dependents (as defined in section 152) exceeds 7.5 percent of adjusted gross income, plus

"(2) so much of the expenses paid during the taxable year for insurance which constitutes medical care under subsection (d)(1)(D) (other than for a qualified long-term care insurance contract) for such taxpayer, spouse, and dependents as does not exceed $2,000."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTION.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) HEALTH INSURANCE PREMIUMS.—The deduction allowed by section 213(a)(2)."

(c) CONFORMING AMENDMENT.—Section 162(l)(1)(A) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the sum of—

"(i) so much of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents as does not exceed $2,000, plus

"(ii) the applicable percentage of the amount so paid in excess of $2,000."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. THURMOND, Mr. HELMS, Mr. HAGEL, and Mr. SMITH of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

THE VETERANS MEMORIAL PHYSICAL INTEGRITY ACT OF 1998

Mr. THOMAS. Mr. President, I come to the floor today to introduce S. 1903,

a bill to prohibit the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress.

I would not have thought that a bill like this was necessary, Mr. President. It would never have occurred to me that an American President would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country. But a real possibility of just that happening exists in my state of Wyoming involving what are known as the "Bells of Balangiga."

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American effort to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russell in Cheyenne, Wyoming—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

Officers slept in, and enlisted men didn't bother to carry their riffles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.

With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.

Though he was also slashed across the back, PFC.

. . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and another eight died of their wounds; only twenty of the company's seventy-four members survived.

A detachment of fifty-four volunteers from 9th Infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later from Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells used to signal the attack with them back to Wyoming as a memorial to the fallen soldiers.

The bells have been displayed in front of the base flagpole on the central parade grounds since that time. The bells were placed in two openings in a large, specially-constructed masonry wall with a bronze plaque dedicating the memorial to the memory of the fallen soldiers.

Since at least 1981, there have been on-and-off discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original.

Opposition to this proposal from local and national civic and veterans groups has been very strong. Mr. President, I ask unanimous consent that the text of a letter from the national office of the Veterans of Foreign Wars dated January 6, 1998; from the VFW's Department of Wyoming dated December 5, 1997; and from the United Veterans Council of Wyoming dated March 27, 1998; be printed in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in the last few months, developments have indicated to me that the White House is seriously contemplating returning one or both of the bells to the Philippines. This year marks the 100th anniversary of the Treaty of Paris, and a state visit by President Fidel Valdes Ramos—his last as President—to the United States has been planned for this month. The disposition of the bells has been high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and has indicated he will do so on this visit. Since January, the Filipino press has included almost weekly articles on the bells' supposed return, including one in the Manila Times last week which reported that a new tower to house the bells is being constructed in Borongon, Samar, to receive them in May.

In addition, inquiries to me from various agencies of the Administration soliciting the opinion of the Wyoming congressional delegation on the issue have increased in frequency. I have also learned that the Defense Department, perhaps in conjunction with the Justice Department, has recently prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response to this apparent groundswell, the Wyoming congressional delegation wrote a letter to President Clinton on January 9 of this year to make clear our opposition to removing the bells. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in response to that letter, on March 26 I received a letter from Sandy Berger of the National Security Council which I think is perhaps the best indicator of the direction the White House is headed on this issue. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

THE PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, I cannot fathom that this issue has gotten to this point. First, it is very evident to me that the Constitution precludes the President from returning the bells without Congressional assent. Article IV, section 3, clause 2 provides: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting . . . Property belonging to the United States." The bells are certainly property of the United States as contemplated by this clause, and thus clearly can only constitutionally be disposed of by Congress—not by the President.

Second, I was amazed to find, even in these days of political correctness and revisionist history, that a U.S. President—our Commander-in-Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recalled this President's fondness for sweeping apologies and what some might view as flashy P.R. gestures, as most recently evidenced by his Africa trip.

Third, I was amazed to learn that during a state visit when our two countries should be discussing the on-going Asian financial crisis and its ramifications, East Asian security issues, and other issues of long-range significance, President Ramos has proposed discussing only three topics, all parochial: the bells, pension payments to Filipino veterans, and a Subic Bay-related waste issue. Amazed, that is Mr. President, until I was reminded that the candidate President Ramos is supporting in the upcoming presidential elections is running in third place in

the polls and might just get a much-needed boost if his mentor could return from Washington with a bell or a check from the U.S. Treasury in hand.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bells represent a lasting memorial to those fifty-four American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory. History brought the bells to Wyoming, and it is there they should remain.

Consequently, I am introducing S. 1903 today to protect the bells and similar veterans memorials from such an ignoble fate. The bill is not complicated, and in my view simply restates what already appears in black and white in the Constitution; it prohibits the transfer of a veterans memorial, or any portion thereof, to a foreign country or government unless specifically authorized by law.

The bill is supported by all of Wyoming's veterans groups, and I am pleased to be joined in this effort by my good friend and colleague from Wyoming Senator ENZI, as well as by the distinguished Chairman of the Armed Services Committee, Senator THURMOND; the distinguished Chairman of the Foreign Relations Committee, Senator HELMS; and my fellow subcommittee Chairmen on the Foreign Relations Committee Senator HAGEL and Senator SMITH of Oregon, as original cosponsors. Representative *Barbara Cubin* is introducing similar legislation today in the House. I trust that my colleagues will support its swift passage.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 1903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
January 6, 1998.

Hon. DOUGLAS K. BEREUTER,
Chairman, East Asia Subcommittee, Committee on International Relations, U.S. House of Representatives, Washington, DC.

RE: Bells of Balangiga

DEAR MR. CHAIRMAN: Recently, we learned that Mr. Robert Underwood, U.S. Representative from Guam, has introduced House Resolution 312 urging the President to authorize the transfer of ownership of one of the Bells of Balangiga to the Philippines. In brief, the Bells of Balangiga, which serve as a war memorial to U.S. Army soldiers killed by insurgents in the Philippines in 1901, are located at E.E. Warren Air Force Base in Cheyenne, Wyoming. The proposal of the Philippine Ambassador to return one of the bells to the Philippines is opposed by veterans and the supporting community in Wyoming.

Although the 98th National Convention of the Veterans of Foreign Wars of the United States did not adopt a Resolution on this issue, the VFW does have a position on the Bells of Balangiga. After carefully reviewing the history and background of the issue involving the Bells of Balangiga, the VFW opposes and rejects any compromise or agreement with the government of the Philippines which would result in the return of any of the Bells of Balangiga to the Philippines. The church bells were paid for with American blood in 1901 when they were used to signal an unprovoked attack by insurrectionists against an American Army garrison which resulted in the massacre of 45 American soldiers. The Bells serve is a permanent memorial to the sacrifice of the American soldiers from Fort D.A. Russell (Wyoming) who gave their lives for their country while doing their duty. We do not think any of the bells should be given back to the Philippines. To return the bells sends the wrong message to the world. In addition, local Wyoming veterans and other citizens are opposed to dismantling the sacred monument and returning any part of it to the Philippines.

In the past several years, the Philippine Government has made several attempts to get the Bells of Balangiga returned to their country. To date, they have not been successful in any their attempts to get the bells returned. For the past 95 years, two of the bells have been enshrined at Fort Russell/Warren AFB in Wyoming. The third is with the U.S. Army's 9th Infantry in the Republic of Korea.

Recently, Philippine President Fidel Ramos ordered his United States Ambassador, Paul Rabe, to step up his effort on the bells hoping to have them returned in time for next summer's celebration of 100 years of Philippine independence. In October 1997, Ambassador Paul Rabe suggested a compromise solution. He suggested returning one of the bells to the Philippines thereby giving both nations an original and the opportunity to make a replica. In fact, the justification for the latest proposal of the Philippine government is fatally flawed. The Bells of Balangiga played no part at all in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898. Subsequently, that naval defeat forced the Spanish to relinquish control of the Philippine Islands to the U.S. The soldiers killed were from Fort D.A. Russell and were ordered to the Philippine Islands because a savage guerrilla war had broken out after the conclusion of the Spanish-American War of 1898. Therefore, we believe the bells have no significance or connection to the celebration of Philippine independence.

Kenneth Weber, Commander of the VFW Department of Wyoming, expressed the feelings of local Wyoming veterans and supporters when he said, "The members of the Veterans of Foreign Wars of the United States . . . will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty to be dismantled."

We believe the Wyoming veterans are correct on this issue. The bells should stay right where they are—in Wyoming and with the 9th Regiment.

Respectfully,

KENNETH A. STEADMAN, *Executive Director.*

VFW, DEPARTMENT OF WYOMING
December 5, 1997.

KENNETH WEBER,
Torrington, WY.

The VFW Department of Wyoming is making the following statement on behalf of its veterans for immediate media release:

As the Commander of the Department of Wyoming Veterans of Foreign Wars, I have followed the current debate concerning the Bells of Balangiga with a great deal of interest. It is becoming apparent that this issue is not going away soon. Two of three bells are located at the Cheyenne's F.E. Warren Air Force Base as a permanent memorial to Fort D.A. Russell soldiers who lost their lives in 1901 as a result of hostile action during the Philippine rebellion. American soldiers stationed at then Fort D.A. Russell, now Warren Air Force Base, were ordered to the Philippine Islands because of a savage guerrilla war which had broken out following the Spanish-American War of 1898.

Now the Republic of the Philippines, as they have several times in the past, has requested the return of one or both bells to their country. This time, their justification is apparently to celebrate their 100 year anniversary of independence from Spain. The interesting part of their argument, is the simple fact that the Bells of Balangiga played no role in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898 and Spain's subsequent relinquishing control of the Philippine Islands to the United States government.

Evidently, the current posturing by the Republic of the Philippines is only another attempt to have the Bells of Balangiga returned. The United States government has repeatedly, and for all the right reasons, refused to return the bells to them.

The members of the Veterans of Foreign Wars, a veterans organization whose roots go back to the Spanish-American War of 1898, will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty be dismantled. We can only continue to hope that the people who have taken the time to speak out in favor of returning the bells would get their facts straight before engaging the media in any further debate. When all the facts are known regarding the circumstances surrounding the Bells of Balangiga, any compromise offer with the

Philippine government remains unacceptable.

Sincerely yours,

KENNETH WEBER,
Commander.

UNITED VETERANS COUNCIL OF WYOMING
Cheyenne, WY, March 27, 1998.

The President of the United States,
WILLIAM JEFFERSON CLINTON
Washington, DC.

DEAR PRESIDENT CLINTON: Member organizations of the United Veterans Council of Wyoming, Inc. are in receipt of White House letter dated March 26, 1998 asking the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question, and we would like to respond.

Wyoming veterans are aware of the longstanding ties with the Philippines during World War II, and after. We have taken into account the fact that U.S. veterans and our allies lived among the Filipinos during the war, fought shoulder to shoulder with them, and together defeated the Japanese invaders to preserve Philippine freedom and way of life. Many died retaking the Philippine islands from Japanese forces. Veterans who believe the bells should remain in Wyoming do so without malice towards the people of the Philippines. No one denies the contributions and sacrifices made by the Filipinos during the war effort and to continued prosperity afterwards. We clearly understand honor, comradeship, and the sacrifices veterans of both countries have made.

We believe that we have made our reasons for not compromising on the return of the bells very clear. As the VFW and others have continually pointed out, the bells of Balangiga played no part in Admiral Dewey's defeat of the Spanish navy at Manila Bay in 1898, three years before the bells were used to signal the 1901 massacre of US soldiers garrisoned within the village of Balangiga. The premeditated massacre was particularly brutal on the surprised and outnumbered soldiers. We believe that the bells have no significance or connection to this centennial year of celebration of the Philippine's independence from Spain.

As stated in a recent article from the Manila Times, it is known that the Philippine government is designing a war memorial to the Balangiga Bells, rather than for their use as a symbol of independence from Spain. It appears that representatives of the Philippine government are not being straightforward regarding their true intentions, if a bell is returned.

The Philippine government has yet to present a compelling argument justifying a reversal of the U.S. government's long-standing decision to not return the bells. Mr. Berger says, "he understands the concerns of those who are worried that any altercation of the existing monument might cause present day Americans to forget the sacrifices of past generations." Though Mr. Berger shares our worries, it appears that our government, by continuing on its present course, will allow such sacrifices to be forgotten sooner than later. It is an affront to the soldiers who died, and their survivors, to suggest that a permanent memorial be dismantled for no better reasons than are being provided by the Philippine government.

Sincerely yours,

JIM LLOYD,
President.

WYOMING DELEGATION,
January 9, 1998.

President Bill Clinton,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: The Wyoming delegation wishes to express our opposition to any plan to remove the Bells of Balangiga from F.E. Warren Air Force Base in Cheyenne, Wyoming, to the Philippines. Many times and for many years, the government of the Philippines has tried to have the bells returned. The United States government has rightfully rejected every attempt. Most recently, there have been proposals by the Philippine government and in Congress to transfer one of the original bells to the Philippines and keep one at F.E. Warren. We find this "compromise" proposal wholly unacceptable and an affront to the soldiers massacred in Balangiga.

The Philippines became an American possession after the Spanish-American War, but peace in the islands was delayed by a bloody civil war. American soldiers at Fort D.A. Russell, now F.E. Warren Air Force Base, were sent to the Philippines as part of the American military force dispatched to the area. On September 29, 1901, guerilla forces on the island of Samar used the bells to sound a surprise attack on American troops stationed in the village of Balangiga. Of the 76 Americans stationed in Balangiga, only 20 returned home. The survivors brought the bells back to Wyoming as a memorial to their fallen comrades.

Wyoming's many veterans, represented by the Veterans of Foreign Wars and the American Legion, strongly oppose removing the bells. For our veterans the bells serve as a constant reminder of the men who died in that surprise attack. The Wyoming delegation has always opposed desecrating this memorial for the same reason.

Preserving this memorial will serve as a symbol that American troops who serve around the world will not be forsaken. It also reaffirms to the world that the United States will protect its forces serving around the world if they are attacked.

On behalf of America's soldiers who have made the ultimate sacrifice, please join with us in refusing all present and future efforts to dismantle this memorial.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
MICHAEL B. ENZI,
U.S. Senator.
BARBARA CUBIN,
Member of Congress.

The White House, Washington,
March 26, 1998.

DEAR SENATOR THOMAS: Thank you for your letter concerning the bells of Balangiga and the proposed compromise solution for addressing this issue. I am writing on behalf of the President to request that you not oppose the compromise solution. We believe it effectively takes into account the interests and sensitivities of both American veterans and the people of the Philippines.

I understand American forces brought the two bells of Balangiga to Wyoming following the Philippine insurrection of 1901, and that they currently are on display at F.E. Warren Air Force Base in Cheyenne. As you may know, Philippine President Fidel Ramos is eager to explore the possibility of returning at least one of the bells during this centennial year of the Philippines' declaration of independence from Spain. President Ramos will be the President's guest at the White House on April 10, 1998. The bells of Balangiga will be one of the principal issues on the discussion agenda.

I appreciate the importance of the bells to Wyoming veterans who consider them to be symbols of the supreme sacrifice American soldiers, sailors and airmen often have had to make far from home. At the same time, Filipinos see the bells as representative of a struggle for national independence lasting more than five centuries.

Our longstanding ties with the Philippines were forged in the intense combat of World War II by tens of thousands of Americans and Filipinos. Growing out of this experience is a relationship, which is closer on a person-to-person level than with any other country in East Asia. The Philippines is a key ally in the Asia Pacific and shares our commitment to democratic and free market principles. Presidential elections in May of this year will re-enforce the democratic traditions and institutions Filipinos have so eagerly embraced.

I believe a compromise solution, by which the United States and the Philippines would each retain custody of one of the original bells, offers a unique opportunity to honor both the American soldiers who gave their lives in the town of Balangiga and the centennial celebration of the Philippines' first step toward democracy. I understand the concerns of those who are worried that any alteration of the existing monument might cause present day Americans to forget the sacrifices of past generations. But the historical significance of Balangiga rests on the fact that today the United States and the Philippines are united in a common cause of promoting stability and prosperity throughout the Asia Pacific region. I urge you and your colleagues from the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

Mr. ENZI. Mr. President, I rise to join my colleague, the senior Senator from my state of Wyoming, in the effort to safeguard the integrity of the nation's military memorials from the politically expedient demands of foreign governments—in this case the so-called "Bells of Balangiga" war memorial located in Wyoming's capital city of Cheyenne. I too, am amazed that such legislation is necessary. Amazed, but not surprised. After all, this is a President who seems to have no qualms about throwing overboard those states and communities who have not proven politically valuable to him. I recall his unilateral Utah land grab of the Grand Escalante. I also recall that he, with the Vice President at his side, signed the Presidential directive for that action in Arizona, so unpopular was it in the State of Utah. His unilateral forest roads construction moratorium is another such example of his proclivity for government by executive fiat.

Many people contend that church bells are not a fitting subject for a war memorial. The circumstances surrounding these particular bells, however, are not normal. As the Senior Senator from Wyoming related, those bells were not used by Philippino insurgents to call the faithful to prayer that

harrowing morning. They were used instead to signal the massacre of Wyoming troops as they sat down, unarmed, to breakfast. Of the 74 officers and men in the garrison, only twenty survived. Eye witness accounts had some of the attackers disguised as women, their weapons hidden beneath their dresses. Many others smuggled their weapons into the village hidden in the coffins of children. Under those circumstances, one must conclude that the bells in question were used to kill. Consequently I feel their use as the subject for a war memorial is wholly appropriate.

This is especially true in light of their intended purpose if returned to the Philippines. As everyone concedes, the Philippine government desires the return of these bells in time for their 100th anniversary of independence. Apparently, these bells do not represent a religious symbol for the Philippine government either.

Most significant of all, however, is the purpose they currently serve. Contrary to the assumptions of many, they do not memorialize American foreign policies of the time. Nor do they serve as a tribute to our political system, America's turn of the century notions of race relations, or the performance of the American troops who served there during that conflict. Rather, these bells memorialize one thing and one thing only: The tragic and premature deaths of 54 young men who volunteered to do the bidding of the American people. For this purpose I believe these bells serve as a most fitting memorial indeed and I am opposed to its dismantlement.

It is time to honor our veterans, our war dead, and the principle that in this country, we do not submit to government by Presidential fiat. I ask the support of my colleagues for this legislation.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition to Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

THE ELWHA RIVER ECOSYSTEM AND FISHERIES RESTORATION ACT OF 1998

Mr. GORTON. Mr. President, six months ago, I came to the floor of the United States Senate to announce my reluctant support for removing one of two dams on the Elwha River on the Olympic Peninsula. Today, after spending countless hours working with interested Washington State residents, I am introducing legislation to accomplish this difficult and costly endeavor provided certain conditions are met.

As I mentioned in my statement last fall, I have never been enthusiastic about the idea of dam removal on the Elwha River as a means to enhance declining salmon runs on the river. For many years, national environmental groups, the Clinton Administration, much of the Northwest media, and many Northwest elected officials have pushed for removal of both dams from the Elwha River. In 1992, I supported legislation to begin the process of having the government acquire both of these dams with an eye toward removing them someday. While I have always been enthusiastic about the federal government buying these two dams from a local paper company, I continue to be skeptical toward claims that salmon runs will see a significant benefit through dam removal on the Elwha River. Anyone who believes otherwise needs to ask him why salmon runs on nearby rivers on the Olympic Peninsula with no dams are doing just as poorly.

I am quite certain, however, that there are clear costs to dam removal. The taxpayers must pay at least $65 million to remove just one dam on the Elwha River. Power generation will be lost, and in the case of the Elwha River dams, serious questions remain about the potential damage to the City of Port Angeles' water supply. As I weigh these costs against the potential benefits to salmon, I have generally inclined against dam removal.

Unfortunately, the issue isn't as simple as a cost-benefit analysis. There is a wild card over which I have no control that could have a devastating effect on the Port Angeles community. The lower Elwha River dam produces a tiny amount of power—only a quarter of the amount of power produced by the upper Elwha River dam and a minuscule amount in comparison to our productive Snake and Columbia River dams. In addition, the lower Elwha River dam is in poor physical condition.

These two factors, combined with the desire of the Interior Secretary to tear down a dam, have me concerned that there is a very real and growing threat that a federal judge or the Federal Energy Regulatory Commission (FERC) could order removal of the Elwha River dams without Congressional approval.

A court or agency ordered removal will impose all of the costs of removing the dams on the local community, jobs will be destroyed, and Port Angeles' supply of clean drinking water will be threatened. The risk of court or agency action is too great and will leave the local community in a terrible position if a judge, or a Washington, DC bureaucrat, suddenly decides he needs to be in charge of this issue.

Instead, if Congress acts, we can remove the wild card and assure an important level of community protection. Thus, I have conditioned my support for this dam's removal on certain legislated protection for Port Angeles' water supply and protection for the jobs created by the local mill. No legislation to remove the dam will pass the U.S. Senate without these protections while I am a member.

As a result of these recent developments and circumstances beyond my control, this comprehensive package will complete the federal government's acquisition of both Elwha River dams, authorizes removal of one dam, while at the same time protecting local economic interests.

Over the last three years, the Interior Appropriations Subcommittee that I chair has appropriated $11 million of the $29.5 million necessary to complete the acquisition of the projects. Acquisitions of the projects is extremely important to the future economic health of the Port Angeles community. While the James River Corporation currently holds title to the projects, Daishowa America, as local owner of the directory paper mill and second largest employer in Clallam County, uses energy from the dams. Clearly, continued uncertainty over the fate of these dams reduces the competitive position of the mill and inhibits future investment in the plant and its equipment.

My bill amends the 1992 Act and calls for completion of acquisition of the projects. As Chairman of the Subcommittee that controls the purse strings for this project, I have every intention of allocating the remaining $18.5 million needed to complete acquisition as part of the $699 million worth of additional Land and Water Conservation Fund dollars that we appropriated last year and have yet to be spent.

In addition to committing to fund the removal of the Elwha project should it become law, my bill prohibits the Secretary from removing the larger dam, better known as the Clines Canyon Project, for 12 years. Many have asked why we can't remove both dams simultaneously. My answer is that I prefer the phased approach to restoration of the river spelled out by the Elwha Citizens Advisory Committee in its 1996 report.

The Committee, which is comprised of a diverse array of local interests, cautions against simultaneous removal of both dams. As an appropriations subcommittee chairman, I can tell them that they are absolutely correct because it is simply unrealistic to expect sufficient funds immediately to remove both projects. More importantly, immediate removal of both projects would have unpredictable consequences for the community's water supply—something my bill is careful to protect—and would needlessly forgo a valuable economic and recreational resource that can be put to use to accomplish restoration activities.

When the 12 year moratorium has expired, my bill allows the Secretary to

remove the upper dam provided he determines that the benefits of dam removal to salmon restoration and the natural state of the river outweighs the importance of the project's power generation capabilities and the recreational value of the lake that was created by its construction. The 12 year waiting period also spells out several important steps that the Secretary must take to evaluate the impact removing one dam has on fish runs. I firmly believe that should we decide one day to remove the second dam, we will do a far better job if we take the time to learn from the challenges of removing the first dam before deciding on the fate of the second one. Should the Secretary determine that it is necessary to remove the Glines Canyon project before 12 years have gone by, nothing in the bill I am offering today prevents him from seeking Congressional approval to do so.

Finally with regard to the Elwha River, my bill takes several important steps to project the local community from the potentially adverse impacts of dam removal. They include: (1) protecting the quality and quantity of the community's existing water supply to meet current and future demands; (2) continued protection of James River and Daishowa from potential liability; and (3) compensation for Clallam County for further loss of tax revenue due to federal acquisition of the projects.

As a Senator who takes pride in trying to represent all interests in my state, I have also taken great interest in the concerns of my constituents in eastern Washington, who while not directly impacted by the removal of the Elwha dam, have legitimate fears that something similar could happen to a dam on the Columbia or Snake Rivers. Clearly some groups and agency officials within the Clinton-Gore Administration want to use the removal of Elwha River dams as a first step toward removing or severely limiting the effectiveness of Columbia River system hydroelectric dams. Already, the Army Corps of Engineers is evaluating dam removal on the Snake River as a legitimate option. The Corps has even taken the unprecedented step of paying Pacific Northwest residents $12 to fill out a totally biased survey in favor of dam removal to build support for this cause.

I will never support such efforts to cripple the world's most productive hydro system. As the source of the nation's lowest power rates, water for irrigating productive farmland in three states, and a cost effective transportation system that moves our agricultural products to market, these dams are truly the lifeblood of our economy in the Pacific Northwest.

While Columbia River dams have hurt salmon runs, that damage was felt primarily in the 1930's and 1940's. Since the last Columbia River dam was constructed we still had large and healthy salmon runs. The last decade's decline in Columbia River salmon runs cannot be honestly attributed solely to our hydroelectric facilities.

Nevertheless, we can and should do more for salmon especially by acting in a more coordinated way to restore this vital resource. But the costs associated with removing dams on the Snake and Columbia Rivers will vastly exceed any potential benefit that might occur in terms of salmon restoration.

Rather than working cooperatively with local communities directly impacted by the Columbia-Snake Resource on a rational policy that balances the rivers' important uses, the Clinton-Gore Administration has chosen a combative policy. Its approach punishes people who make their livelihoods from this resource and who have made good faith efforts to reach out and work together.

Another example of the draconian actions federal agencies are using against ordinary people who depend on the Columbia Snake River System for their livelihoods is the National Marine Fisheries Service's recently announced Columbia Basin water policy. The NMFS approach seeks to discourage or even eliminate any new additional water withdrawals for municipal, industrial, or irrigation development within the Basin. The NMFS policy goes even further in challenging the legislative authority of states to regulate, manage, and allocate water rights. If adopted, the NMFS policy would effectively abrogate state authority to grant future water rights for such uses. By calling for a review of existing water withdrawals, the policy postures toward challenging existing state-granted water rights. The agency has completely ignored the efforts of local irrigators to work together on a plan that balances the rivers' competing uses. Moreover, the agency has taken this direction without Congressional approval.

Given the out-of-control nature of agencies like the Corps and NMFS to go beyond their statutory authority to severely compromise the Columbia-Snake system as well as their eagerness to tear down a Columbia-Snake River dam, I would not be surprised to see this administration try to fulfill its dream without Congressional approval.

The people of my state are simply fed up with this top down approach and my bill attempts to do something about it. In addition to prohibiting the removal or breach of any dam on the Columbia or Snake Rivers, my bill prohibits any federal or state agency from taking the following actions without an act of Congress:

(1) Impairing flood control activities on the Columbia-Snake system;

(2) Reducing the power and energy generating capacity of federally owned and federally licensed projects to unaffordable levels;

(3) Further restricting access to the Columbia or Snake River for irrigation and recreational use;

(4) Impairing the river navigation system; and

(5) Restricting state water rights.

I look forward to working with the Administration and my colleagues from the Pacific Northwest on building support for my proposal. If the Administration can not bring itself to support something very close to what's in the Columbia-Snake River section of this bill, we will know just how serious it is about dam removal in eastern Washington. I have made major concessions to bring myself to support removal of a dam even though I find the policy a dubious one, and if the administration is serious about preserving the effectiveness of the Columbia-Snake system it will support my proposal.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 707

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 707, a bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1427

At the request of Mr. FORD, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1604

At the request of Mr. D'AMATO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1604, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 1606

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1606, a bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1722

At the request of Mr. FRIST, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1722, a bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1754

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1754, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 1808

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1808, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1864, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1890

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in

order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 82

At the request of Mr. WELLSTONE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Concurrent Resolution 82, a concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.

SENATE RESOLUTION 139

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 139, a resolution to designate April 24, 1998, as "National Child Care Professional's Day," and for other purposes.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Resolution 201, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 2103

At the request of Mr. HOLLINGS his name was added as a cosponsor of amendment No. 2103 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 2175

At the request of Ms. MOSELEY-BRAUN the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2175 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2178

At the request of Mr. BURNS the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAIG), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. WYDEN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of amendment No. 2178 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2193

At the request of Mrs. BOXER her name was added as a cosponsor of amendment No. 2193 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2195

At the request of Mr. LAUTENBERG the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. MOYNIHAN), the Senator from Vermont (Mr. LEAHY), the Senator from Nevada (Mr. REID), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 2195 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2202

At the request of Mr. COVERDELL the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 2202 intended to be proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2205

At the request of Mr. DURBIN the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2205 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2209

At the request of Mr. THURMOND his name was added as a cosponsor of amendment No. 2209 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. ROTH the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 2209 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2210

At the request of Mr. JOHNSON the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 2210 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2211

At the request of Mr. ENZI his name was added as a cosponsor of amendment No. 2211 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

TORRICELLI (AND JEFFORDS) AMENDMENT NO. 2212

Mr. LAUTENBERG. (for Mr. TORRICELLI, for himself and Mr. JEFFORDS) proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of

1812 Historic Preservation Study as authorized by section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

BOND (AND OTHERS) AMENDMENT NO. 2213

Mr. BOND (for himself, Ms. MIKULSKI, Mr. KERRY, Mr. SARBANES, Mr. D'AMATO, and Mr. GRASSLEY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

KERREY AMENDMENTS NOS. 2214–2215

Mr. KERREY proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2214

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993.

(3) mandatory spending is expected to make up 68 percent of the federal budget in 1998.

(4) absent changes, that spending is expected to take up over 70 percent of the federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008.

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030.

(6) this mandatory spending will continue to crowd out spending for the traditional "discretionary" functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending.

(7) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

AMENDMENT NO. 2215

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PASSAGE OF THE IRS RESTRUCTURING AND REFORM ACT.

(a) FINDINGS.—The Senate finds that—

(1) The House of Representatives overwhelmingly passed IRS Reform Legislation (H.R. 2676), on November 5, 1997.

(2) The IRS Restructuring and Reform Act has the potential to benefit 120 million Americans by simplifying the tax process and making the IRS more responsive to taxpayer concerns:

(3) The President has announced that he would sign H.R. 2676;

(4) The Senate plans to recess without considering legislation to reform the IRS.

(5) The American people are busy preparing their taxes to meet the April 15th deadline. They do not get to recess before filing their returns; and

(5) Senators should keep their commitment to take up and pass IRS reform legislation before they recess.

(b) SENSE OF THE SENATE.—

It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall not recess until it has considered and voted on H.R. 2676, the IRS Restructuring and Reform Act of 1997.

MURRAY AMENDMENTS NOS. 2216–2217

Mrs. MURRAY proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2216

On page 16, line 9, increase the amount by $2,088,000,000.

On page 16, line 10, increase the amount by $81,000,000.

On page 16, line 13, increase the amount by $1,776,000,000.

On page 16, line 14, increase the amount by $1,487,000,000.

On page 16, line 17, increase the amount by $1,437,000,000.

On page 16, line 18, increase the amount by $1,686,000,000.

On page 16, line 21, increase the amount by $593,000,000.

On page 16, line 22, increase the amount by $1,301,000,000.

On page 25, line 8, strike "−$300,000,000" and insert "−$2,388,000,000."

On page 25, line 9, strike "−$1,900,000,000" and insert "−$1,981,000,000."

On page 25, line 12, strike "−$1,200,000,000" and insert "−$2,976,000,000."

On page 25, line 13, strike "−$4,600,000,000" and insert "−$6,087,000,000."

On page 25, line 16, strike "−$2,700,000,000" and insert "−$4,137,000,000."

On page 25, line 17, strike "−$3,000,000,000" and insert "−$4,686,000,000."

On page 25, line 20, strike "−$3,800,000,000" and insert "−$4,393,000,000."

On page 25, line 21, strike "−$7,000,000,000" and insert "−$8,301,000,000."

AMENDMENT NO. 2217

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

(a) FINDINGS.—The Senate finds the following:

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers very few prevention benefits. As a result, seniors are often sicker when they seek care or are hospitalized.

(6) If the objective is to use tobacco revenues to save Medicare, a portion of these new revenues must be allocated to expanding prevention benefits.

(7) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(8) Medicare cannot be saved without structural changes and reforms. Simply using a new Federal tax to prop up Medicare will not extend solvency much beyond a few months and will do little to improve the health status of senior citizens and the disabled.

(9) Congress should use these new revenues to expand prevention benefits to ensure that seniors are healthier and stronger. This is how we can truly save Medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume the allocation of a portion of the Federal share of tobacco revenues to expand prevention benefits for Medicare beneficiaries with an emphasis on improving the health status of Medicare beneficiaries and providing long term savings to the program.

DORGAN AMENDMENTS NOS. 2218–2219

Mr. DORGAN proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2218

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

AMENDMENT NO. 2219

At the appropriate place in the resolution, insert the following:

SEC. . HEALTH RESEARCH RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves 21 percent of the Federal share of receipts from tobacco legislation for the health research purposes provided in subsection (b), provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) ELIGIBLE HEALTH RESEARCH.—Of the receipts from tobacco legislation reserved pursuant to subsection (a), the following amounts may be used for the following purposes:

(1) 7.5 percent of such receipts to fund research into the prevention and cure of cancer;

(2) 7.5 percent of such receipts to fund research into the prevention and cure of heart disease, stroke, and other cardiovascular diseases;

(3) 2 percent of such receipts, to be allocated at the discretion of the Director of the National Institutes of Health, to fund the responsibilities of his office and to fund construction and acquisition of equipment or facilities for the National Institutes of Health;

(4) 2 percent of such receipts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993;

(5) 1 percent of such receipts to fund prevention research programs at the Centers for Disease Control and Prevention;

(6) 1 percent of such receipts to fund quality and health outcomes research at the Agency for Health Care Policy and Research; and

(7) the remainder of such receipts to fund other member institutes and centers, including the Office of AIDS Research, of the National Institutes of Health in the same proportion to such remainder, as the amount of annual appropriations under appropriations acts for each member institute and center for a fiscal year bears to the total amount of appropriations under appropriations acts for all member institutes and centers for that fiscal year.

(c) REVISED LEVELS, AGGREGATES AND ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purposes described in subsection (b), upon the offering of an amendment that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(3) RULE OF CONSTRUCTION.—Revised allocations, functional levels and aggregates submitted or filed pursuant to this subsection shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to Section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—Section 202 of H. Con. Res. 67 (104th Congress) shall not apply for purposes of this section.

BIDEN AMENDMENT NO. 2220

Mr. BIDEN proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, line 5, before the period insert "and Veterans Administration health care".

KYL (AND OTHERS) AMENDMENT NO. 2221

Mr. KYL (for himself, Mr. GRAMS, Mr. HELMS, Mr. BROWNBACK, and Mr. HAGEL) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans:

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

GRAMS AMENDMENT NO. 2222

Mr. DOMENICI (for Mr. GRAMS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place in the resolution, insert the following new section:

SEC. . USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume—

(a) the Congress and the President should use any budget surplus to reduce the Social

Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(b) the Congress and the President should not use the Social Security surplus to finance general government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

BINGAMAN (AND LIEBERMAN) AMENDMENT NO. 2223

Mr. BINGAMAN (for himself and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CIVILIAN RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to fund civilian scientific and technological research and development, to increase research and development for the health sciences, or to increase research and development to improve the global environment, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

"(1) fiscal year 1999;

"(2) the period of fiscal years 1999 through 2003; or

"(3) the period of fiscal years 2004 through 2009.

"(b) REVISED ALLOCATIONS.—

"(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriate-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.".

FEINGOLD (AND OTHERS) AMENDMENT NO. 2224

Mr. FEINGOLD (for himself, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. . DISABILITY RESERVE FUND FOR FISCAL YEARS 1999–2003.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance disability programs designed to allow persons with a disability to become employed and remain independent and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels, allocations, and limits may be adjusted (but by amounts not to exceed $2,000,000,000 for the period of fiscal years 1999 through 2003) if such adjustments do not cause an increase in the deficit in the resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nondisability direct spending or increases revenue for a fiscal year or years, the Chairman of the Committee on the Budget shall submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget shall submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nondisability-related spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of revisions under paragraph (1), the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or nondisability related direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to section 302 of the Congressional Budget Act of 1974 to carry out this section.

DEWINE AMENDMENT NO. 2225

Mr. DOMENICI (for Mr. DEWINE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

ROCKEFELLER AMENDMENT NO. 2226

Mr. LAUTENBERG (for Mr. ROCKEFELLER) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

"$51,000,000,000.

(B) Outlays, $42,300,000,000.

Fiscal year 2000:

(A) New budget authority, $50,800,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2001:

(A) New budget authority, $50,100,000,000.

(B) Outlays, $43,700,000,000.

Fiscal year 2002:

(A) New budget authority, $48,400,000,000.

(B) Outlays, $42,800,000,000.

Fiscal year 2003:

(A) New budget authority, $48,000,000,000.

(B) Outlays, $42,900,000,000."

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

"$200,000,000.

(B) Outlays, −$1,400,000,000.

Fiscal year 2000:

(A) New budget authority, −$200,000,000.

(B) Outlays, −$3,600,000,000.

Fiscal year 2001:

(A) New budget authority, −$700,000,000.

(B) Outlays, −$1,000,000,000.

Fiscal year 2002:

(A) New budget authority, −$800,000,000.

(B) Outlays, −$4,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$1,400,000,000.

(B) Outlays, −$1,000,000,000.

On page 31, line 24, strike subsection (6) in its entirety.

CONRAD AMENDMENT NO. 2227

Mr. LAUTENBERG (for Mr. CONRAD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be revised for legislation that reserves the Federal share of receipts from tobacco legislation for the Medicare Hospital Insurance Trust Fund or the Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF N. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation shall not be taken into account.

BUMPERS (AND OTHERS) AMENDMENT NO. 2228

Mr. LAUTENBERG (for Mr. BUMPERS, for himself, Mr. GREGG, and Mr. FEINGOLD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $66,000,000.

On page 3, line 12, increase the amount by $67,000,000.

On page 3, line 13, increase the amount by $69,000,000.

On page 3, line 14, increase the amount by $71,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 4, line 1, increase the amount by $66,000,000.

On page 4, line 2, increase the amount by $67,000,000.

On page 4, line 3, increase the amount by $69,000,000.

On page 4, line 4, increase the amount by $71,000,000.

On page 4, line 19, increase the amount by $39,000,000.

On page 4, line 20, increase the amount by $66,000,000.

On page 4, line 21, increase the amount by $67,000,000.

On page 4, line 22, increase the amount by $69,000,000.

On page 4, line 23, increase the amount by $71,000,000.

On page 5, line 5, increase the amount by $39,000,000.

On page 5, line 6, increase the amount by $66,000,000.

On page 5, line 7, increase the amount by $67,000,000.

On page 5, line 8, increase the amount by $69,000,000.

On page 5, line 9, increase the amount by $71,000,000.

On page 16, line 9, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $39,000,000.

On page 16, line 13, increase the amount by $66,000,000.

On page 16, line 14, increase the amount by $66,000,000.

On page 16, line 17, increase the amount by $67,000,000.

On page 16, line 18, increase the amount by $67,000,000.

On page 16, line 21, increase the amount by $69,000,000.

On page 16, line 22, increase the amount by $69,000,000.

On page 16, line 25, increase the amount by $71,000,000.

On page 17, line 1, increase the amount by $71,000,000.

FEINSTEIN AMENDMENT NO. 2229

Mr. LAUTENBERG (for Mrs. FEINSTEIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this nation.

KERRY AMENDMENT NO. 2230

Mr. LAUTENBERG (for Mr. KERRY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products;

(D) improving the availability, affordability and quality of child care;

(E) increased funding for education;

(F) increased funding for health research;

(G) reimbursements to States for tobacco-related health costs; or,

(H) expanding children's health insurance coverage; and,

"(2) savings for the Medicare Hospital Insurance Trust Fund or the Social Security Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

WELLSTONE AMENDMENT NO. 2231

Mr. LAUTENBERG (for Mr. WELLSTONE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $159,116,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

ROBB AMENDMENT NO. 2232

Mr. LAUTENBERG (for Mr. ROBB) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medical Hospital Insurance Trust Fund or for providing transition assistance to tobacco farmers.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to providing transition assistance to the tobacco farmers.

BIDEN AMENDMENT NO. 2233

Mr. LAUTENBERG (for Mr. BIDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of Federal assistance, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1990 which is the lowest since 1990;

(2) through a comprehensive effort to attack violence against women mounted by state and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) the Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

BOXER (AND OTHERS) AMENDMENT NO. 2234

Mr. LAUTENBERG (for Mrs. BOXER, for herself, Mr. SARBANES, and Mr. JOHNSON) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, beginning on line 5, after "Medicare Hospital Insurance Trust Fund," strike all through the end of line 17, and insert the following:

", or for health research, including funding for the National Institutes of Health (NIH).

"(b) REVISED BUDGETARY LEVELS AND LIMITS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may adjust all appropriate budgetary levels and limits, including aggregates and allocations, to carry out this section. These budgetary levels and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the budgetary levels and limits contained in this resolution.

"(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to health research, including the National Institutes of Health."

BINGAMAN (AND LIEBERMAN) AMENDMENT NO. 2235

Mr. LAUTENBERG (for Mr. BINGAMAN for himself and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra: as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"(a) FINDINGS.—The Senate finds the following:

"(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled 'Allocating Federal Funds for Science and Technology,' that the Federal science and technology budget 'be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total federal budget is disaggregate and sent to the appropriations committees and subcommittees."

"(2) Civilian federal agencies are supporting more than $35 billion of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

"(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget for the United States for fiscal year 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all federal civilian departments and agencies, in Budget Function 250.".

BINGAMAN (AND OTHERS) AMENDMENT NO. 2236

Mr. LAUTENBERG (for Mr. BINGAMAN for himself, Mr. GRAMM and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008."

KERREY (AND OTHERS) AMENDMENT NO. 2237

Mr. LAUTENBERG (for Mr. KERREY, for himself, Mr. CHAFEE, Mr. BREAUX, Ms. COLLINS, Mr. KOHL, Mr. THOMPSON, Mr. BRYAN, Mr. ROBB, Mrs. FEINSTEIN, and Mr. BENNETT) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

MOSELEY-BRAUN AMENDMENTS NOS. 2238-2240

Mr. LAUTENBERG (for Ms. MOSELEY-BRAUN) proposed three amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2238

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

(a) FINDINGS.—The Senate finds the following:

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spends between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of paid tax preparers.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increase compliance costs for the taxpayer.

AMENDMENT NO. 2239

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

AMENDMENT NO. 2240

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

DURBIN (AND CHAFEE) AMENDMENT NO. 2241

Mr. LAUTENBERG (for Mr. DURBIN, for himself and Mr. CHAFEE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

DORGAN AMENDMENT NO. 2242

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY SOLVENCY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled.

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year thereafter . . . until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century";

(6) the nation will engage in a national dialogue during 1998 on the future of Social Security, which will include 4 regional conferences organized by the Concord Coalition and the American Association of Retired Persons, a White House summit on private retirement savings in July, and a White House Conference on Social Security in December; and

(7) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that:

(1) Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled;

(2) enactment of such legislation will require a broad base of public support that should be developed during 1998 through a national bipartisan discussion of alternative approaches to ensuring Social Security solvency; and

(3) since that discussion has just begun, Congress should not act now to foreclose policy options that could help ensure Social Security solvency.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2243

Mr. LAUTENBERG (for himself, Mr. LOTT, Mr. BIDEN, Mr. ROTH, and Mr. TORRICELLI) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, P.L. 105–134, authorizing appropriations of $1,058,000,000 for FY99; $1,023,000,000 for FY00, $989,000,000 for FY01; and $955,000,000 for FY02, totaling $4.025 billion FY99–02;

(2) in P.L. 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2.2 billion provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, not supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five fiscal years for Amtrak to implement its FY 1998–FY 2003 Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

DASCHLE AMENDMENT NO. 2244

Mr. LAUTENBERG (for Mr. DASCHLE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1999 including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003 as required by section 301 of the Congressional Budget Act of 1974 and revising the budgetary levels for fiscal year 1998 set forth in the concurrent resolution on the budget for fiscal year 1998 as authorized by section 304 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1999.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social security.

Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Deficit-neutral reserve fund in the Senate for President's initiatives.

Sec. 202. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS AND THE SENATE

Sec. 301. Sense of the Senate on saving Social Security first.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1999, 2000, 2001, 2002 and 2003.

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1999: $1,312,500,000,000.
Fiscal year 2000: $1,341,000,000,000.
Fiscal year 2001: $1,386,300,000,000.
Fiscal year 2002: $1,449,900,000,000.
Fiscal year 2003: $1,505,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1999: $12,252,000,000.
Fiscal year 2000: $15,257,000,000.
Fiscal year 2001: $16,838,000,000.
Fiscal year 2002: $18,005,000,000.
Fiscal year 2003: $18,166,000,000.

(C) The amounts of Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1999: $123,900,000,000.
Fiscal year 2000: $129,700,000,000.
Fiscal year 2001: $135,300,000,000.
Fiscal year 2002: $141,400,000,000.
Fiscal year 2003: $148,100,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1999: $1,441,900,000,000.
Fiscal year 2000: $1,484,400,000,000.
Fiscal year 2001: $1,525,900,000,000.
Fiscal year 2002: $1,557.200,000,000.
Fiscal year 2003: $1,636,600,000,000.

(3) BUDGET OUTLAY.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1999: $1,420,500,000,000.
Fiscal year 2000: $1,465,300,000,000.
Fiscal year 2001: $1,506,400,000,000.
Fiscal year 2002: $1,524,800,000,000.
Fiscal year 2003: $1,601,700,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1999: $108,000,000,000.
Fiscal year 2000: $124,300,000,000.
Fiscal year 2001: $120,100,000,000.
Fiscal year 2002: $74,900,000,000.
Fiscal year 2003: $96,700,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1999: $5,667,800,000,000.
Fiscal year 2000: $5,870,200,000,000.
Fiscal year 2001: $6,067,500,000,000.
Fiscal year 2002: $6,224,300,000,000.
Fiscal year 2003: $6,400,900,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $438,200,000,000.
Fiscal year 2000: $457,800,000,000.
Fiscal year 2001: $477,100,000,000.
Fiscal year 2002: $497,900,000,000.
Fiscal year 2003: $520,700,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $212,600,000,000.
Fiscal year 2000: $331,600,000,000.
Fiscal year 2001: $344,100,000,000.
Fiscal year 2002: $355,700,000,000.
Fiscal year 2003: $369,400,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1999 through 2003 for each major functional category are:

(1) National Defense (050):
Fiscal year 1999:
(A) New budget authority, $270,500,000,000.
(B) Outlays, $265,500,000,000.
Fiscal year 2000:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $268,000,000,000.
Fiscal year 2001:
(A) New budget authority, $280,800,000,000.
(B) Outlays, $269,700,000,000.
Fiscal year 2002:
(A) New budget authority, $288,600,000,000.
(B) Outlays, $272,100,000,000.
Fiscal year 2003:
(A) New budget authority, $296,800,000,000.
(B) Outlays, $279,800,000,000.

(2) International Affairs (150):
Fiscal year 1999:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2000:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,000,000,000.
Fiscal year 2001:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,900,000,000.
Fiscal year 2002:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2003:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,700,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1999:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2000:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $18,200,000,000.
Fiscal year 2001:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2002:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,600,000,000.
Fiscal year 2003:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $14,800,000,000.

(4) Energy (270):
Fiscal year 1999:
(A) New budget authority, $1,400,000,000.
(B) Outlays, $600,000,000.
Fiscal year 2000:
(A) New budget authority, $1,100,000,000.
(B) Outlays, $500,000,000.
Fiscal year 2001:
(A) New budget authority, $700,000,000.
(B) Outlays, $0.
Fiscal year 2002:
(A) New budget authority, $600,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2003:
(A) New budget authority, $600,000,000.
(B) Outlays, −$300,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 1999:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,600,000,000.
Fiscal year 2000:
(A) New budget authority, $23,000,000,000.
(B) Outlays, $23,900,000,000.
Fiscal year 2001:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2002:
(A) New budget authority, $22,200,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2003:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $22,400,000,000.

(6) Agriculture (350):
Fiscal year 1999:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $10,600,000,000.
Fiscal year 2000:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2001:
(A) New budget authority, $10,400,000,000.
(B) Outlays, $8,700,000,000.
Fiscal year 2002:
(A) New budget authority, $10,200,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $8,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1999:
(A) New budget authority, $4,300,000,000.
(B) Outlays, $3,100,000,000.
Fiscal year 2000:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $10,800,000,000.
Fiscal year 2002:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $11,600,000,000.
Fiscal year 2003:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $11,500,000,000.

(8) Transportation (400):
Fiscal year 1999:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $44,600,000,000.
Fiscal year 2000:
(A) New budget authority, $52,700,000,000.
(B) Outlays, $47,400,000,000.
Fiscal year 2001:
(A) New budget authority, $53,300,000,000.
(B) Outlays, $48,500,000,000.
Fiscal year 2002:
(A) New budget authority, $53,300,000,000.
(B) Outlays, $48,300,000,000.
Fiscal year 2003:
(A) New budget authority, $54,600,000,000.
(B) Outlays, $49,100,000,000.

(9) Community and Regional Development (450):
Fiscal year 1999:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2000:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $9,400,000,000.
Fiscal year 2002:
(A) New budget authority, $8,100,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $8,200,000,000.
(B) Outlays, $8,300,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1999:
(A) New budget authority, $66,400,000,000.
(B) Outlays, $61,700,000,000.
Fiscal year 2000:
(A) New budget authority, $66,100,000,000.
(B) Outlays, $64,900,000,000.
Fiscal year 2001:
(A) New budget authority, $67,300,000,000.
(B) Outlays, $66,600,000,000.
Fiscal year 2002:
(A) New budget authority, $67,200,000,000.
(B) Outlays, $66,400,000,000.
Fiscal year 2003:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,700,000,000.

(11) Health (550):
Fiscal year 1999:
(A) New budget authority, $146,300,000,000.
(B) Outlays, $143,700,000,000.
Fiscal year 2000:
(A) New budget authority, $153,400,000,000.
(B) Outlays, $151,600,000,000.
Fiscal year 2001:
(A) New budget authority, $162,200,000,000.
(B) Outlays, $160,500,000,000.
Fiscal year 2002:
(A) New budget authority, $170,400,000,000.
(B) Outlays, $169,500,000,000.
Fiscal year 2003:
(A) New budget authority, $183,100,000,000.
(B) Outlays, $181,200,000,000.

(12) Medicare (570):
Fiscal year 1999:
(A) New budget authority, $210,300,000,000.
(B) Outlays, $210,900,000,000.
Fiscal year 2000:
(A) New budget authority, $221,900,000,000.
(B) Outlays, $221,100,000,000.
Fiscal year 2001:
(A) New budget authority, $239,500,000,000.
(B) Outlays, $242,300,000,000.
Fiscal year 2002:
(A) New budget authority, $251,300,000,000.
(B) Outlays, $248,900,000,000.
Fiscal year 2003:
(A) New budget authority, $273,500,000,000.
(B) Outlays, $273,700,000,000.

(13) Income Security (600):
Fiscal year 1999:
(A) New budget authority, $245,400,000,000.
(B) Outlays, $248,500,000,000.
Fiscal year 2000:
(A) New budget authority, $259,900,000,000.
(B) Outlays, $261,000,000,000.
Fiscal year 2001:
(A) New budget authority, $271,200,000,000.
(B) Outlays, $272,200,000,000.
Fiscal year 2002:
(A) New budget authority, $281,600,000,000.
(B) Outlays, $281,900,000,000.
Fiscal year 2003:
(A) New budget authority, $292,800,000,000.
(B) Outlays, $291,400,000,000.

(14) Social Security (650):
Fiscal year 1999:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2000:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,200,000,000.
Fiscal year 2001:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,500,000,000.
Fiscal year 2002:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,400,000,000.
Fiscal year 2003:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,200,000,000.

(15) Veterans Benefits and Services (700):
Fiscal year 1999:
(A) New budget authority, $43,100,000,000.
(B) Outlays, $43,400,000,000.
Fiscal year 2000:
(A) New budget authority, $44,100,000,000.
(B) Outlays, $44,200,000,000.
Fiscal year 2001:
(A) New budget authority, $45,500,000,000.
(B) Outlays, $45,600,000,000.
Fiscal year 2002:
(A) New budget authority, $46,800,000,000.
(B) Outlays, $46,900,000,000.
Fiscal year 2003:
(A) New budget authority, $49,500,000,000.
(B) Outlays, $49,500,000,000
(16) Administration of Justice (750):
Fiscal year 1999:
(A) New budget authority, $26,400,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2000:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $25,900,000,000.
Fiscal year 2001:
(A) New budget authority, $24,700,000,000.
(B) Outlays, $25,700,000,000.
Fiscal year 2002:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $25,100,000,000.
Fiscal year 2003:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $24,800,000,000.
(17) General Government (800):
Fiscal year 1999:
(A) New budget authority, $20,700,000,000.
(B) Outlays, $20,100,000,000.
Fiscal year 2000:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $16,200,000,000.
Fiscal year 2001:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2002:
(A) New budget authority, $14,000,000,000.
(B) Outlays, $13,200,000,000.
Fiscal year 2003:
(A) New budget authority, $21,700,000,000.
(B) Outlays, $20,700,000,000.
(18) Net Interest (900):
Fiscal year 1999:
(A) New budget authority, $300,000,000,000.
(B) Outlays, $300,000,000,000.
Fiscal year 2000:
(A) New budget authority, $301,500,000,000.
(B) Outlays, $301,500,000,000.
Fiscal year 2001:
(A) New budget authority, $301,800,000,000.
(B) Outlays, $301,800,000,000.
Fiscal year 2002:.
(A) New budget authority, $302,100,000,000.
(B) Outlays, $302,100,000,000.
Fiscal year 2003:
(A) New budget authority, $304,300,000,000.
(B) Outlays, $304,300,000,000.
(19) Allowances (902):
Fiscal year 1999:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$600,000,000.
Fiscal year 2000:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$700,000,000.
Fiscal year 2001:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$800,000,000.
Fiscal year 2002:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$800,000,000.
Fiscal year 2003:
(A) New budget authority, −$1,300,000,000.
(B) Outlays, −$1,200,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 1999:
(A) New budget authority, −$36,300,000,000.
(B) Outlays, −$36,300,000,000.
Fiscal year 2000:
(A) New budget authority, −$36,400,000,000.
(B) Outlays, −$36,400,000,000.
Fiscal year 2001:
(A) New budget authority, −$37,900,000,000.
(B) Outlays, −$37,900,000,000.
Fiscal year 2002:
(A) New budget authority, −$44,500,000,000.
(B) Outlays, −$44,500,000,000.
Fiscal year 2003:
(A) New budget authority, −$35,700,000,000.
(B) Outlays, −$35,700,000,000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE FOR PRESIDENT'S INITIATIVES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that generates revenues, in which the purpose of the increase in revenues is to reduce smoking by teenagers and children, and for legislation to fund the President's "Funds for America" initiatives, provided that the legislation which changes revenues or spending does not cause an increase in the deficit for—

(1) fiscal year 1999;

(2) the period of fiscal year 1999 through 2003; or

(3) the period of fiscal years 2004–2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a) upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 202. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE ON SAVING SOCIAL SECURITY FIRST.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security program, created in 1935 to provide old-age, survivors, and disability insurance benefits, is one of the most successful and important social insurance programs in the United States, and has played an essential role in reducing poverty among seniors;

(2) the Social Security system will face significant pressures when the baby boom generation retires, which could threaten the long-term viability of the program;

(3) Congress needs to act promptly to ensure that Social Security benefits will be available when today's younger Americans retire;

(4) under current budget law, the Federal budget is still in deficit;

(5) to the extent that a budget surplus may someday materialize in the future, current budget law and rules that were established to ensure fiscal discipline, including caps on discretionary spending and the pay-as-you-go system (which requires that all new tax breaks and mandatory spending be fully offset) would prevent Congress from using any projected budget surplus; and

(6) President Clinton has called on Congress to save Social Security first by taking action to reform and strengthen the Social Security system, and by holding in reserve any projected budget surpluses that may materialize in the future rather than using them for new spending or tax breaks, while Congress and the Administration work toward a long-term solution for the challenges facing Social Security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that, to the extent that any budget surplus is realized in the future, that surplus should not be decreased for any purpose other than reducing the national debt, while Congress and the Administration work together to ensure that Social Security is financially sound over the long term and that it will be available for future generations.

TORRICELLI AMENDMENTS NOS. 2245–2246

Mr. LAUTENBERG (for Mr. TORRICELLI) proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2245

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the

Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2246

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

MOYNIHAN AMENDMENT NO. 2247

Mr. LAUTENBERG (for Mr. MOYNIHAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . SENSE OF THE SENATE OF THE FUTURE OF SOCIAL SOCIAL SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Public confidence in the long-term viability of the Social Security System is low, with opinion polls repeatedly indicating that a majority of non-retired young adults do not believe they will receive Social Security when they retire;

(2) In the year 2012, outlays for Old Age Survivors and Disability Insurance will exceed its tax revenues;

(3) Early action by the Congress is needed in order to strengthen public confidence in Social Security and address the long-run actuarial deficit of the program;

(b) Sense of the Senate—It is the Sense of the Senate that:

(1) the Committee on Finance should at the earliest possible date hold hearings on and begin consideration of legislation to preserve the Social Security program and ensure its long-run solvency; and that no policy options, affecting either revenues, outlays, or the manner of investment of funds, should be excluded from consideration.

BOND AMENDMENT NO. 2248

Mr. DOMENICI (for Mr. BOND) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place insert:

It is the Sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2 million dollars for the establishment of INS circuit rides in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

ABRAHAM AMENDMENT NO. 2249

Mr. DOMENICI (for Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . SENSE OF CONGRESS REGARDING BUDGET ACT REFORMS.

It is the sense of the Congress that the provisions of this resolution assume that The Budget Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families, including:

(1) Eliminating Paygo rules with regard to revenue reductions while the unified budget is in surplus; and

(2) Striking points of order against reducing the Social Security payroll tax.

THURMOND (AND OTHERS) AMENDMENT NO. 2250

Mr. DOMENICI (for Mr. THURMOND, for himself, Ms. SNOWE, and Ms. COLLINS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 43, strike line 4 through line 17 and insert the following:

(a) FINDINGS.—The Senate finds that—

(1) Our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) Many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 2251

Mr. DOMENICI (for Mr. FAIRCLOTH, for himself, Mr. DOMENICI, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Mr. GRAMM, Mr. THURMOND, and Mr. KEMPTHORNE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1380 a year;

(5) This penalty is one of the factors behind the decline of marriage.

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

SESSIONS (AND OTHERS) AMENDMENT NO. 2252

Mr. DOMENICI (for Mr. SESSIONS, for himself, Mr. SHELBY, Mr. COVERDELL, Mr. HELMS, Mr. INHOFE, Mr. ASHCROFT, Mr. ENZI, and Mr. THURMOND) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandants are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted.

STEVENS (AND OTHERS) AMENDMENT NO. 2253

Mr. DOMENICI (for Mr. STEVENS, for himself, Mr. LOTT, Mr. DOMENICI, Mr. THURMOND, and Mr. INOUYE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimate made by capable parties.

(8) In a letter dated March 31, 1998, the Director of the Office of Management and Budget identified multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that not later than April 22, 1998, the Director of the Office of Management and Budget, and Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

SPECTER AMENDMENTS NOS. 2254–2256

Mr. DOMENICI (for Mr. SPECTER) proposed three amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2254

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) tobacco-related programs and activities, including extending the solvency of the Medicare Hospital Insurance Trust Fund; and

(2) not less than $2,000,000,000 for biomedical research in fiscal year 1999 and other public health research.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

AMENDMENT NO. 2255

On page 28, line 17, after the material that appears on line 17, insert the following:

"(d) VETERANS.—

"(1) Notwithstanding any other provision of this section, upon the consideration of legislation pursuant to section (a), the Chairman of the Budget Committee may increase the appropriate budget authority and outlay aggregates and allocations by the amount such legislation increases spending for post-service smoking related Veterans compensation benefits.

"(2) The adjustments made pursuant to this subsection shall not exceed $500,000,000 for fiscal year 1999 and $10,500,000 for fiscal years 1999 through 2003.

AMENDMENT NO. 2256

On page 28, line 17, after the material that appears on line 17, insert the following:

(d) Notwithstanding any other provision of this section, $500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal year 1999 and additional outlays for fiscal year 1999; and $10,500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal years 1999–2003, and additional outlays for fiscal years 1999–2003.

On page 31, line 24, strike subsection (6) in its entirety.

NICKLES AMENDMENT NO. 2257

Mr. DOMENICI (for Mr. NICKLES) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PRECATORY AMENDMENTS.

In setting forth the budget authority and outlay amounts in this resolution, the Senate assumes that the Senate of the United States instructs the Senate Parliamentarian to interpret Section 305(b)(2) of the Congressional Budget Act of 1974 as amended by inserting after the second sentence the following: "For purposes of the preceding sentence an amendment is not germane if it states precatory language."; and that precatory includes, in the context of Senate consideration of any budget resolution, amendments which reference the budget resolution's assumptions regarding budgetary levels; federal revenues; Federal Insurance Contributions Act revenues for hospital insurance; budget authority; budget outlays; deficits; public debt; social security revenues, and outlays; loan obligations; loan guarantees; allowances; undistributed, and distributed, offsetting receipts; reconciliation; reserve funds; allocations; revenue, spending, and revised aggregates; offsets; appropriations; mandatory spending; entitlements; and any other term or definition employed, under the Budget Act, in a budget resolution.

FRIST AMENDMENT NO. 2258

Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

MCCONNELL AMENDMENT NO. 2259

Mr. DOMENICI (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON PAYMENT OF COSTS OF LITIGATION.

(a) FINDINGS.—The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate and dishonest conduct of Federal Government officials and lawyers involved with the Task Force.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the functional totals in this concurrent resolution on the budget assume that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

SESSIONS (AND OTHERS) AMENDMENT NO. 2260

Mr. DOMENICI (for Mr. SESSIONS, for himself, Mr. ASHCROFT, and Mr. ENZI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize those funds to pay attorneys' fees, on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action, in excess of the reasonable and customary fee for similarly skilled legal services for the specific locale. In no event should the rate exceed $500 per hour.

(2) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(3) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided State officials with a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

CRAIG (AND DOMENICI) AMENDMENT NO. 2261

Mr. DOMENICI (for Mr. CRAIG, for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.

(a) FINDINGS.—The Senate finds that—

(1) the President has twice included in his budgets not permitting the program expansion that the Veterans Administration (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(2) Congress has never acted on this program expansion;

(3) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 in additional costs to the VA;

(4) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review; and

(5) the programs expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(1) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA compensation until the study annd report required by paragraph (2) are completed.

(2) The Veterans Administration and the Office of Management and Budget are jointly required to—

(A) jointly study (referred to in this section as the "study") the VA General Counsel's determination (O.G.C. 2-93) and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(B) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(3) The study should include—

(A) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(B) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(C) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(4) The study shall be completed no later than July 1, 1999.

(5) The Veterans Administration shall report its finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

COVERDELL (AND SHELBY) AMENDMENT NO. 2262

Mr. DOMENICI (for Mr. COVERDELL, for himself and Mr. SHELBY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and

provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105–118, expeditiously procure and provide to the Colombian National Police three UH–60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH–60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH–60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

SANTORUM AMENDMENTS NOS. 2263–2264

Mr. DOMENICI (for Mr. SANTORUM) proposed two amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2263

On page ___, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 105TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Eighteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for eighteen states and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) Current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) The United States is losing two acres of our best farmland to development every minute of every day;

(7) These lands produce three quarters of the fruits and vegetables and over one-half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 105th Congress, 2nd Session will reauthorize funds for the Farmland Protection Program.

AMENDMENT NO. 2264

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, only 186 were fully accredited;

(2) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

KEMPTHORNE AMENDMENT NO. 2265

Mr. DOMENICI (for Mr. KEMPTHORNE) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The Market Access Program (MAP) continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In FY 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural trade surplus of approximately $22 billion, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the nation's economy. More than one million Americans now have jobs that depend on U.S. agricultural exports. Further, every billion dollars in additional U.S. agricultural exports helps create as many as 17,000 or more new jobs.

(4) U.S. agriculture, including farm income and related jobs, is more dependent than ever on maintaining and expanding U.S. agricultural exports as federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, U.S. agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artifical trade barriers and other unfair trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the U.S. by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7.2 billion for export subsidies aimed at capturing a larger share of the world market at the expense of U.S. agriculture.

(B) EU and other foreign competitors also spent nearly $500 million on market promotion activities. The EU, spends more on wine promotion than the U.S. currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan—historically, the largest single market for U.S. agriculture exports.

(7) U.S. agriculture is the most competitive industry in the world, but it can not and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect U.S. agriculture's ability to remain competitive in today's global marketplace. A reduction in U.S. agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) U.S. success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the U.S. negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

GRAMM (AND BIDEN) AMENDMENT NO. 2266

Mr. DOMENICI (for Mr. GRAMM, for himself and Mr. BIDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

COVERDELL AMENDMENTS NOS. 2267–2268

Mr. DOMENICI (for Mr. COVERDELL) proposed two amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2267

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT MEDICARE FRAUD AND ABUSE.

It is the sense of the Senate that the provisions of this resolution assume that while fighting Medicare fraud and abuse is critical, so is the avoidance of criminalizing those parties whose errors were made inadvertently. The Senate applauds heightened attention to fraud and abuse issues in the effort to promote Medicare solvency. In evaluating the enforcement activities of the Department of Justice regarding fraud and abuse, the Senate should ensure that standards of proof as prescribed by law are present in these activities. It is incumbent upon the Senate to ensure that parties are not subject to criminal penalties absent a finding of specific intent to defraud.

AMENDMENT NO. 2268

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING NATIONAL RESPONSE TO THE THREAT OF ILLEGAL DRUGS.

SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution assume that Congress will significantly increase funding for drug interdiction operations by the Immigration and Naturalization Service, Customs Service, Coast Guard, Department of Defense and other responsible agencies;

(2) the provisions of this resolution assume that Congress will continue to support and increase funding for anti-drug education and prevention efforts aimed at informing every American child in the middle school and high school age brackets about the dangers of drugs and at empowering them to reject illegal drug use;

(3) increasing grassroots parental involvement should be a key component of our national drug education and prevention efforts;

(4) Congress should promote efforts to establish annual measures of performance for evaluating the effectiveness of the National Drug Control Strategy.

COVERDELL (AND GRASSLEY) AMENDMENT NO. 2269

Mr. DOMENICI (for Mr. COVERDELL, for himself and Mr. GRASSLEY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING WASTEFUL SPENDING DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) According to the Defense Department's Inspector General, despite efforts to streamline government purchases, the military, in some cases, paid more than "fair value" for many items;

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the FY 99 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for U.S. armed forces around the globe.

COVERDELL (AND KYL) AMENDMENT NO. 2270

Mr. DOMENICI (for Mr. COVERDELL for himself and Mr. KYL) proposed an amendment to the concurrent resolution. Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES' RESPONSE TO THE CHANGING NATURE OF TERRORISM

(a) FINDINGS.—The Senate finds that—

(1) The threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997.

(2) The terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploring technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) On a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) Chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) The multi-faceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) Terrorist groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) Terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) Terrorists are also making of use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors of terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a threat to essential public and private information systems in the United States;

(10) The infrastructure deemed critical to the United States are the telecommunication networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of government services, the disruption of which could result in significant losses to the United States' economic well-being, public welfare, or national security.

(11) A national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) We as a nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assuming that—

(1) The federal government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among federal, state, and local levels of government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) Technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) The United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) The United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to rise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) A national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

COVERDELL (AND DODD) AMENDMENT NO. 2271

Mr. DOMENICI (for Mr. COVERDELL for himself and Mr. DODD) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the propriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

FINDINGS.—the Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere;

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nation of the region.

SENSE OF THE SENATE.—it is the sense of the Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

MACK AMENDMENT NO. 2272

Mr. DOMENICI (for Mr. MACK) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death or for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

HATCH (AND JEFFORDS) AMENDMENT NO. 2273

Mr. DOMENICI (for Mr. HATCH, for himself and Mr. JEFFORDS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts for tobacco-related programs and activities authorized by comprehensive Senate-passed tobacco legislation.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

SESSIONS AMENDMENT NO. 2274

Mr. DOMENICI (for Mr. SESSIONS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize more than $5,000,000 to pay attorneys' fees on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action.

(2) The limitation described in paragraph (1) shall apply to attorneys' fees provided for or in connection with an action of the type described in such paragraph under any—

(A) court order;

(B) settlement agreement;

(C) Contingency fee arrangement;

(D) arbitration procedure;

(E) alternative dispute resolution procedure (including mediation); or

(F) other arrangement providing for the payment of attorneys' fees.

(3) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(4) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee

agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

BURNS (AND BAUCUS) AMENDMENT NO. 2275

Mr. DOMENICI (for Mr. BURNS, for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

THE TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

SNOWE AMENDMENT NO. 2276

Mr. DOMENICI (for Ms. SNOWE) proposed an amendment to the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

SEC. 2. CONGRESSIONAL FINDING.

Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with each provision of the Act.

SEC. 4. CONGRESSIONAL REVIEW.

Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of enactment of this Act, and at such intervals thereafter as may be provided in the compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE COMPACT.

(a) CONSENT OF CONGRESS.—In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of Congress is given to the States of Texas, Maine, and Vermont to enter into the compact set forth in subsection (b).

(b) TEXT OF COMPACT.—The compact reads substantially as follows:

"TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

"ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

"ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

"(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

"ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

"(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

"(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

"(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

"(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

"SEC. 3.05. The commission may:

"(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

"(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252–13a, Vernon's Texas Civil Statutes).

"(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

"(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

"(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

"(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

"SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

"ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

"SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

"SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

"SEC. 4.04. The host state shall do the following:

"(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

"(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

"(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

"(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

"(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

"(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

"(7) Promptly notify the other party states of any legal action involving the facility.

"(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

"SEC. 4.05. Each party state shall do the following:

"(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste form specifications of the host state.

"(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

"(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

"(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

"(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

"(8) Provide on a regular basis to the commission and host state—

"(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

"(B) proposed transportation methods and routes; and

"(C) proposed shipment schedules.

"(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

"SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

"ARTICLE V. PARTY STATE CONTRIBUTIONS

"SEC. 5.01. Each party state, except the host state, shall contribute a total of $25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state $12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional $12.5 million.

"SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

"ARTICLE VI. PROHIBITED ACTS AND PENALTIES

"SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

"SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

"SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

"ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

"SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

"SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

"SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

"SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

"SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

"SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

"SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

"(1) Texas and the other ratifying state are the initial party states.

"(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

"(3) Each party state is responsible for its pro-rata share of the commission's expenses.

"SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

"ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

"SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

"SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

"SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of the facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

"SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

"SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be

held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"SEC. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"SEC. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.".

WELLSTONE AMENDMENTS NOS. 2277–2278

Mr. DOMENICI (for Mr. WELLSTONE) proposed two amendments to the bill, H.R. 629, supra; as follows:

AMENDMENT NO. 2277

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) BY A MEMBER OF AN AFFECTED COMMUNITY.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

AMENDMENT NO. 2278

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) BY A MEMBER OF THE COMMUNITY IN WHICH A COMPACT FACILITY IS LOCATED.—If any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct three Field Hearings as follows: on Tuesday, April 7, 1998 at 11:00 a.m. to conduct a Hearing on Tribal Sovereign Immunity, in Seattle, Washington; on Wednesday, April 8, 1998 at 1:30 p.m. to conduct a hearing on Jurisdiction Issues in the State of Montana, in Billings, Montana; and on Thursday, April 9, 1998 at 1:00 p.m. to conduct a Hearing on Economic Development in St. Paul, Minnesota.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 1, 1998 at 9:30 a.m. on pending committee business (tobacco legislation).

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on environmental tobacco smoke Wednesday, April 1, 1:30 p.m., Hearing Room (SD–406).

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

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, April 1, 1998 beginning at 10:00 a.m. in room SH–215, to conduct a markup.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 10:00 a.m. for a hearing on "Crashing into the Millenium".

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the

Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 2:30 p.m. for a hearing on the nomination of Melvin R. Wright to be Associate Judge of the Superior Court of the District of Columbia.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 4:00 p.m. for a business meeting and markup on legislative items and pending nominations.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, at 10:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct a markup on the following business: (1) the nomination of Katherine Archuleta of Denver, Colorado to serve on the Board of Directors of the Institute of American Indian and Alaska Native Culture and Arts Development; (2) S. 1279, Indian Employment, Training and Related Services Demonstration Act Amendments of 1997; and (3) S. 1797, the Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998. To be followed immediately by a hearing on Amendments to the Indian Gaming Regulatory Act.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, April 1, 1998, at 1:30 p.m.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, April 1, 1998 at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Airline Hubs: Fair Competition or Predatory Pricing?"

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

SUBCOMMITTEE ON FINANCIAL SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, to conduct a hearing on identity theft.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on titles I, II, III, and V of S. 1693, the Vision 2020 National Parks Restoration Act.

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

ADDITIONAL STATEMENTS

NATIONAL BREAST CANCER SURVIVORS DAY

• Mr. MURKOWSKI. Mr. President, today is National Breast Cancer Survivors Day and I want to take this opportunity to focus my colleague's attention on the importance of continued research and early detection efforts for this tragic disease.

Mr. President, one out of nine American women will suffer the tragedy of breast cancer. It is today the leading cause of death for women between the ages of 35 to 54.

Alaskan women are particularly vulnerable to this disease. We have the second highest rate of breast cancer in the Nation. One in 7 Alaska women will get breast cancer and tragically it is the Number One cause of death among Native Alaskan women.

Mr. President, these tragic Alaska deaths are not inevitable. Health experts agree that the best hope for lowering the death rate is early detection and treatment. It is estimated that breast cancer deaths can be reduced by 30 percent if all women avail themselves of regular clinical breast examination and mammography.

But for many Alaska women, especially native women living in one of our 230 remote villages, regular screening and early detection are often hopeless dreams.

For more than 20 years, my wife Nancy has recognized this problem and tried to do something about it. In 1974, she and a group of Fairbanks' women created the Breast Cancer Detection Center, for the purpose of offering mammographies to women in remote areas of Alaska—regardless of a woman's ability to pay.

Now, the Center uses a small portable mammography unit which can be flown to remote areas of Alaska, offering women in the most rural of areas easy access to mammographies at no cost. Additionally, the Center uses a 43-foot long, 14 foot high and 26,000 pound mobile mammography van to travel through rural areas of Alaska. The van makes regular trips, usually by river barge, to remote areas in Interior Alaska such as Tanana.

Julie Roberts, a 42-year-old woman of Tanana, who receives regular mammographies from the mobile mammography van, knows the importance of early screening:

> There's a lot of cancer here (in Tanana)—a lot of cancer. That's why it's important to have the mobile van here . . . I know that if I get checked, I can catch it early and can probably save my life. I have three children and I want to see my grandchildren.

I am proud to say that the Fairbanks Center now serves about 2,200 women a year and has provided screenings to more than 25,000 Alaska women in 81 villages throughout the state. To help fund the efforts of the Fairbanks Center, each year Nancy and I sponsor a fishing tournament to raise money for the operation of the van and mobile mammography unit. After just three years, donations from the tournament have totalled $830,000.

Mr. President, Nancy and I are committed to raising more funds for this important program so that every woman in Alaska can benefit from the advances of modern technology and reduce their risk of facing this killer disease.

Mr. President on this day that we recognize survivors of breast cancer, I want take a moment to discuss legislation that I am cosponsoring with Senator D'AMATO to end the practices of so-called "drive-through" mastectomies.

In too many cases women who survive the trauma of a mastectomy are being forced to get out of the hospital only hours after their surgery. How can medical care professionals allow this? Simply because many insurance companies demand that the procedure of a mastectomy be considered an out-patient service."

Here's the horror that many insurance companies cause:

Nancy Couchot, a 60 year old woman had a radical mastectomy at 11:30 a.m. She was released from the hospital five hours—even though she was not able to walk or use the rest room without assistance.

Victoria Berck, had a mastectomy and lymph node removal at 7:30 a.m. 7 hours late. She was given instructions on how to empty two drains attached to her body and sent home. Ms. Berck concludes, "No civilized country in the world has a mastectomy as an out-patient service."

Mr. President that is why I am proud to co-sponsor the Women's Health and Cancer Rights Act of 1997, which would put an end to the drive-through mastectomies.

Specifically, the Act will require health insurance companies to allow

physicians to determine the length of a mastectomy patient's hospital stay according to medical necessity. In other words, the bill makes it illegal to punish a doctor for following good medical judgment and sound medical treatment.

Another important provision of this bill ensures that mastectomy patients will have access to reconstructive surgery. Scores of women have been denied reconstructive surgery following mastectomies because insurers have deemed the procedure to be cosmetic'' and, therefore, not medically necessary.

Mr. President, far too often breast cancer victims, who believe that they have adequate health care coverage, are horrified when they learn that reconstruction is not covered in their health plan.

In Alaska, of the 324 mastectomies and lumpectomies performed in 1996, reconstruction only occurred on 11 of the patients. That means that only 3.4% of women who have their breast removed have reconstructive surgery, compared to the national average of 23%.

Mr. President, the simple reason for this tragically low figure is simple: women can't afford the procedure.

Breast reconstruction costs average about $5,000 for just the procedure. If hospital, physician and other costs are included—the costs escalate to around $15,000.

Dr. Sarah Troxel, of Providence hospital, the only doctor in the Mat-Su Valley who does breast reconstruction, states the importance of reconstruction:

> Women who are unable to receive reconstructive surgery, suffer from depression, a sense of loss, and need more cancer survivor counseling . . . Additionally reconstructive surgery can be preventative medicine—women who don't have reconstructive surgery often develop other medical problems or complications with their spine.

Mr. President, these issues are not partisan issues. We may have our differences regarding managing and financing health reform, but I think we all endorse accessible and affordable health care that preserves patient choice and physician discretion. Cancer does not look to see the politics of its victims.

It is my hope that we will adopt this legislation this year.•

50TH ANNIVERSARY OF THE U.S. AIR FORCE RESERVE

• Mr. LEVIN. Mr. President, I rise today to honor the United States Air Force Reserve on its 50th Anniversary, which will be celebrated across the country on April 14, 1998. The United States Air Force Reserve can trace its heritage back to the National Defense Act of 1916 which authorized a reserve corps of 2,300 officer and enlisted aviators. In 1917, the War Department established the First Reserve Aero Squadron. However, the Air Reserve was not formally established until after World War II.

On July 26, 1947, the National Security Act was signed into law by President Truman. This act established the United States Air Force as a separate branch of our Nation's armed forces. On April 14, 1948, just seven months later, the U.S. Air Force Reserve was established. On April 27, 1948, the Air Reserve was transferred to the Air Force. In October 1948, President Truman directed the services to revamp their reserve components. As a result, the Air Force established the position of Special Assistant to the Chief of Staff for Reserve Forces to oversee the Air Reserve. The first person to fill this position was Lt. Gen. Elwood R. Quesada. On December 1, 1948, the Air Force established the Continental Air Command (CONAC) at Mitchell Air Force Base, New York. The CONAC's mission was to administer all Air Reserve programs. After the establishment of the CONAC, the Air Reserve's mission became more coherent and diversified.

Since its humble beginnings during World War I, the Air Force Reserve has seen many dramatic changes as it has built itself into the world-class force it is today. Over the past fifty years the men and women of the Air Force Reserve have served with honor and distinction during the 1961 Berlin Crisis and the 1962 Cuban Missile Crisis, and in the major conflicts of Korea, Vietnam and in the Persian Gulf. Major General Robert A. McIntosh, the Commander of the Air Force Reserve Command, recently summarized the remarkable accomplishments of the Air Force Reserve. He said, ''In five decades, we moved from a standby force, training on obsolete and war-weary airplanes, to a front-line force that is more capable than the air forces of many nations. We are a role model for keeping unique capabilities in a military framework without spending the money that a large full-time military requires.''

As the Air Force Reserve celebrates its Golden Anniversary this month, we recognize that the Air Force Reserve truly does have a golden legacy. It is a legacy that we should all take time to reflect upon and honor. Regardless of any future threat our Nation may face, the Air Force Reserve will meet the challenge just as they always have. Air Force Reservists deserve the respect and gratitude of all Americans for their service and their sacrifice for our country. These volunteers exemplify daily their dedication to the ideals that make our country great.

In Michigan, the 927th Air Refueling Wing at Selfridge Air National Guard Base will celebrate the Air Reserve's 50th Anniversary. The 927th ARW flies KC–135E Stratotankers to fulfill its mission of providing Global Reach for United States air power. The 927th has a rich history of service which includes missions in Vietnam, the Persian Gulf and Bosnia. We in Michigan are very proud of the job the 927th is doing for our nation.

I know my Senate colleagues join me in celebrating the 50th Anniversary of the United States Air Force Reserve.•

NATIONAL BREAST CANCER SURVIVORS' DAY

• Mrs. HUTCHISON. Mr. President, I rise today to highlight to the Senate and to the American people the importance of this day—National Breast Cancer Survivors' Day—a day commemorating breast cancer awareness and the celebration of life.

Breast cancer is the most common cancer among women of all ages. There is scarcely an American family that in some way has not been touched by this disease. In fact, it is estimated that over 180,000 women and men are diagnosed with breast cancer and over 43,000 die from the disease each year. Women have a 12 percent lifetime risk for developing breast cancer, and one in 25 women will develop the disease by age 60. While these statistics are grim, today we pause to focus our attention on the hundreds of thousands of success stories—individuals who have survived and even prospered despite breast cancer.

I salute every brave woman and man who has battled and beaten this disease. Only someone who has had cancer can really know what it is like—the fear, the doubt, and the often painful and debilitating treatments and medical procedures. But beat it they have. And to those who are still in the fight, I say: ''Hang in there. You can do it, and the chances are ever greater that you will do it.''

When detected early and when confined to the breast, the five-year survival rate for this disease is over 95 percent. Mr. President, this is a remarkable statistic, and represents a dramatically improved picture than that of even a few years ago. It is also important to note that, for the first time in years, the mortality rate for both Caucasian and African-American women is also declining. With continued advancements in early detection and treatment procedures, and with the growing hope that a cure might be found in a matter of years, not decades, women today certainly do have cause to celebrate.

But our work is far from done. I and many of my Senate and House colleagues are doing all we can to ensure that adequate federal resources are being allocated to research, education, and treatment of breast cancer. Through research grants and direct research conducted at the National Institutes of Health, promising leads and

even occasional breakthroughs are being pursued with vigor by the best and brightest of the medical and scientific worlds. We can of course do more, and I am joining many of my colleagues on the Appropriations Committee in supporting a significant increase in the fiscal year 1999 budget for the NIH so that this important work can move forward. Put simply, we will not rest until a cure is found.

But until a cure is found, let me say to every woman in America that you are your own best ally in the fight against breast cancer. Self-exams and regular breast cancer screenings for high risk women and women over 40 is absolutely crucial. I was pleased that last year the National Institutes of Health joined me and others in recognizing the importance of annual screening of women over 40, and the availability and affordability of mammography and other promising detection techniques continues to increase.

So today, I join my colleagues and all Americans in celebrating those who have won the battle against breast cancer. We salute and celebrate their courage, optimism, and often selfless commitment to help those newly diagnosed to overcome the challenges that lay ahead. Mr. President, these individuals are not just survivors, they are beacons of inspiration and hope for all of us. With the heart and spirit of these survivors leading our way, I know that we will eventually win and conquer this disease. That will be the best Survivors' Day of all.•

VIOLENT AND REPEAT JUVENILE OFFENDER ACT OF 1997

• Mr. LEAHY. Mr. President, the recent shootings outside a school in Jonesboro, Arkansas, that left four young students and a teacher dead and scores of others wounded in both body and mind are shocking. Just over the last few months, we have seen deadly shootings carried out by juveniles in rural communities in Kentucky, in Mississippi and now in Arkansas. Clearly, juvenile crime is not just an urban problem. These shootings leave scars on the loved ones of those killed and injured and on the communities involved that take a long time to heal.

We may never fully comprehend how such crimes against children could be executed by other children. But one thing should be clear: The issue of juvenile crime should not be used for cheap grandstanding or short-sighted political gain. We need to find constructive approaches to this problem that builds upon past successes and respects the proper roles of State, local and Federal authorities.

In the last session, and again at the beginning of this session, I have spoken about the need to address the nation's juvenile crime problem on a bipartisan basis. Politicizing the juvenile crime problem does a disservice to the citizens in this country who want constructive responses.

I have spoken about the need to address the flaws in the juvenile crime bill, S. 10, which the Judiciary Committee voted on last summer. In floor statements and in the extensive minority views included in the Committee report, I have outlined those areas in which this bill needs significant improvement.

In short, the bill reported by the Committee to the Senate would mandate massive changes in the juvenile justice systems in each of our States, and it would invite an influx of juvenile cases in Federal courts around the country. The repercussions of this legislation would be severe for any State seeking federal juvenile justice assistance. The bill also removes core protections that have been in pace for 25 years to keep juvenile offenders out of adult jails and away from the harmful influences of seasoned adult criminals.

The need for significant improvements to this bill is no secret. Virtually every editorial board to consider the bill has reached the same conclusion. Just in recent days, the Philadelphia Inquirer concluded that the bill "is fatally flawed and should be rejected." On Monday, March 23, the Los Angeles Times described the bill as "peppered with ridiculous poses and penalties" and taking a "rigid, counterproductive approach." The Chattanooga Times, on March 14, labeled the bill "misguided" with "flaws so far-reaching that the bill requires substantial surgery." The Houston Chronicle, on March 10, observed that this bill "at the very least, needs serious rethinking." The Legal Times, on March 2, called S. 10 "the crime bill no one likes." The St. Petersburg Times, on February 23, described the bill as "an amalgam of bad and dangerous ideas." A February 10 opinion piece in the Baltimore Sun described S. 10 as a "radical" and "aberrant bill."

The criticisms leveled at S. 10 are, unfortunately, well-deserved. Consequently, eight months after this bill was voted out of Committee, the Committee held a belated hearing on some of the new controversial mandates in the bill. At that hearing, on March 9, Senator SESSIONS announced a number of changes that he planned to make to the new juvenile record-keeping and fingerprinting mandates in the bill. I had recommended a number of these changes during Judiciary Committee mark-up of the bill, and I am pleased that, finally, my cautions are being heeded.

I will be glad to see removed the requirement of photographing every juvenile upon arrest for an act that would have been a felony if committed by an adult, and the new fingerprinting and record-keeping mandates limited to felony acts that occur in the future.

I continue to oppose the imposition of these new requirements as mandates. These mandates will cost States more to implement than they can hope to receive in federal assistance. Those who believe that $250 million over 5 years, or $50 million per year, will be sufficient to pay for the record-keeping mandates in S. 10 have not studied the comprehensive report recently released by the National Center for Juvenile Justice and that the bill, as currently drafted, would cost the states far more than that, especially through its new fingerprinting and record-keeping mandates.

Many of the States are way ahead of the federal government in finding innovative ways to address juvenile crime and need resource assistance, and not bullying, from Washington. They need help to do what they decide is the right balance.

While it is a better practice to hold hearings and examine issues before legislation is voted on and reported out of committee, I look forward to working with Senators HATCH and SESSIONS to improve this package, now that the bill has been reported but finds itself off the main track and stalled on a siding. I again urge the sponsors of this legislation not to politicize the important issue of juvenile crime but to work in an open, fair and bipartisan way to make S. 10 a better bill that will truly do what we all say we want it do to: Reduce youth crime.•

ASYLUM

• Mr. DEWINE. Mr. President, I rise today to express my concerns about the implementation of the immigration laws that Congress passed in 1996, since we are fast approaching an important deadline. Today is the deadline for those immigrants who have lived in the United States for one year who wish to apply for political asylum.

The concerns I raised and shared during the debate on the 1996 Immigration bill are even more relevant today. People who have the most credible asylum claims—those under threat of retaliation, those suffering physical or mental disability, possibly as a result of torture they endured in their home country—may find themselves barred from ever applying for asylum if they miss this deadline.

To protect those who flee persecution and abuse and seek refuge in the United States, the INS should, at the very least, promulgate a final rule that includes the broad "good cause" exceptions from the Senate-passed version of the 1996 immigration law. Senators KENNEDY, FEINGOLD, and I sent a letter on February 12, 1998 to INS urging that the final rule include the Senate's more expansive definition of "good cause" exceptions for missing that deadline.

The INS should not issue regulations that might exclude the very applicants

that the concept of asylum was meant to include. For this reason, our letter urges INS to promulgate a final rule that adopts the Senate's entire definition of "good cause" for missing the one-year filing deadline:

"Good cause" may include, but is not limited to, [1] circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum; [2] physical or mental disabilities; [3] threats of retribution against the applicant's relatives abroad; [4] attempts to file affirmatively that were unsuccessful because of technical defects; [5] efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; [6] the illness or death of the applicant's legal representative; or [7] other extenuating circumstances as determined by the Attorney General. [Section 193 of Senate bill; *numbers added for reference].

Mr. President, the very least our country should offer these victims of persecution, are clearly and fairly stated exceptions to this one-year filing deadline.

My second concern is that the implementation of the summary exclusion or expedited removal provisions of the new immigration law may prove to be even more harmful to those who flee from persecution and seek refuge in the United States. When this bill was being debated in 1996, Senator LEAHY and I sponsored an amendment that would have limited such expedited removal procedures to only emergency situations. While that amendment passed by one vote in the Senate, it unfortunately did not survive in conference.

I said in May of 1996, and I still believe today, that victims of politically motivated torture and rape are the very ones who are most likely to have to resort to the use of false documents to flee from repressive governments—yet the use of such fraudulent documents subjects them to summary exclusion under the 1996 law.

I also remain concerned that while the INS may instruct its inspectors not to assess the credibility of an asylum claim—but instead refer the claim to an asylum officer—who can say how this process is actually being implemented nationwide at all of our 260 ports of entry? Other outside agencies are not permitted to monitor this process. Some credible cases are being assessed at secondary inspection sites by INS officials who are not trained asylum officers. As a result, I urge the Attorney General to appoint someone from her office to oversee the functioning of secondary inspection sites to ensure that anyone stating a fear of persecution or abuse is not forced onto the next plane back to his or her persecutors.

DOJ oversight could also prevent future inhumane actions—cases of physical and mental abuse that some INS officials have allegedly inflicted on asylum seekers who are shackled to benches at JFK Airport—or at least provide accountability for a process sorely lacking such oversight. A man from Somalia, Mohamoud Farah, who was recently granted asylum, yesterday described his ordeal during a press conference sponsored by the Lawyers Committee for Human Rights. I will ask that his full statement be printed in the RECORD at the conclusion of my remarks, but I will highlight some of it now. While Mohamoud endured 14 and a half hours shackled to a chair at JFK Airport, without food or water or even restroom breaks, he experienced abuse from INS officials and saw them abuse others who had been detained in the secondary inspection waiting area.

Being kicked, cursed at, and shackled to a chair is not how any of us envision proper treatment of people who seek refuge in our great nation—in fact, I imagine that kind of treatment as only occurring at the hands of the persecutors in the very countries from which these refugees flee.

Finally, I am concerned about the consistency with which INS implements its own rules and regulations in compliance with the 1996 immigration law. For example, in the General Accounting Office's report that was sent to me yesterday, the GAO describes inconsistencies among the eight asylum offices in the process of conducting "credible fear" interviews. Some offices failed to document whether a required paragraph on torture was read to the asylum seeker, or whether questions about torture were asked. I am concerned about these inconsistencies—especially since information about torture would provide a solid basis on which to grant asylum.

INS should also be consistent in allowing for effective representation when an asylum applicant appears before an immigration judge. This means that immigration judges should allow the attorney or representative of the asylum seeker to participate at the hearing by speaking or asking questions.

The right to have a trained asylum officer hear an asylum claim or to have counsel speak during a review hearing before an immigration judge should be a consistent right of all asylum seekers—not just a right that depends on which airport a person lands in or which immigration judge that person ends up appealing to.

In conclusion, Mr. President, the Senate must remain vigilant in its oversight duties if we want to keep our asylum system working. We have to remember that there's a reason for having an asylum system in the first place—and that is to keep the torch of liberty lit for truly oppressed people. This is a basic American value, and America should not turn its back on this fundamental principle.

I ask that the statement of Mohamoud Farah be printed in the RECORD.

The statement follows:

STATEMENT OF MOHAMOUD FARAH

(represented by the Hebrew Immigrant Aid Society (HIAS))

I arrived at JFK airport in New York City on October 31, 1997, on an Egypt Air flight from Cairo. When the plane landed, I informed someone at the airport that I was a refugee without a visa to enter the United States. I overheard this person tell a uniformed INS officer that I was "illegal". This INS officer insulted me, cursed at me, and asked me why I came to the United States. He pushed me backwards, and I fell down. Before I knew what was happening, three or four INS officers were putting shackles on my arms and legs. They bound my wrists and ankles to the legs of a chair. As the shackle was short, I was forced to lean forward in an uncomfortable position. The officers yelled and cursed at me. One of them pulled my ear. I tried to explain that I was a refugee from Somalia, but they just continued to shout. I saw the officers kick some other people, who were then taken away.

I remained shackled to the chair, leaning forward, for fourteen and a half hours. During that time, despite my requests, I was not given any food or water, nor was I allowed to use the restroom. I saw two shift changes take place while I was still bound to the chair. At one point, employees from Egypt Air came with my luggage and ticket and said they were trying to send me back. I was afraid that if I were sent to Egypt, I might be put in jail. I told them I would rather be in jail in the United States.

They eventually sent me to another office where someone from INS began to take a statement from me about why I left Somalia. This statement would be used by the Immigration Judge in my proceedings. I was expected to discuss very painful experiences with the same people who were being abusive to me. This interview took a long time, as there was another shift change, and a new officer had to finish the statement. After they took the statement, I had to wait in that office for three more hours. I still was not allowed water or given permission to use the restroom. Finally, I was transported to the detention facility, near the airport in Queens, NY, at about 3:30 a.m. At that point, I was finally able to have some water and use the restroom, but received no food until lunch the next day. In the detention center, I began the process of applying for asylum in the United States. I was represented by Olga Narymsky, an attorney with the Hebrew Immigrant Aid Society (HIAS). After 101 days in detention, on February 9, 1998, I was granted political asylum.

I never expected that I would be treated this way in the United States. I know America is a great nation and that the way I was treated is not normal. I hope that by telling my story, I can help prevent anyone else from having to endure what happened when I arrived seeking refuge in this country.

AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION REFORM

• Mr. WELLSTONE. Mr. President, I am here to support the Senator from Iowa in asking that we be allowed to vote on S. 1150, so that we may provide crop insurance to the farmers in this country and begin to restore food stamps to some legal immigrants who lost eligibility under welfare reform. It

is a bill financed primarily by funds from reducing the federal dollars for the administration of food stamps and provides the perfect opportunity to start correcting the mistakes made under welfare reform in denying legal immigrants access to the food stamp program. In addition it could allow full funding for crop insurance for next year and beyond. The only way Congress could avoid leaving farmers exposed in this way, would be to provide significant increases to crop insurance during the appropriation process. It will be incredibly difficult to increase crop insurance through the appropriations process because of the tight discretionary caps and the tremendous pressure on all programs.

As currently drafted, S. 1150 would provide just over $800 million for FY1999–FY2003 to restore benefits to approximately 250,000 people. That is less than a third of those who lost their eligibility under welfare reform. It is a step in the right direction and we as the Senate should have the right to vote on this legislation.

We are not a country built on denying food to children and their parents. Yet that is essentially what we did when we passed Welfare Reform. Estimates suggest that around 900,000 legal immigrants lost their eligibility. In addition, 600,000 citizen children with legal immigrant parents have seen their family's food stamps reduced. Denying access to nutrition will indeed affect children. It might be in terms of reducing children's food or it might be in terms of family dynamics, job performance or children's accomplishments. The reality is food is a basic need that if lost or reduced has rippling effects on a family.

The legislation that has been stopped would, if passed, begin to return food stamps to the neediest of those immigrants who lost eligibility under welfare reform: children, elderly and disabled. In addition it extends eligibility of asylees and refugees from 5 to 7 years to allow them the time required to apply for citizenship. The remaining $1.1 billion would ensure the much needed funding for crop insurance and increase the much needed funds for agriculture research. Agriculture research funds are critical to improving food safety and providing a better quality food supply for all consumers. I encourage the President to allow the Senate to vote on this legislation so that we may improve food stamp eligibility to legal immigrants and ensure crop insurance to our farmers.•

CONGRATULATING TUBBY SMITH

• Mr. SARBANES. Mr. President, I rise today to congratulate a native son of Southern Maryland, Tubby Smith, who, as a first year head coach, led the Kentucky Wildcats to victory in this year's NCAA Basketball Tournament. This event is a historic one as Tubby Smith becomes only the third African-American to coach an NCAA men's championship basketball team at an institution that, at one time, did not allow African-Americans students to participate in basketball. It is for these reasons that I am particularly proud to congratulate Tubby Smith, a fellow small-town Marylander, on behalf of athletes and citizens nationwide who appreciate the value of opportunity and victory. Mr. President, I ask that an article on Tubby Smith, his family and life in Scotland, St. Mary's County, Maryland from the April 1, 1998 edition of the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 1, 1998]

IN ST. MARY'S, A CHAMPION'S FAMILY CELEBRATES

(By Jessie Mangaliman)

In the modest one-story cinder-block home in Scotland near St. Mary's County's southernmost point, Tubby Smith's large family—he has 16 brothers and sisters, 10 of whom still live in Southern Maryland, and 38 nieces, nephews, grandnieces and grandnephews—gathered yesterday at the family home to celebrate a victory by one of their own.

It was family-style: in the kitchen over a cup of coffee or in the den in front of a television tuned to a sports channel.

But in some ways, this victory encompasses a larger family. That's because Tubby Smith, the winning coach of the NCAA champion University of Kentucky Wildcats, was the first African American coach of a school that once barred blacks from playing on its basketball team. On Monday, he brought honor to that school and the country when his team, which included his son, Saul, won the national basketball title, defeating Utah 78–69.

"I think he's proved them all wrong," said his jubilant sister Ramona Smith, who lives in Scotland, the tiny farming community of several hundred people six miles from the Chesapeake Bay. "He's made a believer out of everybody. His coaching record speaks for itself; he just happens to be black."

"Yes, my God, we are proud of Tubby Smith," declared Frank Dove, manager of the Mixx Lounge and Grill in Dameron, a nearby community, where more than 100 of Smith's friends gathered Monday night to watch the game and toast him in his victory. A sign outside the lounge on Route 235 proclaimed: "Congratulations, Tubby Smith."

"You can't help but smile to think that Tubby, who is liked by everyone here, came from being a farm boy to what he is now. We are proud," said Dove, who opened the lounge, usually closed on Mondays, to Smith's friends and family.

"You want to talk about the coach of the year? He's my coach of the year . . . for life," said William Smith, one of Tubby Smith's younger brothers who joined the crowd at the Mixx.

"He's the greatest!" said Guffrie Smith Sr., Smith's father, who worked three jobs while helping to raise his family: He drove a school bus, fired boilers at Patuxent River Naval Air Station and barbered.

Guffrie, 79, and Parthenia, 72, still live in the five-bedroom home where Tubby grew up. Guffrie, with the help of his uncle, a share-cropper, built that house in 1963 so that the family could move out of a farmhouse that lacked indoor plumbing.

The Kentucky coach might be known as Tubby—the young boy who liked sitting in his grandmother's wash bin so much that he didn't want to leave—but his given name is Orlando.

"He was an obedient child," Parthenia Smith said. "Weekdays he went to school, and on Sundays he went to church. He was not allowed to play ball on Sundays."

But he was also a hard-working child, said Dove, who has known Tubby since he was an infant. Even at a young age, he helped his father plant fruits and vegetables on the family's five acres of land.

"The whole family is like that—a churchgoing, hard-working good family. That's the bottom line," Dove said. Yesterday afternoon at the Smith home, there was only one subject of conversation: Tubby.

"Every time Tubby came on, somebody holled, 'Tubby's on!'" said Ramona Smith, a guidance counselor at Great Mills High School. "We're still flying high, and we haven't quite calmed down yet."

Neither Guffrie nor Parthenia finished high school, but from the beginning, education was one of the family's most important values, the parents said. It paid off, Guffrie Smith Sr. said yesterday, for most of his 17 children have college degrees, including Tubby.

"He called last night after the game, and he said, 'Hey, Mama, did you see me on TV? I told him, yeah and I thanked the Lord [for the win] because I was so nervous," said Parthenia Smith, who conceded that she could not stop smiling in disbelief.

At Great Mills High, Tubby Smith scored 1,000 points in three seasons before graduating, helping unite a racially divided school in 1967 with his athleticism, according to his brother Odell, who was in Texas to watch the game Monday night.

Tubby Smith played for four years at High Point University in North Carolina. Then he coached in high schools, including at Great Mills. One of his college coaches, J.D. Barnett, later hired him as an assistant at Virginia Commonwealth University. Barnett went on to the University of Tulsa, where he was fired as head coach and replaced by Smith in 1991.

Under Smith's coaching, Tulsa went to the middle rounds of the NCAA tournament. He went to the University of Georgia in 1995, leading his teams to two NCAA tournaments.

Last year when Smith became the first African American coach of the men's team at the University of Kentucky, a paper there published an open letter from a black staff member warning him that the school was not ready for a black coach. "I fear for your safety," she wrote.

"There are good and bad people everywhere you go," Parthenia Smith said. "I told him that I didn't like what she said. But that made me nervous more than anything else."

"He's a good man," Smith's father said. "The boys believe in him."

Guffrie Smith, who has had multiple bypass surgery, said he had no doubt his son would come through a champion, but the thrill of Monday night's game was too much for his heart.

At halftime, when the Wildcats were behind 10 points, Guffrie Smith stood up, paced around the living room and the shut himself in the bedroom. He came out only after the Wildcats had won.

After the game Monday night, Tubby Smith said: "It's obviously something that is

special. It's probably the most noteworthy thing that has happened in our family as far as family achievements.

Smith said he plans to visit his family in St. Mary's County in the next several days.

On national television, he thanked his relatives in St. Mary's because he knew they were watching. The family gathered at the Mixx lounge hooted and hollered, toasting with champagne.•

UNIVERSITY OF MICHIGAN WOLVERINES

• Mr. LEVIN. Mr. President, I rise today to congratulate the University of Michigan Wolverines on the completion of a perfect 1997 football season. In September, the Wolverines began one of the toughest schedules in the Big Ten. The team was prepared to play some of the strongest teams in NCAA football. From their first victory against Colorado (27–3) to their last game of the season against Ohio State (20–14), Michigan dominated the field, surrendering few touchdowns with their top-rated defense. By November, the Wolverines had finished their regular season undefeated, with a Big Ten Championship, a Rose Bowl berth and their first chance at a National Championship in fifty years.

In January, the Michigan Wolverines faced the Washington State Cougars in the 1998 Rose Bowl. Although the University of Michigan has more Rose Bowl appearances than any other Big Ten school, the Wolverines were appearing in Pasadena for the first time in five years. Senior quarterback Brien Griese led the team with 18 for 30 passing for 251 yards and three touchdowns. The Wolverines celebrated a 21–16 victory over Washington State, giving them their ninth straight win against opponents ranked in the Associated Press Top 10 and finishing with a perfect 12–0 season.

The Rose Bowl victory clinched the Wolverines the Associated Press National Championship trophy and secured the co-national championship. The season became even sweeter for the Wolverines when University of Michigan junior Charles Woodson won the 1997 Heisman Trophy, football's most prestigious individual honor, and head coach Lloyd Carr was recognized as Coach of the Year. 1997 was undoubtedly an outstanding year for Michigan football, and possibly the best in school history. On April 9, President Bill Clinton will honor the University of Michigan Wolverines at the White House for their extraordinary athletic accomplishments and remarkable teamwork. I extend my heartiest congratulations to the University of Michigan football team on a perfect 1997 season—Let's Go Blue!

UNITED NATIONS INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

• Mr. WELLSTONE. Mr. President, I would like to call the Senate's attention to a recent initiative that addresses a very important international issue: the use of torture. At its last session, the United Nations General Assembly decided to proclaim June 26th as "United Nations International Day in Support of Victims of Torture." The General Assembly proclaimed the day "with a view to the total eradication of torture and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 June 1987." Governments and non-governmental organizations are developing plans on how to observe this day in a manner that will recognize the needs of torture victims and the necessity of preventing torture.

Torture is a most effective weapon against democracy. Torture victims are often in the forefront of the struggle for human rights and democracy in their own country. The advocates for these ideals are tortured in order to disable them and instill fear in anyone who might aspire for human rights and democracy. As a refuge for the persecuted, the United States may have as many as 400,000 victims of torture. They come from all regions of the world. Many come from Iraq, Iran, China, Ethiopia, Liberia, El Salvador, Guatemala and many other countries too numerous to mention. Because of their experience with torture, they often have special difficulties applying for asylum and adjusting to a new country. They must overcome the physical and mental effects of torture—the latter often requiring months or years of therapy. Nightmares, flashbacks, anxiety attacks, and depression are just some of the mental consequences of torture. In some cases it may be years before the victim recognizes that treatment is necessary to overcome these psychological roadblocks.

Plans are being made around the world to recognize the contribution of torture victims. In Denmark, the International Rehabilitation Council for Torture Victims and the Rehabilitation and Research Centre for Torture Victims are planning a series of event and activities. In Greece, where torture was prevalent not so many years ago, the Medical Rehabilitation Center for Torture Victims (MRCT) will hold an event at what was, during the dictatorship, the Special Interrogating Unit of the Military Police (a notorious torture and detention center). The building is now used for historical memorial purposes, and symbolically the area has been renamed Park of Freedom. A variety of activities are planned, including speeches by torture victims and refugees.

I am very proud that the first and most comprehensive treatment center for victims of torture in the United States, the Center for Victims of Torture, is located in Minneapolis, Minnesota. It now treats an average of 150 clients a year who come from all regions of the world and are now settled in Minnesota. Many of the Center's clients and former clients are now making significant contributions to our communities and we are grateful to have them. The Center is planning a special event for June 26th.

Mr. President, on February 4th I introduced the Torture Victims Relief Act (S.1606). My bill is co-sponsored by Senators TOM HARKIN, EDWARD KENNEDY, DANIEL PATRICK MOYNIHAN, BARBARA BOXER, BYRON DORGAN, and RICHARD DURBIN. The legislation provides a focus and a framework of the debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities. Providing treatment for torture survivors is one of the best ways we can show our commitment to fighting human rights abuses around the world.

Mr. President, I strongly urge this administration and this Congress to undertake activities on June 26th to recognize the important contributions torture victims have made on behalf of human rights and democracy and the contributions they have made to our country as well. I suggest that President Clinton invite some torture victims to attend a ceremony at the White House where they would be recognized for their contributions. The invitees should be from countries representing a wide geographic and political distribution.

On that occasion the President could announce some initiatives the administration is taking to support torture victims and prevent torture. I would suggest that the President consider taking the following initiatives: (1) Increase the U.S. contribution to the United Nations Voluntary Fund from $1.5 million to $3.0 million, as recommended in the conference report of the State Department authorization bill; (2) Direct the Agency for International Development to set aside $5 million in fiscal year 1998 funds to assist treatment centers for torture victims abroad; (3) Direct the Department of Health and Human Services to set aside $5 million in fiscal year 1998 funds to assist treatment centers for victims of torture in the United States; and (4) Announce administration support for the Torture Victims Relief Act (S. 1606).

Finally, Mr. President, I would like to mention the valuable contribution being made by the United Nations Voluntary Fund for Victims of Torture. It provides financial assistance to treatment centers for victims of torture throughout the world. These centers

are providing both an essential humanitarian assistance program as well as an important strategic instrument for advancing human rights and democracy around the world. In 1997 the Fund assisted 104 projects in about 70 countries on a budget of little more than $3 million dollars. An article that appeared in Human Rights, a publication initiated by the new U.N. High Commissioner for Human Rights, Mary Robinson, tells why we need to increase our contribution to the Fund. I ask that the text of the article be printed in the RECORD.

The article follows:

U.N. SUPPORT TO VICTIMS OF TORTURE

(By Daniel Prémont)

Torture continues to occur on a worldwide basis, despite enhanced efforts by Governments and organizations in keeping with provisions contained in domestic law and international human rights conventions whose objective is its total eradication.

The practice of torture was first prohibited in 1948 by the Universal Declaration of Human Rights and by the International Convention on the Prevention and Punishment of the Crime of Genocide; the concept was reaffirmed in 1966 by the International Covenant on Civil and Political Rights; and more recently, in 1984, by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

WHAT IS THE VOLUNTARY FUND FOR VICTIMS OF TORTURE?

The effects of torture should not be underestimated. Physical and mental consequences of torture can endure for several years and may be irreversible, often affecting not only thousands of victims themselves, but also their relatives. One of the means of mitigating the subsequent effects of torture on victims and their families is to provide them with medical, psychological, social, legal and economic aid. With this in mind, the General Assembly created the United Nations Voluntary Fund for Victims of Torture in 1982. The purpose of the Fund is to receive voluntary contributions and distribute them to non-governmental organizations and treatment centres for assisting victims of torture and their relatives whose human rights have been severely violated as a result of torture, as well as for the funding of projects for training healthcare professionals specialized in the treatment of victims of torture.

The Fund is administered by the United Nations Secretary-General with a Board of Trustees acting in an advisory capacity and comprising five members with wide experience in the field of human rights. The members serve in their personal capacity and are appointed by the Secretary-General for a renewable three-year term of office on the basis of equitable geographical distribution. Currently, members of the Board of Trustees are Jaap Walkate, Chairman, from The Netherlands; Ribot Hatano from Japan; Elisabeth Odio-Benito from Costa Rica; Ivan Tosevsky from the Former Yugoslav Republic of Macedonia; and Amos Wako from Kenya.

The inadequacy of available resources is a limiting factor in the field of assistance of victims; as a consequence, programmes of assistance are subjected to interruptions. For some 100 organisations the support of the United Nations Voluntary Fund remains essential.

HOW DOES THE VOLUNTARY FUND WORK?

The Fund receives projects which focus on providing medical, psychological, economic, social and legal assistance to victims of torture and to members of their families. A few projects also share the objective of organizing training seminars for health professionals specialized in the treatment of torture victims.

Each May, the Board of Trustees makes recommendations on grants to the High Commissioner for Human Rights. Subsequently, in the following month, on the basis of those recommendations, the High Commissioner takes decisions on behalf of the Secretary-General. As a final step, grants are made available at the end of July.

From 1983 to July 1997, the Fund has financed 255 projects for direct assistance to torture victims. From US$ 2.5 to US$ 3 million of voluntary contributions received from about 30 Governments and a few individuals are disbursed every year to projects in some 60 countries representative of all the regions of the world. Further information on the activities of the Voluntary Fund can be found in the latest annual reports of the Secretary-General to the General Assembly (UN document A/52/387) and to the Commission on Human Rights (UN documents E/CN.4/1998/37 and Add.1).

	Grants requested (US$)	Grants awarded (US$)	Percent granted	Additional amount required (US$)
1997	6,800,000	[1] 3,036,054	44.64	3,765,946
1996	5,618,645	[1] 2,535,500	45.1	3,083,145
1995	5,827,645	[1] 2,719,680	46.6	3,107,965
1994	5,476,959	[1] 3,698,080	67.5	1,778,879
1993	5,289,413	[1] 2,111,880	39.9	3,177,533

[1] Each year, the grants awarded correspond to the total amounts which the Board of Trustees is able to recommend to the Secretary-General for allocation. In view of the insufficient contributions received, the Board avoids the practice of carrying forward a reserve from one year to the next. The Secretary-General follows this recommendation by the Board.

As at 30 November 1997 only US$ 1,174,499 has been paid into the Fund. Provided that the number of grant requested is maintained at the 1997 level, the Fund will need an additional amount of US$ 5,6 million to meet all requests.

SOME PROJECTS RECENTLY SUBMITTED

Torture involves not only physical but also psychological forms, sometimes with long-term sequelae: in this regard, the Fund is supporting a project whose objective is to provide global assistance to formerly disappeared children of victims of torture in Latin America. The organization identifies disappeared children as those born in detention, abducted by security forces and illegally adopted. Once located by the organization, the children may be returned to their biological families. The best interests of the child have to be taken into consideration. This project consists of two main parts: investigation—some 1,030 interviews were carried out in the past year in conjunction with blood tests and analyses of genetic data—and psychological support provided to some 431 persons during 1996. Most of these persons suffer from sequelae of post-traumatic stress disorder including anxiety, nightmares, depression, as well as affective and intellectual inhibitions and benefit from individual psychotherapy. The number of youths seeking assistance remains high while many children have yet to be found: to date, 172 children still need to be located and 6 who were found have yet to be returned to their biological families.

Another project which was being implemented in Asia in 1996 focused on providing physical and mental relief to torture survivors and their families. Firstly, fact-finding missions on the incidence of torture were carried out establishing that people had been subjected to torture by the police and other law enforcement agencies: this involved methods such as beatings all over the body, kicking them with police boots, applying electric shocks, scalding them with hot water, suspending them by the legs from roofs and inflicting them with bullet injuries. Long-term consequences, apart from obvious physical complaints, were psychological and included phobia, depression, sexual problems and mental disorders. The more commonly occurring complaints were social maladjustments at work, in the family and society in general, through the overall loss of social dignity and a departure from social values. In 1995, 263 victims between 15 and 45 years of age received treatment. The drug therapy included prescription of antipsychotics, physiotherapy as well as psychotherapeutic assistance. Parallel to the main objective of providing physical and mental relief to the victims, the Care Center organized other activities such as seminars on torture for health professionals, missions in collaboration with the national Human Rights Commission in order to establish contact with victims, encourage them to visit the Car Center and prepare a report for submission to governmental authorities asking for justice. The organization also established a legal division which has already successfully assisted in five cases.

In North America, a treatment centre is currently providing clinical services to victims of torture who are now refugees, mainly from Africa and the Caribbean. 167 persons were assisted who had been subjected to rape, electric shocks, deprivation of human needs, as well as being obliged to eat excrement or perform acts of violence or murder often targeting their own family members. The treatment provided ranges from psychiatric and medical examination, to treatment in the form of crisis intervention and support counselling, psychotherapy, physiotherapy, social service, education, medical referrals, social support interpreters and legal assistance. In 1996, the center also established a children's art therapy branch as a medium for treating anxiety and dysfunctions related to traumatic experiences which children were unable to express verbally in the family setting.

The Commission on Human Rights, by its resolution 1997/38 of 11 April 1997, requested that the General Assembly proclaim 26 June a United Nations international day in support of the victims of torture and appealed to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund.•

1998 APRIL QUARTERLY REPORTS

The mailing and filing date of the April Quarterly Report required by the Federal Election Campaign Act, as amended, is Wednesday, April 15, 1998. All Principal Campaign Committees supporting Senate candidates in the 1998 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 9:00 a.m. until 7:00 p.m. on April 15th, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1998 first quarter mass mailings is April 27, 1998. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–39

Mr. DOMENICI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 1, 1998, by the President of the United States: Inter-American Convention Against Corruption (Treaty Document No. 105–39).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Inter-American Convention Against Corruption ("the Convention"), adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996. The Convention was signed by the United States on June 27, 1996, at the twenty-seventh regular session of the OAS General Assembly meeting in Panama City, Panama. In addition, for the information of the Senate, I transmit the report of the Department of State with respect to the Convention.

The Convention was the first multilateral Convention of its kind in the world to be adopted. The provisions of the Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed understandings that would be deposited by the United States with its instrument of ratification. The Convention will not require implementing legislation for the United States.

The Convention should be an effective tool to assist in the hemispheric effort to combat corruption, and could also enhance the law enforcement efforts of the States Parties in other areas, given the links that often exist between corruption and organized criminal activity such as drug trafficking. The Convention provides for a broad range of cooperation, including extradition, mutual legal assistance, and measures regarding property, in relation to the acts of corruption described in the Convention.

The Convention also imposes on the States Parties an obligation to criminalize acts of corruption if they have not already done so. Especially noteworthy is the obligation to criminalize the bribery of foreign government officials. This provision was included in the Convention at the behest of the United States negotiating delegation. In recent years, the United States Government has sought in a number of multilateral fora to persuade other governments to adopt legislation akin to the U.S. Foreign Corrupt Practices Act. This Convention represents a significant breakthrough on that front and should lend impetus to similar measures in other multilateral groups.

I recommend that the Senate give early and favorable consideration to the Convention, and that it give its advice and consent to ratification, subject to the understandings described in the accompanying report to the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 1, 1998.*

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DOMENICI. Further as in executive session, I ask unanimous consent at 9 a.m. on Thursday, April 2, the Senate proceed to executive session and immediate vote on Cal. No. 461, the nomination of G. Patrick Murphy to be U.S. District Judge for the Southern District of Illinois. I further ask consent immediately following that vote, the Senate proceed to a vote on the confirmation of Cal. No. 462, Michael P. McCuskey to be U.S. District Judge for the Central District of Illinois. I finally ask consent following these votes the President be immediately notified of the Senate's action, the Senate then return to legislative session.

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

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. DOMENICI. This is with reference to H.R. 629. I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 197, H.R. 629.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R.629) to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2276

(Purpose: To provide a substitute amendment)

Mr. DOMENICI. Mr. President, Senator SNOWE has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Ms. SNOWE, proposes an amendment numbered 2276.

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

Ms. SNOWE. Mr. President, I rise today in strong support of HR 629, the Texas Compact Consent Act of 1997, which addresses the disposal of low-level radioactive nuclear waste for Maine, Vermont and Texas—and to thank the cosponsors of this bill: Senators COLLINS, LEAHY, and JEFFORDS, as well as Senators HUTCHISON and GRAMM of Texas for their invaluable assistance and support.

In 1980, Congress told the states to form compacts to solve their low-level waste disposal problems. Subsequently, Congress authorized a means of establishing these compacts without violating the Interstate Commerce Clause of the U.S. Constitution.

As you can see from the chart behind me, 41 states have now joined together to form nine different compacts across the country. Forty-one states. The compact before us today will simply add three more states to the nation's compact network, and carry out what these 41 other states have already been allowed to do.

As the law requires, Texas, Vermont and Maine have negotiated an agreement that was approved by each state: in the Texas Senate by a vote of 28 to zero, and voice voted in the House; in Vermont, the bill was also voice voted by large margins in both bodies.

In Maine, the Senate voted 26 to 3 to pass the compact; in the House, 131 to 6. In addition, 73 percent of the people in a state-wide referendum approved the Compact. All three Governors signed the bill. And, last October 7th, the House passed the Texas Compact by an overwhelming vote of 309 to 107. Decisive victories on all counts, and by any measure.

So, we have before us a Compact that has been carefully crafted and thoroughly examined by the state governments and people of all three states involved. Now all that is required is the approval of Congress, so that the State of Texas and the other Texas Compact members will be able to exercise appropriate control over the waste that will come into the Texas facility.

Let me be clear: the law never intended for Congress to determine who pays what, how the storage is allocated, and where the site is located. To the contrary: the intent of the law is for states to develop and approve these details, and for Congress to ratify the plan. A quick review of history bears this out—for the nine compacts that have been consented to by the United States Congress, not one of them was amended. Not one of them.

It is very important for my colleagues to know that the language ratified by each state for this Compact is exactly the same language, and if any change is made by Congress, the Compact would have to be once again returned to each state for reratification.

And let me take this opportunity to clear up some other misconceptions about this compact, which are being used by our opponents to cast discredit on this legislation.

The Compact before us does not discuss any particular site for the disposal facility. Let me repeat that—this bill has nothing to do with the location of a facility in Texas, as some would have us believe. It only says that Texas must develop a facility in a timely manner, consistent with all applicable state and federal environmental, health, and public safety laws.

This is being done. The Texas State Office of Administrative Hearings is presently conducting several evidentiary hearings at various locations all around the state of Texas to evaluate a proposed site. All voices are being heard, and the state of Texas will decide, as it should.

Opponents of the Texas Compact would have you believe that should we ratify this Compact it will open the doors for other states to dump nuclear waste at a site, in the desert, located five miles from the town of Sierra Blanca, exposing a predominantly low-income, minority community to health and environmental threats.

The truth is that Texas has been planning to build a facility for its own waste since 1981, long before Maine first proposed a Compact with Texas. That is because whether or not this Compact passes, Texas still must somehow take care of the waste it produces.

Further, absent the protection of this Compact, Texas must, I repeat must, open their borders to any other state for waste disposal or they will be in violation of the Interstate Commerce Clause of the U.S. Constitution. The Compact gives Texas the protection that oversight commissioners, mostly appointed by the elected Governor of Texas but also with a say from Maine and Vermont, will decide what is best for Texas.

Local support for the Compact was evidenced just last month in state elections held in Texas. The Hudspeth County judge, who is the top elected official who runs county business where the site has been proposed, and who has strongly declared his support for the Compact, won his race for reelection. Two candidates for county commissioner who also support the Compact won their races over two opponents of the Compact.

The opponents of the Compact would have you believe this issue is about politics. It is not about politics, it is about science: sound science. It is very dry in the Southwest Texas area, where the small amount rainfall it receives mostly evaporates before it hits the ground. The aquifer that supplies water to the area and to nearby Mexico is over 600 feet below the desert floor and is encased in rock.

The proposed site has been designed to withstand any earthquake equaling the most severe that has ever occurred in Texas history. Strong seismic activity in the area is non-existent. All these factors mean that the siting of this facility is on strong scientific grounds.

Our opponents say we will be bad neighbors if we pass this Compact because the proposed site is near the Mexican border. In fact, the U.S. and Mexico have an agreement, the Las Paz Agreement, to cooperate in the environmental protection of the border region. The Las Paz Agreement simply encourages cooperative efforts to protect the environment of the region.

Any proposed facility will be protective of the environment because it will be constructed in accordance with the strictest U.S. environmental safeguards. In addition, both the Mexican National Water Commission and the National Nuclear Security and Safeguards Commission have stated that the proposed site meets the Mexican government's requirements.

Without question, the far bigger threat to the border environment is the untreated sewage dumped into the Rio Grande River by poor border communities on both sides of the river, and large factories, or maquiladoras on the Mexican side of the river that do not adhere to these stringent U.S. environmental standards.

Mr. President, when this Compact is adopted—and it is clear that it should be adopted without amendments—the States of Texas, Maine and Vermont will become the forty second, forty third and forty fourth states to be given Congressional approval for forming a compact. And they will meet their responsibilities under federal law for the disposal of their low-level waste from universities, hospitals, medical centers, and power plants and shipyards.

I, along with my colleagues from the Texas Compact states, urge the Senate to give us this reasoned opportunity, which has widespread public support in Texas, Maine and Vermont. I urge the Senate to adopt S. 270.

I ask unanimous consent that several letters relating to this subject be printed in the RECORD.

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

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, July 15, 1997.

DEAR SENATOR:

As the Governors of the member states, we strongly urge passage by the U.S. Senate of S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each state "responsible for providing, either by itself or in cooperation with other states," for disposal of its own commercial low-level radioactive waste. In compliance with this federal legislation, the states of Texas, Maine and Vermont have arranged to manage their waste through the terms of the Texas Compact. This compact passed the legislatures of the states involved and is supported by all three Governors. Texas, Maine and Vermont have complied with all federal and state laws and regulations in forming this compact. For the Congress to deny ratification of the Texas Compact would be a serious breach of states' rights and a rejection of Congress' previous mandate to the states.

It is important to remember that S. 270 is site neutral—a vote on S. 270 is neither a vote to endorse nor oppose the proposed site in Texas. Federal legislation leaves the siting of a facility to state governments and should be resolved during formal licensing proceedings. Currently, the Texas Natural Resource Conservation Commission is conducting the appropriate hearings.

Please vote to supply the member states of the Texas Compact with the same protections that you have already given 42 states in the nine previously approved compacts. Thank you for your time and attention on this very important matter. We appreciate all efforts made on behalf of states' rights.

Sincerely,

GEORGE W. BUSH.
HOWARD DEAN, M.D.
ANGUS S. KING, JR.

MAINE YANKEE,
Augusta, ME, March 12, 1998.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: Thank you for contacting me to let us know that debate on the Texas Compact legislation is scheduled to begin this Friday. I appreciate the leadership role you have taken on this difficult issue. I am also grateful to the other members of Maine's congressional delegation for being sensitive to the unique issues presented by Maine.

Since the House vote in December, Texas has issued a fee schedule that appears to make the Texas facility comparable in cost to Barnwell, South Carolina, so long as there are no delays in the scheduled opening of the facility. In addition, we are pleased to see the public hearing process in Texas going forward on schedule, which gives us greater confidence that the site may begin accepting waste in 1999 as projected. Given the foregoing, Maine Yankee can support ratification of the Texas Compact, on the following basis: Maine Yankee has the flexibility to ship waste to South Carolina prior to the operation of the Texas facility; Maine Yankee has the ability to use the Envirocare facility

in Utah throughout our decommissioning; and the Compact passes with no amendments.

Please let me know if you have any questions regarding our position on the Texas Compact legislation. Once again, thank you for taking the lead on this issue which is so important to electric ratepayers.

Yours truly,

DAVID T. FLANAGAN,
Chairman.

HUDSPETH COUNTY COURTHOUSE,
Sierra Blanca, TX, March 12, 1998.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: It is an honor for me to write to U.S. Senators, whose title and energy is devoted to important national and international issues. There are several facts I want you to consider as the U.S. Senate takes up floor action on SB 270, a low-level waste Compact between Texas, Maine and Vermont.

First, I am the County Judge for Hudspeth County, Texas, the site of the proposed low-level radioactive waste facility. Second, I am a strong and vocal supporter of the proposed site and compact. Third, the voters of Hudspeth County overwhelmingly reelected me on March 10th. I won with 54% of the vote in a three person race.

The people of Hudspeth County know my position on these issues and spoke clearly and forcefully the best way can—through the electoral process. I won. My opponents are against the proposed facility. They lost.

In the County Commissioner races, both losing candidates publicly opposed the proposed facility.

Finally, the only candidate on the ballot for Chairman of the Hudspeth County Democratic Party was defeated by a write-in candidate. Billy Addington, a long time an outspoken opponent of the proposed facility, could not win. The democratic process has clearly shown that the citizens of Hudspeth County continue to accept the string of the facility, despite the loud but false claims by the opposition.

I urge you to listen to what the voters of Hudspeth County are saying, as well as the past actions of the legislatures in Maine, Texas and Vermont. This facility has wide support. Please ratify the Compact to enable these states to safety and permanently manage their low-level waste and to help stimulate economic development in Hudspeth County. At least that's what the grass-roots level wants.

Sincerely,

JAMES A. PEASE,
Hudspeth County Judge.

NATIONAL GOVERNORS ASSOCIATION,
March 2, 1998.

DEAR MEMBER OF CONGRESS:

On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governors' Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980. Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provides states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624-5389.

Sincerely,

GOVERNOR GEORGE V. VOINOVICH,
Chairman.
GOVERNOR TOM CARPER,
Vice Chairman.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act NCSL urges you to support this bill without amendment.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal oflow-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate,
Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates,
Chair, NCSL Energy & Transportation Committee.

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the "exclusion" amendment); and (2) that "the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level" (referred to below as the "discrimination clause"). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving "race, color, national origin, or income level." However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON,
Chairman.

Ms. COLLINS. Mr. President, I join the senior Senator from the State of Maine, Senator SNOWE, in urging my colleagues to enact H.R. 629, legislation that would ratify the Low-Level Radioactive Waste Disposal Compact, also known as the Texas Compact.

In entering into an agreement for the disposal of low-level radioactive waste, the States of Maine, Texas, and Vermont followed the direction established by the Congress in the Low-Level Radioactive Waste Policy Act and its 1985 amendments. That legislation contemplated that states would form agreements of this nature for the disposal of low-level waste, and thus, by ratifying the compact, Congress will be completing a process that it set in motion.

Mr. President, since 1985 Congress has ratified nine compacts involving 41 states. Put differently, 82 of the 100 members of this body live in states with compacts that have been ratified by the Senate, and with the approval of the Texas Compact, that number will rise to 88. In short, what Maine, Texas, and Vermont are seeking today has already been routinely granted to the vast majority of the states.

While the disposal of radioactive waste is bound to generate controversy, this agreement has been overwhelmingly approved by the Legislatures of the three compacting states, signed by their governors, and in the case of Maine, endorsed by the voters in a referendum. This is consistent with the congressional determination that the states bear responsibility for the disposal of low-level radioactive waste, and that in the interest of limiting the number of disposal sites, they work together to carry out this responsibility. Indeed, ratification by Congress is necessitated only because state-imposed limitations on the importation of waste would otherwise violate the Commerce Clause.

Mr. President, a member of this body has criticized the proposed disposal site to be established pursuant to this compact. Apart from the fact that the location of the site is a matter for the states to determine, that criticism is unsupported by the facts.

In the selection of the proposed site in Hudspeth County, Texas, there was extensive public involvement, as well as thorough environmental and technical reviews. Hudspeth County was found to have the two critical characteristics for a disposal site, namely, very little rainfall and very low population density. Indeed, the county is the size of the State of Connecticut and has a population of only 2800 people.

While some may wish to use this legislation to pursue a larger ideological agenda, it does not square with the facts. The choice of Hudspeth County had nothing to do with who lives there; it had everything to do with the fact that very few people live there.

Mr. President, this body has been presented with nine low-level radioactive waste compacts. It has ratified each one without change. In keeping with congressionally established policy for the disposal of low-level waste, Maine, Texas, and Vermont are seeking the same treatment.

Mr. LEAHY. Mr. President, I rise today to talk about the predicament Vermont, Maine and Texas find themselves in, simply because they are following Congress' directions. In 1985, we amended the Low-Level Nuclear Waste Policy Act to encourage states to enter into interstate compacts to develop disposal facilities for low-level waste by December, 1995, or to assume responsibility for safe waste disposal in their own states. Following our direction, Vermont began looking for an in-state depository location. The sites examined in Vermont were not suitable because of both their geology and their proximity to large populations. At about the same time, Texas offered to enter into a compact with Vermont and Maine and to use a site they were already developing for Texas waste.

The state legislatures of Vermont, Maine and Texas agreed to enter into this compact in the early 1990s. The Compact is a contractual agreement among the three states, but it requires Congressional approval in order to allow the member states to exclude waste from outside their compact. According to our Constitution, these compacts must be approved by Congress. Article 1 clearly states that "No state shall, without the Consent of Congress, . . . Enter into any Agreement or Compact with another state, ..."

Since 1985, nine interstate low-level waste compacts have been approved by Congress, encompassing forty-one states. They were ratified without change and without a single recorded negative vote. I am pleased to see that the Vermont, Maine and Texas Compact will follow in that tradition.

I first introduced legislation to approve our Compact in the 103rd Congress. Passage of H.R. 629 finally ratifies the clear will of the Vermont Legislature when it entered in the Compact. At that time, I believe we all recognized that there was no perfect solution for dealing with low-level nuclear waste, but as long as we are generating power from nuclear facilities and as long as our research universities, hospitals and laboratories use nuclear materials, we are going to have to dispose of the waste. We cannot continue to ignore the need to safely store nuclear waste. To pretend otherwise would be to ignore the growing environmental problem of storing this waste at inadequate, temporary sites in Vermont, Maine and Texas.

Instead, we need to make a commitment to developing and building the safest facility for long-term storage of waste. That is what our States have done, and Congress should not stand in their way. I have talked with our Vermont state geologist. We have looked at maps of Vermont and we have looked at our geology, hydrology and meteorology in Vermont. There is only one conclusion from all of these discussions: there is not an acceptable site for nuclear waste storage in our state.

The Compact also makes economic sense. The residents of Vermont have already committed themselves to this Compact, and the twenty-five million dollar price tag that goes along with it. Since Vermont generates such a small amount of waste, it would be economically unfeasible to build a facility that would meet all the environmental requirements and only store waste generated in Vermont. Building such a facility would put Vermont in a position of looking to other states to help support the facility.

It is also important to remember that under the Compact, Texas has agreed to host the waste facility, but it does not name a specific site. That is an issue to be decided by the people of Texas, as it should be. This Compact also allows the states of Vermont, Maine and Texas to refuse waste from other states. Specifically, Texas will be able to limit the amount of low-level waste coming into its facility from out-of-state sources. Maine and Vermont together produce a fraction of what is generated in Texas, but by entering into this Compact, our states will share the cost of building the facility.

Finally, building the facility does not end Vermont's obligation to the safety of this site. We have a long-term commitment to the site, from ensuring that the facility meets all of the federal construction and operating regulations, to making sure the waste is transported properly to the site, and to ensuring that the surrounding area is rigorously monitored. Vermont will not send its waste to Texas and then close it eyes to the rest of the process.

AMENDMENTS NO. 2277 AND 2278, EN BLOC, TO AMENDMENT NO. 2276

Mr. DOMENICI. Mr. President, Senator WELLSTONE has two amendments at the desk. I ask unanimous consent the Senate consider those amendments en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. WELLSTONE, proposes amendments numbered 2277 and 2278, en bloc, to amendment No. 2276.

The text of the amendments follows:

AMENDMENT NO. 2277

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) BY A MEMBER OF AN AFFECTED COMMUNITY.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

AMENDMENT NO. 2278

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) BY A MEMBER OF THE COMMUNITY IN WHICH A COMPACT FACILITY IS LOCATED.—If any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

Mr. DOMENICI. I ask unanimous consent that the amendments be agreed to, the substitute amendment, as amended, be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 629), as amended, was considered read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—H.R. 629

Mr. DOMENICI. Mr. President, I ask unanimous consent that, notwithstanding adoption of the Wellstone amendments and subsequent passage of H.R. 629, it be in order for Senator WELLSTONE on Thursday to modify those amendments only to allow them to conform to the substitute.

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

VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1998

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1178) entitled "An Act to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Nationality Act is amended by striking "1998." and inserting "2000.".

SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)), is amended to read as follows:

"(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

"(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

"(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

"(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.".

Amend the title so as to read "An Act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.".

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

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

WIRELESS TELEPHONE PROTECTION ACT

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 493) entitled "An Act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—

"(1) GENERALLY.—The punishment for an offense under subsection (a) of this section is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section—

"(i) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(ii) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in either case, forfeiture to the United States of any personal property used or intended to be used to commit the offense.

"(2) FORFEITURE PROCEDURE.—The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative and judicial proceeding, shall be governed by section 413 of the Controlled Substances Act, except for subsection (d) of that section.".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g)(1) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person engaged in business with, a facilities-based carrier, to engage in conduct (other than trafficking) otherwise prohibited by that subsection for the purpose of protecting the property or legal rights of that carrier, unless such conduct is for the purpose of obtaining telecommunications service provided by another facilities-based carrier without the authorization of such carrier.

"(2) In a prosecution for a violation of subsection (a)(9), (other than a violation consisting of producing or trafficking) it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) that the conduct charged was engaged in for research or development in connection with a lawful purpose.".

(2) DEFINITIONS.—Section 1029(e) of title 18, United States Code is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by striking the period at the end of paragraph (8); and

(D) by adding at the end the following:

"(9) the term 'telecommunications service' has the meaning given such term in section 3 of title I of the Communications Act of 1934 (47 U.S.C. 153));

"(10) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934; and

"(11) the term 'telecommunication identifying information' means electronic serial number or any other number or signal that identifies a specific telecommunications instrument or account, or a specific communication transmitted from a telecommunications instrument.".

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(G) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(H) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(I) any other factor that the Commission considers to be appropriate.

Amend the title so as to read "An Act to amend title 18, United States Code, with respect to scanning receivers and similar devices.".

Mr. KYL. Mr. President, I rise today in support of S. 493, the Cellular Telephone Protection Act, and urge the President to sign this important piece of legislation without delay. This bill makes it easier for federal law enforcement to stop cell phone cloning by targeting cloning at its source—the equipment ("black boxes") used to alter or modify the ESN (electronic serial number) of a cellular phone.

I am particularly pleased that this bill has the support of the U.S. Secret Service, the Department of Justice, the wireless phone industry, and Congress.

This bill is not only a victory for law enforcement, but also for the 56 million Americans who currently use wireless/cellular service. According to the cellular telecommunications industry, consumers lose in excess of $650 million a year due to fraud, much of it as a result of cloning. This results in increased costs to cellular customers.

S. 493 is the first in a series of anti-crime initiatives I introduced that are aimed at modernizing U.S. law to reflect changes in technology. It is another step to assure that law-abiding citizens don't inadvertently become part of a criminal activity.

Wireless fraud is not a victimless crime. It strikes at the heart of technology that is improving the safety, security and business productivity of the entire Nation. This bill will help stop the criminal cloning of wireless phones by giving law enforcement the tools they need to combat wireless fraud.

The Secret Secret—the Federal agency charged with investigating cloning offenses—has doubled the number of arrests in the area of wireless telecommunications fraud every year since 1991, with 800 individuals charged for their part in the cloning of cellular phones in 1996.

At a House Subcommittee on Crime hearing law year, the Secret Service conducted a demonstration in which a phone was cloned in approximately 30 seconds. At that hearing, law enforcement officials testified at how cloning technology is increasingly being used in various types of criminal activity—especially in drug crimes.

On February 24, 1998, I chaired a hearing of the Senate Subcommittee on Terrorism, Technology, and Government Information in which the Secret Service testified that foreign terrorists were financing their operations in the U.S. with the aid of "cloned" cellular telephones. Deputy Assistant Director Richard Rohde testified that foreign terrorists often make money by running illegal "cell-sell" rings. These rings involve the illegal sale of long-distance telephone access using fraudulently-obtained service. One common method is "renting" the use of a cellular phone which has been "cloned," or modified to direct billing identification to the user of a different phone.

While the current cell phone law (18 U.S.C. 1029) has been useful in prosecuting some cloners, the statute has not functioned well in stopping those who manufacture and distribute cloning devices. In testimony before the House Subcommittee on Crime, Michael C. Stenger of the Secret Service stressed the need to revise our current cell phone statute:

> Due to the fact that the statute presently requires the proof of "intent to defraud" to charge the violation, the distributors of the cloning equipment have become elusive targets. These distributors utilize disclaimers in their advertising mechanisms aimed at avoiding a finding of fraudulent intent. This allows for the continued distribution of the equipment permitting all elements of the criminal arena to equip themselves with free, anonymous phone service.

Under S. 493, a prosecutor would need to prove that an individual

> knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunications identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization.

The removal of the "intent to defraud" language in 18 U.S.C. 1029 only applies to the possession and use of the hardware and software configured to alter telecommunications instruments. It does not apply to those who are in the possession of cloned phones. Nor does it apply to those in the possession of scanning receivers (which do have some legitimate uses). Someone who does not know that a telecommunications device has been altered to modify a telecommunications instrument would not be criminally liable under this section.

I am very proud of this important crime-fighting legislation and look forward to its prompt signature by the President.

Mr. LEAHY. Mr. President, in 1994, I authored the first law to provide specific protection against "clone" telephones. While the main focus of the Communications Assistance for Law Enforcement Act, or CALEA, was to help our law enforcement agencies deal with the challenge of new digital telecommunications equipment and services, the law also contained important bans on the use and trafficking of clone phones, scanning receivers, and hardware and software used to steal cellular service.

Specifically, in CALEA, we amended the Counterfeit Access Device law, 18 U.S.C. §1029, by adding a provision to criminalize the use and possession, with intent to defraud, of altered telecommunications instruments, or scanning receivers, hardware or software, to obtain unauthorized access to telecommunications services. This law also added to the federal criminal code a definition of scanning receivers to mean devices used to intercept illegally wire or electronic communications.

"Clone" telephones are used illegally to allow free riding on the cellular phone system and result in theft of that service. The cellular telephone industry estimates that it loses $650 million per year due to clone phones. I recall testimony at hearings I chaired jointly with Representative Don Edwards on CALEA about the need to address this problem in CALEA. Tom Wheeler, President of the Cellular Telecommunications Industry Association, testified in 1994 about:

> . . . people being surprised by "humongous" cellular bills because somebody had snatched their electronic code out of the air, cloned that into another phone, and was charging phone calls to Colombia or wherever onto their phone.

S. Hrg. 103-1022, at p. 148 (August 11, 1994).

In short, the theft of cellular telephone services amounts to millions of dollars of losses to wireless service providers and to consumers.

Just as disturbing, clone phones are used by drug dealers and other criminals trying to evade police surveillance of their phone conversations. The fraudulent use of electronic serial numbers, which are critical in identifying the cellular phone subject to wiretap orders, represented a real threat to privacy. Mr. Wheeler explained in 1994, "If you have a situation where there is floating around out there multiple users of the same electronic serial numbers, you don't know who you are tapping." S. Hrg. 103-1022, at p. 148 (August 11, 1994).

Given the financial losses and the threats to privacy posed by clone phones, I urge the cellular telephone industry to consider the technical means available to better protect cellular phone service. In particular, if strong encryption were used to encrypt the radio waves transmitted from cellular phones to the nearest cell tower, stealing those signals for use in a clone phone would be much more difficult, if not impossible.

I have long been a proponent of more widespread use of strong encryption. Clone phones are a perfect example of where the use of strong encryption would be far more effective to prevent this crime from occurring than all the criminal laws we could consider passing.

This bill, as modified by the House, builds upon the work we accomplished in CALEA.

Current law contains an "intent to defraud" requirement that has apparently posed a stumbling block for law enforcement to crack down on the cloning of cellular phones. This bill would remove this intent requirement and make it illegal to use, sell or possess hardware or software knowing it has been configured for the purpose of altering a telephone to steal service.

The House of Representatives made a number of significant improvements to S. 493 to ensure that, upon removal of the "intent to defraud" requirement, the bill did not sweep too broadly. Indeed, I understand that even some cellular companies were concerned that the original bill introduced by Senator KYL might inadvertently have applied to machinery used by legitimate companies to test or reprogram their equipment.

Removal of the "intent to defraud" scienter requirement may still pose problems for those legitimate companies that with to offer "extension" telephones for cellular telephones. In fact, the Federal Communications Commission has a proceeding underway to determine whether companies may be allowed to alter the electronic serial number of a cellular telephone to allow more than one phone to have the same contact number.

Passage of this law may be interpreted as prejudging the outcome of that proceeding by making illegal the use of clone phones, even by legitimate subscribers who pay their bills. That would be regrettable. This bill should not affect the outcome of the FCC proceeding, since the public interest may

be well served by allowing competition into the extension cellular telephone business. Depending on the outcome of the FCC proceeding, we may be revisiting this legislation.

This bill, as modified by the House, is supported by the FBI, Secret Service and the Cellular Telephone Industry Association (CTIA). We made important progress in this area when we passed CALEA, and I am glad to support legislation that will further help law enforcement combat cellular telephone fraud by those who steal cellular service.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

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

LAND CONVEYANCE ACT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 321, H.R. 1116.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1116) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

There being no objections, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the bill be considered read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 1116) was considered read the third time and passed.

MEASURE PLACED ON THE CALENDAR—S. 1889

Mr. DOMENICI. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1889) to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States and local communities.

Mr. DOMENICI. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, APRIL 2, 1998

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. on Thursday, April 2; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of S. Con. Res. 86, with the pending business being the Bumpers amendment No. 2228.

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

Mr. DOMENICI. I further ask unanimous consent that immediately following the previously ordered two votes which will occur at 9 a.m., the Senate then proceed to consecutive votes on or in relation to the following amendments in the following order:

Dorgan amendment No. 2218, relating to the Tax Code;

Allard amendment No. 2170, regarding the Federal debt;

Lautenberg amendment No. 2195, environment programs;

Bond amendment No. 2213, income housing;

Bumpers amendment No. 2228, relating to mines.

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

PROGRAM

Mr. DOMENICI. Mr. President, tomorrow the Senate will resume consideration of the budget resolution. At 9 a.m., the Senate will proceed to a series of consecutive rollcall votes, with the first two votes in relation to two judicial nominations and the remaining votes in relation to pending amendments to the budget resolution.

It is hoped that during these votes, all Senators will contact the managers of this resolution to see if their respective amendments which are still pending may be accepted or they require a vote on their amendments or perhaps indicate that they have decided to withdraw their amendments. It is the intention of the majority leader to complete action on this measure as soon as possible. Therefore, the cooperation of all Senators is appreciated. Senators should be aware that Thursday will be a busy session with rollcall votes occurring throughout the day and into the evening, as necessary.

ADJOURNMENT UNTIL 8:30 A.M. TOMMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Thursday, April 2, 1998, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1998:

IN THE ARMY

THE FOLLOWING-NAMED RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE UNDER TITLE 10, U.S.C., SECTION 3038:

To be chief, army reserve, united states army

MAJ. GEN. THOMAS J. PLEWES, x...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10,U.S.C., SECTIONS 624, 628, AND 531:

To be major

CHRISTIANNE L. COLLINS, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be lieutenant colonel

ALTON G. CHERNEY, x...
GREGORY M. GILLUM, x...
STEPHEN J. MILONE, x...

To be major

*DAVID E. HARRIS, x...
RENEE M. JOHNSON, x...
NICOLE S. STERMER, x...
KEVIN L. TOY, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

ALMA J. ABALOS, x...
DAVID V. ADAMS, x...
DORIS J. ALLSUP, x...
LAURA V. ALVARADO, x...
REGINA C. AUNE, x...
PATRICIA E. BOYLE, x...
LINDA L. BRICKLEY, x...
RHONDA L. BRIDGE, x...
JOHN A. BUTLER, x...
JOSEPH P. CARDONA, JR., x...
JOHN B. CARLETON, x...
JAMES C. CHAPMAN, x...
MATTHEW W. COGDELL, x...
VIRGINIA F. CONNELLY, x...
PATRICIA L. DAVIS, x...
JAMES W. DOOLEY, x...
CONNIE E. FESSLER, x...
JOHN G. GARLAND III, x...
SUZANNE R. HANSEN, x...
RANDALL W. HARTLEY, x...
RUSSELL W. HEATH, x...
DAVID L. HERRES, x...
GWENDOLYN F. HOLLAND, x...
DEBRA S. HUGHES, x...
JEANIE M. KEARNEY, x...
JAY K. KIDNEY, x...
GENE A. KILLAN, x...
PATRICIA A. LAND, x...
PATRICIA C. LEWIS, x...
THOMAS H. LILLIE, x...
DONNA J. MCCLOSKEY, x...
MARGARET M. MCGUIRE, x...
WILLIAM J. MEHM, x...
ARDIS J. MEIER, x...
BONNIE A. MERTELY, x...
KENNETH L. MEYER, x...
TIMOTHY R. MIDDLETON, x...
ROSS N. MILLER, x...
SHEILA A. W. MILLETTE, x...
JAMES P. MORELAND, x...
LAURENCE P. PAZYRA, x...
MELISSA A. RANK, x...
KATHLEEN A. ROBERTS, x...
TED JIM WILLIAM ROGERS, x...
GLORIA J. ROSEBORO, x...
REBECCA A. RUSSELL, x...
GREGORY E. SEELY, x...
JOHN A. SEIMETZ, x...
JANE E. SERIE, x...
LORETA S. SEWALL, x...
ANDREW J. STOEHR, x...
JEFFREY C. SVENTEK, x...
ROBIN L. TAYLOR, x...
THOMAS J. TEGELER, x...
LUCAS J. WALTER, JR., x...
DARNELL M. WAUN, x...
MARK P. WISNIEWSKI, x...
WILLIAM J. WISNIEWSKI, x...

To be lieutenant colonel

JANICE L. ABLES, x...
BRIAN J. ACKER, x...
LOREN A. AHNBERG, x...

GARNEL E. ALFORD, x...
PATRICIA E. ALVOET, x...
SUANNE R. BARLOW, x...
LYNETTE M. BELL, x...
TONI L. BEUMER, x...
JOHN L. BINDER, x...
CHERYL M. BOSCO, x...
NAOMI M. BOSS, x...
DONNA M. BROWN, x...
RICHARD E. BURROW III, x...
DONALD W. BUTTERWORTH, x...
CHARLES M. CAMPBELL, x...
SHARON M. CARDONA, x...
*DOROTHY L. CARTER, x...
RANDY L. CLABAUGH, x...
RITA A. CLARK, x...
*MARGARET M. COLE, x...
PERRY R. COOPER, x...
ANNE T. COYNE, x...
JOANN H. DAWSON, x...
THOMAS S. DELANEY, x...
RONALD S. DORNIN, x...
JOANNA S. EASTMAN, x...
MELYDIA J. EDGE, x...
HELEN F. EDWARDS, x...
CATHERINE M. ERICKSON, x...
DEBRA K. EVERS, x...
JOHN F. FELINS, x...
GORDON FLINT, x...
ANGELA D. FOWLER, x...
DENNIS E. FRANKS, x...
DEBRA L. GAGNON, x...
JOAN L. GONZALEZ, x...
CHARLES S. GRANTONIC, x...
BRIAN W. GRASSI, x...
JANE A. HEBERT, x...
RONALD B. HENKE, x...
HARVEY K. HILLIARD, x...
TYANN A. HINDELANG, x...
DIANE L. HOBBS, x...
DAVID T. HOCKING, x...
EVA J. HOLSTINE, x...
ANNIE B. JACKSON, x...
LEONARD W. JACKSON, x...
PAULA R. JAMESON, x...
*MARY A. JASINSKI, x...
EDWARD M. JENKINS, x...
VICKI L. JONES, x...
MICHAEL JOSEPH III, x...
PHILIP W. JULIAN, x...
LYNN J. KANWISCHER, x...
KELLEY J. KASH, x...
GRANT D. KOTOVSKY, x...
KIM A. KUBELICK, x...
THOMAS F. LANGSTON, x...
DAVID J. LANNEN, x...
DENISE K. LEW, x...
DIXIE L. LYON, x...
VICTORIA M. MARINO, x...
SHERRY L. MAXWELL, x...
LORI L. MONTGOMERY, x...
DANNY L. MOORE, x...
JOAN E. MORRISSEY, x...
JOHN S. MURRAY, x...
LAMAR ODOM, x...
RONALD E. PALMER, x...
TERRY L. B. PARKER, x...
MONTGOMERY C. PATE, x...
ARLENE A. PERRY, x...
MICHAEL J. POULSEN, x...
SUZANNE M. PRILESZKY, x...
KARRIN W. SAX, x...
MICHAELA R. SHAFER, x...
WILLIAM J. H. SLAUSON, x...
PAMELA H. SMITH, x...
*CHRISTINE C. STUART, x...
MARGARET A. STULTZLALK, x...
SUSAN R. SULLIVAN, x...
DONNALEE SYKES, x...
JAMES F. TITCH, x...
GLORIA J. TWILLEY, x...
CAROL L. UMSTEADRASCHMANN, x...
THOMAS E. VEZIE JR., x...
FRANK W. WILLIAMS, x...
ELAINE S. WILSON, x...
JOHN G. WISEMAN, x...
BARBARA L. WOLFE, x...
THOMAS E. YINGST, x...
M. JEANNE YODER, x...
VICTORIA G. ZAMARRIPA, x...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, 531, AND 3064:

To be colonel

RICHARD A. CLINE, x...

To be lieutenant colonel

*CORNEL L. KITTELL, x...
*STANLEY E. SMITH, x...

To be major

*SONJA S. THOMPSON, x...

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM T. D'AMICO, x...

To be commander

JOHN S. ARBTER, x...
STEVEN A. DREISS, x...
ROBIN P. MOUTON, x...
JOSE PUBILLONES, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT A. WULFF, x...

THE FOLLOWING-NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589(A):

LYNNEANN PINE, x...

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRIAN W. DAUGHERTY, x...
PAUL J. DOUR, x...
CHARLES S. HAMES, x...
HOWARD L. MARSHALL, x...
EDWARD C. SIMMONS, JR., x...

To be lieutenant commander

MICHAEL CRICCHIO, x...

THE JUDICIARY

TIMOTHY B. DYK, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE GLENN L. ARCHER, JR., RETIRED.